

TITLE 12

Parks and Navigable Waters

| <i>Section Number</i> | <i>Title</i> | <i>Ordinance Number</i> | <i>Date of Ordinance</i> |
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| Chapter 1 | <i>Park Regulations</i> | | |
| Chapter 2 | <i>East Side Community Center</i> | | |
| Chapter 3 | <i>Bulkhead Lines</i> | | |
| Chapter 4 | <i>Cemeteries</i> | <i>Ord. 2002-15 Created</i> | <i>5/23/02</i> |
| | | <i>Ord. 2003-06 Recreated</i> | <i>4/15/03</i> |

CHAPTER 1

Park Regulations

| <i>Section Number</i> | <i>Title</i> | <i>Ordinance Number</i> | <i>Date of Ordinance</i> |
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SEC. 12-1-1 PARK REGULATIONS.

- (a) **Purpose and Definition.** Purpose and Definition. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Caledonia 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 Village.
- (b) **Specific Regulations.**
 - (1) Damaging Property. Damaging Property. No person shall intentionally mark, deface, disfigure, damage, displace, or remove any structures, equipment, facilities, or other park property, either real or personal, including trees, shrubbery, and

- landscaping.
- (2) Littering. No person shall scatter, litter, throw, dispose of, or leave any garbage, rubbish, bottles, cans, trash, earth, debris, or other waste materials in any waters in or contiguous to any park or recreational area of anywhere on the grounds thereof, except only in receptacles provided for such purpose by the Caledonia Park Commission.
 - (3) Animals. No person shall bring or harbor any dogs, horses, or other animals in or upon any park or recreational area at any time except when required for activities or amusements authorized by the Caledonia Park Commission.
 - (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 Park Commission.
 - (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 Park Commission.
 - (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 and if ashes are properly disposed of. 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 building, structure, apparatus, bench, table, official notice, sign or 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 Village authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. Snowmobiles, minibikes, go-carts, and all other unlicensed vehicles are prohibited in Village parks and public recreational areas at all times. 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 Village park except in designated areas.
 - (12) Speed Limit. No person shall operate any vehicle in a Village park in excess of 15 m.p.h., unless otherwise posted.

- (13) Glass. No person shall break, throw, or leave any glass in or upon any park or recreational area, except only in receptacles provided for such purpose by the Caledonia Park Commission.
- (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 Village.
- (15) Parking in Parks. No person shall park any motor vehicle in any park in the Village 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 Park Commission 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 Village 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 Village park, except in authorized areas.
- (20) Weapons. Except for duly appointed law enforcement officers or person(s) authorized by law, no person shall have in his possession or under his control or discharge any Weapon as defined under Sec. 11-2-1(a) of this Code of Ordinances, any Dangerous Weapon as defined under Sec. 11-2-2(a)(3) of this Code of Ordinances, prohibited weapons under Sec. 11-2-2(b), or explosives of any kind while in or upon any park or recreational area.
- (21) Fish Cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (22) Controlled Substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (23) Camping. Overnight camping is not permitted in any Village park.
- (24) 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 Park Commission and no such installation, repair or construction shall commence without the written permission therefor from the Park Commission. All public works, including construction and installation of power lines, hydrants, sewers and the like shall be commenced only after notice to the Village of the utility's intention so to do. Where practicable, such construction and installation shall be performed pursuant to recommendations by the Park Commission.
- (25) Fireworks. No person shall use, discharge, or explode in, or bring any fireworks upon any Park or recreational area. For purposes of this Section, the term

"fireworks" shall include all material and devices enumerated under Sec. 167.10(1), Wis. Stats., but shall not include paper caps manufactured in accordance with United States Interstate Commerce Commission Regulations for packing and shipping. This Section shall not prohibit pyrotechnic displays authorized by a permit issued by the Chairman of the Village of Caledonia in accordance with the provisions of the Wisconsin Statutes and Village Ordinances.

- (26) Prohibited Areas. No person shall enter any building or part thereof or any area in or upon any park or recreational area which is locked or in disregard of posted signs or notices of the Caledonia Park Commission forbidding the same.
- (27) Sale of Merchandise. No person shall sell or vend in any park or recreational area any article or merchandise without the written consent of the Caledonia Park Commission.
- (28) Games. No person shall play softball, baseball, football, or any other ball games or horseshoes, except at locations specifically designated for such purpose by the Caledonia Park Commission.

