CHAPTER VI
PARKS

6.01 PARKS

A. Definition. The word **"Park"** or **"Parks"** shall mean all land and water heretofore and hereafter acquired by the City for park or recreational purposes which are under the jurisdiction of the Board of Park Commissioners. Such land and water shall collectively be known as the Park System.

B. Board Of Park Commissioners. The Board of Park Commissioners is empowered and directed to govern, manage, control, improve and care for all public parks, parkways, boulevards and pleasure drives located within, or partly within and without, the corporate limits of the City, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; to adopt rules and regulations not in conflict with these ordinances to promote those purposes; and to exercise such other powers conferred by §27.08, Wisconsin Statutes.

6.02 RULES AND REGULATIONS

No persons, other than authorized employees, agents, contractors and permittees of the City, shall engage in any of the following conduct:

A. Parks.

1. Dump or deposit any garbage, waste, trash or debris in other than an appropriately marked container.

2. Dump or deposit debris, leaves, grass trimmings, brush, trees or branches.

3. Dump or deposit any household or commercially generated garbage, waste, trash or debris, which are not generated through park use, in any container designated for any of the above.

4. Remove any fixture, furniture, sand, stone, rock, dirt, tree, shrub, fern, flower or other property.

5. Destroy, break, injure, mutilate or deface any building, structure, monument, statue, fountain, pool, dock, wall, fence, fixture, furniture, tree, shrub, plant, fern, flower or other real or personal property.

6. Bring or ride any animal or animal drawn vehicle, other than for licensed Horse Drawn Vehicles.

7. Operate any snowmobile or all-terrain vehicle.

8. Operate any motor vehicle, bicycle, or horse drawn vehicle on other than designated streets and thoroughfares.

9. Park any motor vehicle, bicycle or horse drawn vehicle in other than a designated parking space or for longer than the posted time limits.

10. Operate any motor vehicle, bicycle or horse drawn vehicle in a reckless, unreasonable or imprudent manner, contrary to the provisions of Sections 346.61 and 346.62, Wisconsin Statutes, or in excess of fifteen (15) miles per hour, except on a public street having a higher speed limit.

11. Light or make use of any fire, except for cooking in areas and containers designated for such purpose. Cooking in picnic areas is permitted in portable metal containers where the base of the fire is twelve (12) or more inches off the ground or where the container is placed on bare earth. It is also unlawful to light or make use of any fire or place or deposit hot ashes in a manner which could cause the fire to be a danger to person or property.

12. Climb a tree or walk upon any wall or fence.

13. Enter any portion of a park where persons are prohibited from going by direction of the Director of Parks, given in person or indicated by sign or written notice.

14. Perform any act prohibited by direction of the Director of Public Works or designee/Superintendent of Parks, given in person or indicated by sign or written notice.

15. Enter any area, structure or building which is under construction or fenced, locked or secured to prohibit entry or posted with No Trespassing Signs.

16. Enter any portion of the City golf course when not lawfully engaged in the playing of golf.

17. Ice skate in other than a designated ice rink or ice skate in an improper, unreasonable or imprudent manner.

18. Sell, give away, possess or consume any alcoholic beverage, except as follows:

(1) The possession and drinking of fermented malt beverages allowed in the following City Parks and buildings, provided that persons and groups obtain the express advance written permission from the Superintendent of Parks or designee who shall grant such permits only to persons or groups possessing Picnic Permits for the date for which said person or group requests a Beer Permit. All Fermented Malt Beverage Permits shall expire at

10:00 P.M. of each day, unless otherwise provided by the Superintendent of Parks or designee.

(2) The sale and giving away of fermented malt beverage is permitted only by persons and groups appropriately licensed under State Law and local ordinance.

(3) The use of fermented malt beverages shall be allowed by permit at the following parks and buildings: Alford, Washington, and Kennedy; the Municipal Golf Course Clubhouse and Simmons Athletic Field, and Southport Beachhouse. The use of fermented malt beverages shall be allowed by permit for softball or baseball tournaments at Lincoln, Nash and Poerio Parks. No fermented malt beverages shall be allowed at Anderson Park. The Board of Park Commissioners may allow the use of fermented malt beverages at any other park for special events.

