



A PERFECT ENVIRONMENT

Residential Recreational Responsible

Chair
Ron Troy
Supervisors
Edward Kranick
Steve Michels
Joe Woelfle
Magalie Miller
Clerk/Treasurer
Dan Green

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
TUESDAY, MARCH 14, 2023
6:30 PM**

**DELAFIELD TOWN HALL – W302 N1254 MAPLE AVENUE, DELAFIELD, WI
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Citizen Comments: Public comments from citizens regarding items on, or not on the agenda. The Board may not engage in a discussion with the citizen making the comments. Individual presentations are limited to three minutes and citizens shall follow the rules set forth in Section 2.04(1)(d) of the Town Code.
5. Approval of Minutes:
 - a. February 14, 2023, Town Board Minutes
6. Action on vouchers submitted for payment:
 - a. Report on budget sub-accounts and action to amend 2022 and 2023 budget
 - b. 1) Accounts payable; 2) Payroll
7. Communications (for discussion and possible action)
8. Unfinished Business: None
9. New Business
 - a. Discussion and possible action on the approval of a Temporary Class “B” beer license to Church of the Resurrection for a Musical Montage fundraiser event on April 29, 2023, from 4 p.m. to 10 p.m.
 - b. Discussion and possible action on the adoption of financial policies.
 - c. Discussion and possible action on the adoption of Ordinance 2023-07, an ordinance to repeal and re-create portions of Chapter 19 of the Town of Delafield Town Code concerning regulations of Parks.
10. Announcements and Planning items
 - a. Plan Commission – Tuesday, March 21, 2023 @ 6:30 PM
 - b. Town Board – Tuesday, March 28, 2023 @ 6:30 PM
 - c. Spring Election – Tuesday, April 4, 2023
 - d. Town Board – Tuesday, April 11, 2023 @ 6:30 PM
11. Adjournment

Dan Green
Town of Delafield Clerk/Treasurer

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

**TOWN OF DELAFIELD BOARD OF SUPERVISORS MEETING
FEBRUARY 14, 2023 @ 6:30 PM**

Video Link: <https://www.youtube.com/watch?v=uThLsJ90Mpg>

First order of business: Call to Order

Administrator Green called the meeting to order at 6:30 p.m.

Second order of business: Pledge of Allegiance

Third order of business: Roll Call

Present: Supervisor Miller, Supervisor Kranick, Supervisor Woelfle, Supervisor Michels, and Chairperson Troy. Also present was Administrator Dan Green and Engineer Tim Barbeau.

Fourth order of business: Citizen Comments: None

Fifth order of business:

- A. Approval of the January 24, 2023, Town Board Minutes

Motion by Supervisor Kranick to approve the January 24, 2023, minutes. Seconded by Supervisor Woelfle. Motion passed 5-0.

Sixth order of Business: Action on vouchers submitted for payment:

- A. Report on budget sub-accounts and action to amend 2022 or 2023 budget
B.1) Accounts payable; 2) Payroll

Motion by Supervisor Kranick to approve payment of #66380 - #66400 and #66403 - #66476 in the amount of \$1,427,080.82, and payrolls dated February 3, 2023, in the amount of \$17,705.08, and payrolls dated February 17, 2023, in the amount of \$16,351.64. Seconded by Supervisor Woelfle. Motion passed 5-0.

Seventh order of Business: Communications

Supervisor Kranick stated there is a listening session with Representative Duchow and State Senator Kapenga on Wednesday, February 22nd at the Merton Town Hall in North Lake. The meeting is from 7:00 PM to 8:00 PM.

Eighth order of Business: Unfinished Business:

- a. Discussion and possible action on the adoption of Ordinance 2023-02, an ordinance to repeal and re-create portions of Section 10.11 of the Municipal Code concerning residency restrictions for sex offenders. (Tabled 1/24/2023)

Motion by Supervisor Kranick to remove "Discussion and possible action on the adoption of Ordinance 2023-02, an ordinance to repeal and re-create portions of Section 10.11 of the Municipal Code concerning residency restrictions for sex offenders" from the table. Seconded by Supervisor Michels. Motion passed 5-0.

