

ORDINANCE REPEALING AND RECREATING SECTION 8 OF THE MUNICIPAL CODE OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 8 of the Town Code of the Town of Lisbon is hereby repealed and recreated to read as follows:

CHAPTER 8 PARKS

8.01 PURPOSE.

The purpose of this chapter shall be to set forth regulations governing the conduct of persons and use of properties designated as parks within the Town of Lisbon, to control and regulate traffic and maintain general order in town parks, and to further the safety, health, comfort and welfare of all persons using town parks.

8.02 DEFINITIONS.

8.02(a) The term "park" or "town park" as used herein shall include the grounds, improvements, equipment, buildings, waters and any other property or appurtenance which is now or may hereafter be under the control of the Town of Lisbon and which has been designated as, accepted by or used for park or recreational purposes.

8.02(b) Resident is defined as any person living in the Town of Lisbon and any person living in any community with which the Town has a reciprocal agreement for use of Parks.

8.02(C) "Superintendent" is defined as the Park Superintendent, Highway Superintendent or his designee.

8.02(D) The word "gun" shall include, but not limited to, rifle, shotgun, handgun, air gun or paint ball gun.

8.03 HOURS.

8.03(a) All town parks shall be closed at Sunset for all uses, including picnics, parties and social gatherings, and shall remain closed until sunrise the following morning. No person shall enter or remain in any town park after closing hours.

8.03(b) Notwithstanding the general prohibition set forth in subsection 8.03 (a) the Chief of Police may, from time to time, permit use of parks and park facilities after normal closing hours provided that:

1. The party or group desiring to use the park facilities after normal closing hours designates an individual or individuals who shall be responsible for the conduct of the party or group and shall be personally liable to the town for any damage to town property caused by any member of the group, irrespective of whether the damage occurs before or after the normal closing hours; and
2. The party or group post such bond as the Town Board may require of any group or party desiring to use park facilities after normal closing hours; and
3. The group or party comply with such additional rules and regulations as the Town Board may, from time to time, adopt regarding use of park facilities after normal closing hours.

8.03(c) Notwithstanding the general prohibition set forth in subsection 8.03 (a), the closing time with respect to activities being conducted in Community Park shall be extended until 9:00 p.m. from December 15 through March 1.

8.04 RESERVATION OF PARK FACILITIES.

8.04(a) Park facilities, including shelter areas and athletic fields, may be reserved by any person, group, party or social gathering by filing an application with the Town Clerk. The Town Clerk shall maintain a roster of such applications, and reservations shall be granted on a first come, first serve basis.

8.04(b) Organizations holding full year reservations of a particular athletic field or fields in any given year will have first right of refusal for reservations of the same athletic field(s) if a written request is submitted prior to February 1 of the succeeding year. Requests for full season reservations received after January 31 shall be granted on a first come, first served basis.

8.04(c) The application for reservation of any park facilities shall designate one or more persons who shall be responsible for the conduct of the persons attending the party or group, and who shall be personally liable to the town for any damage to the town property caused by any member of the party or group incident to use of the park facilities. The reservation fee for residents and for non-residents is set by the Town Board.

8.04(d) The Town Clerk shall inquire as to whether fermented malt beverages and/or intoxicating liquors will be used and/or consumed by any members of the party or group during use of the facilities, and in the event use or consumption is so indicated, a refundable cash deposit of \$100 shall be required, or such other amount as may be established by the Town Board, shall be delivered to the Town Clerk along with the application for reservation.

8.04(e) The Town Clerk shall hold such funds until after the party or event has concluded, and shall deduct therefrom the actual costs or expenses incurred by the Town for clean-up of the site or damage to the site by party or group. In the event the party or group has caused no damage to any town property, the deposit shall be remitted to the depositor within a reasonable period of time after conclusion of the event. The deposit of sums with the Town Clerk shall not limit the liability of the responsible party.