(4) The sale and consumption of alcoholic beverages is permitted at Simmons Island Beachhouse, provided that the location is appropriately licensed under State law and local Ordinance.

19. Be or remain in any City Park between 10:00 P.M. and the sunrise of the following day, except with the express written permission of the Superintendent of Parks. The Superintendent of Parks may permit individual persons or groups of persons having a common purpose to remain in one or more designated park(s) for some or all of the hours between 10:00 P.M. and the sunrise of the following day in the event of special events open to the general public such as, but not limited to, 4th of July celebrations, and in the event any group or individual desires to engage in fishing. Persons engaged in fishing shall, between 10:00 P.M. and the sunrise of the following day, use only such portions of City parks as are reasonably necessary for fishing purposes. The Superintendent of Parks may authorize overnight parking as required to serve the Simmons Island and Southport Marina.

20. Fly any real or scale model, or miniature or U-control, or remote control or hot air balloon, propeller driven or jet aircraft or any rocket powered craft.

21. Sell or offer for sale any product, articles, food, beverages, goods or services except as follows:

(a) Upon written request, the Board of Park Commissioners may allow the sale of any product, articles, food, beverages, goods or services provided that the applicant, when necessary, is appropriately licensed under state statute and local ordinance. In considering a request, the Board of Park Commissioners shall consider whether the proposed transactions are:

(1) Are customarily associated with public use and enjoyment of parks and park properties;

(2) Are in furtherance of public use and enjoyment of the park; or

(3) Are incidental to an appropriate recreational or cultural use of said properties.

(b) Sales permitted pursuant to subsection (a) shall be subject to the following requirements:

(1) Location. Permission shall be limited to the location designated by the Board of Park Commission.

(2) Hours of Operation. Permission to sell or offer for sale shall be limited to the hours between 9:00 a.m. and 8:00 p.m.

(3) Term. Permission shall be limited too no more than thirty (30) consecutive days.

(4) Special Events. Vendors associated with City approved special events shall not be required to obtain a peddler stand permit for the approved special event.

(5) Utilities. Vendors which require use of public utilities shall be required to pay utility fees as designated by the Superintendent of Parks;.

(6) Noise. Noise levels emanating from the stand shall be kept to a minimum and shall be reasonable so as not to disturb the peace and quiet of those in the vicinity, including but not limited to residents, merchants and customers. Vendors shall be subject to all applicable City ordinances regarding noise and amplification and this ordinance shall not be interpreted to expand or contradict those other ordinances. In the event of a conflict, the more strict regulation or ordinance shall apply.

22. Post or install any notice, advertisement, decoration, sign or banner.

23. Place any structure or construction materials or make any improvement.

24. String or hang any wire, rope, cable or cord.

25. Park or maintain any motor vehicle, bicycle or horsedrawn vehicle beyond park closing hours, except as authorized in this Ordinance.

26. Use of a skateboard, except in an area designated therefor.

27. Use of roller skates and roller blades in an area designated and marked as a no roller skating/roller blading area.

28. Play or practice golf, except in an area designated therefor.

29. Play amplified music over the decibel limit specified in **Chapter 23** of the Code of General Ordinances.

30. Play team sports in other than a designated area.

31. Bring or permit any animal to enter any park, except domestic animals (household pets) which are not vicious in nature, provided said animal is maintained on a secured leash of six (6') feet or less and further provided that the animals excrement is scooped immediately and removed from the park at the time of exiting the park. Nothing contained herein shall authorize an animal to be brought into a park which is prohibited from being in the City under **§14.02** of the Code of General Ordinances.

