

TITLE 12

Parks and Navigable Waters

Chapter 1 Park Regulations and Recreation Programs

CHAPTER 1

Park and Recreation Regulations

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SEC. 12-1-1 PARK REGULATIONS.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Ladysmith from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter 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, recreation facility or conservancy district in the City.
- (b) **Specific Regulations.**
- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park or public waters, except in containers provided for that purpose.
 - (2) Sound Devices. No person shall operate or play any amplifying sound system unless specific authority is first obtained from the Common Council and/or Park Board.
 - (3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park.
 - (4) 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 Common Council and/or Park Board.
 - (5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
 - (6) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park.
 - (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Common Council and/or Park Board.
 - (8) Making of 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.
 - (9) 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, except as permitted by this Chapter. 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, buffing, structure, apparatus, bench, table, official notice, sign or any other property within any park.
- (10) Motorized Vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have a Common Council or Park Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.
 - (11) Snowmobiles. No person shall operate a snowmobile in a City park except in designated areas.
 - (12) Speed Limit. No person shall operate any vehicle in a City park in excess of 15 m.p.h. unless otherwise posted.
 - (13) Glass Beverage Bottles in Parks Prohibited. No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
 - (14) Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.
 - (15) Parking in Parks. No person shall park any motor vehicle in any park in the City except in a designated parking area.
 - (16) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Common Council or Park Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet horses shall be ridden at slow gait.
 - (17) Removing Tree Protectors. No person shall remove any device for the protection of trees or shrubs.
 - (18) Golfing and Sporting Activities. No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
 - (19) Arrows. No person shall use or shoot any bow and arrow in any City park, except in authorized designated areas.
 - (20) Fees and Charges. The Common Council, upon the recommendation of the Park Board, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
 - (21) Firearms: Hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
 - (22) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
 - (23) Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
 - (24) Camping. Overnight camping is not permitted in any City park, except by prior written permission from the City Clerk, Chairman of the Park Board, or Park Director.

- (25) Utility Installation and Construction. Any private construction which may in any manner encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of the Common Council and no such installation, repair or construction shall commence without the written permission therefor from the Common Council. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Common Council of the City's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Board.
- (26) Commercial Enterprise. No person shall sell, or offer for sale, any article, thing, privilege or service in any park without prior written permission from the Common Council or Park Board.
- (27) Waterfowl Feeding. The feeding of waterfowl in Ladysmith's municipal parks is prohibited.
- (28) Northland Mardi Gras. During the Northland Mardi Gras the following items shall not be allowed in Memorial Park: Dogs or any other pets or animals that are not licensed service animals or involved in a sanctioned Mardi Gras event, bicycles, skateboards and rollerblades. *Ord. 2010-18 adopted August 23, 2010.*
- (29) Posted Regulations. In addition to the regulations herein contained and provided, the Park Board may post from time to time specific rules and regulations; and such specific rules and regulations shall be incorporated by reference in to this Chapter as fully as set forth herein.

Cross-Reference: Section 11-4-1(a).

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

No person shall fly a radio-controlled model airplane or helicopter in any park in the City of Ladysmith except in areas specifically authorized, designated and posted for such purpose.

SEC. 12-1-3 TURF PROTECTION ON PUBLIC PROPERTY.

Except as authorized by the Park Board, no person shall dig into the turf of any City-owned park property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Park Board, the use of metal detectors and digging for buried objects on City park property is prohibited.

SEC. 12-1-4 PARK HOURS.

(a) Park Hours.

- (1) Closing Hours. City parks shall be open between 6:00 a.m. and 11:00 p.m. daily with the exception that boat-loading areas may be used for the loading or unloading of boats only at any time.
- (2) Exceptions. The restrictions set forth in Subsection (a) above shall not apply to the following individuals:
 - a. Individuals who are attending or participating in community celebrations or events held at the park. However, all such individuals exempted by this subparagraph shall be out of the park within one-half (1/2) hour of the end or closing of the celebration or the event for that evening.
 - b. Individuals or groups who have received permission from the Common Council for any special group activity.
 - c. Individuals who are law enforcement officers, firemen, emergency personnel, City employees or City officers who are in the course of their official duties.

