Meeting:	Village Board
Meeting Date:	02-13-12
Agenda Item:	7h

Mission Statement
Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REPORT FROM: Geoffrey S. Farr, PE, Director of Public Works

AGENDA ITEM: Review and take action on Ordinance 2012-04, "An ordinance repealing and recreating Section 28-22 (a) (1) of the Howard Village Code relating to the hours of operation for Akzo Nobel Park"

POLICY ISSUE
Should the Village Board approve changing the hours of operation for Akzo Nobel Park?

BACKGROUND INFORMATION
The Village has received complaints from residents regarding nighttime activities in the parking lots at Akzo Nobel Park. Enforcement personnel have contacted individuals in parking lots after dark and asked them to leave. Unfortunately officers cannot enforce or write citations for activities after dark because the current hours of operation for the park are until 10:30 pm. The evening hours were intended to allow for use of the lighted ball diamonds at the park only. Unfortunately the current hours apply to the entire park.

This ordinance would change the hours to: ***30 minutes before sunrise to 30 minutes after sunset, except until 10:30 pm when engaged in authorized illuminated ball diamond activities. Lights shall be shut off by 10:15 pm.***

Several signs would need to be changed to indicate the new hours of operation.

PRIOR ACTION/REVIEW
None

FISCAL IMPACT:

1. Is There A Fiscal Impact?	Yes
2. Is it Currently Budgeted?	Yes
3. If Budgeted, Which Line?	Park Operations
4. Amount?	$300

RECOMMENDED ACTION

Village Staff recommends that the Village Board approve Ordinance 2012-04 relating to the hours of operation for Akzo Nobel Park.

If the Village Board were in favor of this policy action, the following motion may be made:

"Motion to approve Ordinance 2012-04 changing the hours of operation for Akzo Nobel Park."

POLICY ALTERNATIVE(S)

The Village Board could take the following actions:

- Approve Resolution 2012-04
- Approve the resolution with modifications
- Deny the resolution and decide how to proceed
- Table the resolution and request additional information

ATTACHED INFORMATION

I. Resolution 2012-04
II. Current park regulations

COPIES FORWARDED TO:

I. None

ORDINANCE NO. 2012-04

AN ORDINANCE REPEALING AND RECREATING SECTION 28-22 (a) (1) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOWARD RELATING TO HOURS OF OPERATION FOR AKZO NOBEL PARK

THE VILLAGE BOARD OF THE VILLAGE OF HOWARD, BROWN COUNTY, WISCONSIN DOES ORDAIN THAT SECTION 28-22 (a) (1) IS REPEALED AND RECREATED TO READ AS FOLLOWS:

SECTION 1. SECTION 28-22 (a) (1): Akzo Nobel Sports Complex – 30 minutes before sunrise to 30 minutes after sunset, except until 10:30 p.m. when engaged in authorized illuminated ball diamond activities. Lights shall be shut off by 10:15 p.m.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon adoption and publication.

Dated this __13th___ day of _February__, 2012

_____
Burt McIntyre, Village President

_____
Christopher Haltom, Village Clerk

Date of publication:

Feb. 17, 2012

ARTICLE II. - PARK REGULATIONS

Sec. 28-19. - Scope.
Sec. 28-20. - Definitions.
Sec. 28-21. - Unlawful conduct prohibited.
Sec. 28-22. - Hours of operation.
Sec. 28-23. - Pets.
Sec. 28-24. - Horses.
Sec. 28-25. - Motor vehicles.
Sec. 28-26. - Snowmobiles.
Sec. 28-27. - Off-road vehicles.
Sec. 28-28. - Fishing regulated.
Sec. 28-29. - Food and beverages.
Sec. 28-30. - Camping.
Sec. 28-31. - Group use of parks; registration or permit required.
Sec. 28-32. - Penalties.
Secs. 28-33—28-51. - Reserved.

Sec. 28-19. - Scope.

The provisions of this article regulate conduct in parks.

(Comp. Ords. 2000, § 19.01; Ord. No. 2009-6, § 1(19.01), 4-27-2009)

Sec. 28-20. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means all public property intended for leisure, recreation, and special events or gatherings excluding village hall and the Village Green Golf Course.

Park shelter means any public building or structure located within a park.

Special event means any event greater than 40 people held at a village park which is not sponsored by the village and is not being held at a designated park shelter.

Special event permit means permit issued by the village board which allows special events at village parks or on village property not to exceed 72 hours.

(Comp. Ords. 2000, § 19.02; Ord. No. 2009-6, § 1(19.02), 4-27-2009)

Sec. 28-21. - Unlawful conduct prohibited.

It shall be unlawful for any person to commit any of the following acts in or upon any park within the village:

(1) *Amplified systems.* Except for Howard Memorial Park, permanent amplification systems shall be prohibited in all parks unless approved by the village board. Temporary amplification systems are prohibited except for programs which have obtained authorization by the village's leisure services department and which meet the village's public address systems and amplifiers requirements as outlined in section 24-283

(2) *Damage to property.* No person shall in any manner mar, injure, deface or destroy any tree, shrub or plant standing or growing in the park, nor any fence, sign, table, bench, building or any other thing of value in any public park grounds, or place, nor shall they disturb or interfere with any wildlife within the park.