32. Sled in other than a designated area or in an unreasonable or imprudent manner.

33. Engage in any activity which would endanger life or property.

34. Perform any construction or maintenance work.

B. Beaches.

1. Violate any Park rule or regulation.
2. Throw, place or deposit on the beach or in the water, any lighted smoking material or hot coals or any object with a sharp or cutting surface.
3. Break any glass.
4. Use artificial floats or toys in the water, except for life vests or swimming training devices.
5. Disregard instructions or directives of any lifeguard.
6. Enter or remain in the water other than in posted swimming areas. Enter or remain in the water when an area is posted "No Swimming". Enter or remain in the water during times when swimming is not permitted. Swimming in a designated swimming area more than fifty (50) yards from shore. Swimming outside of markers in a designated swimming area. For purposes of this prohibition, swimming shall include wading.
7. Use any lifeguard stand, boat or equipment unless authorized by lifeguard.
8. Falsely call for emergency assistance or falsely create the perception of an emergency.
9. Distract or obstruct any lifeguard who is on duty.
10. Enter the water while having any infectious or contagious disease or wearing any cast or bandage.
11. Change clothes in other than a designated beach house.
12. Dock, moor or beach any watercraft at other than designated docks, piers, buoys or beach areas.
13. Operate any watercraft in any marked swimming area or within fifty (50) yards of the shore in a designated swimming area.

C. Swimming Pools.

1. Violate any Park or Beach rule or regulation.
2. Bring food, drink, gum or smoking products into any pool or deck area.
3. Enter any pool prior to taking a soap and water shower or using foot baths, where available.
4. Enter any pool in other than a swimming suit or enter deck area in street shoes.

6.03 EMERGENCY CLOSING OF PARKS

In time of actual or potential civil unrest or when the public interest so requires, any City park or parks may be closed as follows: **(i)** The Mayor may proclaim any City park(s) closed for all or a portion of any day or days by issuing an oral or signed written order so stating, which order shall be made public by such means as are expedient at the time. Oral orders of the Mayor shall be effective until the Park Commission shall next meet at a regularly scheduled or at a special meeting called to discuss this subject. **(ii)** The Park Commission may proclaim any City park(s) closed for all or a portion or any day or days by issuing a written order signed by the Chairman or Acting Chairman of the Park Commission or by the Superintendent of Parks where the Park Commission so authorizes, which written order shall be made public by such means as are expedient at the time. Such orders shall not be effective for longer than ninety (90) days without the approval of the Common Council.

6.04 RULES FOR THE DESIGNATION AND MAINTENANCE OF NAMES FOR PUBLIC PARKS AND RECREATIONAL AREAS

A. Official Names Defined. The names of Parks and Recreational Facilities are recognized only if recommended by the Board of Park Commissioners ("Board") and approved by the Common Council ("Official Name(s)"). A Park or Recreational Facility not having an Official Name shall be considered unnamed.

B. Official Names Recognized. The following names existing as of January 1, 2004, are recognized as Official Names, irrespective of the naming/renaming procedure followed.

1. The Official Names of Parks are:
a. Alford Park
b. James R. Anderson Park
c. Bain Park
d. Robert V. Baker Park
e. H.L. Bullamore Park
f. Yolanda Cicchini Park
g. Kenosha Civic Center Park

h. Columbus Park
i. Davis Park
j. Eichelman Park
k. Elmwood Park
l. Endee Park
m. Fire House Square
n. Forest Park
o. Friendship Park
p. Gangler Park
q. Joseph Hobbs Park
r. William W. Isetts Park
s. Jamestown Park
t. Johnson Highlands
u. Kenfair Park
v. John Fitzgerald Kennedy Park
w. Kirchner Highlands
x. Public Square Central Park (Library Park)
y. George Limpert Park
z. Lincoln Park
aa. Little League Park
bb Chester S. Matoska Park
cc. Nash Park
dd. Veterans Memorial
ee. Navy Memorial Park Annex
ff. Peter P. Nedweski Park
gg. Newman Park
hh. Pennoyer Park
ii. Frank J. Petretti Park
jj. Petzke Park
kk. Pike Lodge Park
ll. Red Arrow Memorial Park
mm. Roosevelt Park
nn. Sam Poerio Park
oo. Bill Schulte Park
pp. Senior Citizens' Park
qq. Simmons Island Park
rr. Southport Park
ss. Strawberry Park
tt. Cornelia Hamilton Streeter Park
uu. Sunnyside Park
vv. Tot Park
ww.
Tower Line Park
xx Union Park
yy. Washington Park
zz. Werves Park
aaa. Wolfenbüttel Park

