

Title 12 ► Chapter 1

Parks and Recreation

| | |
|---------------|--|
| 12-1-1 | Park Regulations |
| 12-1-2 | Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited |
| 12-1-3 | Turf Protection on Public Property |
| 12-1-4 | Park Hours |
| 12-1-5 | Reservation of Park Space or Park Shelter |
| 12-1-6 | Usage of Trow Lake and Oakwood Lake |
| 12-1-7 | Ultralight Aircraft Regulated |
| 12-1-8 | Trespassing Upon Trow and Oakwood Lake Dams |

Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Merrilan from injury, damage or desecration, 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, play ground, swimming pool or conservancy area in the Village.
- (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 or its Park Committee.
 - (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 or its Park Committee.
 - (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; live traps on a person's property are excluded. 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. 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. 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.
 - b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.
- (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 authorization from the Village Board or its Park Committee 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 Village park in excess of fifteen (15) miles per hour unless otherwise posted.
- (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) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village except in a designated parking area.

- (15) **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. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.
- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **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 designated for that purpose.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (19) **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.
- (20) **Firearms; Hunting.** Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.
- (21) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (23) **Commercial business; Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board. The operation of any commercial enterprise within the confines of the Gile Memorial Park, Oakwood Park, Lower Trow Lake Park Beach or other public park in the Village of Merrilan is hereby prohibited. A "commercial enterprise" is defined as any business involving the sale of products or the solicitation of any services to be performed. Excepted from the definition of a "commercial enterprise" is any nonprofit organization activity including the sale of products which has been specifically authorized by the Village Board of the Village of Merrilan and which is to take place within such public park.
- (24) **Camping.** No overnight camping shall be permitted in any park, except in designated camping areas.
- (25) **Campground Regulations.**
 - a. No vehicles except those belonging to authorized campers and Village vehicles shall be permitted at any time in the campground areas designated by the Village.

- b. All persons shall comply with the campground regulations as prescribed by the Village Board or Park Committee and will promptly pay any parking fee in the matter prescribed prior to the parking of any vehicle and utilizing a camping space.

Cross-Reference: Section 11-4-1.

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 airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

Sec. 12-1-3 Turf Protection on Public Property.

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

Sec. 12-1-4 Park Hours.

- (a) **Presence in Parks Between 10:00 p.m. and 7:00 a.m.** No persons shall loiter, idle, wander or be present either on foot or in a vehicle of any nature whatsoever in a public park of the Village of Merrilan or upon any streets running through said parks between the hours of 10:00 p.m. and 7:00 a.m. the following morning, said hours shall refer to either Central Standard Time or Daylight Savings Time, whichever is in effect.
- (b) **Lower Lake Beach.** No person shall be upon the beach area located on the Lower Lake in the Village of Merrilan between the hours of 10:00 p.m. and 7:00 a.m.
- (c) **Exceptions for Organized Activities.** Subsection (a) shall not apply to any persons participating in or any organized activity in a Village park and for which activity authorization was given by the Village Board or Park Committee. This exception shall apply during the time such activity is in progress at a Village park and for thirty (30) minutes after the termination of such activity.

Sec. 12-1-5 Reservation of Park Space.

- (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 through a reservation process 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 Merrilan to the end that the general welfare of the Village is protected.
- (b) **Reservation of Park Space.** A group, firm organization, partnership or corporation may reserve the use of a park facility, park shelter ball diamond, volleyball pit or specified green area by written application filed with the Village Clerk-Treasurer for a permit for exclusive use of the same. A "group" is defined as a specific gathering of twelve (12) or more people. The Clerk-Treasurer shall issue permits for exclusive use of a portion of a park, park shelter, ball diamond, volleyball pit or specified green area while the Park Committee shall issue permits for the exclusive use of an entire Village park. 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 a limited number of dates used by it in past years on a continuing basis, at any time. Reservation of a designated area or facility 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 Clerk-Treasurer 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, park facility 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 Park Committee or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Park Committee shall act promptly on all applications for permits for exclusive park use (not shelter 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) 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 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 Merrilan.
- (h) **Permit Revocation.** The Village President or a law enforcement officer 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) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with.

12-1-5

Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

- (k) **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 organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation 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.

Cross-Reference: Sections 7-2-11 and 11-4-1.

Sec. 12-1-6 Usage of Trow Lake and Oakwood Lake.

- (a) It is the declared policy of the Village Board of the Village of Merrilan that the Trow Lake and Oakwood Lake located within the Village limits of the Village of Merrilan shall be dedicated for fishing only and related activities.
- (b) No person, firm, or corporation shall operate any boat or vessel on Trow Lake or Oakwood Lake in excess of the "Slow-No-Wake" speed as defined in Sec. NR5.32(3), Wis. Adm. Code. "Slow-No-Wake" means operation of a motor boat at the slowest possible speed necessary to maintain steerage.
- (c) No person under twelve (12) years of age shall operate or be permitted to operate a motorboat upon Trow Lake or Oakwood Lake unless an adult is present in such boat or vessel. The owner of a boat or vessel shall be determined to have violated this Section if he knowingly permits any such operation by a minor in violation of this Section.

Sec. 12-1-7 Ultralight Aircraft Regulated.

- (a) **Definition.** An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultralight vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.
- (b) **Regulations Regarding Use.** No person shall operate any ultralight aircraft within the Village in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the Village in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without permission of the owner or

occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a Village public park or other public property, the operator of such ultralight aircraft shall first obtain a permit from the Village Board. No fee shall be charged by the Village Board for such permit which may be issued for a period up to thirty (30) days nor shall the Village Board sponsor such activity.

Sec. 12-1-8 Trespassing Upon Trow and Oakwood Lake Dams.

All movement on and entering onto the dams across Halls Creek, known as the Trow Lake Dam and the Oakwood Lake Dam, by any person, on foot or with any manner of vehicle, is hereby prohibited except to authorized Village employees who go upon this dam for authorized public purposes.

