

CHAPTER 19

PARKS AND PARKWAYS

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19.01 PURPOSE. The purpose of this chapter shall be to protect in the Village of Sussex, the parks and parkways and appurtenances thereto from fire, abuse and desecration, to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks and parkways.

19.02 DEFINITIONS. (1) **PARK; PARKWAY.** The terms "park" and "parkway", wherever used herein unless otherwise stated, shall include the grounds, buildings thereon, water therein, and any other property which is now or may hereafter be under the control or jurisdiction of the Sussex Park and Recreation Board.

(2) **PERSON.** The term "person," as used in this chapter, shall include any individual, firm, partnership, corporations and association of persons, and the singular number shall include the plural.

(3) **BOARD.** The term "Board," wherever used in this chapter, shall mean the Park and Recreation Board.

19.03 HOURS WHEN PARKS ARE OPEN. Except when the Board grants permission to use all or certain parks or parkways, the parks and parkways shall be closed at 9:00 p.m. for all picnics, parties and social gatherings and at 11:00 p. m. for all other events each night until sunrise the following morning, and no person shall remain therein during said hours, provided that the Board may from time to time, in all or any of the parks or parkways, publish or post closing hours different from the above, or discontinue closing hours, as in the exercise of the judgement of the Board may appear reasonable and necessary.

19.04 CLOSING PARK AND PARKWAY FACILITIES TO THE PUBLIC. In case of an emergency, or when in the judgment of the Board the public interest demands it, any portion of the parks or parkways or buildings therein may be closed to the public, or to designated persons until permission is given to return.

19.05 INTERFERENCE WITH PARK EMPLOYEES. No person shall interfere with or in any manner hinder any employee of the Village, nor any employee of a contractor while engaged in construction, repairing, or caring for any portion of the parks or parkways, or while in the discharge of the duties conferred by this chapter.

19.06 USE OF LIQUOR IN PARKS. No person shall bring into or drink any spirituous vinous, malt or mixed liquors in any park or parkway, except in such areas as designated by the Board and then only by written permission of the Board and except at such places as beverages may be stored in a park building or on the grounds overnight without prior approval of the Board.

19.07 DISORDERLY CONDUCT. (1) No person shall use threatening, abusive, insulting, obscene, indecent language which constitutes a breach of the peace.

(2) No person violating any of the prohibitions enumerated in (1) above shall be allowed to remain in any park or parkway.

19.08 SMOKING: WHEN PROHIBITED. (1) No person shall be permitted to smoke, or hold a lighted cigarette, cigar, or pipe in any building, or section of a building, or in any park or parkway area where officially posted notices so prohibited.

(2) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from

an automobile moving along a parkway drive.

19.09 CARE OF WASTE. (1) No person shall scatter, drop or leave any piece of paper, rag, tin can, bottle, glass, peanut shells, melon rinds, banana peels, or other garbage, dead flowers, or other rubbish in any portion of the parks or parkways, except in the receptacles provided for that purpose.

(2) Any person who breaks a bottle or other glassware in any park or parkway shall immediately pick up the broken pieces and remove same to a park waste container.

(3) 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 Board.

19.10 LOUDNESS PROHIBITED. Auto radios, portable radios, television sets, band instruments, and any musical devices must be turned low at all times so as not to be heard from a distance beyond 20 feet from the instrument, except upon written permission of the Board.

19.11 PERMIT REQUIRED FOR PUBLIC MEETINGS. All public meetings, assemblies, entertainments, tournaments or public discussion on any subject, religious, social, political, or otherwise, are prohibited within the limits of any park or parkway except when written permission of the Board has first been granted, and then only in areas designated as assembly areas by the Board.

19.12 PERMIT REQUIRED FOR PARADE, FUNERAL PROCESSION. No military or other parade or procession or funeral shall take place in or pass through the limits of any park or parkway except upon written permission of the Board.

19.13 PERMIT REQUIRED FOR SPEECHES, MUSIC. No person shall make any oration, or harangue, or public speech, or use any loud speaker or any other amplifying device in any park or parkway without written permission of the Board.

19.14 PERMIT REQUIRED FOR SERVICES, DEMONSTRATIONS. (1) No service or demonstration by any organization, creed, or sect, excepting only non-denominational or inter-denominational Easter Sunday Services, shall be allowed within the limits of any park or parkway of the Village except in those areas designated by the Board as assembly areas, and then only with the written permission of the Board. This shall not forbid the offering of any invocation prayer or hymn in connection with church picnics or other similar gatherings.