- (b) **Exceptions to Closing Hours.** A person driving through a park on a public road; however, stopping shall not be permitted within a park. The Common Council may modify closing hours for particular events.

- (c) **Park Closing and Opening Dates.** The Common Council will have full authority to open and close any park, swimming pool, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

SEC. 12-1-5 ULTRALIGHT AIRCRAFT REGULATED.

- (a) **Definition.** An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultralight vehicle (b) 14 C.F.R. and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.
- (b) **Regulations Regarding Use.**
 - (1) No person shall operate any ultralight aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other City property, the operator of such ultralight aircraft shall first obtain a permit from the Common Council. No fee shall be charged by the Common Council for such permit which may be issued for a period up to thirty (30) days nor shall the Common Council sponsor such activity.
 - (2) Any person desiring to land or to take off from any property owned by the City of Ladysmith shall, prior to receiving a permit, procure evidence of insurance providing for not less than Five Hundred Thousand Dollars (\$500,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the City of Ladysmith as an additional insured and said certificate shall be filed with the City Clerk at the time the applicant seeks a permit.

SEC. 12-1-6 EXCLUSIVE USE OF PARK PROPERTY.

- (a) **Permits Authorized.** The Park Board may grant the exclusive use of any park or portion or facility thereof for a limited period of time not to exceed five (5) days for a noncommercial purpose and charge therefore such uniform rates as it may establish, when the granting of such use will not impair the City's ability to provide adequate park facilities for the use of the public during such period of time.
- (b) **Application for Permit.** Before the Park Board may issue any permit hereunder, the person or organization seeking such permit shall file an application setting forth the following:
 - (1) The name, address and telephone number of the person filing the application;
 - (2) The name, address, and telephone number of the headquarters of the organization, if an organization is involved, and of the persons who manage such organization and will oversee the use requested;
 - (3) The exact use for which the permit is requested;
 - (4) The park or portion or facility thereof requested for such use;
 - (5) The exact dates, and, if applicable, the hours, for which the use is requested;
 - (6) The number of persons expected;
 - (7) If applicable, the number and types of vehicles expected, including the number and types of any camping vehicles and the estimated time of arrival of all vehicles;
 - (8) If required by the Park Board, an agreement to indemnify the City against any and all loss or damages or claims for damages arising from or out of such use.
- (c) **Conditions for Permit.** If the Park Board determines that the use requested is different from the regular and normal use of such park property, and that to grant the use requested would effect a greater hazard to persons or property than such regular and normal use, the Park Board may require

as a condition of granting such use the providing of the surety bond and liability insurance specified herein. In making this determination, the nature of the proposed use, the nature of the subject park property and the reasonable adaptability of the same to such use, the number of persons expected to use such park property under such permit, the past experience the City and other governmental subdivisions have had with this type of use in parks, the effect such use would be likely to have on the neighborhood adjacent to such park property, and the nature of the organization or group that would be using such park property under such permit shall be considered. The Park Board shall not discriminate against any person because of race, color, religion, sex, or national origin in making such determination. In no case shall a permit be granted, or a permit be extended, for a use of park property under the provisions of this Section if it reasonably appears that such use would effect, or is effecting, to a substantial extent, either at the location of subject park property or in the neighborhood adjacent to such property, an interference with fire or police protection, physical damage to persons or property, a disturbance of the peace, or a health hazard.

