

TITLE 12

PARKS AND NAVIGABLE WATERS

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CHAPTER 1

Regulation of Parks and Navigable Waters

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12-1-3	Use of Metal Detectors on Public Property
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SEC. 12-1-1 PARK REGULATIONS.

- a) **Purpose and Definition.** These regulations are enacted to protect the parks, parkways, recreational facilities and public conservancy areas within the Town from injury, damage or desecration,. The term “park,” as used in this Chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, public boat landing, public lake access or recreation facility in the Town.
- b) **General Regulations.**
- 1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.
 - 2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Board, or its authorized designee.
 - 3) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Town Board.
 - 4) Trapping. No person shall trap in any Town park unless specific written authority is first obtained from the Town Board.
 - 5) Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
 - 6) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample

upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

- 7) Illegal Entry. It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.
- 8) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
- 9) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables, or other park equipment from any park, unless authorized by the Town Board or its designee.
- 10) Vending. Vending is prohibited in Town parks unless authorized by the Town Board.
- 11) Plant Materials. No person shall remove any plant materials or plants from any park unless authorized by the Town Board.
- 12) Structures. No temporary or permanent structures may be erected in a park without specific approval of the Town Board.
- 13) Hours. Parks shall be closed to all uses and all persons between the hours of 10:00 p.m. and 6:00 a.m. Central Standard Time or Central Daylight Time, whichever shall be in effect in the State of Wisconsin, during the period from April 1 to November 15, inclusive.
- 14) Firearms. The use or possession of any firearms, bow and arrow, crossbow, BB or pellet gun or slingshot is prohibited at all times.
- 15) Fireworks. The setting or building of any fire, or the use or possession of any fireworks within the park is prohibited at all times; except on express permission of the Town Chairperson and under such conditions and restrictions as he/she shall deem necessary and proper, and which permission shall be granted only for special group occasions.

SEC. 12-1-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane in any park in the Town except in areas specifically designated and posted for such purpose.

SEC. 12-1-3 USE OF METAL DETECTORS ON PUBLIC PROPERTY.

Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town property, except beaches where no vegetation is present, is prohibited.

SEC. 12-1-4 FEES AND USER REGULATIONS.

- a) **Fee Schedule**. It shall be unlawful for any person to use any Town park facility, shelter, land, or recreational area for which a fee or charge has been approved by the Board without payment of such fee or charge.

- b) **Additional Rules.** Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams, and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.
- c) **Permits.** Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town as fully as though the laws were inserted in each permit.

SEC. 12-1-5 PUBLIC UTILITIES AND PRIVATE CONSTRUCTION.

- a) **Location of Public Utilities.** 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, conduits, and pumps within any Town park or parkway shall be subject to the jurisdiction and control of the Town Board, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town Board.
- b) **Private Construction.**
 - 1) No curb, whether stone, concrete, or asphalt, shall be cut for the purpose of constructing a private driveway across any parkway border, nor for any other purpose, without the written permission of the Town Board.
 - 2) The location, width, grade, and construction of all paths, driveways, and roadways across any sidewalk bordering along any parkway shall be subject to the approval of the Town Board and constructed only after written permission is obtained from the Town Board.

CHAPTER 2

Community Use of Town Facilities

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SEC. 12-2-1 APPLICABILITY AND PURPOSE.

- a) **Applicability.** This Chapter shall apply to all requests for and use of the Town Hall and the facilities located on Pioneer Road, Fond du Lac, Wisconsin, by the general public. The foregoing notwithstanding, this Chapter shall not apply to requests for or use of the Town Hall and facilities by any 4-H organization which has been afforded the use of the Town Hall on a regular basis prior to the adoption of this Chapter.
- b) **Purpose.** The purpose of this Chapter is to promote the general welfare of the community through provisions designed to:
 - 1) Carry out the directive of the electors expressed at the 1990 Annual meeting to make the Town Hall available for use by the general public.
 - 2) To implement policies and procedures for making the Town Hall available to responsible community organizations and associations for appropriate educational, civic, cultural or recreational activities.
 - 3) To regulate use of the Town Hall and its facilities so that community use of the facilities does not infringe upon or interfere with the best interests of the Town and the conduct of Town business.

