

CHAPER 14
Parks and Recreation
Table of Contents

14.01.000	PARK AND RECREATION BOARD
14.01.010	Term of Office
14.01.020	Powers, Duties
14.02.000	PARK REGULATIONS
14.02.010	Time Restrictions; Hours of Operation
14.02.020	Unlawful Conduct
14.02.030	Possession and Consumption of Alcohol Beverages
14.02.040	Park Police
14.03.000	DOGS
14.04.000	PENALTY
14.05.000	OZAUKEE INTERURBAN TRAIL

14.01.000 PARK AND RECREATION BOARD.

14.01.010 Term of Office. The Park and Recreation Board shall consist of nine members, one of whom shall be an alderman, appointed by the Mayor and confirmed by the Common Council at the annual organizational meeting of the Common Council. The term of office of the alderman member shall be one year. The term of office of the other members shall be three years. When the Board is first appointed, three members shall be appointed for the balance of the first year, three members for two years, and two members for three years.

14.01.020 Powers, Duties. A. The Board shall be responsible for the supervision, management, maintenance, planning and development of parks, green areas, recreational facilities, playgrounds, and other similar facilities and such other responsibilities as may be delegated to it by the Common Council.

- B. The Board shall adopt reasonable rules and regulations for facilities under its supervision.
- C. The Board shall appoint a Director of Parks and Recreation and such supervisory personnel for which funds are not previously budgeted subject to the approval of the Common Council and such other employees as may be required.
- D. Compensation of the Director of Parks and Recreation and other employees shall be determined by the Common Council.

14.02.000 PARK REGULATIONS.

14.02.010 Time Restrictions; Hours of Operation.

- A. **Generally.** City parks and public grounds are open to the public year-round, but parking areas may be designated for winter use.
- B. **Hours of Operation.** All city parks and public grounds shall be closed to all persons between the hours of 10:00 p.m. and 6:00 a.m. year-round, except as provided below:
 - 1. Rotary Park shall be closed between the hours of 11:00 p.m. and 6:00 a.m.
 - 2. Specific hours, as designated by written permit issued pursuant to Parks and Recreation Board rules and regulations.

14.02.020 Unlawful Conduct. No person shall, within any city park or upon any public grounds:

1. Park any motor vehicle, except within the limits of clearly marked parking areas.
2. Operate any motor vehicle or ride horses, except upon clearly marked public roadways.
3. Operate any motor vehicle upon any roadway at a speed in excess of 20 miles per hour.
4. Park any motor vehicle or loiter or lounge within or upon such park or public grounds between 10:00 p.m. and 6:00 a.m., except as allowed by permit issued by authority of the Port Washington Parks and Recreation Board or other duly authorized official of the City of Port Washington, and except in Rotary Park located at the east end of East Grand Avenue, in which no person shall park any motor vehicle or loiter or lounge between 11:00 p.m. and 6:00 a.m.
5. Carry, keep or use any firearms, bow and arrow, slingshot, trap, gun or other shooting device.
6. Disturb, molest, deface, remove or destroy any trees, shrubs, plants or other natural growth; carve on any rocks, signs, walls or structures; drive nails in trees; or injure or deface in any manner any park building, signs, fences, tables, or other city property.
7. Dig or break up the ground surface.
8. Build any fires, except in fireplaces or grills provided for such purpose, or dispose of live embers of any fire where they may start a grass or forest fire.
9. Leave, throw or break any bottle, box, can, garbage or other object except in clearly marked refuse receptacles.
10. Take, have or keep any dog or cat except upon a leash.
11. Be intoxicated, use vulgar, profane, violent, unreasonably loud or boisterous language or engage in otherwise disorderly conduct.
12. Engage in any lewd or lascivious talk, act or behavior.

14.02.030 Possession and Consumption of Alcohol Beverages.

A. Generally Prohibited; Exceptions. Except as provided in subsections 14.02.030 B., C., D. and E., the possession or consumption of fermented malt beverages, intoxicating liquors or wine is prohibited within and upon all city parks and public grounds. Alcohol beverages are prohibited on all public beaches and parking lots in the city.