2. The Official Names of Recreational Facilities are:

a. Washington Park Municipal Golf Course.
b. Simmons Island Marina.
c. Simmons Athletic Field.

C. Subdivision Plats and Land Divisions. Parks and Recreational Facilities shall not be named in a subdivision plat or any other instrument of land division.

Subdivision plats and other instruments of land division may only refer to a Park as "Park" or "Park Land", unless the Park has been first named in accordance with this Ordinance.

D. Naming. A Park or Recreational Facility may be named if new or unnamed.

E. Renaming. The renaming of a Park or Recreational Facility will be considered only when the Official Name is no longer appropriate.

The procedure to rename a Park or Recreational Facility shall not commence until such a finding is made by a two-thirds (2/3rds) vote of the membership of the Board and the Common Council.

F. Procedure for Naming/Renaming. The following procedure will govern naming or renaming:

1. The Board will identify Parks and Recreational Facilities to be named or renamed.

2. The Board will post this information as a Public Notice in the official City newspaper and on the City website, along with any procedure and timetable it may establish.

3. The Board will receive input for a minimum of thirty (30) days from public bodies, professional organizations, community and civic groups and organizations, and by petition where petitioners have submitted a written petition signed by no less than one hundred (100) City residents.

4. The Board will place this item on the agenda of a regularly scheduled meeting. The Board will consider names submitted and names recommended by its members.

5. The Board shall submit a list of all names considered to the City Plan Commission with a request for a recommendation. The Common Council will be sent notice of the pending matter. If the City Plan Commission does not act within the time frame determined by the Board, the Board will act without its recommendation.

6. The Board shall not act upon the matter for a minimum of sixty (60) days.

7. Before acting on the matter, the Board shall post all names being considered on the City website and in the official City newspaper, along with the date of the Board meeting at which this matter may be acted upon. The Board may defer this matter to other meeting dates without

publishing or posting a new notice.

8. The recommendation of the Board will be forwarded to the Common Council for action. If the Board does not recommend a name by a majority of its full membership, the matter shall not be considered by the Common Council.

9. The Board and Common Council must approve the name/renaming by a majority vote of their membership.

G. Names and Renaming Guidelines. The following guidelines will govern the naming and renaming of Parks or Recreational Facilities:

1. Names which reference or include geographical location, geological features or historic information are encouraged.

2. Names may not be of individuals unless deceased for a minimum period of three (3) years; unless the individual made a major effort or donation for the acquisition or improvement of the Park or Recreational Facility in specific or of the Park system in general.

3. Names may not be of individuals then serving in any elected or appointed public office or position.

4. Names may not be of community or civic groups or organizations unless the group or organization made a major effort or donation for the acquisition or improvement or use of the Park or Recreational Facility.

H. Other Recognition. The Board shall have the exclusive jurisdiction, without the limitations or procedural requirements of the foregoing, to:

1. Name any area, feature or building, structure, tree or landscaped area, of any Park or Recreational Facility.

2. Permit any person, group, organization or legal entity to donate a building, structure, tree or landscaped area in any Park or Recreational Facility, and to commemorate the donation with a plaque or monument recognizing the donor.

6.05 PERMITS

A. Permits Required. A permit shall be required under this Ordinance prior to and as a condition of any person, party, firm or corporation undertaking any of the following a activities:

1. Hold any assembly or gathering of two hundred fifty (250) or more persons.

2. Engage in organized athletic competition or team sports.

3. Reserve any athletic field for a date and time certain.

4. Reserve any picnic area for a date and time certain.

5. Sell food, beverage or any other product or service.

6. Possess fermented malt beverages.

7. Perform any act, otherwise prohibited.

8. Produce amplified sound in excess of decibel limit specified in **Chapter 23** of the Code of General Ordinances.

The failure to obtain such permit shall be deemed a violation of this Ordinance.