SEC. 12-2-2 DEFINITION OF TERMS.

For purposes of this Chapter, the following shall apply as indicated throughout the Chapter:

- a) The term “public group” includes a firm, association, organization, partnership, trust, company or corporation.
- b) The present tense includes the future tense and the singular includes the plural.

- c) The word “shall” is mandatory. The word “may” is permissive.
- d) The term “Town Facilities” means the Town Hall located on Pioneer Road, Town of Fond du Lac, Fond du Lac County, Wisconsin, together with the kitchen, parking lot area and other facilities located within and adjacent to the Town Hall, and any replacement or subsequent Town Hall facility wherever located.
- e) The term “Town Hall” and/or “Town Facilities” does not include the portion of the Town Hall used for fire station purposes and/or storage of Town fire trucks and related equipment.

SEC. 12-2-3 COMMUNITY USE OF TOWN FACILITIES.

- a) **Availability of Facilities.** The Town Facilities will be made available for public use at such times and for such periods as the facilities are not required for the conduct of Town business. For purposes of this Chapter, Town business includes but is not limited to use by the Town Board, the Town Fire Department, Town Sanitary Districts, Elections, Board of Review, Plan Commission and other Town functions.
- b) **Use of Town Facilities.**
 - 1) The use of Town Facilities for purposes other than the conduct of Town business shall be limited to the following types of organizations:
 - a. Youth organizations;
 - b. Service organizations;
 - c. Non-profit organizations.
 - d. Town officials including Town Board, Planning Commission, Board of Appeals members and Fire Department members.
 - 2) The Town Facilities shall not be available for use by private individuals or businesses.
- c) **Processing of Requests.** Requests for use of Town Facilities by outside groups or organizations will be processed on a first-come, first served basis with no reservations accepted more than one (1) year prior to the date of the event. Preference will be given as follows:
 - 1) Organizations located within the Town of Fond du Lac.
 - 2) Organizations located outside of the Town of Fond du Lac.
- d) **Right to Cancel.** The Town reserves the right, with or without cause, to cancel any permit for use of its facilities up to ten (10) calendar days prior to the date of the scheduled activity. Further, in an emergency, as determined by the Town Board, a permit for the use of Town Facilities may be cancelled on shorter notice in order to accommodate a Town function.
- e) **Regular Use Prohibited.** Public groups shall not be permitted to schedule regular use of Town Facilities. (For example, the regular monthly meetings of a community organization will not be scheduled in Town Facilities.)
- f) **For-Profit Use Prohibited.** Requests for use of Town Facilities will not be honored if:

- 1) The event is principally for profit (buying or selling), unless for a bona fide charitable purpose.
 - 2) The event, while informational in content, has a goal of promoting the sale of goods or services.
- g) **Town Representative Required.** Community groups requesting the use of Town Facilities must have a designated Town representative present during the entire time that the group's activities are being conducted.

SEC. 12-2-4 FEE FOR USE OF TOWN FACILITIES.

In addition to all other requirements under this Chapter, the Town Board may establish a Fee Schedule for use of Town Facilities. An additional fee may be required when use of the kitchen facilities at the Town Hall is requested. The Fee Schedule established by the Town Board may be changed from time to time as the Board deems appropriate. In addition to the basic permit fee charged, charges shall be made for any use of the telephone facilities and/or photocopy machine located in the Town Hall. All fees established hereunder shall be paid in advance by groups requesting use of the Town Facilities. Failure to pay such fees prior to the date of the requested use will result in cancellation of the permit for use of the Town Facilities.

SEC. 12-2-5 ALCOHOLIC BEVERAGES PROHIBITED.

Except when the Town Board has given permission to the Town's Volunteer Fire Department, no public group utilizing Town Facilities shall provide, either gratuitously or for sale, alcoholic beverages on Town premises, including the Town Hall parking lot. In addition, no member of the group nor member of the public attending the group's function shall be permitted to bring alcoholic beverages onto the premises, including the parking lot area.

SEC. 12-2-6 PROOF OF INSURANCE.