(2) No sermon, discussion, harangue or speech shall be delivered by any person for political purposes or in connection with sale of any article or which shall constitute a public criticism or abuse of any religious organization or representative thereof.

19.15 PERMIT REQUIRED FOR ADVERTISING, SALES. (1) No person shall sell, hawk, merchandise, keep, or offer for sale any tangible or intangible article, merchandise, or thing; nor solicit for any trade, occupation, business or profession, or for alms, within any park or parkway, without the written permission of the Board.

(2) No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except that of the United States), or advertisement of any kind within any park or parkway, or upon any of the gates or enclosures thereof without the written permission of the Board. The word

"distribute" shall include the scattering of printed matter from aircraft.

19.16 GAMES AND AMUSEMENTS IN DESIGNATED AREAS; GAMBLING PROHIBITED. (1)

No person shall engage in any sport, game, race or amusement in any park or parkway except upon such portions thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the Board.

(2) No person shall be allowed to tell fortunes or to play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, corn or other device for money, chips, credit, or any other thing representative of value; nor shall any person be allowed to maintain or exhibit any gambling table or other instrument of gambling or gaming.

19.17 PERMITS; INTERFERENCE WITH PERMITTEE PROHIBITED. (1) No person shall in any manner disturb, harass, or interfere with any person or party holding written permission as indicated above, nor with any of their equipment or property.

(2) Permits for the exclusive use of any picnic or play area for any specified date or time may be granted at the discretion of the Board, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, nor with any of their equipment or property.

19.18 USE OF FIREARMS AND FIREWORKS; HUNTING WITH BOW AND ARROW; TRAPPING. No person shall carry, fire, or discharge any gun, pistol, or firearm, nor shall any person hunt with bow and arrow within any park or parkway. The word "gun" shall include air gun. No person shall discharge fireworks of any description except with permission from the Board.

19.19 THROWING OF STONES OF MISSILES. No person shall throw stones or missiles into any park or parkway.

19.20 MAKING OF FIRES. (1) No person shall make or kindle a fire for any purpose except in places provided therefore, and then subject to such regulations as may be prescribed.

(2) 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 or damage to any park property.

19.21 ANIMALS IN PARKS AND PARKWAYS. (1) **ANIMALS ARE NOT ALLOWED; EXCEPTIONS.** No animal except those placed in the park or parkways by the authority of the Board, and excepting horses when saddled or harnessed and in use for riding or pleasure, driving only on roadways or paths duly designated, and except animals on leash or regulated by Sub. (2) hereof, shall be conducted into or driven within the parks or parkways or be allowed to remain therein.

(2) **ANIMALS ON LEASH; WHEN EXCLUDED.** No person having the control or care of an animal shall permit such animal to enter or remain in a public park or parkway unless it is led by a leash of suitable strength not more than six (6) feet in length and then only within such areas in parks as have been designated by order of the Board. The Board shall cause signs to be posted in areas wherein animals are not permitted.

(3) **ANIMAL EXCREMENT DISPOSITION.** The owner, keeper or person having physical possession of an animal or animals shall remove and properly dispose of any excrement deposited by said animal immediately after the animal has relieved itself in the park.

- (4) ANIMALS TIED-UP. No animal shall be tied-up and left unattended.

19.22 FISH, WATERFOWL, GAMEBIRDS. (1) No person shall take or attempt to take any fish from, or send or throw any animal or thing into or upon, any of the waters of the parks or parkways; or kill, injure, or attempt to injure, or unnecessarily disturb the fish in said waters, except with permission of the Board.

(2) No one shall kill, injure, or 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.

19.23 INJURY TO VEGETATION, STRUCTURES, AND EQUIPMENT. (1) 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, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure, or other property within any park or parkway.

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

(3) No person shall destroy or unlawfully remove, take, or meddle with any property of any kind or nature belonging to the Village of Sussex without the consent of the Board or Village representatives.

(4) No person shall enter upon, into, or open any public building or public structure owned or operated by the Village of Sussex other than those areas of public buildings that are held for the public without the express consent of the Board or Village representative.

(5) Park buildings and shelters in Village parks and parkways are intended to be used for picnics, social gatherings, and other placid and sedentary activities. Activities that are antithetical to those uses, such as the use of wheeled recreation equipment or transportation devices such as in-line skates, roller skates, skateboards, scooters, and bicycles, are prohibited within park buildings and shelters.