Administrator Green reviewed the changes to the ordinance, including an appeals process for offenders to present in front of the Town Board. Other changes include removing specific offenses, and referencing the State Statute, to avoid having to change the list when the state makes changes. The domicile restrictions are also being amended, to set a date moving forward when that domicile restriction is to be enforced. This date is based on when the Town originally adopted their sex offender ordinance, January 11, 2011. Supervisor Woelfle asked if this date could be set further back. Chairman Troy explained we cannot be more restrictive than the state statute, but we can push the date forward. This was not an option the board was in favor of. Supervisor Woelfle also addressed verbiage regarding the police department, given the Town contracts with the County.

Motion by Supervisor Kranick to adopt Ordinance 2023-02, an ordinance to repeal and re-create portions of Section 10.11 of the Municipal Code concerning residency restrictions for sex offenders. Seconded by Supervisor Michels. Motion passed 5-0.

Ninth order of Business: New Business:

- a. Discussion and possible action on the approval and authorization of an application and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$250,000 loan to finance a portion of the roadway improvement project as outlined in the 2023 budget.

Supervisor Michels read the following preamble:

By the provisions of Sec. 24.66 of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and, by the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 200.05 or 200.23, joint sewerage system created under Sec. 281.43(4), school district or technical college district.)

Therefore, be it resolved, that the Town of Delafield in the County of Waukesha, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of \$250,000.00 for the purpose of financing roadwork and for no other purpose.

The loan is to be payable within 5 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 5.25% per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

Resolved further, that there shall be raised and there is levied upon all taxable property, within the Town of Delafield, in the County of Waukesha, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

Resolved further, that no money obtained by the Town of Delafield by such loan from the state be applied or paid out for any purpose except financing roadwork without the consent of the Board of Commissioners of Public Lands.

Resolved further, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the Town of Delafield, in the County of Waukesha, Wisconsin, are authorized and empowered, in the name of the Town to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the Town pursuant to this resolution. The chairman and clerk of the Town will perform all necessary actions to fully carry out the provisions of Chapter 24 Wisconsin Statutes, and these resolutions.

Resolved further, that this preamble and these resolutions and the aye and no vote by Which they were adopted, be recorded, and that the clerk of this Town forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

Motion by Supervisor Kranick to adopt the preamble and resolution to the Board of Commissioner of Public Lands, State of Wisconsin, for a \$250,000 loan to finance a portion of the roadway improvement project as outlined in the 2023 budget. Seconded by Supervisor Woelfle. Motion passed 5-0.

- b. Discussion and possible action on the recommendation from the Plan Commission to approve a Certified Survey Map for Tim and Anna Trotier, to combine two lots into one at N20W29592 Glen Cove Road.

Engineer Barbeau explained the property in question is located on East Glen Cove Road. The home currently sits on the lot line between two individually platted lots. The CSM will combine the two lots, where eventually the current home will be torn down and rebuilt. He explained that the Town and County comments have been addressed in the latest CSM. He recommends approval subject to the satisfaction of all comments by the Town, City of Delafield, and Waukesha County.

Motion by Supervisor Woelfle to approve the Certified Survey Map dated October 10, 2022, subject to the satisfaction of all outstanding review comments from the Town, City of Delafield (extra-territorial plat review) and Waukesha County Department of Parks and Land Use prior to the Town executing the document. Seconded by Supervisor Kranick. Motion passed 5-0.

- c. Discussion and possible action on the adoption of Ordinance 2023-05, an ordinance to repeal and re-create Section 9.14(5) of the Town Code, concerning the regulation of vacation rentals.

Engineer Barbeau explained that the state changed their regulations for vacation rentals in 2017. This ordinance was approved by the Plan Commission in 2018, but was never adopted by the Town Board. He explained that rentals seven days or longer are regulated by this ordinance, and restrict renting within a 180 day period from the first rental. Rent durations through this ordinance must be a minimum of 7 days. The 180 day period is the minimum number of days the Town can restrict, but the Board could allow more consecutive days if they wish. He explained that every February, staff does a review of all short term rental properties, to make sure they are in compliance with the code. These properties will need to abide by this new ordinance. All short-term rental renewals will come to the Town Board for final approval.

Motion by Supervisor Kranick to adopt Ordinance 2023-05, an ordinance to repeal and re-create Section 9.14(5) of the Town Code, concerning the regulation of vacation rentals. Seconded by Supervisor Michels. Motion passed 5-0.

- d. Discussion and possible action on the adoption of Ordinance 2023-06, an ordinance to repeal and re-create Section 17.08 7.B. of the Town Code concerning the procedure for the issuance of sign permits.

Engineer Barbeau explained that currently the Plan Commission approves all signs that come to the Town. Because the Town does not regulate signs based on content, the sign must meet the code requirements of 17.08. Staff has discussed how to make this process more efficient by allowing staff to approve signs that meet the code, without taking these applications to the Plan Commission, for a lengthy process. The sign has to meet all requirements of the code before issuing a permit. Supervisor Kranick asked that a report be given to the board when signs are approved by staff for their knowledge.

Motion by Supervisor Kranick to adopt Ordinance 2023-06, an ordinance to repeal and re-create Section 17.08 7.B. of the Town Code concerning the procedure for the issuance of sign permits. Seconded by Supervisor Woelfle. Motion passed 5-0.

Tenth order of Business: Announcements and Planning items

- a. Spring Primary – Tuesday, February 21, 2023
- b. Town Board – Tuesday, February 28, 2023 – CANCELLED
- c. Town Board – Tuesday, March 14, 2023 @ 6:30 PM
- d. Plan Commission – Tuesday, March 21, 2023 @ 6:30 PM

Eleventh order of Business: Adjournment:

Motion by Supervisor Kranick to adjourn the Tuesday, February 14, 2022, Town Board meeting at 7:02 PM. Seconded by Supervisor Woelfle. Motion passed 5-0.

Respectfully submitted:

Dan Green, CMC/WCMC
Administrator - Town Clerk/Treasurer



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March 14, 2023

To: Chairman Ron Troy
Cc: Town Board
From: Dan Green, Administrator/Clerk/Treasurer

Item: Discussion and possible action on amending the 2022 Budget.

Description:

Amend the General Fund expenditures to increase Public Safety Expenditures by \$80,809, Parks and Recreation Expenditures by \$21,520, and Capital Highway and Transportation by \$251,570.

- The Public Safety increase is from increased inspection costs due to increased revenue in building permits and 2% fire dues which were not budgeted for in 2022. Those funds went directly to LCFR.
- Parks and Recreation increases are from other improvements to the Sports Commons not covered under Impact fees. Those expenses came from the Park and Rec Donation Fund.
- Capital Highway and Transportation increases were from purchases of equipment paid from ARPA funds.

Principal Debt Service Expenditure increase by \$2,614,999, and Debt issue costs increase by \$50,095.

- This expenditure was from the refunding of our debt, and shows the total pay out of our previous loan, and costs associated with the refunding.

Impact Fees Fund, Capital Outlays increase by \$116,833.

- These are Impact Fee dollars spent on the paving project and other improvements to the Sports Commons in 2022.

Recommendation:

Staff recommends approval amending the 2022 Budget to increase the following accounts:

- General Fund Expenditure accounts 10-52100-298 by \$1,382, account 10-52300-298 by \$66,057 and account 10-52400-299 by 13,370.
- General Fund Expenditure account 10-55300-392 by \$21,520.
- General Fund Expenditure account 10-53310-810 by \$251,570.
- Debt Service accounts 30-58100-690 by \$50,095, and 30-58100-610 by \$2,614,999.
- Impact Fee Fund account 23-57620-820 by \$116,833.

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ \$10.00

Application Date: 2/24/23

Town Village City of Delafield

County of Waukesha

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
 A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning at 4pm 4/29 and ending 10pm 4/29 and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

- 1. Organization** (check appropriate box) →
- Bona fide Club Church Lodge/Society
 Veteran's Organization Fair Association or Agricultural Society
 Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Church of the Resurrection

(b) Address W287 N 3700 North Shore Drive Pewaukee, WI 53072
(Street) Town Village City

(c) Date organized May 1981

(d) If corporation, give date of incorporation _____

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

- President Tyler Schaber U283N9078 Sunset Ct Hartland 53029
 Vice President Steven P. DeLisi 4248 Saint Helena Pl. Jackson 53037
 Secretary Syme Meyer 758 Buckingham Way Hartland, WI 53029
 Treasurer Jennifer A. Garcia W330N5557 Linden Cir E, Nashotah WI 53058

(g) Name and address of manager or person in charge of affair: Jennifer McCullough
W309N7385 Northern Dancer Run Hartland WI 53029

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number W287N3700 North Shore Drive, Pewaukee, WI 53072

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? Part

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: First floor of church, Narthex, Sanctuary, Fellowship Hall + Hallway between those areas.

3. Name of Event

(a) List name of the event Musical Montage / Mission Trip fundraiser

(b) Dates of event April 29, 2023

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer Tyler Schaber 2/20/2023
(Signature / Date)

Church of the Resurrection
(Name of Organization)

Date Filed with Clerk _____

Date Reported to Council or Board _____

Date Granted by Council _____

License No. _____

Town of Delafield

Financial Policies

A. GENERAL FUND RESERVE POLICY

The Town establishes a General Fund Reserve policy to recognize the need to maintain a balance that will support the following:

- Maintain adequate funds to meet cash flow needs during the fiscal year
- Bridge gaps between end of year expenses and tax revenue payments
- Limit borrowing for small capital expenditures
- Maintain a high credit limit to reduce potential borrowing costs

Excess revenues over expenditures in a fiscal year shall be added to the fund balance in the General Fund. The Town will strive to maintain a General Fund unreserved fund balance, no less than an amount equal to 25% of the current operating budget. Any use of reserve funds for delayed tax payments or revenues during the year, shall be repaid to the unreserved fund balance when anticipated revenues are received.

Reserve funds shall be considered when purchasing capital equipment to lessen the need for borrowing. Fund balances that exceed the reserve goal of 25% shall be considered for one-time expenditures for capital assets or unforeseen costs. Operating expenditures shall be considered carefully by the Town Board, when using reserve funds.

Governmental fund balance amounts will be reported in conformance with generally accepted accounting principles (GAAP), and shall be classified at the end of each fiscal year for general purpose financial statements as follows:

Non-spendable fund balance. This include amounts that cannot be spent because they are (a) in non-spendable form or (b) legally or contractually required to be maintained intact. This shall include items not expected to be converted to cash including inventories and prepaids. It also includes long-term portions of loans receivable, and principal endowments.

Restricted fund balance. This includes funds that have constraints placed on their use. This includes (a) limitations imposed by creditors and grantors and (b) limitations imposed by law or regulations of other governments.

Committed fund balance. This includes funds that have limitations imposed by the Town of Delafield by the Town Board. Such actions shall be voted on by the Town Board and approved by majority vote. Fund balance commitments may be altered by a majority vote of the Town Board.

Assigned fund balance. This includes portions of the fund balance that is earmarked for an intended use, and is established by the Town Board or Administrator. Assigned fund balances are defined in the budget process and utilize the replacement fund to carry over unused funds for future expenses, or to balance the budget for a specific purpose or expenditure item. The board may assign unassigned fund balance for purposes of balancing a current of future budget, or for future projects or capital expenditures.

Unassigned fund balance. This includes all fund balances that are left after the other categories. This amount is used in budget years where expenses exceed revenues, and no other revenues are available to supplement the deficit.

B. REVENUES

Purpose: The Town of Delafield established revenue policies that support efficient and fair revenue streams. The Town promotes responsible revenue collection and safeguards against unbalanced budgeting by protecting operational costs and revenue sources.

- The Town will encourage diversification and stabilization of the revenue base, in order to prevent fluctuations in revenue yield.
- The Town will budget its revenue sources annually, based on past revenues received and anticipated future transactions, including, but not limited to, (a) tax revenue, (b) intergovernmental revenue sources, (c) anticipated license and permit revenues, (d) interest from investments, (e) income from leases or contractual agreements.
- The Town will keep customer accounts current and collect all fees as established by the Town Board.
- The Town will establish user fees to support the cost of refuse and recycling collection. Any additional user fees shall be reviewed and approved by the Town Board in accordance with Wisconsin State Statutes. User fees shall only be utilized to recover direct costs for the service provided.
- Town fee schedules shall be reviewed and updated to keep up with market costs. These shall be approved by the Town Board on an annual basis. All charges shall support the direct and indirect cost of the activity. All license fees shall comply with Wisconsin State Statutes.
- The Town shall utilize non-recurring revenues for non-recurring expenses. Revenues unbudgeted for the current year shall be retained in the general fund reserves, or be utilized for related increased operating expenditures, capital equipment, or one-time non-recurring expenditures.
- The Town shall do its best efforts to keep property values current with market values. Reassessments will be made of all properties in accordance with the Wisconsin State Statutes.
- Any grants pursued by the Town of Delafield shall be consistent with the Town's long term financial plan. Any grants that fund an operational expense shall be reviewed and the service shall be terminated if no longer considered needed. The Town shall not use local tax dollars to continue operations funded by grant funds.

C. EXPENDITURES

Purpose: The Town of Delafield is committed to a level of expenditures sufficient to ensure the ongoing operations of all departments. The Town strives to operate a balanced budget, with operating expenditures that are supported by a combination of operating revenues generated and debt.

- When practical, resources should be allocated for selective investments that can be made to avoid larger costs in the future.
- Maintenance and replacement funding will be prioritized each year, to ensure that capital facilities and equipment are sufficiently maintained to avoid service disruptions.

- The Town will annually project its capital asset replacement and major maintenance needs for the next five years and update this projection each year. A maintenance and capital asset replacement schedule will be developed and followed to the best efforts of the Town.
- The Town outsources engineering, assessment, tax collection, garbage, fire, EMS, police, and lake patrol, and building inspection services. Road maintenance programs are submitted for public bid to the lowest responsive, responsible bidder. The Town shall support all other services by Town staff to its best efforts.
- Outsourcing opportunities shall be discussed by the Town Board, and shall evaluate using the following criteria:
 - The private-sector market can competitively deliver this service and assure a reasonable range of service providers, after the initial contract is signed.
 - The scope of work is sufficiently defined to ensure competing proposals can be fairly and fully evaluated, as well as the contractor's performance after bid award.
 - Consequences for poor performance can be reasonably written to compensate the Town for related damages.
 - The contract can be effectively and efficiently administered.
 - The private-sector contract can better respond to expansions, contractions, or special requirements of the service.
 - The Town has an opportunity to redefined contracted service levels.
 - Service outcomes are clearly defined, and if high levels of control over the service are required, the Town has the capacity to do so.
 - The cost of outsourcing is less than in-house performance of the service, both short term and long term associated costs with the service.

D. DEBT

Purpose: The Town of Delafield utilizes long-term debt for purposes of capital improvements and capital assets. The Town makes a prudent effort to minimize the debt service tax levy. The Town follows these policies to ensure debt service levels are appropriate.

- The Town will confine long-term borrowing to capital improvements.
- Issued bonds shall not exceed a maturity of 20 years, or the expected life of the asset.
- Debt shall not be issued for gaps in the operating budget.
- Debt shall be issued for capital improvements and capital assets only.
- The total annual debt service for the Town of Delafield shall not exceed \$1,000 per capita for any given fiscal year.
- The Town will maintain good communication with bond rating agencies about its financial position and will follow full disclosure policies on financial reports and bond prospectus.

E. Personnel Compensation

Purpose: The Town of Delafield strive to provide excellent service to the community at all times, and supports this standard by promoting organizational values including customer service, productivity, efficiency, accountability, and ethics. The Town looks to achieve these goals by attracting and retaining

highly qualified employees who exemplify these values. The Town follows these policies when retaining and maintaining staff.

- Salaries should be evaluated at least once every 18 months to determine the relative competitiveness of pay with the job market.
- Salary adjustments require the approval of the Town Board.
- Bonuses are prohibited by all departments of the Town.
- Staffing shall not exceed the authorized level approved annual through the budget.
- New staff positions shall be approved by the Town Board.
- Budget surpluses that arise from vacant positions are not to be used for increased expenses or capital expenditures.

**AN ORDINANCE TO REPEAL AND RE-CREATE PORTIONS OF
CHAPTER 19 OF THE TOWN OF DELAFIELD TOWN CODE
CONCERNING REGULATION OF PARKS**

WHEREAS, the Town of Delafield has a Town Code that creates certain rules and regulations relating to parks in the Town; and

WHEREAS, the Town Staff has updated the Town Code to better fit the needs of the Town; and

WHEREAS, these changes have not yet been incorporated into the Town of Delafield Town Code.

NOW, THEREFORE, the Town Board of the Town of Delafield, Waukesha County, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 19 of the Town of Delafield Town Code entitled "Parks", section 19.01 entitled "Park Rules Adopted", is hereby repealed and re-created as follows:

19.01 PARK RULES ADOPTED.

- (1) DEFINITIONS.
 - (a) Town means the Town of Delafield.
 - (b) Town Board means the Town of Delafield Board of Supervisors.
 - (c) Town staff means the Administrator, Highway Superintendent or Baseball Coordinator
 - ~~(e) Commission means the park and recreation commission.~~
 - ~~(d) Park includes the grounds, buildings thereon, waters therein, and any other property which is now or may hereafter be under the control or jurisdiction of the commission.~~
- (2) PURPOSE. This ordinance relates to Town parks and recreational areas where the Town of Delafield has jurisdiction. This does not pertain to County or State parks. The purpose of this article is:
 - (a) To protect the town's parks and appurtenances thereto from fire, abuse and desecration;
 - (b) To provide for the recreational use of these areas;
 - (c) To control and regulate traffic and maintain general order therein; and
 - (d) To further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks.
- (3) Rules, Regulations, Fees and Policies.

The Town Board may adopt additional rules and regulations for the proper conduct and administration of the parks in the town that are not inconsistent with the provisions of this ordinance, and may perform such other acts in managing the parks as are lawful and as it may deem expedient to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the town and of visitors to the parks in their use of same. All fees and policies for the administration of the park shall be adopted by the Town Board by separate resolution and kept on file in the Office of the Town Clerk.
- (4) Permits.

All permits required by this article shall be issued by ~~a duly authorized representative of the committee~~ Town Staff in writing and shall be subject to park rules and regulations. The persons to whom such permits have been granted shall be bound by the rules and regulations as fully as though the same were inserted in the permits, and any person to whom a permit has been issued shall be liable for any loss, damage, or injury sustained by the town or by any person by reason of the negligence of the person to whom the permit has been issued, their servants or agents, and shall save and keep the town harmless from any and all liability whatsoever arising out of such negligence.

(5) Leasing of Equipment.

The ~~commission~~ Town Board is authorized to lease equipment suitable for recreational purposes to private organizations upon such terms as it may determine provided that any such lease shall contain the provisions binding the lessee to save and keep the town harmless from any and all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the ~~committee~~ Administrator may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

(6) Operating Hours.