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

No person shall fly a radio-controlled model airplane, helicopter, or other toy in any park in the Town of Caledonia, except in areas specifically designated and posed for such purpose.

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

Except as authorized by the Park Commission, no person shall dig into the turf of any Town-owned property for any purposes whatsoever or remove my trees or flowers. Absent authorization by the Park Commission, 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 PARK HOURS.

- (a) **Park Hours**. Except for authorized events and subject to certain exceptions listed below, all Town parks shall be closed from sunset to sunrise the following day, and it shall be unlawful to enter in or be upon any park or playground after the hour designated.
- (b) **Exceptions to Closing Hours**. A person driving through a park on a public road may do so after closing hours, but may not stop or park within such park. The Caledonia Park Commission may modify closing hours for particular events in accordance with Section 12-1-6.
- (c) **Park Closing and Opening Dates**. The Town Board will have full authority to open and close any park, swimming area, 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 by 14 C.F.R. Sec. 103.1 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 Town 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 Town 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 Town public park or other Town property, the operator of such ultralight aircraft shall first obtain a permit from the Town Board. No fee shall be charged by the Town Board for such permit which may be issued for a period up to thirty (30) days nor shall the Town Board sponsor such activity.
 - (2) Any person desiring to land or to take off from any property owned by the Town of Caledonia, 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 Town of Caledonia as an additional insured and said certificate shall be filed with the Town Clerk at the time the applicant seeks a permit.

SEC. 12-1-6 RESERVATION OF PARK SPACE

- (a) **Policy on Reservation.** The intent of this Section is to regulate exclusive use of Town-owned parks and park space.
- (b) **Definitions.** In this Section:
 - (1) “Applicant” means an individual, group, firm, organization, partnership or corporation.
 - (2) “Large group” means a gathering of 20 or more people, whose use of the park does interfere with the general public's use of the park at the same time as determined by the Parks and Recreation Department and/or the Caledonia Park Commission.
 - (3) “Medium group” means a gathering of 20 or more people whose use of the park does not interfere with the general public’s use of the park at the same time as determined by the Parks and Recreation Department and/or the Caledonia Park Commission.
 - (4) “Park” means the entire usable space that is owned by the Town and open to the public for use.
 - (5) “Park space” means any facility, field, court, gazebo, or shelter area that is owned by the Town and open to the public for use.
 - (6) “Small group” means a gathering of fewer than 20 people.

(c) **Reservation of Parks and Park Space.**

- (1) The Parks and Recreation Department (“the Department”), shall accept applications for the exclusive use of park and park space, and may issue permits for the exclusive use of park space.
- (2) The Caledonia Park Commission (“the Commission”), may issue permits, set fees, and impose conditions for the exclusive use of a Town park. The Commission shall adopt criteria for use in carrying out these responsibilities
- (3) Park and park space are reserved on a first requested, first reserved basis.
- (4) Areas for reservation. The extent of park and park space available for reservation shall be established by resolution of the Commission and updated from time to time.

(d) **Fees and Application Procedure.**

- (1) Filing of Application.
 - a. Small Groups. An applicant for a small group shall submit to the Department a completed rental or use application in order to receive a permit. No rental or use fee shall be applied.
 - b. Medium Groups. An applicant for a medium group shall submit a completed rental or use application and pay a rental or use fee as shall be established by the Commission from time to time.
 - c. Large Groups.
 1. An applicant for a large group shall submit a completed rental or use application which shall be forwarded to the Commission for approval. The Commission may issue a permit and set fees and conditions for use of a park. Fees shall be based upon the special circumstances related to the use and shall consider the size of the group, length of the rental, facilities to be used, and any other factor deemed relevant by the Commission.
 2. Each applicant shall apply at least 90 days prior to the proposed reservation date(s).
 3. The Commission may approve or deny without cause or impose a late fee, as determined by the Commission on a case-by-case basis, on any application received less than 90 days prior to the proposed reservation date(s).
- (2) Reservation of Park or Park Space. Park or park space may be reserved for the current calendar year only, except that weddings and/or wedding parties may make reservations for the current calendar year and the following calendar year.
- (3) Form. Each application shall be in a form prescribed by the Commission and be used as the rental or use permit. The application shall designate park or park space requested for use, period of use, purpose of event, and the name of the applicant and/or sponsoring groups to which the permit is issued. The rental or use application shall provide a space for approval of use and a signature of the approving representative of the Department or Commission.
- (4) A beer or wine permit may be purchased at the time the application is submitted to the Department or approved by the Commission as established by section 12-1-6(e).
- (5) Approval.