8.05 LITTERING PROHIBITED.

8.05(a) No person shall leave or deposit on town property any paper, litter, garbage or similar refuse except in appropriately marked receptacle containers.

8.05(b) No person shall break any bottle or other glassware in any park, and in the event any bottle or glassware is broken, the person causing or permitting the bottle or glassware to break shall immediately pick up the broken pieces and deposit the same in an appropriately marked waste container,

8.05(c) No person shall deposit, dump, throw, or place any earth, rubbish, dust, manure, paper, garbage, or other refuse matter or any sand, stone, lumber, or building material, or any substance in the waters, grounds, or roadways of any park or parkway without written permission of the Superintendent.

8.06 UNREASONABLE NOISE PROHIBITED.

8.06(a) No auto radio, portable radio, television, band instrument or musical device shall be operated in any town park at such volume as to unreasonably interfere with the use and enjoyment of the park facilities by other users of the park and neighboring property owners.

8.07 PUBLIC MEETINGS AND ASSEMBLIES.

8.07(a) No public meeting, parade, assembly or discussion on any subject, religious, social, political or otherwise, shall be permitted in any town park except upon application to the Park Committee. The Park Committee shall forward its recommendation to the Town Chairman or his designee for approval or denial. In granting such requests, additional, reasonable regulations and restrictions may be imposed regarding the conduct of the public meeting, assembly or discussion so as to carry out the purpose of this chapter.

8.08 TOURNAMENTS AND ENTERTAINMENT.

8.08(a) No athletic tournament or competition, and no public entertainment of any kind shall be conducted in any town park except upon application to and approval by the Park Committee. The Park Committee, in granting such a request, may impose reasonable regulations and restrictions regarding the conduct of the athletic tournament, competition or public entertainment so as to carry out the purpose of this chapter. The Park Committee shall inform the Town Board Chairman or his designee of their action, and, at his discretion, the Town Board Chairman has the right to override the Park Committee.

8.09 USE OF FIREARMS AND HUNTING PROHIBITED.

8.09(a) No person shall carry, fire or discharge any gun, pistol or other firearm, nor shall any person hunt with bow and arrow within the confines of the Town Park. No person shall discharge fireworks of any description except with permission of the Town Board.

8.10 FIRES.

8.10(a) No person shall start or maintain a fire of any kind for any reason except in places provided by the Town, and then subject to such regulations as may be prescribed by the Town.

8.10(b) The use of charcoal burners in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire damage to any park property.

8.11 ANIMALS IN PARK.

8.11(a) No animal, excepting service animals, and except dogs on leash as provided in subparagraph (b) shall be permitted within the confines of the town parks.

8.11(b) No person having the control or care of a dog shall permit the dog to enter or remain in the town park unless it is led by a leash of suitable strength and not more than six feet in length, with the person having the control or care of a dog to be responsible for cleanup of dog messes.

8.12 WATERFOWL, GAMEBIRDS ANIMALS.

8.12(a) No one shall kill, injure, attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals, wild or domestic, within any of the parks or parkways. Nor shall any person rob or disturb the nest or eggs of any bird or other animal therein.

8.13 INJURY TO VEGETATION, STRUCTURES, AND EQUIPMENT.

8.13(a) No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or misuse any tree, shrub, flower, flower bed, turf, fountain, ornament, status, building, fence, apparatus, bench, table, official notice, sign, bridge, structure, or other property within any park or parkway.

8.13(b) No person in any park or parkway shall remove any device for the protection of trees or shrubs; nor shall any person fasten a dog or other animal next to any tree, shrub, or grass plot which may become damaged by the action of the animal.

8.13(c) No person shall destroy or unlawfully remove, take, or meddle with any property of any kind or nature belonging to the Town of Lisbon without the written consent of the Town Chairman or his designee.

8.13(d) No person shall enter upon, into, or open any public building or public structure owned or operated by the Town of Lisbon other than those areas of public buildings that are held for the public without the express written consent of the Town Chairman or his designee.

