

# TITLE 12

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## **Parks and Navigable Waters**

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# Chapter 1

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## Parks and Recreation

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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 Village of Star Prairie 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, play ground, swimming pool or conservancy area in the Village.
- (b) **Specific Regulations.**
- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
  - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
  - (3) **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 Village Board.
  - (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
  - (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
  - (6) **Trapping.** "Trapping" when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in Village parks.

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- (7) **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.
- (8) **Protection of Park Property.**
  - a. 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.
  - b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any Village park; or to deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.
- (9) **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 Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) **Snowmobiles.** No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limit.** No person shall operate any vehicle in a Village park in excess of fifteen (15) miles per hour unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No individual shall possess or consume any beverage in a glass bottle or glass container in any Village park.
- (13) **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.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (15) **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 Village 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. Horses shall not be left unbridled or unattended.

- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **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.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (19) **Fees and Charges.** The Village Board shall 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.
- (20) **Firearms; Hunting.** Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all Village parks.
- (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) **Vendors Restricted.** No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the Village Board.
- (24) **Alcohol Beverages.** The consumption or possession of alcohol beverages in Village parks shall be as regulated by Section 11-4-1.
- (25) **Camping.** No overnight camping shall be permitted in any park, except where written approval of the Village Board or duly authorized agent is first obtained.
- (26) **Use of Metal Detectors.** No person shall use a metal detector in any Village park.

*Cross-Reference:* Section 11-4-1.

### **Sec. 12-1-2 Operation of Remote or Radio-Controlled Airborne Toys or Devices Prohibited.**

It shall be unlawful for any person to fly, operate or make use of any airborne remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

### **Sec. 12-1-3 Turf Protection on Public Property.**

Except as authorized by the Chief of Police or Village Board, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any

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trees or flowers. Absent authorization by the Chief of Police or Village Board, the use of metal detectors and digging for buried objects on Village parks or recreational property.

**Sec. 12-1-4 Park Hours.**

- (a) **Hours Established.** No person except an authorized employee and individuals engaged in special activities after obtaining the proper authorization from the Village Clerk-Treasurer shall be in or upon the public parks including any structure located thereon between 10:00 p.m. and 6:00 a.m., except that Saratoga Park shall be closed from sunset to sunrise.
- (b) **Exceptions.**
  - (1) The regular closing hours of Village parks do not apply to persons having permission from the Village Board to be present in the Village parks during closed hours on specific days, for specific purposes or for special events.
  - (2) The regular closing hours of the Village parks do not apply to persons in attendance at a regularly scheduled ball game at the ball diamond located in the Village.

**Sec. 12-1-5 Reservation of Park Space.**

- (a) **Policy on Reservation.** The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof, in the Village of Star Prairie to the end that the general welfare of the Village is protected.
- (b) **Reservation of Park Space/Park Shelter.**
  - (1) A person or group, firm organization, partnership or corporation may reserve the use of the park shelter by written application filed with the Village Clerk-Treasurer or, in the case of a request for exclusive use of a park, filing a written application with the Clerk-Treasurer for referral to the Park Committee. The Clerk-Treasurer shall issue permits for exclusive use of a park shelter, while the Park Committee shall issue permits for the exclusive use of entire Village parks. All reservations shall be made on application forms in the office of the Village Clerk-Treasurer and shall be on a first-come, first-served basis, provided however, that any Village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.

- (2) At the time of reservation, a Fifty Dollar (\$50.00) damage/cleaning deposit shall be given to the Clerk-Treasurer. After usage and inspection, and key return, the damage/cleaning deposit may be returned if no damage or need for special cleaning exists.
  - (3) No furnishings are to be removed from the shelter.
  - (4) State law does not allow alcoholic beverages to be served without a license.
  - (5) State law does not allow smoking in public buildings.
- (c) **Application.** Applications shall be filed with the Clerk-Treasurer at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter is to be used, and shall set forth the following information regarding the proposed exclusive use:
- (1) The name, address and telephone number of the applicant.
  - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
  - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
  - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
  - (5) The anticipated number of persons to use the said park, area or facility.
  - (6) Any additional information which the Park Committee, Park Committee chairperson or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The Park Committee shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants under this Section may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
  - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
  - (3) If the application does not contain the information required by Subsection (c) above.
  - (4) The application is made less than the required days in advance of the scheduled exclusive use.
  - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.

