

VILLAGE OF HORTONVILLE
O-6-20
ORDINANCE AMENDING CHAPTER 19
PARKS

BE IT ORDAINED by the Village Board of Trustees, Village of Hortonville, Outagamie County, Wisconsin, as follows:

CHAPTER shall be 19 sections shall be fully removed and replaced with the new Chapter 19 attached to this ordinance.

It is so ordained this 5th day of June, 2020.

BY THE BOARD

Jeanne Bellile
Jeanne Bellile, President

Ayes 7

Nays 0

Dated: 6-4-2020

Jane Booth
Jane Booth, Clerk

Published and/or Posted Date: 6-5-20

Chapter 19
Parks and Recreation

30-1. Definitions and terms.

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) **Director** shall mean the Director of Public Works or his/her designee as their respective jurisdictions apply to the subject matter of this chapter.
- (2) **Excessive, loud, or unusual noises** shall mean use of a radio or other similar amplification device so that sound emitting from said radio or amplification device is audible under normal conditions from a distance of seventy-five (75) or more feet.
- (3) **Park** shall mean the grounds, trails, buildings, waters, and any other property under the jurisdiction of the Department of Public Works.
- (4) **Permit** shall mean written authorization from the Director or other Village official for specific uses of parks as required.
- (5) **Trails** shall mean paved or un-paved routes, and five (5) feet on either side of the routes that are designated as trails by the Village and designed and intended specifically for non-motorized public travel (except where otherwise specified) through Village-owned and/or managed areas, through property that is designated and operated as a public park for general recreational use, and/or through private property that is maintained by the property owner by agreement with the Village.

30-2. Application to Village of Hortonville employees.

The prohibitions and limitations contained in this chapter shall not apply to Village employees or agents when performed as part of their duties.

30-3. Activities prohibited without a permit or prior authorization

The following activities are prohibited in parks without a permit. The denial of a permit may be appealed to the Village Board. Other permits or permissions may also be required.

- (1) Exclusive use or use beyond casual play.
- (2) Public meetings, assemblies, entertainment, tournaments or speeches.
- (3) Selling or offering for sale any tangible or intangible item, or offering services that require payment for participation, or soliciting for any trade, occupation, business or profession.
- (4) Taking off or landing of aircraft, including, but not limited to, hot air balloons, helicopters and the like, or dropping parachutists or any other object from the sky.
- (5) Camping overnight.
- (6) Use during times when the area is otherwise closed to the public.
- (7) Use of any sound amplification device, sound truck, loudspeaker or other device that produces excessive, loud or unusual noises.
- (8) Fireworks displays, conditioned upon prior issuance of a permit pursuant.
- (9) Hunting, feeding, trapping or disturbing birds or any wildlife, training animals for hunting purposes, releasing any animals or fish. Proper licensing or approval by the Department of Natural Resources may also be required.
- (10) Possession of any glass container.

- (11) Removing any object of archaeological interest including any man-made article or implement originating from earlier cultures.
- (12) Operating any solid or liquid fuel powered model, toy, or device including, but not limited to, powered devices operated by remote control. Drones allowed in Alonzo, Black Otter, and Otto Miller Parks.
- (13) Bring in any animal not otherwise permitted under this chapter.
- (14) Fires, except cooking fires contained to Village provided grills or commercially produced barbeque grills or kettles.
- (15) Hanging, suspending or placing any object on a tree including rope, cord, webbing or other material, or engaging in an activity that requires hanging or suspending an object or a person from a tree.
- (16) Skateboarding.
- (17) Bathing or swimming, unless in an area specifically designated for such activity.
- (18) Planting any turf, trees, shrubs, flowers or other vegetation, and digging, mowing, trimming, removing or otherwise altering or destroying any turf, trees, shrubs, flowers or other vegetation.

30-4. Prohibited items and uses.

In addition to otherwise illegal activities, the following shall be prohibited within the boundaries of any park.

- (1) Unless otherwise permitted by law, possession of any firearm, air gun, spring gun and the like or weapon of any kind.
- (2) Operation of snowmobiles, except where designated as a snowmobile trail.
- (3) Washing vehicles or pets.
- (4) Removal of or harming any wildlife.
- (5) Defacing, destroying, or vandalizing any structure, sign, equipment or other Village property.
- (6) Operating or parking any motorized vehicle or device during closed hours.
- (7) Littering.
- (8) Bringing in trash to dispose of and disposing of trash not relating to normal use.
- (9) Being abusive, boisterous, or disorderly.
- (10) Engaging in an activity for which a permit is required without first obtaining a permit.
- (11) Affixing or setting upon any sign, notice, solicitation, literature, exhibit, display, flyer or pamphlet of whatever nature or to any tree, shrub, post, barrel, building or any other plant or structure.
 - (a) This subsection shall not be construed to prohibit distribution of literature by means of direct personal contact between distributor and recipient to the extent otherwise permitted by law, nor shall it prohibit the posting of signs and notices, in accordance with park rules, in connection with any permitted activity which is taking place in the location in which the sign or notice is erected or posted.
- (12) Hitting any golf ball.
- (13) Dogs, unless the dog is on a sidewalk, trail or road and is restrained by a chain, rope or other type of leash no more than eight (8) feet in length and an individual competent to govern and physically control and restrain the dog is in physical control of the leash at all times. The dog shall display tags verifying it is currently licensed and vaccinated against rabies. Any waste left by the dog shall be immediately removed for sanitary disposal by the individual in control of the animal.

