

# TITLE 12 Parks and Recreation – Village of Gays Mills

## TITLE 12

### Parks and Recreation

Chapter 1 Parks and Recreation

## CHAPTER 1

### Parks and Recreation

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### SEC. 12-1-1 PARK REGULATIONS.

- (a) **Purpose and Definition.** In order to govern, manage, control, improve and care for the parks, parkways, boulevards, pleasure drives, and recreational facilities within the Village of Gays Mills and to secure the quiet, orderly, and suitable use and enjoyment thereof by the people, these regulations are enacted. The term “park” as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, playground, or swimming pool in the Village except as otherwise specifically provided.
- (b) **Specific Regulations.**
- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
  - (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
  - (3) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
  - (4) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
  - (5) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.
  - (6) Trapping. “Trapping” when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals.

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- The trapping of wild animals is hereby prohibited in Village parks.
- (7) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces or designated recreational burning pits, subject to the prohibitions and requirements of Section 5-2-9 of this Code of Ordinances. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
  - (8) Protection of Park Property.
    - a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter.
    - b. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park, including the real property that constitutes the park.
    - c. No person shall deface any of the toilets, bubblers or other sanitary facilities located in any Village park, whether by throwing stones, pebbles or other debris in them or otherwise, or deface any of the buildings or equipment at any Village park, whether by means of a sharp instrument, by drawing on them with crayon, chalk, paint, or anything else, or otherwise.
  - (9) Motorized Vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
  - (10) Snowmobiles. No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
  - (11) Speed Limit. No person shall operate any vehicle in a public park or recreation area when children are going to or from or are playing within such area in excess of fifteen (15) miles per hour. Traffic control devices shall be erected and/or maintained in compliance with Section 346.57(4)(i), *Wis. Stats.* The terms public park and recreation area shall have the meaning which they are given under Section 346.57(4)(i), *Wis. Stats.*
  - (12) Glass Beverage Bottles in Parks Prohibited. No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.
  - (13) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.
  - (14) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs in any Village park.
  - (15) Golfing and Sporting Activities. No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designed for that purpose.
  - (16) Arrows. No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
  - (17) Fees and Charges. The Village Board shall establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

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- (18) Firearms; Hunting. Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind and hunting of any kind are prohibited in all Village parks.
- (19) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village park
- (20) Vendors Restricted. No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board.
- (21) Camping. No overnight camping shall be permitted in any park, except where written approval of the Village Board or duly authorized agent is first obtained.
- (22) Pets Restricted. No pets are allowed in the Village Parks unless otherwise designated.

State Law Reference: Secs. 27.08, 27.13, 29.01(13), and 346.57(4)(i), *Wis. Stats.*

### **SEC. 12-1-2 OPERATION OF REMOTE OR RADIO-CONTROLLED AIRBORNE TOYS OR DEVICES PROHIBITED.**

It shall be unlawful for any person to fly, operate or make use of any motorized airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public property except in areas specifically designated and posted for such purpose.

### **SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.**

Except as authorized by the Chief of Police or Village Board, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever. Absent authorization by the Chief of Police or Village Board, the use of metal detectors and digging for buried objects on Village parks or recreational property is prohibited.

### **SEC. 12-1-4 PARK HOURS.**

#### **(a) Hours Established.**

- (1) Village Swimming Pool. No person except an authorized employee shall be in or upon the Village Swimming Pool premises, including the bath house and fence, at any time when the pool is not open for the public.
- (2) Village Parks. No person except an authorized employee, individuals engaged in permitted overnight camping and individuals engaged in special activities after obtaining the proper permit from the Village Clerk-Treasurer shall be in or upon the public parks including any structure located thereon between 10:00 p.m. and 6:00 a.m.

#### **(b) Exceptions.**

- (1) Persons Having Permission. The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days, for specific purposes or for special events.
- (2) Ball Games. The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Village, except that those persons shall vacate the park within fifteen (15) minutes after the ending of a regularly scheduled game.

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### SEC. 12-1-5 RESERVATION OF PARK SPACE OR PARK SHELTERS.