(3) *Disorderly conduct.* No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, endangers others persons or property, or interferes with the use of the park by others.

(4) *Fires.* Open fires are not permitted, except for village-sponsored activities. Grills are allowed in picnic areas. Coals must be thoroughly extinguished and placed in trash receptacle. No person shall leave any fire unattended.

(5) *Fireworks.* Fireworks are prohibited in all parks except for programs which have a special event permit obtained from the village board and a fireworks permit obtained from the fire chief.

(6) *Games.* No person shall engage in any athletic contest, game or activity, except in areas specifically designated for such activity, whereby large areas of public grounds are usurped by the participants to the exclusion and at the peril of injury to others.

(7) *Golf.* Golf is prohibited in all parks.

(8) *Hunting/trapping.* Hunting and/or trapping is prohibited in all parks except by special permit issued by the village clerk's office.

(9) *Litter.* No person shall place or leave any paper or refuse in any park except in the containers provided. No person shall bring garbage or refuse into any park with the intent of depositing same on park grounds, in waste receptacles or dumpsters. Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for it.

(10) *Metal detectors.* No person shall operate a metal detector in any park without authorization from the director of leisure services.

(11) *Paintball.* Paintball, airsoft guns, BB guns or similar activities and devices are prohibited in parks.

(12) *Rules.* No person shall fail, refuse or neglect to obey the regularly posted rules and regulations established for the use or enjoyment of any facilities.

(13) *Sales.* No person or group shall vend, sell or offer for sale any food, beverage or other commodity or article within any park to the public without authorization from the director of leisure services.

(14) *Signs.* No person or group shall paste, glue, tack or otherwise post any sign, placard, or advertisement, or solicit business of any nature in any park without authorization from the director of public works.

(15) *Swimming and diving.* Swimming and diving are prohibited in all parks, except for programs which have obtained authorization from the director of leisure services.

(16) *Rides, inflatable games.* Mechanical rides, dunk tanks, inflatable games greater than 100 square feet or other temporary structures are prohibited except for programs which have a special event permit obtained from the village board.

(17) *Vandalism.* No person shall soil, deface, injure, damage, upset or destroy any building, fence, fountain, bench, table, receptacle, fireplace, tree, bush, flower or other object situated, used or kept upon such grounds.

(Comp. Ords. 2000, § 19.03; Ord. No. 2009-6, § 1(19.03), 4-27-2009; Ord. No. 2011-15, § 1, 8-22-2011)

Sec. 28-22. - Hours of operation.

(a) *Park hours.* Unless a program or event is sponsored by the leisure services department, the following park hours shall apply:

(1) *Akzo Nobel Sports Complex*—30 minutes before sunrise to 10:30 p.m. Lights to be shut off at 10:15 p.m.

(2) *Barney Williams Park*—30 minutes before sunrise to 30 minutes after sunset.

(3) *Deerfield Docks*—Open 24 hours for fishing and hunting purposes.

(4) *Deer Run Park*—30 minutes before sunrise to 30 minutes after sunset.

(5) *Duck Creek Quarry*—30 minutes before sunrise to 30 minutes after sunset.

(6) *Gordon Nauman Conservation Area/Howard Dog Park*—30 minutes before sunrise to 30 minutes after sunset.

(7) *Hoff-Reinhard Wildlife Preserve*—30 minutes before sunrise to 30 minutes after sunset.

(8) *Howard Memorial Park diamonds and fields*—30 minutes before sunrise to 12:00 midnight.

(9) *Howard Memorial Park boat landing and parking lot*—Open 24 hours for fishing, hunting, and water access purposes.

(10) *Juza-Oliver Family Park*—30 minutes before sunrise to 30 minutes after sunset.

(11) *Lehner Park*—30 minutes before sunrise to 30 minutes after sunset.

(12) *Meadowbrook Park*—30 minutes before sunrise to 10 p.m.

(13) *Mills Center Park*—30 minutes before sunrise to 30 minutes after sunset.

(14) *Pinewood Park*—30 minutes before sunrise to 10 p.m.

(15) *Pioneer Parkway*—30 minutes before sunrise to 30 minutes after sunset.

(16) *Spring Green Park*—30 minutes before sunrise to 10 p.m.

(17) *Wayne Williams Conservation Area*—30 minutes before sunrise to 30 minutes after sunset.

(18) *Wietor Wharf Park*—Open 24 hours for fishing and hunting purposes.

It shall be unlawful for any person or group to occupy or be present in any park during hours in which the park is not open to the public, except where a special event permit has been granted by the village board for a group to conduct an activity or use specific facilities or buildings for an activity which extends beyond the regular closing hours.

(b) *Park closed.* Any park or part thereof may be declared closed to the public by the village board at any time and for any interval of time, either temporarily or at regular or stated intervals. It shall be unlawful for any person to enter or be present

in any park or portion thereof which has been closed to the public unless a special event permit has been obtained from the village board.

(Comp. Ords. 2000, § 19.04; Ord. No. 2000-3; Ord. No. 2009-6, § 1(19.04), 4-27-2009; Ord. No. 2010-13, § 1, 4-26-2010)

Sec. 28-23. - Pets.

The following rules shall apply to all village parks except for at the Howard Dog Park located at the Gordon Nauman Conservation Area.

(1) Dogs in village parks must be leashed at all times on a leash not longer than eight feet. Domestic pets shall be permitted on roads, sidewalks, trails, and natural areas where they will not interfere with the use of the parks by other persons. Pets shall not be allowed in buildings, playgrounds, picnic, sport, or public event areas.

(2) Rules for the Howard Dog Park located at the Gordon Nauman Conservation Area shall be as follows:

- **a.** All dogs must be leashed at all times outside of the designated fenced areas.
- **b.** Owners are legally responsible for their dogs and any injuries caused by them.
- **c.** All dogs must be licensed and have current rabies vaccination per state law.
- **d.** All dogs must wear owner identification tags.
- **e.** Owners will be responsible for immediately clean up feces deposited by their dogs and dispose of it in appropriate containers.
- **f.** Owners shall not leave their dogs unattended or out of sight.
- **g.** All dogs in season are prohibited.
- **h.** All digging by dogs is prohibited.
- **i.** No food (human or dog) is allowed within the dog park.
- **j.** Any violation of the general park rules and dog park rules will result in the removal from the park and suspension of park privileges.

(Comp. Ords. 2000, § 19.05; Ord. No. 2009-6, § 1(19.05), 4-27-2009; Ord. No. 2010-13, § 2, 4-26-2010)

Sec. 28-24. - Horses.

Horses are prohibited in all parks, except for programs which have obtained authorization from the public works department and leisure services department.

(Comp. Ords. 2000, § 19.06; Ord. No. 2009-6, § 1(19.06), 4-27-2009)

Sec. 28-25. - Motor vehicles.

(a) *Prohibited.* No person shall drive or park a motor vehicle, motorcycle, motorbike, moped, or electric vehicle, or other power vehicle in any park except on a road or parking lot.

(b) *Speed limit.* No person shall operate a motor vehicle at a speed in excess of 15 miles per hour or in excess of any posted speed limit, whichever is less.

(c) *Reckless operation.* No person shall operate a motor vehicle in a reckless or imprudent manner or in any manner which may tend to create a disturbance or endanger the safety of persons using the parks.

(Comp. Ords. 2000, § 19.07; Ord. No. 2009-6, § 1(19.07), 4-27-2009)

Sec. 28-26. - Snowmobiles.

(a) *Prohibited.* Snowmobiles are prohibited in parks with the following access from parking lot exceptions:

- **(1)** To Mountain Bay Trail at Spring Green Park;
- **(2)** To Duck Creek at Howard Memorial Park; and
- **(3)** Deerfield Docks.

(b) *Speed limit.* Snowmobiles shall not be operated at a speed in excess of 15 miles per hour or in excess of any posted speed limit, whichever is less.

(c) *One-way traffic.* On trails that have been marked and designated for one-way traffic, snowmobiles shall be operated only in the direction so designated.

(Comp. Ords. 2000, § 19.08; Ord. No. 2009-6, § 1(19.08), 4-27-2009)

Sec. 28-27. - Off-road vehicles.

Minibikes, all-terrain vehicles or similar devices used for recreational purposes are prohibited in parks.

(Comp. Ords. 2000, § 19.09; Ord. No. 2009-6, § 1(19.09), 4-27-2009)

Sec. 28-28. - Fishing regulated.

(a) *Certain areas prohibited.* Fishing shall be permitted except in such areas that are specifically posted as being closed to fishing.

(b) *Fish waste.* No person shall discard any fish or part thereof on any park property.

(Comp. Ords. 2000, § 19.10; Ord. No. 2009-6, § 1(19.10), 4-27-2009)

Sec. 28-29. - Food and beverages.

(a) *Permit required.* No person or group shall use any portion of the picnic areas, shelters, or structures therein for the purpose of holding picnics to the exclusion of other persons without authorization from the director of leisure services.

(b) *Activities regulated.* Employees with identification shall be authorized to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use and enjoyment by the public of such facilities.

(c) *Alcohol.* Excessive use of alcohol beverages shall be prohibited in all parks. Any person or group who, in the opinion of authorized village personnel, has become intoxicated or interferes with the use of the park by others shall be required to leave the park.

(Comp. Ords. 2000, § 19.11; Ord. No. 1998-32a; Ord. No. 2009-6, § 1(19.11), 4-27-2009)

Sec. 28-30. - Camping.

Except for programs or events sponsored by the leisure services department, camping is prohibited in all parks.

(Comp. Ords. 2000, § 19.12; Ord. No. 2009-6, § 1(19.12), 4-27-2009)

Sec. 28-31. - