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

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Chapter 19 of the Town of Delafield Town Code entitled "Parks", section 19.01 entitled "Park Rules Adopted", is hereby repealed and re-created as follows: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

~~(c) 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.

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 10<sup>th</sup> day of August, 2021.

TOWN OF DELAFIELD



Ron Troy, Town Chairman

ATTEST:



Dan Green, Town Administrator/Clerk

Published and/or posted this 11<sup>th</sup> day of August, 2021.