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- (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
- (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village 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 Village 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 Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) **Permit Not Required For Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the Village of Star Prairie.
- (h) **Permit Revocation.** The Park Committee, or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (i) **Form of Permit.** Each permit shall be in a form prescribed by the Park Committee and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (k) **Care of Facilities.** Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a Village park shall agree to assume full responsibility for all damage to Village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the Village may have.

*Cross-Reference:* Sections 7-2-11 and 11-4-1.



## Chapter 2

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# Commercial Tubing and Other Floating Activities

### 12-2-1 Regulation of Commercial Tubing and Other Floating Activities

#### Sec. 12-2-1 Regulation of Commercial Tubing and Other Floating Activities.

- (a) **Definitions.** For purposes of this Section:
- (1) ***Tubing or Floating Establishment.*** The premises upon which any person, corporation, or other entity engages in commercial tubing or other floating activities.
  - (2) ***Commercial Tubing or Other Floating Activity.*** The providing of floating devices (including but not limited to inner tubes, rafts, air mattresses, float boards, canoes, boats and the like) for a fee or other consideration, with or without the concurrent furnishing of private access to the Apple River to members of the general public; the providing of access, for a fee or for other consideration, to the members of the general public by owners of privately owned land located on the banks of the Apple River for purposes of enabling members of the general public to float down the Apple River; the operation of buses, trucks or other vehicles, except private automobiles and private station wagon vehicles, used to transport persons to or from any tubing or floating establishment, or any Village park or other public access to the Apple River within the Village, whether or not such transportation is provided for a fee or gratuitously.
- (b) **Public Policy Declaration.** Commercial tubing or other commercial floating activities carry with them the potential for very deleterious effects. Without attempting to be exhaustive, some of those harmful effects include: increased crowd control and traffic problems, necessitating greater public expenditures for policing; ecological harm to the Apple River and its banks; disturbance of the peace of landowners along the river and other residents; interference with the historical use of this portion of the Apple River for trout fishing; and damage to streets and roads caused by increased volume of traffic, and by use of buses and other heavy vehicles to transport floaters. In order to prevent these and other harmful effects, and to promote the general public health, safety, welfare and peace, it is declared to be in the public's interest to prohibit tubing or floating establishments within Village boundaries.
- (c) **Tubing or Floating Establishments Prohibited.** All tubing or floating establishments are hereby prohibited in the Village of Star Prairie.

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- (d) **Penalty.** Any person, corporation or other entity which engages in tubing or other floating activities, as defined above, shall upon conviction forfeit the sum of Two Hundred Fifty Dollars (\$250.00) per day for each day or part thereof that such activity was carried on. Such tubing or other floating activities may also be enjoined, either by the Village or by private citizens.
- (e) **Schedule of Cash Deposit.** For each violation of this Section, a cash deposit of Two Hundred Eighty-seven and 50/100 Dollars (\$287.50) is required, to be made to the office of the St. Croix County Clerk of Court. Receipts for such cash deposits must be given to the depositor, pursuant to Sec. 66.119(1)(c), Wis. Stats.

# Chapter 3

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## Community Center

### 12-3-1 Use of Star Prairie Community Center

#### Sec. 12-3-1 Use of Star Prairie Community Center.

- (a) **User Fees.** Users of the Community Center shall pay the following fees to the Clerk-Treasurer:
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| (1) Non-resident family/group            | \$100.00 per day  |
| (2) Resident family/group                | \$ 50.00 per day  |
| (3) Non-profit organizations/educational | No fee, however, \$25.00 damage/cleaning deposit applies. |
- (b) **Reservations.**
- (1) Reservations shall be made with the Village Clerk-Treasurer. At the time of reservation, a Fifty Dollar (\$50.00) damage/cleaning deposit shall be given to the Clerk-Treasurer. (This is separate from the usage fee.) After usage, inspection, and key return, the damage/cleaning deposit shall be returned if there is no damage or there is a need for special cleaning exists.
  - (2) No furniture, (chairs, tables, etc.), kitchen furnishings are to leave the Community Center under any conditions. Alcoholic beverages shall not be served in the Community Center.
  - (3) Smoking is prohibited in the Community Center.
  - (4) Pins, thumbtacks or nails shall not be used on the walls.
  - (5) Community Center User hours are 8:00 a.m. until 10:00 p.m.
  - (6) The Village Board may modify these fees for civic, educational, or similar purposes at its sole discretion.

