

## Chapter 428. Parks and Recreation

[HISTORY: Adopted by the Town Board of the Town of Genesee 10-10-2011 by Ord. No. 11-3. Amendments noted where applicable.]

### GENERAL REFERENCES

Park Board — See Ch. 136.

Firearms and hunting — See Ch. 326.

Fireworks — See Ch. 334.

Intoxicating liquor and fermented malt beverages — See Ch. 356.

Roller skates, skateboards and play vehicles — See Ch. 457.

### § 428-1. Park rules and regulations.

The Town parks of the Town of Genesee, Waukesha County, Wisconsin, shall have the following rules and regulations governing the use of said parks by any person or organization and these rules and regulations are hereby adopted as the rules and regulations governing the use of the parks:

- A. Rules and regulations regarding private use of the Town parks.
  - (1) General.
    - (a) Private use is available only for nonprofit organizations and individuals.
    - (b) Applications for use shall be made in writing through a Park Reservation Form available at the Town Hall. Use of recreation facilities and/or buildings for special occasions or events will not be permitted unless the application is approved by the Town Clerk. In the event the Town Clerk has any questions or concerns regarding approval of the Park Reservation Form, the Town Clerk may refer the matter to the Park Board which shall then have the authority to determine whether the Park Reservation Form will be approved. No Park Reservation Form which requests the use of the soccer fields and/or ball diamonds shall be approved until it is first approved by the Recreation Director.
    - (c) The Park Board reserves the right to govern the use of the buildings and facilities within the parks and may accept/reject any request or cancel any function at any time with or without prior notice. In the event of rejection or cancellation, the Park Board shall notify the Town Chairman within 24 hours.
    - (d) Applications for use will be on a first come, first served basis.
    - (e) Certificates of insurance may be required at the discretion of the Town Clerk or recommendation of the Park Board, reflecting the coverages and amounts as may be required by the Town Clerk or Park Board.
    - (f) The responsible person signing the application does, by so doing, agree to be bound by all of the following obligations, personally and on behalf the organization for which the reservation is made (if any), and if on behalf of an organization, the responsible person's and organization's obligations shall be joint and several: The responsible person and the organization for which the reservation is made (if any) shall indemnify and save harmless and agree to tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the Town of Genesee, its officers, agents, employees and independent contractors growing out of this use of the Town park and will be financially responsible for any and all damages to park facilities that arise from this use of the Town park.

- (g) Private users must complete an application form with the Town and abide by all of the terms and conditions thereof. Among other requirements, the private user shall agree to indemnify the Town, and the Town Board may require that insurance be provided to protect the Town.
  - (h) Town facilities and grounds available for private use are limited to the Town parks, park shelters and/or grounds within the park that must be clearly described in the application.
  - (i) Town functions will take priority. Private use of the facilities and/or grounds shall not be to the exclusion of Town uses. Town officials and employees may enter the premises at any time, even during the private use, for any purpose.
  - (j) Reservations for private use of the Town facilities and/or grounds shall be made with the Town Clerk by executing the approved application form and paying the fee and security deposit (if required) in advance.
  - (k) The amount of the reservation fee and security deposit shall be set from time to time by separate resolution of the Town Board. In such resolution, the Town Board may establish different fee and deposit amounts for different portions of the facilities and/or grounds requested and for the following classes of private users: individuals and nonprofit organizations. The security deposit will be held to cover damage and improper care and necessary cleaning, if any. Any portion of the deposit that remains after all of the Town's costs to fully correct any such damage and cleaning are deducted shall be returned to the user as authorized by the Town Department of Public Works Superintendent. The user shall reimburse the Town for any costs of repair or cleaning that exceed the amount of the deposit within 30 days of being invoiced by the Town.
  - (l) In the event the reservation is canceled prior to the event (whether by being withdrawn or for lack of Town Board approval), the security deposit (if applicable) shall be refunded. The reservation fee will not be refunded, however, unless the private user withdraws the request for private use prior to the request coming before the Town Board.
  - (m) The Town shall not be responsible for anything left, lost, or stolen on the premises.
  - (n) Private use of the Town facilities is subject to all of the rules, regulations, resolutions and ordinances of the Town of Genesee and upon strict compliance with the terms of the Town.
  - (o) The private user shall reimburse the Town of Genesee for any costs the Town of Genesee incurs related to the private use activity, including but not limited to the costs that the Town of Genesee may incur in providing police protection or security in excess of the personnel ordinarily on duty during the time of use and the cost of cleaning up or repairing the park facilities and/or grounds following the private use activity.
- (2) Supervision.
- (a) The applicant and all named persons responsible for supervision must be present from the time the event begins and while the event is in progress and must wait until all users of the facilities have vacated the premises. If the application includes the use of a building, the applicant and all named persons responsible for supervision must be present from the time the building is opened and remain until they have closed and locked the building according to the instructions of park personnel.
  - (b) The applicant and the individuals supervising the function shall be responsible for the conduct and control of both patrons and participants of each function.
  - (c) The applicant and individuals supervising are responsible for seeing that no equipment or other portions of the facilities are used except those specifically stated in the application.
  - (d) The applicant and the persons responsible for supervising shall see that the facility is left in the same condition as when the organization entered the building or facility.
  - (e) No vehicles are allowed beyond the designated parking areas except for delivery purposes, and they must be returned to the designated parking areas as soon as delivery is completed. The applicant and

