

Ordinance O-22-14

ORDINANCE MODIFYING SECTION 7.64 OF THE CITY'S MUNICIPAL CODE RELATIVE TO RULES WITHIN CITY PARKS

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 7.64.010 of the Wauwatosa Municipal Code of Ordinances is hereby amended to read as follows:

The board of parks and forestry commissioners, pursuant to the powers granted to it by Wisconsin Statutes 27.08 and in accord with the delegation of authority contained in Section 2.38.020 of this code, has enacted the following rules and regulations to promote the orderly governing, management, improvement and care for the parks, parkways, boulevards and pleasure drives located within the city limits of Wauwatosa, and to secure the quiet, orderly and suitable use and enjoyment thereof by the people, which rules and regulations are approved and adopted by the common council of the City of Wauwatosa.

Part II. Subsection 7.64.015 of the Wauwatosa Municipal Code is created to read as follows:

7.64.015 - Park Locations

The following locations are City parks in which this chapter applies:

- A. Hart Park; 7300 W. Chestnut Street
- B. Webster Park; 4521 N. Mayfair Road
- C. Root Common Park; Northwest Corner of Harwood Avenue & Wauwatosa Avenue
- D. Pocket Park; Northeast Corner of Harwood Avenue & Wauwatosa Avenue
- E. 69th Street Plaza; Northeast Corner of 69th Street & North Avenue
- F. Hartung Park; Southeast Corner of Keefe Avenue & Menomonee River Parkway (City of Milwaukee/Wauwatosa Jointly Operated Park)

Part III. Section 7.64.020 of the Wauwatosa Municipal Code is hereby amended to read in its entirety as follows:

- A. Whoever does any of the following within a city park in the City of Wauwatosa may be punished pursuant to Section 2.38.020 of this code by a forfeiture of an amount not to exceed one hundred dollars, plus costs of prosecution. Any individual violating park rules is also subject to the City's Park Rules and Behavioral Policy:
 - 1. Disorderly Conduct. Engages in violent, abusive, indecent, profane, boisterous,

unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance;

2. Trespasses by entering or remaining on or in a Park premises or non-public area of the Park after having been notified by an authorized individual not to do so, and entering or remaining on or in a Park premises during the period in which an individual has been banned from the premises;
3. Litters or deposits any type of debris or waste material in other than a proper container;
4. Has in his or her possession a firearm or dangerous weapon except as specifically permitted by state law;
5. Brings upon such property an unleashed dog or other animal; animal feces must be picked up and disposed of properly;
6. Destroys, defaces, climbs upon contrary to the manner the for which the item was designed, or theft of public property, which includes but is not limited to buildings, plants, shrubs and trees or park equipment and furniture;
7. Possesses, sells, distributes, or consumes upon the premises illegal drugs as defined in Wisconsin Statutes Chapter 961;
8. Without permission of the Director of Public Works or designee, through a rental agreement or other written agreement, brings upon and/or uses upon the premises intoxicating beverages. Individuals are allowed to bring upon and consume intoxicating beverages at the 69th Street Plaza if such beverages are for their personal use only. A "Class B" license will be required to permit the sale of beer or wine;
9. Engages in illegal gambling as defined in Wisconsin Statutes Chapter 945;
10. Drives or parks a motorized vehicle in areas other than the paved roadway and parking area; motorized vehicles may only park in designated parking spots and are not permitted on bicycle pathways, service drives or grass other than emergency, law enforcement or park staff vehicles;
11. Rides bicycle, electric bicycle or electric scooter in non-designated areas or areas marked "No Bicycles or Scooters Allowed"; all bicycles and scooters are permitted on streets, multi-use paths, and in parking lots and operators must yield right of way to pedestrians;
12. Except for park employees, permitted users or officials, anyone found on the premises outside of park hours of 6:00 am to 11:00pm or after the park has been declared closed by approved personnel. Closing hours for a park shall be determined by the Director of Public Works or designee;
13. Without the permission of the Director of Public Works or designee and by permit issued by the Wauwatosa Fire Department, discharges, explodes, fires, or uses firecrackers, sparklers, rockets, torpedoes, bombs, caps, roman candles, explosives, smoke or party novelties;
14. No person shall erect any structure, tent, or edifice unless noted and approved on the reservation permit application. Any such structure, tent or edifice approved must be

weighted down and cannot be staked into the ground. Tent size must be less than 400 square feet; tent sizes 400 square feet and greater and any additional tents are not permitted without the approval of the Wauwatosa Fire Department. Inflatable structures shall not be permitted without proper approval and proof of liability insurance. Written permission for use of stakes may be granted by the Director of Public Works, after consultation with the Milwaukee Metropolitan Sewerage District, only in extraordinary circumstances where no alternative installation method exists;