(6) In-line skates, roller skates, skateboards, scooters, and bicycles are prohibited inside park buildings and shelters.

(7) Park benches and picnic tables in Village parks and parkways are intended to be used for sitting, eating, and similar stationary and sedentary uses. Activities that are antithetical to those uses, such as using park benches or picnic tables as ramps, jumps, or obstacles for in-line skating, roller skating, skateboarding, scooting, bicycling or other similar activities where the user of the bench or picnic table is not in a stationary sedentary position are prohibited.

(8) No person shall ride on or jump over any retaining wall located in Village parks or parkways by use of in-line skates, roller skates, skateboards, scooters, bicycles, or any other similar recreation equipment or transportation device.

(9) Additional rules and regulations may apply to the use of park buildings and shelters, as the Board may adopt pursuant to Section 19.36(3) of this Chapter, and such additional rules and regulations shall be posted in the park buildings and shelters.

(10) Nothing herein, and no rule or regulation that may be adopted by the Board, shall be interpreted as prohibiting the use of Village park buildings, shelters, benches or picnic tables by disabled persons using walkers, wheelchairs, or other enabling equipment or transportation device.

19.24 AIRCRAFT LANDING PROHIBITED. No person shall ascend or land with any aircraft, including gliders and parachutes, or engage in stunt flying or parachute landing in any park or parkway without the written permission of the Board.

19.25 SLEEPING, CAMPING REGULATED. 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 Board.

19.26 LOCATION AND INSTALLATION OF UTILITY FIXTURES. The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone, and electric power posts and lines, manholes, conduit and pumps within any park or parkway shall be subject to the jurisdiction and control of the Board; and their construction, erection, repair or relocation shall be undertaken only after written permission is received from said Board, or the Public Works Director.

19.27 PRIVATE DRIVES AND WALKS; DESIGN AND INSTALLATION. (1) No curb, whether stone, concrete or grass, shall be cut for the purpose of constructing a private driveway across any parkway border or for any other purpose, without written permission of the Board.

(2) The location, width, grade, and construction of all paths, driveways and roadways across any sidewalk border along any parkway shall be subject to the approval of and constructed only after written permission therefore is obtained from the Board.

(3) Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park or parkway shall at all times after such work has been completed, and until all accumulations of materials resulting from such work have been removed, so guard and protect the same that persons driving or passing along the roadway or sidewalk or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom; and shall also during the time from sunset to sunrise, each night while said work is in progress, cause the same to be securely fenced and guarded by a light or lights placed in a conspicuous position, and so secured that the same shall not be extinguished.

19.28 TRAFFIC REGULATIONS. (1) **REGULAR DRIVES AND PARKING AREAS.** No person shall drive any automobile, motorcycle, snowmobiles, unlicensed motor vehicle, or other vehicle of traffic or burden upon any part of the parks or parkways except the proper drives and parking areas, or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive, without permission of the Board.

(2) **VEHICLES FOR HIRE.** No person shall cause any taxi, bus, limousine, or other vehicle for hire to stand upon any part of the parks or parkways for the purpose of soliciting or taking in passengers or person other than those carried to the parks or parkways by said vehicle, without permission of the Board.

(3) **VEHICLES PROHIBITED.** No person shall cause any bus with or without passengers, nor any go-cart, dray, wagon, truck, or trailer or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, or other article, to enter or be driven in any part of the parks or parkways. This section shall not apply to vehicles engaged in the

construction, maintenance, or operation of the parks or parkways, to vehicles making deliveries to the parks or parkways, nor to buses under permit of the Board.

(4) **TRAFFIC CODES.** Every person operating an automobile, motorcycle, unlicensed motor vehicle, or other vehicle of traffic or burden within the parks or parkways shall comply with the state, county and municipal traffic codes and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard, sign, or device installed for the regulation of traffic.

(5) **SPEED OF VEHICLES.** The Board shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than 15 miles per hour.

(6) **TRAFFIC CONTROLS.** The Board shall cause to be erected such other traffic control signs as are necessary for the proper regulations and safe movement of vehicles, pedestrians, and equestrians.

(7) **PARKING REGULATIONS.** Vehicles shall be parked only in designated parking areas. Parking along roads and drives may be controlled by appropriate signs. There shall be no overnight parking. No parking unless participating in Park activity. Exceptions must be approved by the Board.