- (a) Dogs at Special Events. Dogs shall be prohibited during special events in parks, including sidewalks, trails and roads, unless preapproved by the event organizer and the Village.

30-5. Park hours.

- (1) Unless otherwise specified, parks, with the exception of trails, shall be open to the public from 5:00 a.m. to 10:00 p.m.
- (2) Unless otherwise specified, trails shall be open 24 hours a day, 7 days a week.
- (3) The Director shall have full authority to open and close any park or any part thereof, because of season, condition, construction, or when in the interest of public safety if it is deemed necessary by the Director.

30-6. Fees and charges.

- (1) The Village shall have the authority to establish such fees as are deemed necessary for use of any park or any portion thereof, and for the reservation of the park or any portion thereof.
- (2) Fee schedules shall be available upon request from the Village Administration Office or otherwise posted.
- (3) It shall be unlawful to use an area of a park where a fee is required without first paying the fee.

30-7. Possession of alcoholic beverages.

- (1) No alcoholic beverages, other than fermented malt beverages and wine, are allowed in any park.
- (2) No person shall drinking from or possess an open container of permitted alcoholic beverage in any park before 10:00 a.m. or after 10:00 p.m.
- (3) No person shall drink from or possess an open container of permitted alcoholic beverage in any park without having a permit issued by the Village unless otherwise allowable by ordinance or policy.

30-8. Alonzo Park pavilion.

The Alonzo Park pavilion, located in and owned by the Village, shall be made available for public use on a daily rental basis.

- (1) Prior to the time of use of the pavilion, a daily use fee established by the Village Board shall be paid.
- (2) In addition, a key deposit shall be made prior to actual use for the return of the key. The key provided will open the lock on the park circuit box. This deposit shall be refunded upon return of the key.
- (3) Rental arrangements shall be made through the person designated by the Village Board as the park caretaker.

30-9. General regulations.

- (1) Motor-driven vehicles and devices are restricted to designated roadways and parking areas in parks and are prohibited on trails and any other area, except for motor-driven vehicles and devices that are used by a physically disabled person as defined under s. 346.503(1), Wis. Stat.,

and in compliance with Title II and III of the Americans with Disabilities Act, or with prior written permission from the Director.

- (2) The speed of motor-driven vehicles and devices shall be limited to a maximum of fifteen (15) miles per hour unless otherwise posted. Operating speeds shall be speeds that are reasonable, safe and prudent so as not to interfere with the safety of park users.
- (3) It shall be unlawful to park, stop or leave standing any motor-driven vehicles or devices within any park between the hours of 10:00 p.m. and 5:00 a.m., unless otherwise posted and unless such motor vehicle is registered for overnight parking with the Director and police department.
- (4) Except for a motor vehicle used by a physically disabled person as defined under s. 346.503(1), Wis. Stats., no persons may park, stop or leave standing any vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of any park reserved by official traffic signs indication the restriction, for vehicles displaying special registration plates under s. 341.14(10), (1a), (1e), (1m), or (1r), Wis. Stat., or a special identification card issued under s. 343.51, Wis. Stats., or vehicles registered in another jurisdiction and displaying a registration plate, card or emblem issued by the other jurisdiction which designates the vehicle as a vehicle used by a physically disabled person.
- (5) No person shall interfere in any manner with any Village employee or agent in the performance of his or her assigned duties.

30-10. Village Boat Launch

- (1) *Purpose and intent.* The intent of this section is to provide revenues to the village for the express purpose of maintaining and improving the public access facility on the Black Otter Lake under the control of the village.
- (2) *User fees.* No person shall use the village boat landing facility without paying the applicable fee, which fee shall be set from time to time by the village board of trustees. The current amount of the daily boat launching fee shall be appropriately posted on site.
- (3) *Applicability.* This section is applicable to all boats requiring a trailer utilizing the boat launch facility.
- (4) *Disposition of proceeds.* Funds collected from the imposition and collection of the daily boat launching fees shall be deposited in a separate expendable account maintained by the village for the exclusive purpose of maintaining, developing or improving the village-owned public access facility on the Black Otter Lake.

30-11. Penalty.

A person who violates any section of this chapter may be penalized pursuant to Sec. ####, and may also be evicted from parks.

- (1) At the time of eviction, or as soon as reasonably practical thereafter, the person evicted shall be provided an eviction notice from the Director or the Hortonville Police Department. The eviction notice shall specify the duration of the eviction and the area(s) of eviction.
- (2) A person evicted may appeal the eviction by contacting the Director in writing within twenty-one (21) calendar days of the date of eviction and providing the Director with the reason for the appeal. The Director shall respond in writing to the appeal within twenty-one (21) calendar days with a decision. If the person is not satisfied with the Director's decision, he or she may appeal to the Village Board by requesting to be heard at the next meeting where the Trustees will have

a reasonable amount of time to review the matter prior to the meeting date. The decision of the Village Board shall be final.

- (3) Any person evicted for more than two (2) consecutive calendar years may appeal the eviction once each calendar year by following the process established in Sec. 30-10(2).