B. Application. Application for any permit above provided shall be made to the Superintendent of Parks in writing, and accompanied by the required fee. Such application shall be fully completed on City forms and shall define the activity desired to be engaged in, the park(s) or park area where the activity will be performed, the estimated attendance and other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the permit should be issued. The Board of Park Commissioners shall, from time to time, establish a written policy for the minimum and maximum time for submitting applications for activities subject to a permit on an activity-by-activity basis.

C. Permit Fees. Permit fees shall be as established by the Board of Park Commissioners, and kept on file in the Department of Public Works.

D. Leases And Concessions. Leases and Concession Agreements shall be subject to bids, requests for proposals or negotiated terms and conditions, reduced to a contract, reviewed and approved by the City Attorney as to form, and approved by the Board of Park Commissioners.

E. Permitting Authority.

1. Board Of Park Commissioners. The Board of Park Commissioners shall be responsible for granting leases, concession agreements, permits for a gathering of two hundred fifty (250) or more persons, for special events involving the sale or consumption of fermented malt beverages, and for determination of fees and charges.

2. Director Of Parks. The Superintendent of Parks may grant any other permit or allow any activity authorized by this Ordinance, subject to a

monthly report of permits being filed with and subject to the payment of fees and charges authorized by the Board of Park Commissioners. The decision of any of the above may be appealed to the Board of Park Commissioners.

F. Standards For Permit Issuance. The Permitting Authority shall consider the following standards for permit issuance and grant a permit only upon finding that:

1. The activity or use will be in compliance with applicable Federal, State, County and City laws, rules and regulations.

2. The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.

3. The activity or use will not unreasonably interfere with the use of the park by the general public.

4. The activity or use will not entail an unusual, extraordinary or burdensome expense to the City which is not recovered in the permit fees or charges.

5. The area which is the subject of the application is not reserved for another use or party at the day and hour for which requested.

6. The area requested is an area designated by the Board of Park Commissioners for the type of use requested and is otherwise available for use.

7. Other considerations:

a. Applications, where timely filed, shall be considered in order of priority determined by Permitting Authority, with due consideration for the need to distribute scarce resources on an equitable basis.

b. A permit shall not be denied where the activity constitutes free speech or right of assembly protected by the United States or Wisconsin Constitution, provided the above standards can be met.

c. The Board of Park Commissioners shall retain the right to reserve any park or area for any civic function or Commission sponsored event.

Whenever a permit application is denied, a statement of the reason(s) for denial shall be provided to the applicant in writing.

G. Permit Conditions. The Permitting Authority shall have the right to impose reasonable permit conditions, including, but not limited to, the following:

1. Compliance with applicable Federal, State, County and City laws, rules and regulations.

2. Compliance with this Ordinance.

3. Execution of Indemnity and Hold Harmless Agreement.

4. Post a bond or other assurance to guarantee compliance with permit terms and conditions.

5. Provide private security for traffic, parking and/or crowd control.

6. Hold City harmless from damage to its property.

7. Clean up area immediately following use.

8. Inspect the Park Area immediately prior to Park use to determine whether or not the Park Area is suitable and safe for such use. If such inspection reveals that such Park Area is not suitable and safe for the intended use, the Park Area shall not be used until the Park Area is made suitable and safe for such use.

9. Report unsafe conditions in the Park Area to the Department of Public Works.

10. Warn all persons using the Park Area under authority of the Park Use Agreement of any unsafe conditions which may exist or portions of Park Area which are not suitable for use.