19.29 REGULATION OF BICYCLE RIDERS. Riders of bicycles shall comply with the rules for the regulation of other vehicles, as stated in Sec. 19.29:

(1) No person shall ride a bicycle upon the lawns, posted walks and foot trails in the parks or parkways.

(2) Riders shall proceed in the extreme right hand lane of the drives at all times, in single file only.

(3) Riding crosswise and curving to and fro are strictly prohibited.

(4) No rider shall take both hands off the handles or ride recklessly in any other manner.

(5) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for the purpose of being drawn along.

(6) Extra passengers shall not be carried on bicycles in any manner whatsoever.

(7) Wherever possible, bicycles shall be parked in places provided for such purpose.

19.30 HORSEBACK RIDING REGULATIONS. Horseback riders shall comply with the following:

(1) No person shall ride horseback in any park or parkway except upon designated roadways and bridle paths.

(2) No person shall be permitted to ride horseback in any park or parkway after dark or before daybreak.

(3) No person shall be permitted to ride or drive a horse which cannot be held under such control that it may be easily turned or stopped.

(4) No person shall be permitted to ride or drive a horse in a reckless manner.

(5) Pedestrians shall have the right of way when crossing a bridle path, and whenever groups of people are visible within 300 feet, horses shall be ridden at slow gaits.

(6) Every rider shall comply with all Board rules and signs along the bridle paths.

19.31 BATHING AND SWIMMING REGULATIONS. Bathers and swimmers shall comply with the following:

(1) No person shall wade, bathe, or swim within a park or parkway except at such pools or beaches as are or may be designated for that purpose by the Board.

(2) No person shall wade, bathe, or swim in, or attend any such pool or beach without proper bathing attire.

(3) No person shall take any tin cans, bottles or glassware of any kind, except eye glasses, into an area designated as a beach or pool for bathers by the Board.

(4) Any other rules and regulations which may be posted at beaches, pools or in bathhouses or other buildings.

19.32 TENNIS AND BASKETBALL COURT REGULATIONS. All persons shall comply with the following:

(1) No person shall use the courts for purposes other than tennis and basketball as applicable, except by written permission of the Board.

(2) No person shall take any tin cans, bottles or glassware of any kind, except eye glasses, into an area designated as a tennis or basketball court.

(3) Rollerblades and skateboards are specifically prohibited on tennis and basketball courts.

(4) Any other rules and regulations which may be posted at tennis or basketball courts.

19.33 USE OF RESTROOMS. All persons will use the restrooms designated for that person's sex.

19.34 EXCLUSIVE USE. No person or organization will be permitted exclusive use of any areas or buildings without written approval from the Board.

19.35 KEYS TO BUILDINGS. Private citizens shall not make copies of park keys or have any park keys in their possession for private use.

19.36 ADMINISTRATION. (1) PERMITS. All permits shall be issued by a authorized employee of the Board or Village Board in writing and subject to park rules and regulations as fully as though the same were inserted in said permits, and any person or persons to whom such permits have been granted shall be liable for any loss, damage, or injury sustained by the Board, or by any person by reason of the negligence

of the person or persons to whom such permits have been granted, their servants or agents.

(2) **LEASING OF EQUIPMENT.** The Board may lease equipment suitable for recreational purposes to private or public organizations upon such terms as it may determine provided that any such lease shall contain the provision binding the lessee to save and keep the Village of Sussex harmless from any and all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the Board may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

(3) **SUPPLEMENTARY RULES.** Until otherwise directed by the Village Board, the Board may adopt additional or revised rules and regulations for the proper conduct and administration of the parks and parkways in the Village not inconsistent with this ordinance, and may perform such other acts with reference to the management of the said parks and parkways and to increase the comfort, safety, convenience and public welfare of the citizens of the village and of visitors to said parks and parkways in their use of the same.

19.37 ENFORCEMENT. (1) **POLICE POWERS.** Any peace officer of Waukesha County or any of its municipal subdivisions may without a warrant arrest any offender whom he may detect in the violation of any of the provisions of this chapter and take the person so arrested forthwith before a court having competent jurisdiction, and he shall have at all times the right to enter the premises of any building, structure, or enclosure in any park or parkway, including such grounds, buildings, structures, or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals, for the purpose of arresting violators hereof, any may use all necessary means to attain that end.

19.38 PENALTIES. Any person who shall violate any provisions of this chapter or any order, rule, or regulation made hereunder shall be subject to a penalty as provided below.

(1) Any person who shall violate any provision of this Chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

(2) 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 this 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.