B. Allowed; Restrictions. The possession or consumption of fermented malt beverages and/or wine is allowed during park hours within and upon the following city parks and public grounds at Common Council sanctioned or sponsored events, at Parks and Recreation Board sponsored adult programs or events, and by a gathering of between one (1) and ten (10) adults of legal drinking age:

1. Gilson Park (also known as the Kiwanis shelter).
2. Municipal Softball Field adjacent to Grant Street, but only in conjunction with adult programs or events sponsored by the Parks and Recreation Board.
3. Rotary Park
4. Upper Lake Park.
5. Veteran's Memorial Park (also known as Lower Lake Park).

For gathering of more than ten (10) adults of legal drinking age, a permit must be obtained in order to possess or consume fermented malt beverages and/or wine in the city parks and public grounds listed hereinabove.

C. Application and Permit Forms; Issuance; Park Rules. A combination permit for the reservation of the city parks or public grounds listed in subsection 14.02.030 B., or specific portions thereof, and for the possession or consumption of fermented malt beverages and/or wine within and upon such parks or public grounds shall be applied for at and issued by the Park and Recreation Department. A separate permit for the possession or consumption of fermented malt beverages and/or wine only within and upon the parks or public grounds listed in subsection 14.02.030 B. shall be applied for at and issued at the Police Department. All applications shall be made on forms prescribed by the Parks and Recreation Board. All permits shall be issued subject to the terms and conditions specified therein, and shall be further subject to all park rules and regulations governing the use of city parks and public grounds generally. Appropriate signs shall be erected at the entrances to the city parks or public grounds indicating the need for such permit.

D. Allowed; Neighborhood Block Parties; Restrictions. The possession or consumption of fermented malt beverages and/or wine may be allowed during park hours within and upon city parks and public grounds other than those listed in subsection 14.02.030 B. for the purpose of a neighborhood block party, except in the following parks or public grounds:

1. All public beaches and parking lots.
2. Birchwood Hills Nature Area.
3. Fisherman's Park.
4. Gatzke Nature Area.
5. Guenther Picnic Area.
6. Oakland Avenue Green.
7. Ozaukee Interurban Trail.
8. Pirate's Hollow Community Water Park.
9. Westside Park.

A person seeking to hold a neighborhood block party shall submit a written request to the Common Council for its consideration and approval prior to such event.

E. Park Rules. The use of the above-described city parks or public grounds shall be subject to all park rules and regulations governing the use of city parks and public grounds generally.

14.02.040 Park Police. The Mayor may, upon the request of the Chief of Police, Park Commission or Recreation Board, appoint a Park Policeman who shall have all of the powers of a regular police officer for the enforcement of this section.

14.03.000 DOGS. No person shall permit any dog or cat, whether leashed or not, to enter upon the Lower Lake Park from the access road to the North to East Jackson Street to the South, unless such dog or cat shall be confined within a motor vehicle.

14.04.000 PENALTY. Except as provided in Sections 8.12.010 and 14.05.000, any person who violates any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Code.

14.05.000 OZAUKEE INTERURBAN TRAIL.

(A) Rules and Regulations Governing the Ozaukee Interurban Trail.

(1) Intent or Purpose:

(a) The following rules and regulations shall apply exclusively to that portion of the Ozaukee Interurban Trail lying within the jurisdictional limits of the City of Port Washington, and are established for the purpose of the operation and use of that multi-use transportation/recreational trail in an orderly and efficient manner. These rules and regulations are necessary to protect and promote the general welfare, peace, safety, good order and prosperity of the City, its inhabitants, visitors and all persons using the trail, and to preserve and maintain the trail in good condition. The Park and Recreation Board shall administer said portion of the Ozaukee Interurban Trail as a designated multi-use trail.

(B) Definitions.

(1) **Ozaukee Interurban Trail** – means that parcel of land owned, leased or obtained by easement by the County of Ozaukee and participating municipalities.

- (2) **Motor Vehicle** – the term “motor vehicle” shall include all motorized automobiles, truck, all-terrain vehicles, snowmobile, motorcycle, trailer, wagon, moped, airplane or any other motorized mode of transportation not listed.
- (3) **Persons** – includes any individual, firm, partnership, corporation, limited liability companies (LLCs), limited liability partnerships (LLPs) or other association of persons; and the singular number includes the plural.
- (4) **Designated crossing areas** – are areas on the Ozaukee Interurban Trail, authorized by the County of Ozaukee, the City or participating municipalities and designated by appropriate signage, where pedestrians, motor vehicles, or other vehicles may enter and cross the Ozaukee Interurban Trail.