- (a) **Policy on Reservation.** The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof, in the Village of Gays Mills to the end that the general welfare of the Village is protected.
- (b) **Reservation of Park Space.**
- (1) A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Village Clerk-Treasurer for referral to the Village President or his/her designee for a permit for exclusive use of the same. The Village President or his/her designee shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for the exclusive use of Village parks. All reservations shall be made on application forms in the office of the Village Clerk-Treasurer and shall be on a first-come, first-served basis, provided, however, that any Village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.
- (c) **Application.** Applications shall be filed with the Village Board at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
  - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
  - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
  - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
  - (5) The anticipated number of persons to use the said park, area or facility.
  - (6) Any additional information which the Village Board, Village President or his/her designee, or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Village Board shall act promptly on all applications for permits for exclusive park use after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants under this Section may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of federal or State law or any provision of this Code.
  - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
  - (3) If the application does not contain the information required by Subsection (c) above.
  - (4) If the application is made less than the required days in advance of the scheduled exclusive use.
  - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons

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- as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
- (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
  - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
  - (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
  - (g) **Permit Not Required For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Gays Mills.
  - (h) **Permit Revocation.** The Village Board or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
  - (i) **Form of Permit.** Each permit shall be in a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
  - (j) **Care of Facilities.** Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any person, corporation, or other entity reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by their invitees and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.

### SEC. 12-1-6 GAYS MILLS COMMUNITY BUILDING.

The following policies shall govern the use of the Community Center building and kitchen, including rental fees.

- (a) **Use/Permission.** Non-profit organizations will be allowed use of the Community Building at no charge as long as the schedule allows. Permission for the use of the facility and reservation times should be made with the Village Clerk-Treasurer.
- (b) **Fee.** The fee for use of the facility for events involving fifty (50) or more people will be One Hundred Dollars (\$100.00). The fee for use of the building for groups smaller than fifty (50) people will be Ten Dollars (\$10.00) per hour, not to exceed Seventy-five Dollars (\$75.00).
- (c) **Damage Deposit.** A Fifty Dollar (\$50.00) damage deposit will be required from all users of the facilities. Upon inspection of the premises following its use, the money will be refunded or kept according to the condition and cleanliness of the premises. All people using this facility will be expected to leave the premises in a clean, orderly state. All damage to the building or any of its contents, will be the responsibility of the sponsoring organization or individual.
- (d) **Advance Payment.** All monies for use of the facility must be paid in advance to the Village Clerk-

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Treasurer.

- (e) **Keys.** Arrangement for pick up and return of the key(s) should be made with the Clerk-Treasurer. Failure to return the key(s) will result in liability on the using party for the replacement cost of the key(s) and lockset(s), plus any and all other damages incurred by the Village due to loss of key(s). The key(s) shall not be duplicated and the using party shall be liable for any and all damages incurred by the Village due to such duplication. Any such liabilities may be satisfied in whole or in part from the damage deposit and the Village may prosecute an action against the using party for any amount in excess of the damage deposit.
- (f) **Alcohol/Officer on Duty.** If alcohol is to be consumed on the premises, an officer must be on duty. Arrangements for procuring an officer and payment of his/her fee is the responsibility of the using party. The Village Clerk-Treasurer must be notified of the name of the police officer hired by the renter at least one (1) week prior to the event.
- (g) **Form/Agreement.** A signed reservation form and a community building key agreement along with all required monies must be with the Village Clerk-Treasurer before guarantee of the building's use is given.
- (h) **Vacating Building.** The building must be vacated and locked by 1:00 a.m. The using party shall turn off all lights in the building and lock all doors to the building when vacating the building at whatever time.
- (i) **Approval.** Use of the facilities is at the discretion of the Village Clerk-Treasurer, who may request, in his/her discretion, final approval from the Village Board.
- (j) **Cancellation.** Cancellation of reservations seven (7) days prior to the reservation date will receive a full refund. Cancellation after seven (7) days will result in a refund of the damage deposit only.
- (k) **Insurance.** Any party using the facilities as an extension of a for-profit business, e.g., dance classes, must present a copy of their liability insurance prior to being issued a key(s).