persons responsible for supervision shall see that no unauthorized vehicles are beyond the main parking lot.

(3) Responsibilities.

- (a) It shall be the responsibility of the organization jointly and severally with the responsible person signing the application to pay for all damages that are a result of the improper use or supervision of the equipment, buildings, or grounds. Any group failing to report damage and pay for it may be denied subsequent use of the facilities, in addition to such other remedies as may apply.
- (b) The organization using the facilities along with the responsible person signing the application assume all responsibilities for injuries that may occur to persons or participants.
- (c) It shall be the responsibility of the applicant and the persons responsible to vacate the premises, after cleanup, within the time scheduled.

(4) Rules and regulations.

- (a) Alcohol beverages. No alcohol beverages shall be consumed, sold, given or delivered in the building or on the grounds rented without the applicant, on behalf of the organization, having first obtained all necessary approvals and/or alcohol beverage licenses when required. The applicant and responsible persons shall assure that minors are not served alcohol beverages.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (b) Shelter use regulations.

[1] Decorating will be permitted provided it does not damage park structures and must be removed at the conclusion of the event.

[2] In consideration of the neighbors, persons using the buildings should refrain from loud talk, boisterous conduct, or loud music when using the park. After proper warning, should conduct of the group continue out of control, individuals or the entire group may be required to vacate the park prior to the scheduled conclusion of the event without refund of any portion of the fees paid or owing.

[3] The park must be vacated in accordance with hours of operation.

- (c) Parks and baseball diamonds regulations.

[1] An approved Park Reservation Form gives the group or organization permission to use certain reserved areas but it does not grant exclusive use of the park.

[2] The erection of tents or other temporary structures is prohibited, unless specifically permitted by the Park Board.

- (d) Vending.

[1] Vendors are permitted to conduct sales within the Town park only if approved and conducted in compliance with the requirements and limitations of this subsection. To the extent that this subsection allows sales within the Town park that are prohibited by Subsections **A(1)** and **B(1)(h)**, this subsection shall control.

[2] All vending shall be under strict control of the Park Board.

[3] Concessionaires must comply with all state and county statutes for restaurant sales.

[4] Advertising is prohibited as described in Section B(1)(i) and (j); however, upon application to and approval of the Park Board, advertising may be allowed on the concessionaire's napkins or small articles for sale. In addition, upon application to and approval of the Park Board, signage is permissible during vending activity, provided that the signage shall not exceed 12 square feet in size and must be removed when the concessionaire leaves the park.