11. Supervise all persons using the Park Area under authority of the Park Use Agreement.

12. Reimbursement to City of costs incurred in enforcing permit forms and conditions.

13. Procure and maintain one (1) or more liability insurance policy(ies) written by one (1) or more insurance company(ies) licensed to do business in the State of Wisconsin, which contain an endorsement of contractual liability, and which covers death, personal injury and property damage in the following amounts:

a. CLASS I RISK - $1,000,000 for events and activities which involve a moderate risk, a noncommercial activity, and/or a gathering of less than five hundred (500) persons.

b. CLASS II RISK - $1,000,000 for events and activities which involve a moderate liability risk or a commercial activity, or a gathering of more

than five hundred (500) persons.

c. CLASS III RISK - Over $1,000,000, as determined by the Park Commission, for events and activities which involved a high liability risk, specifically including, but not limited to, circuses and carnivals.

14. Procure any other license or permit required for activity, such as Food Permit or Special Class "B" License.

H. Revocation, NonRenewal and Suspension of Permits. The Permitting Authority may authorize and for just cause suspend, revoke, or not renew any permit herein provided, upon serving upon such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a civil action. Said notice shall provide for a hearing upon a written request therefor being filed with the City Clerk within ten (10) days of service. Absent a timely request for a hearing, the Permitting Authority shall administratively impose the penalty set forth in said notice.

The judgment of conviction of any permittee in any Municipal, State or Federal Court, irrespective of whether obtained following trial, plea agreement, or bond forfeiture, shall be prima facie proof of said violation for purposes of this Ordinance. However, in the instance of any judgment of conviction entered pursuant to a no contest plea, or considered in law to be rendered pursuant to a no contest plea, said judgment of conviction as a prima facie case may be rebutted. Further, mitigating circumstances may be introduced with respect to any judgment of conviction.

I. Time Limits. The following time limits shall apply in the application of this Section:

1. Board of Park Commissioners to act on Permit Application: Thirty (30) days.

2. Superintendent of Parks to act on Permit Application: Ten (10) days.

3. Appeal of any permitting decision of the Superintendent of Parks to the Board of Park Commissioners: Ten (10) days from actual receipt or twelve (12) days from date of postmark, whichever is longer.

6.06 PROTECTION OF BEACHES

The deposits of sand, gravel, earth and stone along the shore of Lake Michigan north and south of the harbor, lying within a distance of one hundred fifty (150') feet west of the water line of Lake Michigan and not over fifteen (15') feet above the level of the lake, and all such deposits lying in the lake east of said water line within a distance of six hundred (600') feet are hereby declared to be necessary for the protection of the City of Kenosha and the harbor of the City from the encroachments of Lake Michigan. No person, firm or corporation except the City of Kenosha and persons authorized by the Director of Public Works shall dig, take, remove or carry away sand, gravel, earth or stone from the beach within the limits, described or from the water within six hundred (600') feet of the water line along or near the shore of said lake between the north and south harbor piers, and the extreme northern and southern limits of the city.

6.07 BOULEVARDS

A. Prohibited Uses. It shall be unlawful for any person to engage in the following activities on a City boulevard parkway:

1. To engage in organized or unorganized sports.

2. To throw, kick or pass any ball or object, whether natural or man made.

3. To engage in play involving running or shouting.

4. To permit any animal to enter, be, or remain thereon.

6.08 DUMPING OF ICE OR SNOW ON PARK PROPERTY

A. Prohibition. No person, party, firm or corporation shall dump or otherwise deposit snow or ice on any Park property.

B. Exceptions. This prohibition does not apply to the City of Kenosha and its subunits, provided permission is obtained from the Superintendent of Parks.

C. Emergencies. The Commission may promulgate rules and establish fees to deal with emergency situations.

6.09 PENALTIES

For the violation of any of the provisions of this Chapter or any rule or regulation prescribed by the Board of Park Commissioners or the Superintendent of Parks, any person shall upon conviction thereof pay the fine not to exceed Five Hundred ($500.00) Dollars with cost of prosecution and in default of payment of said fine and cost shall be committed to the County Jail for a term not exceeding ninety (90) days.