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**CHAPTER 19  
PARKS AND RECREATION**

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**19.01 PARK REGULATIONS.**

**(1) PURPOSE AND DEFINITIONS.** In order to protect the parks, parkways, recreational facilities, and conservancy areas within the Town of Brookfield from injury, damage, or desecration these regulations are enacted. The term "park" as hereinafter used in this section shall include all grounds, structures, lagoons, ponds, and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Town, and the term "person" shall include any individual, firm, corporation or group of persons.

**(2) SPECIFIC REGULATIONS. (a) PARK HOURS.** Each park shall be closed and all activities therein shall be terminated at 10:00 P.M., daily, and shall not reopen until 7:00 A.M. the following morning and shall be closed during hours of darkness, as defined in Wis. Stats. § 340.01(23). No person shall enter or remain in any park at any time other than as herein provided.

**(b) SMOKING.** No person shall smoke or hold a lighted cigarette, cigar or pipe in any structure within any park, or in any other area in any park where notices prohibiting smoking are posted pursuant to an order of the Town Board.

**(c) DUMPING.** No person shall dump or deposit any rubbish, refuse, earth, or other material in any park.

**(d) SOUND DEVICES.** No person shall operate or play any amplifying system until specific written authority is first reviewed by the Police Chief and obtained from the Town Board.

**(e) PETS.** No person shall permit any dog, cat or other pet owned by him or her to run at large or be on leash in any park. *Exception:* Seeing eye dogs are permitted per ADA and federal law.

**(f) 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 Parks and Recreation Committee and the Town Board.

**(g) VEHICLES AND PARKING.** No motor vehicle, motorcycle, go-cart, snowmobile, or other motor driven vehicle shall be driven or parked in any park, except in designated parking areas.

**(h) THROWING STONES AND MISSILES.** No person shall throw stones or other missiles, other than those items used specifically for recreation or sports activities, in or into any park.

**(i) FIREARMS, FIREWORKS, BOWS AND ARROWS.** No person shall carry, shoot, fire or discharge any gun, pistol, rocket, torpedo, bow and arrow or any fireworks of any description within or into any park. The word "gun" shall include gas-operated guns, pellet guns, or any device, which will propel projectiles.

**(j) GOLF, HARDBALL.** No person shall shoot or strike a golf ball or throw or bat a hardball in any park, except that hardball may be played in areas designated for this purpose.

**(k) MOVING OF PARK EQUIPMENT.** No person shall remove benches, seats, tables, or other park equipment from any park.

**(l) BEER AND LIQUOR.** No person shall have in his or her possession or drink beer, wine or intoxicating liquor in any park, provided however that the possession and drinking of beer and wine shall be permitted in those parks which are designated by the Town Board. Permits must be obtained by submission of an application to the Town Clerk no less than one month in advance of the date of the event. This application must state the date and time and name of the group that the applicant represents and shall be filed with a permit fee of \$10. The applicant must also deposit at the time of application, \$100 to be retained by the Town to defray the costs of clean up, repairs, and any damage done to park facilities or equipment resulting from the use thereof by the applicant. If the applicant cleans up the park after use, and there is no damage, the deposit shall be refunded to the applicant.

**(m) CAMPING.** No camping shall be permitted in any park.

**(n) TRAPPING.** No person shall trap in any park, unless specific written authority is first obtained from the Town Board.

**(o) MAKING OF FIRES.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces unless permitted by Town Board. 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.

**(p) HORSES AND CARRIAGES.** No person shall ride a horse or drive a horse driven vehicle in any park except where approval of the Town Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse drawn vehicle in a careless, negligent or reckless manner, which may endanger the well being of others.

**(q) BICYCLES.** All ordinances of the Town of Brookfield relating to the use of bicycles shall be applicable in all parks. Bicycles shall be parked only in areas so designated.

**(r) INTERFERENCE WITH PERMITTEE.** No person shall in any manner harass, disturb or interfere with persons holding written permits granted by the Town Board for the use of shelter areas or other park facilities.

**(s) PROTECTION OF PARK PROPERTY.** No person shall kill, injure, or attempt to injure 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, flowerbed, turf, soil, sand, fountain, ornament building, structure, apparatus, bench, table, official notice, sign, or other property within any park.