No public group shall be permitted to use the Town Facilities unless it has provided to the Town, in advance, the appropriate policy or certificate of insurance evidencing the existence of insurance in at least the following amounts: at least One Hundred Thousand Dollars (\$100,000) for injuries to any one (1) person; Three Hundred Thousand Dollars (\$300,000) for any one (1) accident and Three Hundred Thousand Dollars (\$300,000) for property damage. The Town will accept blanket, umbrella or other coverage equivalent to the foregoing. The limits of insurance coverage set forth above shall in no manner limit or otherwise alter the public groups' responsibilities or obligations under this Chapter. Notwithstanding the preceding, the Town reserves its statutory defenses under Chapter 893, Wis. Stats., as amended.

SEC. 12-2-7 INDEMNIFICATION.

The Town shall not be responsible for any defect, latent or otherwise, on or in the premises, or for any damage to the premises, or to any person, firm, corporation or governmental authority by reason of any matter or thing existing or occurring on or about the premises. Public groups authorized to use the Town Facilities hereby assume all risk, responsibility and liability with reference to the present and future conditions of the premises. As a condition to the use of the Town Facilities, public groups using the Town Facilities hereby indemnify and save the Town

harmless against and from any and all claims by or for any person, firm corporation or governmental authority arising from the condition of the premises.

SEC. 12-2-8 LIMITATION ON DAMAGES.

The Town shall not be responsible or liable for any damages sustained by any public group as a result of its request for or cancellation of a permit or reservation for, or use of, the Town Facilities. As a condition to the use of the Town Facilities the public group hereby waives all claims for damages to person or property sustained by the group, its members, employees or agents, or invitees resulting from the condition of the Town's Facilities or any equipment.

SEC. 12-2-9 CONDITION OF FACILITIES.

- a) **Adequacy of Facilities.** The Town makes no representations or warranties regarding the adequacy of the Town Facilities or any part thereof for any requested or permitted use by any public group.
- b) **Cleanup.** Public groups utilizing Town Facilities shall be solely responsible for cleanup of the Facilities at the end of the group's function. The Town Facilities shall be cleaned and restored by the group to the condition existing at the time the group commenced its use of the Facilities.

SEC. 12-2-10 USE OF KITCHEN FACILITIES.

Any group wishing to utilize the kitchen facilities located at the Town Hall shall notify the Town Board of its request for use of the kitchen facilities at the time application for use permit is made. If permission is granted to use the kitchen facilities, the group shall be solely responsible for complete cleanup and restoration of the kitchen area. Any group using the kitchen facilities shall comply with all Federal, State, and local safety and health laws and regulations with respect to sanitation and the use of the kitchen facilities.

SEC. 12-2-11 COMPLIANCE WITH ALL REGULATIONS.

Use of the Town Facilities by public groups and all activities conducted thereon by public groups will be conducted in compliance with all applicable Federal and State laws, municipal ordinances, and any policies, rules and procedures promulgated by the Town related to use of the Facilities. Liability for any and all violations shall be the responsibility of the group using the Town Facilities. Violation of any policy, rule or procedure established by the Town for use of its Facilities shall result in immediate cancellation of any permit or reservation for use of the Town Facilities and may result in denial of requests for use in the future.

SEC. 12-2-12 APPLICATION FOR USE; PERMIT REQUIRED.

All public groups requesting use of Town Facilities shall apply for a use permit on a form specified by the Town. In addition to such other information as the Town Board may require, the permit application shall identify the group requesting use of the Town Facilities; shall describe with specificity the function to be conducted and the reason for requesting use of the Town Facilities; shall identify by name, address, day and night time phone number, the representative of the group who shall be contacted regarding and shall be responsible for a group's use of the

Town Facilities and for compliance with this Chapter and all other rules, regulations and procedures governing use of the Town Facilities. The person or persons signing the application will be held responsible for payment of all fees and other charges made by the Town for use of the Town Facilities. Such person or persons will also be financially responsible for any damage or loss to the Town incurred by the group's use of the Town Facilities.

SEC. 12-2-13 REGULATIONS.

The Town Board shall promulgate policies, rules and regulations governing public use of the Town Facilities. These regulations shall be supplied to a requesting group at the time any use permit is issued. The Town Board may change the policies, rules and regulations from time to time.