- (a) Except for vehicular traffic moving upon through streets or roadways, and except when the ~~commission~~ Town Board publishes general permission to use all or certain parks or parkways upon summer nights, the parks and parkways shall be closed at ~~9:40~~:00 p.m. each night until 6:00 a.m. the following morning, and no person shall remain therein during those hours, provided that, the ~~committee~~ Town Board may from time-to-time, in all or any of the parks, publish or post closing hours different from the above or discontinue closing hours as in the exercise of the judgement of the ~~committee~~ Town Board may appear reasonable and necessary.
- (b) In case of emergency, or when in the judgement of the ~~commission~~ Town Board the public interest demands it, any portion of the parks or buildings and/or shelters therein may be closed to the public, or to designated persons until permission is given to return.

(7) Interference With Park Employees.

No person shall interfere with or in any manner hinder any employee of the town, nor any employee of a contractor while engaged in constructing, repairing or caring for any portion of the parks, or while in the discharge of the duties conferred by this article.

(8) Alcoholic Beverages.

The use of alcoholic beverages in the parks shall be governed pursuant to the provisions of Section 9.09 of the Town ordinance.

(9) Disorderly Conduct.

- (a) No person shall use threatening, abusive, insulting, profane or indecent language, nor be guilty of conduct that is abusive, insulting, obscene, indecent or constitutes a breach of the peace.
- (b) No person violating any of the prohibitions enumerated in subsection (1) shall be allowed to remain in any park.
- (c) All radios, television sets and any other amplified electrical equipment must be operated in compliance with Section 9.04 of the Town Code, so as not to disturb the use and enjoyment of the park and its facilities by others.

(10) Smoking and Disposal of Smoking Materials.

- (a) No person shall be permitted to smoke, or to hold a lighted cigarette, cigar, or pipe in any building, or section of a building or shelter, or where officially posted notices so prohibit.
- (b) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from a motor vehicle moving along a park drive.

- (11) Sale of Soda.
The ~~committee~~ Town Staff may sell soda water beverages at Town parks.
- (12) Littering.
(a) 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, except in the receptacles provided for that purpose.
(b) Any person who breaks a bottle or other glassware in any park shall immediately pick up the broken pieces and remove same to a park waste container.
(c) No person shall deposit, dump, throw, or place any earth, rubbish, dust, manure, paper garbage, or any other refuse matter or any sand, stone, lumber, or building material, or any substance of any kind, in or upon any part of the waters, grounds, or roadways of any park without written permission of the ~~committee~~ Town Board.
- (13) Public Meetings, Parades and Funeral Processions.
No public meeting or assemblies, military or other parade or procession, or funeral shall take place in or pass through the limits of any park except upon written permit from the ~~authorized representative of the committee,~~ Town Staff and pursuant to Section 4 above., ~~and~~ The permitted activity must then stay only in areas designated in the permit.
- (14) Advertising and Sales.
(a) No person shall sell, 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 without the written permit from the Town Board.
(b) No person, except upon written permit from the authorized representative of the ~~commission~~ Town Board, pursuant to Section 4 above, shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except that of the United States and the State of Wisconsin), or advertisement of any kind. The word "distribute" includes the scattering of printed matter from aircraft.
- (15) Permit for Picnic Areas.
(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~ Town or with any such person's or party's equipment or property.
(b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of ~~the Town Staff~~ commission, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.
- (16) Weapons.
(a) No person shall carry, fire or discharge any gun, pistol, or firearm, nor any rocket, torpedo or any other fireworks of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park. The word "gun" includes air gun.
(b) No person shall throw stones or missiles in or into any park.
- (17) Fires.
(a) Persons shall be permitted the use of private cooking grills subject to regulations as may be prescribed. Use of charcoal 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.
(b) Any and all other fires within the park are strictly prohibited and governed under the provisions of Section 5.01 of the Town Code.
- (18) Animals.
(a) No animal, except those placed in the park by the authority of the town board, except

dogs on leash as regulated by subsection (b) hereof, shall be conducted into or driven within the parks or be allowed to remain therein.