(C) General Rules.

(1) Rules for Use:

- (a) To insure the safety of persons using the Ozaukee Interurban Trail, Sections 8.01.010 and 8.01.020 of the Municipal Code of the City of Port Washington, adopting Wisconsin State Statutes, Chs. 340-348, and Wisconsin Administrative Code Ch. TRANS 305, shall apply.
- (b) All persons using the Ozaukee Interurban Trail must abide by the posted signage on or for the use of the Ozaukee Interurban Trail, including, but not limited to, those signs relating to the use of protective helmets within the City as required by sec. 8.12.010 of the Municipal Code.

(2) Prohibited Uses:

- (a) No motor vehicles are authorized for operation on the Ozaukee Interurban Trail except for: police, emergency, rescue vehicles, authorized maintenance vehicles and motorized wheelchairs.
- (b) No horses or horseback riding is allowed on the Ozaukee Interurban Trail.
- (c) No pets shall be allowed on the Ozaukee Interurban Trail unless restrained upon a leash, not more than ten feet in length. It is the pet owner’s obligation to pick-up and remove all fecal matter from their pets immediately after such animal has deposited it.
- (d) No fires are permitted within the boundaries of the Ozaukee Interurban Trail.
- (e) The use of all fireworks, air guns, paintball guns, firearms, projectile devices or archery equipment is prohibited within the boundaries of the Ozaukee Interurban Trail.
- (f) Hunting or trapping is not permitted within the boundaries of the Ozaukee Interurban Trail.

- (g) No soliciting or commercial enterprise is allowed within the boundaries of the Ozaukee Interurban Trail.
- (h) No unauthorized vehicle or piece of equipment may be parked or be permitted to remain standing on any portion of the Ozaukee Interurban Trail or access point, so as to obstruct or limit passage along the trail or access point.
- (i) No person may carry, have in his/her possession or have under his/her control any firearms, air gun, paintball gun, projectile devices or archery equipment, unless it is unloaded and within a case, within the boundaries of the Ozaukee Interurban Trail.
- (j) Any unauthorized vehicle or piece of equipment having a height more than twelve feet above the original ground grade level is not permitted on the Ozaukee Interurban Trail.
- (k) The use of kites, model airplanes or similar objects is not permitted on the Ozaukee Interurban Trail.
- (l) It is prohibited to soil, deface, injure, damage, upset or remove any building, fence, fountain, bench, table, vegetation or other object situated, used or kept upon the Ozaukee Interurban Trail, unless authorized by the County of Ozaukee, the City or participating municipalities.
- (m) It is prohibited to leave, dispose of, throw or break any bottle, box, can or any other container or object on the Ozaukee Interurban Trail, or at any other place adjacent to the Ozaukee Interurban Trail, except in clearly marked refuse receptacles provided for that purpose.
- (n) It is prohibited to climb on any portion of any bridge on the Ozaukee Interurban Trail.

(3) Group Use by Permit:

- (a) Reserve use: Any group may request to reserve the use of a designated area or portion of the Ozaukee Interurban Trail within the City provided:
 - 1. The Park and Recreation Board must receive the submission of a formal written request no later than sixty (60) days prior to the planned use;
 - 2. Written approval must be obtained for any group use of the Ozaukee Interurban Trail within the City;
 - 3. A fee may be charged as part of the approval process; and
 - 4. All group use requests are approved at the discretion of the Park and Recreation Board.

- (D) **Penalties and Fees.** Any person who violates any of the provision of the rules and regulations governing the Ozaukee Interurban Trail shall, upon conviction thereof, forfeit not less than \$25 nor more than \$500 for each such violation in addition to the costs of prosecution, and, in the case of default in payment of such forfeiture and costs, such person shall be imprisoned in the county jail for a term not exceeding five (5) days.
- (E) **Municipal Jurisdiction.** The City of Port Washington shall maintain that portion of the Ozaukee Interurban Trail lying within the City's jurisdiction limits, and shall protect the public safety thereon using the codes and standards set forth in this ordinance.
- (F) **County Jurisdiction.** Within the limits of towns or unincorporated areas, the County of Ozaukee shall maintain the Ozaukee Interurban Trail and shall protect the public safety thereon.