- a. Small or medium groups may receive approval for a reservation, along with any conditions of approval, from the Department.
 - b. Large groups may receive approval for a reservation along with any conditions of approval, from the Commission.
- (6) Reasons for Denial. Applicants may be denied a permit for any of the following reasons (without limitation):
- 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 an application is already pending.
 - c. If law enforcement requirements for the use will require so large a number of persons as to prevent adequate law enforcement to the event or the rest of the Town.
 - d. The use will reasonably create a substantial risk of injury to persons or damage to property.
 - e. If the application does not contain the information required.
- (7) Cancellation of Reservation.
- a. Cancellation by the Applicant.
 - 1. Small or Medium Group. An applicant shall be refunded 75% of fees paid for a reservation cancelled more than 14 days in advance of the reserved date, if payment was required. An applicant shall not be refunded any portion of the fees paid for a reservation cancelled 14 days or less than 14 days in advance of the reserved date.
 - 2. Large Groups.
 - a. An applicant shall be refunded 75% of fees paid for a reservation cancelled more than 90 days in advance of the reserved date.
 - b. An applicant shall be refunded 40% of fees paid for a reservation cancelled between and including 90 days and 40 days in advance of the reserved date.
 - c. An application shall not be refunded any portion of the fees paid for a reservation cancelled less than 40 days in advance of the reserved date.
 - 3. In the event inclement weather, no refunds shall be made.
 - b. Limiting of Usage by the Department. The Department reserves the right to limit usage of park and park space due to weather, field/court conditions, maintenance needs, or other reasons deemed appropriate by the Department.
 - c. Cancellation by the Town. The Town reserves the right to cancel any reservation and refund all fees paid. The rental and use application form or the rules/regulation for park shelter rental or use shall state that in the cancellation required by the Town, the applicant shall hold the Town harmless from any liability for losses, damages, or additional costs incurred by the applicant resulting from said cancellation.
- (8) Town Activity. A permit is not required for exclusive use of a park or park space for an activity sponsored by the Town including its departments, committees,

commissions and boards. However, the Town shall submit a completed rental or use application so that conflicts can be avoided. No application fee shall be required.

- (e) **Beer or Wine Permit.** Beer and wine is not permitted in any park or park space without a permit. It is understood that the applicant is acquiring said permit for consumption of beer or wine by applicants and guests of legal drinking age, not for selling of beer or wine. Copies of said permit shall be forwarded by the Department to the Caledonia Police Department and the Town Clerk. The beer or wine permit fee shall be \$10.00. This permit shall be present at the site of the event for law enforcement and the Department to check and monitor.
 - (1) The Department may issue a beer or wine permit whenever an applicant requests use of a park space and the fee is paid in full.
 - (2) The Commission may issue a beer or wine permit when considering a large group application and the fee is paid in full.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of a park or park space to a group, 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.
- (g) **Miscellaneous Condition of Use.**
 - (1) An individual renting or reserving a park or a park space on his/her own behalf or on the behalf of a group, firm, organization, partnership, or corporation must be 18 years old at the time of the reservation or rental, except if beer/wine is to be consumed the age requirement shall be 21 years.
 - (2) All reservation times include set-up, decorating, tear down, and clean-up time.
 - (3) Hours of use shall be from sunrise to sunset unless written permission is received to remain after closing time from the Commission.
 - (4) The use of amplified music, tents, or other similar structures must be approved by the Department in writing, and must not violate any Town or County ordinances.
 - (5) Live animals, exhibits, rides, dunk tanks, and any use of motorized equipment for carnival games, rides, and activities are prohibited.
 - (6) The Department is authorized to provide full or partial refund of fees to an applicant in instances where the park area was insufficiently maintained or prepared such that the applicant did not receive full or fair use of the park area. Any such refund shall be reported to the Commission at its next meeting.
- (h) **Variance.** The Commission may grant a variance from the provisions of this ordinance for good and sufficient cause as determined by the Commission, based upon the special circumstances of the particular case, but no variance shall be granted which is unjustly discriminatory in nature.
- (i) **Permit Revocation.** The Town reserves the right to 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 a major change in the conditions forming the basis of the issuance of the permit.

SEC. 12-1-7 REGULATIONS FOR RACINE COUNTY PARKS AND RECREATION AREA.