(d) **Surety Bond.**

- (1) The surety bond to be furnished the City if required hereunder shall be in the sum of Five Thousand Dollars (\$5,000.00), and conditioned on:
 - a. The person or organization to whom such a permit is issued, and heirs or successors and assigns, indemnifying the City against any and all loss or damage to City property;
 - b. Full and complete protection of the City against any and all litigation growing out of the granting of such use or anything done under such permit;
 - c. Return of the park property to the same condition that it was in prior to commencement of the use by the person or organization, and removal of any item of property left or placed in or on the park property by such person or organization or any member thereof;
 - d. Faithful performance and observance of all the terms and conditions of the permit; and
 - e. Prompt and full payment of all compensation required by the City as a condition of such use of park property, if any such compensation is required. The surety shall not cover personal injury or property damage resulting to persons or organizations other than the City of Ladysmith.
 - (2) The liability insurance that shall be furnished the City if required hereunder shall provide liability insurance coverage for the operations under such permit of the person or organization, including its members, to whom the permit is issued. Such insurance coverage shall be in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) for the injury or death of any one (1) person in any one (1) accident or occurrence, Three Hundred Thousand Dollars (\$300,000.00) for the injury or death of any number of persons in any one (1) accident or occurrence, and Fifty Thousand Dollars (\$50,000.00) for property damage in any one (1) accident or occurrence; and both the person or organization and the City shall be insured thereunder. Separate policies or certificates of insurance showing the person or organization to be covered under one policy and the City to be covered under another policy may be filed in lieu of a single policy or certificate, at the option of the person or organization. All such policies and certificates of insurance shall be issued by companies authorized to do business in the State of Wisconsin and shall be approved as to form by the City Attorney before the commencement of such use.
- (e) **Grievances.** Any person or organization aggrieved by any determination of the Park Board made under any provision of this Section may appeal such determination to the Common Council by setting forth the details of such grievance in a letter to it, with a copy to the Park Board. Not less than three (3) weeks after the filing of such letter, such person or organization shall personally appear before the Common Council to show why he is aggrieved and why and how such determination should be modified or reversed. The Common Council shall then make a final determination of the matter in controversy and shall sustain, modify, or reverse the determination made by the Park Board.

Cross Reference: Sections 7-2-11 and 11-54.

SEC. 12-1-7 REGULATION OF SWIMMING.

- (a) No person shall, in any authorized swimming area of the City, engage in the following conduct:
 - (1) Swim under rafts or diving platforms.
 - (2) Smoke, eat or drink while in the water.
 - (3) Swim or enter the water with any type of open sore, cut or infectious disease.
 - (4) Urinate or defecate in the water.
 - (5) Use profanity, spit or throw sand.
 - (6) Behave in any manner, which may cause injury to patrons, damage to private property or interfere with the lifeguard in the performance of his or her duties.
 - (7) Bring glass containers, cans or other injurious materials into the water.
 - (8) Allow any animals in the water or beach area.
- (b) Children under six (6) years of age shall be accompanied by a responsible person of at least fourteen (14) years of age at all times while in or about the swimming area. Failure to comply with this provision shall subject the parents and/or legal guardian of such unattended child to the penalty provisions hereinafter provided.
- (c) Lifeguards shall not be responsible for private property while on duty.
- (d) Swimmers shall leave the water during any emergency or at such times as directed by the lifeguard(s).

SEC. 12-1-8 DISCIPLINARY ACTION FOR LADYSMITH COMMUNITY CENTER.

- (a) Disciplinary action arising from conduct by persons using the Ladysmith Community Center shall be administered by the Center Director at the time a problem arises. The Center Director shall make a written report of disciplinary actions taken. If the problem is serious, further action shall be taken up with the Youth and Recreation Committee.
- (b) Disciplinary actions are as follows:
 - (1) One (1) verbal warning shall first be given.
 - (2) If the youth using the Center fails to listen or respond to the verbal warning, his or her name will be placed on a designated board and one (1) mark placed by their name.
 - (3) Should the youth using the Center continue to be a problem, he or she will be given three (3) marks by his or her name, at which time they will be prohibited from using the Center for one (1) week. A letter will be sent to the youth's parents explaining the action.
- (c) Anyone under the influence of alcohol or other drugs will be expelled from the Center. The Police Department will be notified immediately, and in the case of a minor, parents or guardians.

SEC. 12-1-9 GAS OPERATED BOAT MOTORS PROHIBITED ON CORBETT LAKE.

No person shall hereafter operate a gasoline engine boat motor on Corbett Lake, although such motors may be attached to manually propelled boats in use on the lake provided the motors are not used. Electric trolling motors may be used at the lake as may any manually propelled boat, subject to the Wisconsin Statutes.