**(t) USE OF WATER AREAS.** No person shall swim, wade, fish, ice skate or operate or propel a boat or canoe in any lagoon, pond, or watercourse within any park, except in areas so designated at times posted.

**(u) POSSESSION OF GLASS BEVERAGE BOTTLES PROHIBITED.** No one shall possess or consume any beverage in glass bottle or glass containers in a Town park.

**(v) CLEANING OF FISH PROHIBITED.** No one shall engage in the cleaning of fish in a Town park.

**(w) WILD ANIMALS, BIRDS.**

**1. HUNTING.** No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird; nor shall he/she remove or have in his/her possession the young of any wild animal or the eggs or nest of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous such as rattlesnakes or other deadly reptiles may be killed on sight.

**2. FEEDING.** No person shall give or offer, or attempt to give to any animal or bird any food, alcohol, tobacco or other noxious substance.

**(x) SANITATION.**

**1. POLLUTION OF WATERS.** No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such bodies of waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

**2. REFUSE AND TRASH.** No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or other trash. No such refuse shall be placed in any waters in or contiguous to any park or left anywhere on

the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where such receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. Waste from non-park related activities and outside groups is prohibited from all parks and park trash receptacles and dumpsters.

**(y) SIGNS.** No person shall announce advertise or call public attention in any way to any article or service for sale or hire. Nor shall any person paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park.

**(z) 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, is prohibited.

#### **19.02 USE OF PARKS; PERMITS.**

**(1) GROUP PERMITS.** Permits for groups wishing to reserve the use of a shelter area, park or other park facility in the Town shall apply for and obtain a written permit from the Recreation Department for such use. Persons using park facilities pursuant to such permit shall observe all ordinances and regulations which apply to casual users of the park facilities.

**(2) OTHER PERMITS.** No person shall sell, convey or offer for sale any tangible or intangible articles or merchandise nor solicit for the sale of any article for future delivery or for any subscription to any publication within any Town park, except that when a permit shall have been issued pursuant to §19.02(1), above, to a civic group, service club or veteran's organization for a community festival or carnival, such sales shall be permitted on the dates covered by such permit.

This section shall not apply to sales of craft supplies and similar items by authorized personnel of the Town Recreation Department or under their supervision.

**(3) REASONS FOR PERMIT DENIAL.** Applications may be denied for any of the following reasons:

**(a)** If it is for a use which would involve a violation of Federal or State law or any provision of this code.

**(b)** If the granting of the permit would conflict with another permit already granted or for which application is already pending.

**(c)** If the application does not contain the information required by the Town Board of Park and Recreation Commission.

**(d)** The application is made less than the required days in advance of the scheduled exclusive use.

(e) If it for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use of others of the park or park facility is expected and would be seriously affected.

(f) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent the adequate law enforcement to the park, park facility or shelter area involved or the rest of the Town.

(g) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.

(h) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive behavior.

**(4) PERMIT REVOCATION.** The Town Board, after granting a permit, may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by major change in the conditions forming the basis of the issuance of the permit.

**(5) INDEMNIFICATION.** Prior to granting a permit for exclusive use of the park, the Town may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Town and such other third parties as may be injured or damaged in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Town and such third parties as may be injured or damaged thereby caused by the permittee, its agents or participants.

**(6) LIABILITY.** A person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person to whom such permit shall have been issued.

**19.03 USE OF PARKS; BEHAVIOR.** No person shall do the following:

- (1) Appear at any place in other than proper clothing.
- (2) Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.
- (3) Sleep or protractedly lounge on the seats or benches or other areas or engage in loud boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach of the public peace.
- (4) Fail to produce and exhibit any permit from the commission or the director he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(5) Disturb or interfere unreasonably with any person or party occupying any area or participation in any activity under the authority of a permit including Town-sponsored events and sports teams.

**19.10 PENALTY.** Whoever violates any provision of this Chapter shall be subject to a penalty as prescribed by § 25.01, § 25.03 and § 25.04 of the Town Code.

**(1) ENFORCEMENT.**

**(a) OFFICIALS.** The Police Department, the director and park attendants shall, in accordance with their duties imposed by law, diligently enforce the provisions of this chapter.

**(b) EJECTING.** The Police Department may eject from the park any person who violates any provision of this chapter.