8.14 SLEEPING, CAMPING REGULATED.

8.14(a) No person shall sleep, or camp, or lodge in any park or parkway except in such places as designated for such purposes, as overnight or tourist, or trailer camps, or camp sites without the written permission of the Town Chairman or his designee.

8.15 TRAFFIC REGULATIONS.

8.15(a) No person shall drive any automobile, motorcycle, snowmobile, or unlicensed motor vehicle of any type within the confines of any town park except upon drives or areas designated for such use. Snowmobile access is allowed only on access paths designated by, and marked by the Superintendent. Every person operating an automobile, motorcycle, snowmobile or similar vehicle shall comply with state, county and municipal traffic codes and regulations, and with all orders, directions and regulations officially displayed on any post, sign or device installed for such purposes.

8.16 SPEED OF MOTOR VEHICLES.

8.16(a) No automobile, motorcycle, snowmobile or unlicensed motor vehicle of any type shall operate within the confines of the Town Park at a speed in excess of 15 mph or at posted speeds.

8.17 PARKING REGULATIONS.

8.17(a) All automobiles, motorcycles, snowmobiles and other unlicensed motor vehicles shall be parked in areas designated for parking, and in no other areas of the Town Park. Overnight parking within the confines of the Town Park shall be prohibited. The parking of any automobile, motorcycle, snowmobile or other unlicensed motor vehicle in any area other than a designated parking area shall be deemed a violation of this chapter, unless as specified on the Park Reservation form.

8.17(b) Parking for cars with snowmobile trailers is allowed past sunset during snow season but must be in areas designated by the Superintendent.

8.18 REGULATION REGARDING CONDUCT AND USE OF TOWN PARKS.

8.18(a) The Town Park Committee shall be authorized to adopt such regulations as are reasonably needed to regulate the conduct and use of town park facilities, These regulations may include, but are not limited, to the following matters: regulations designed to prevent damage to public property, improvements, trees, flowers and other vegetation; regulations governing sleeping and camping within the town park; regulations governing the use of the park by bicyclists; regulations governing the operation of snowmobiles; regulations governing access to public buildings and facilities within the park; and regulations regarding use of swimming and water facilities

No such regulations shall be effective until the regulation has been recommended to and approved by the Town Board. The Park Committee shall cause written notice of the enactment of such regulations to be posted

in appropriate places within the confines of the Town Park so as to apprise users of the park of the existence of the regulation. Any violation of such regulations, after the same have been approved by the Town Board and after notice has been suitably posted within the confines of the town park, shall be deemed a violation of this chapter.

8.19 PENALTY.

Any person who shall violate any provision of this chapter, or any regulation adopted pursuant to the provisions of this chapter, shall be subject to a penalty as follows:

8.19(a) First Offense. Any person or organization violating the terms of this chapter shall be subject to a fine of not less than \$50 nor more than \$300 for the first offense. The court may subject the individual to imprisonment for failure to pay said penalty.

8.19(b) Second and Subsequent Offenses. In the event any person guilty of violating the terms of this chapter a second or subsequent time within a 12 month period shall be subject to a fine of not less than \$200 nor more than \$1000 for each second or subsequent offense. Failure to pay said penalty may subject the individual to imprisonment.

8.19(c) In addition to any penalty imposed for violation of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates any section of this chapter may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with Section 895.035, Wis. Stats.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 13th day of March, 2000.

TOWN BOARD, TOWN OF LISBON

WAUKESHA COUNTY, WISCONSIN

BY: _____

GERALD SCHMITZ, Chairman

BY: _____

PETER CHYCINSKI, Supervisor

BY: _____

RONALD EVERT, Supervisor

BY: _____

DAVID GETTELMAN, Supervisor

BY: _____

DANIEL MEISSNER, Supervisor

ATTEST:

BY: _____

JEFFREY MUSCHE, Town Clerk