It shall be unlawful for any person, firm, or corporation to do any of the following within or upon any Racine County Park or recreational area within the Village of Caledonia:

- (a) Destroy, deface, mutilate, or cause physical damage to any real or personal property, including trees, shrubbery, and landscaping located in or upon any Racine County Park or recreational area.
- (b) Except for duly appointed law enforcement officers or person(s) authorized by law, have in his possession or under his control any Weapon as defined under Sec. 11-2-1(a) of this Code of Ordinances, any Dangerous Weapon as defined under Sec. 11-2-2(a)(3) of this Code of Ordinances, prohibited weapons under Sec. 11-2-2(b), explosives or fireworks of any kind or discharge any of the same. No person shall use or shoot any bow and arrow or crossbow, except in authorized areas.
- (c) Operate any sound track, loud speaker, motor, or any other mechanical device that produces undue or unnecessary noises.
- (d) Be intoxicated or engaged in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct, tending to create a breach of the peace, or to disturb or annoy others.
- (e) Bring or consume any intoxicating liquor or fermented malt beverages.
- (f) Hold or take part in any musical, theatrical, or other entertainment, or any parade, procession, or public meeting or gathering of any kind, or make any political or religious address, oration, harangue, or demonstration of any kind without permit from the Racine County Highway and Parks Committee.
- (g) Peddle or distribute any hand bills or other advertising matter or post unauthorized signs on any lands, structures, or property, or solicit, transact, or conduct any business of any nature without having first obtained written consent of the Racine County Highway and Parks Committee.
- (h) Suffer or permit his dog to be in or upon any Racine County Park or Recreational at any time.
- (i)
 - (1) Build or maintain any fire, except at areas designated for cooking and for fires.
 - (2) Leave any fire unattended, or throw away any matches, cigarettes, cigars, or pipe ashes, without first extinguishing them, at any time.
- (j) Discard or leave any refuse or sewage, including garbage, rubbish, bottles, tin cans, glass, debris, or any other waste material on the ground or in any building or in any installation, or throw the same into the water of any lake or stream or other body of water, but will dispose of the same in designated containers.
- (k)
 - (1) Drive or ride any bicycle, motorcycle, motor vehicle, or a horse, except in the regular drives designated therefor.
 - (2) Operate any vehicle at a speed in excess of fifteen (15) miles per hour unless different limits are indicated by official traffic signs.
- (l) Park, stop, or leave standing, whether attended or unattended, any vehicle:
 - (1) In any manner as to block, obstruct, or limit the use of any road or trail; or
 - (2) Outside of any area provided for such purposes of parking; or

- (3) Contrary to posted notices.
- (m) Enter in any way any building, installation, or area that may be locked or closed to public use or contrary to posted notice.
- (n) Pick, remove, damage, or kill any flowers growing within the park or recreational area.
- (o) Use any facilities, land, or area for which a fee has been established without payment of such fee or charge.
- (p) Take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or birds.

SEC. 12-1-8 GORNEY PARK POND.

- (a) **State Boating and Safety Laws Adopted.** Sections 30.50 through 30.71 of the Wisconsin Statutes, and any amendments are adopted and incorporated by reference.
- (b) **Definitions.**
 - (1) "Motorboat" means any boat equipped with propulsion machinery, whether or not the machinery is the principal source of propulsion.
 - (2) "Nonmotorized" boat means a boat which is not a motorboat but which is designed and constructed to be used as a boat for transportation of a person or persons on water; including, but not limited to, any canoe, sailboat, inflatable boat or similar device, rowboat, raft and dinghy, which is not a motorboat.
- (c) **Motorboat Prohibition.** No person shall operate a motorboat on the waters of Gorney Park Pond; only nonmotorized boats shall be permitted on the pond.
- (d) **Hours of Operation.** No person shall operate a nonmotorized boat upon the waters of Gorney Park Pond outside the hours of 6:00 a.m. to 7:00 p.m., local time.
- (e) **Swimming Prohibition.** Swimming shall not be permitted at Gorney Park Pond.
- (f) **Parking.** Vehicles transporting boats shall only park in those spaces designated for boat users.
- (g) **Posting Requirements.** The Town shall place and maintain a copy of this section at all public access points to Gorney Park Pond.
- (h) **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.
- (i) **Penalties.** Any person violating any provision of this section shall be subject to the penalties in 1-1-6 of the Town of Caledonia Code of Ordinances.