- (b) No person having the control or care of a dog on a leash shall permit a dog to enter or remain in a public park 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 town. The ~~committee~~ Town Board shall cause signs to be posted in areas wherein dogs are not permitted, including baseball, softball and soccer fields at the Sports Commons. All waste must be collected and removed in compliance with Town Ordinance of 8-8-95. All persons having control or care of a dog in a public park require must show proof of the ability to collect dog waste.

(19) Injury to Vegetation, Structures, and Equipment.

- (a) No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use 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.
- (b) No person in any park shall remove any device for the protection of trees or shrubs, nor shall any person fasten an animal next to any tree, shrub, or grass plot which may become damaged by the action of the animal.

(20) Aircraft Landing Prohibited.

- (a) No person shall ascend or land with any aircraft including gliders and parachutes, nor engage in stunt flying or parachute landing in any park without the written permit of the Town Board.

(21) Flying objects

- (a) No person shall throw, strike, propel or otherwise operate flying or propelled objects of a potentially dangerous nature, including by way of example, without limitations, such things as model airplanes, drones, rockets, horseshoes, or rocks, except in areas designated for such use or part of an authorized sport or recreational activity.

(21) Sleeping or camping.

- (a) No person shall camp or lodge in any park.

(22) Public Utilities and Private Construction.

- (a) 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 shall be subject to the jurisdiction and control of the town. Their construction, erection, repair or relocation shall be undertaken only after written permission is received from the Town Board.
- (b) No curb, weather stone, concrete or grass shall be cut for the purpose of constructing a private driveway across any park border nor for any other purpose, without written permission from the Town Board. 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 thereof is obtained from the Town Board. Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park shall at all times after such work has been commenced or materials deposited, and until the same 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 sidewalk or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom. Such a person 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 red light or lights placed in a conspicuous position and secured that the same shall not be extinguished.

(23) Traffic Regulations.

In addition to all other state and local traffic regulations, the following specific regulations shall apply within the parks:

- (a) No person shall drive any automobile, motorcycle, or other vehicle traffic or burden, including "off road vehicles" upon any part of the parks 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. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the park or to vehicles making deliveries to the parks under permit of the ~~commission~~Town Staff.
- (b) No person shall cause any taxicab, bus limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the Town Board.
- (c) No person shall cause any bus, 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. This subsection shall not apply to vehicles engaged in the construction, maintenance or operation of the park or to vehicles making deliveries to the parks under permit of the ~~commission~~Town Staff.
- (d) It shall be the duty of every person operating an automobile, motorcycle or other vehicle or traffic or burden within the parks to comply with the state, county and municipal traffic laws 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.
- (e) The ~~commission~~Town 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 ten (10) miles per hour.
- (f) The ~~commission~~Town Board shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles and pedestrians.
- (g) Vehicles normally shall be parked in designated parking areas.

(24) Bicycles.

- (a) Riders of bicycles shall comply with the section on Traffic Regulations.
- (b) No person shall ride a bicycle upon the lawns, walks, or foot trails in the parks.
- (c) Bicycle riders shall proceed in the extreme right hand lane of the drives at all times, in a single file only.
- (d) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for purpose of being drawn along.
- (e) Children riding bicycles that have wheels less than twenty (20) inches in diameter may use the footpaths.
- (f) Wherever possible, bicycles, shall be parked in places provided for such purpose.

(25) Horseback Riding.

No person shall ride horseback in any park.

19.02 SKATEBOARD AREA RULES ADOPTED

- (1) The Skateboard Area shall be ~~open from sunrise to sunset, notwithstanding~~ in accordance with the general park rules found at §19.01(6).

SECTION 2: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2023.

TOWN OF DELAFIELD

Ron Troy, Town Chairman

ATTEST:

Dan Green, Town Administrator/Clerk

Published and/or posted this _____ day of _____, 2023.