- [5] The number of concessionaires will be determined by the Park Board. The location in the park, size/type of operation and concession products will be controlled and subject to the approval of the Park Board. Vending shall not interfere with any sales conducted by approved tournaments, local nonprofit organizations or approved events of the Park Board.
- [6] Vending is limited to the park hours of operation.
- [7] Concessionaires shall clean all debris and keep a neat and sanitary vending area during and upon completion of all operations.
- [8] The fee for conducting concessions within the Town of Genesee Town park is as follows; payment shall be made to the Town Clerk no later than November 1 of the year in which vending activity occurs:
  - [a] Organizations that exist within the Town of Genesee and pay taxes within the Town of Genesee shall pay to the Town 5% of gross revenues less Wisconsin sales tax on all sales derived from the operations granted.
  - [b] All other concessionaires (non-Town of Genesee taxpaying operations) shall pay to the Town Clerk 12% of gross revenues less Wisconsin sales tax on all sales derived from operations granted.
- [9] The concessionaire agrees to maintain a bookkeeping system supported by invoices where necessary to accurately reflect gross receipts from the operation of concessions granted by the Park Board which shall be presented to the Town by November 15 of each year and may be audited by Town officials.
- [10] The Park Board may furnish utilities where applicable but will not be held responsible for adding utilities for vendor sales. An alternate energy source can be used with Park Board approval.<sup>[2]</sup>
  - [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [11] In addition to, and not to the exclusion or prejudice of, any provisions of these rules or documents incorporated herein by reference, the owner shall indemnify and save harmless and agrees to accept tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the Town, its officers, agents, employees and independent contractors growing out of any vending activities conducted pursuant to this chapter by any party or parties. Prior to commencement of any vending activities, the concessionaire must provide to the Town Clerk a certificate of insurance demonstrating liability coverage of at least \$1,000,000 with the Town of Genesee named as an additional insured party on the policy.
- [12] A concessionaire's ability to vend can be revoked at any time at the discretion of the Park Board for rules violations or upon complaint.
- [13] Any approval granted by the Park Board shall be for one calendar year only, or less, if the dates of approval are limited by the Park Board. Separate approval is required for each calendar year. Applications for concessions approvals may be submitted no earlier than November preceding the calendar year requested and will be considered on a first come, first served basis.

B. General regulations for all users of the Town parks.

- (1) Individual conduct.
  - (a) No boisterous or disorderly conduct on premises.
  - (b) No willful disfigurement of buildings or equipment.
  - (c) All persons will use the rest room designated for that person's sex.
  - (d) No glass bottles or containers are permitted in any area of the park.
  - (e) No littering in any form.

- (f) No picnicking or meals are permitted in areas other than those designated.
  - (g) No dogs or domestic animals are allowed in the park at any time.
  - (h) No hawking, merchandising or selling of any articles without prior approval of the Town Clerk/Park Board.
  - (i) No advertising of any nature will be permitted in the park except as allowed in Subsection A(4)(d) [4].
  - (j) No placing or posting of signs, placards or advertisements whatsoever, except official Town/park signs.
  - (k) No golfing.
  - (l) No hunting.
  - (m) No starting of fires in other than specified locations (fireplaces and grills).
  - (n) No fireworks of any kind except with the Town's approval.
  - (o) Model rockets, model airplanes and drone flying are prohibited. For purposes of the subsection, a "drone" is defined as a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift and can fly autonomously or be piloted remotely, whether expendable or recoverable.  
[Amended 9-12-2016 by Ord. No. 16-4]
- (2) Vehicles.
- (a) Rate of speed is limited to 15 miles per hour.
  - (b) Town park: no parking beyond main parking lot without special permission.
  - (c) No operation of motorized vehicles other than on designated lots and roadways.
  - (d) No overnight parking.
- (3) Hours of operation.
- (a) Parks open April 1 and close October 31.
  - (b) Hours:
    - [1] April 1 to Memorial Day, 7:00 a.m. to sunset.
    - [2] Memorial Day to Labor Day, 7:00 a.m. to 10:00 p.m.
    - [3] Labor Day to October 31, 7:00 a.m. to sunset.

## § 428-2. Willful damage to park property; restitution.

Section 943.01, Damage to property, and § 800.093, Restitution, Wis. Stats., are incorporated herein by reference, with the exception of the penalties described therein. All future amendments, renumbering, and recodification of said statutes shall apply, to allow for uniform application of laws applicable to damage to property.

## § 428-3. Violations and penalties.

[Amended 2-9-2015 by Ord. No. 15-1]

Each violation of any provision of this chapter shall be subject to the penalties and remedies described in Chapter 1, General Provisions, Article I, General Penalty, of this Code.