15. Signs and advertisements will not be permitted unless approved by the Director of Public Works or designee. Approved signage will not be allowed outside of designated rental times;
 16. Smoking or use of electronic devices with electrical ignition or vaporization is not permitted inside City buildings or structures;
 17. Vending in Parks without, or contrary to, a valid vending permit.
 18. No amplified sound without written authorization by the Director of Public Works or designee.
 19. In order to ensure the integrity of the flood protection earthen levee and underground utilities at Hart Park no person shall install or cause to have installed stakes, fence posts, or any other object into the ground at Hart Park without written permission from the Director of Public Works. Written permission may be granted by the Director of Public Works, after consultation with the Milwaukee Metropolitan Sewerage District, only in extraordinary circumstances where no alternative installation method exists.
- B. The aforesaid rules may be summarized in the following manner for purposes of brevity on such things as posters, permits or citations:
1. No disorderly conduct shall be allowed;
 2. No trespassing;
 3. No littering;
 4. No firearms or dangerous weapons shall be allowed except as specifically permitted by state law.
 5. Dogs or other animals must be leashed;
 6. Destruction or defacing of property forbidden;
 7. No dangerous drugs shall be allowed;
 8. Without permission, no intoxicating beverages shall be allowed;
 9. No gambling;
 10. No motorized vehicles shall be allowed except on roadways; no motorized vehicles on bike paths;
 11. Bicycles and scooters shall only be allowed on streets, paths, sidewalks and in parking lots;

12. No one is allowed in the park when it is closed;
 13. No fireworks may be used;
 14. No tents, shelters or structures except by permit;
 15. No unapproved signs;
 16. No smoking;
 17. No vending except by permit;
 18. No amplified sound except by permit;
 19. No ground staking allowed.
- C. The Director of Public Works may issue additional separate rules for specific areas of the park such as the stadium field and track, the tennis courts, rotary stage, etc. Violations of these rules are subject to the forfeiture described in subsection A., above.

Part IV. Section 7.64.030 of the Wauwatosa Municipal Code is hereby amended to read as follows:

- A. Written permits may be issued by the Director of Public Works or designee for purposes of reserving a part of or the entire park, for a specified event and groups of persons on a specific date. Any person who interferes with such use as permitted by the Director of Public Works or designee may be expelled from the park and may be subject to prosecution for disorderly conduct.
- B. A permit shall be obtained from the Director or Public Works or designee. Such permit shall set forth the name and address of the applicant, the name and address of the person, persons, corporation or association sponsoring the activity, if any, the day and hours for which the permit is desired, the part or portion thereof for which such permit is desired, an estimate of the anticipated attendance, and any other information which the Director of Public Works or designee finds reasonably necessary to make a fair determination as to whether a permit should be issued hereunder. Failure to comply with rules set forth in written permits may result in loss of permit, permission to obtain a future permit and may be subject to prosecution as outlined in Section 7.64.020.
- C. No person shall erect any structure, tent, or edifice unless noted and approved on the reservation permit application. Any such structure, tent or edifice approved must be weighted to the ground and cannot be staked into the ground. Tent size must be less than 400 square feet; tent sizes 400 square feet and greater and any additional tents are not permitted without the approval of the Wauwatosa Fire Department, and may be subject to fees. Inflatable structures shall not be permitted without proper approval and proof of liability insurance.
- D. Any permit for purposes of reserving all or part of the park does not grant exclusive use to the parking lot.
- E. Permittee is required to assure that the performance or replay of any live or recorded music is properly licensed.

Part V. Section 7.64.040 of the Wauwatosa Municipal Code is hereby amended to read as follows:

To assure proper cleanup and conduct, the Director of Public Works or designee may require a bond or other form of financial security approved by the City Attorney (also referred to as a damage deposit). If permittee or an event attendee does any of the following, this may result in a forfeiture of part or all of the bond that has been posted:

- A. Failure to leave the premises in as clean a condition as they were found;
- B. Occupies rental space outside agreed upon rental time as designated on reservation permit;
- C. Use of prohibited decorating materials;
- D. Use of unapproved equipment or materials on sports fields;
- E. Conduct in violation of Park Rules and Behavioral Policy.

Part VI. Section 7.64.050 of the Wauwatosa Municipal Code is hereby amended to read as follows:

The Director of Public Works or designee shall issue a permit hereunder when he finds that:

- A. The proposed activity will not unreasonably interfere with or detract from general public enjoyment of the park, including keeping noise at a reasonable level pursuant to Noise Ordinance 7.46;
- B. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- C. The proposed activity and use is not anticipated to incite violence, crime or disorderly conduct;
- D. The proposed activity will not entail unusual, extraordinary or burdensome expense of police operation by the city;
- E. The facilities desired have not been reserved for other use on the day required in the application.

Part VII. Section 7.64.010 of the Wauwatosa Municipal Code is hereby amended to read as follows:

Within ten days after receipt of an application, the Director of Public Works or designee shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten days after being refused a permit to the board of parks and forestry commissioners, which shall consider the application under the standards set forth above. The decision of the board of parks and forestry commissioners shall be final.

Part VIII. Section 7.64.070 of the Wauwatosa Municipal Code is hereby amended to read as follows:

A permittee shall be bound by all park rules and regulations and all applicable ordinances, state and federal statutes, fully as though the same were inserted in the permits.

Part IX. Section 7.64.080 of the Wauwatosa Municipal Code is hereby amended to read as follows:

The person or persons to whom such permit is issued shall be liable for any loss, damage or injury sustained by any person by reason of the negligence of the person or persons to whom such permit has been issued.

Part X. Section 7.64.090 of the Wauwatosa Municipal Code is hereby amended to read as follows:

The Director of Public Works or designee shall have the authority to revoke a permit upon a finding of a violation of any rule or ordinance, or upon good cause shown.

Part XI. This ordinance shall take effect on and after its date of publication.

Passed and Dated _____

City Clerk

Approved _____

Mayor

Introduced:

Referred to originating committee

Adopted:

Page:

Journal: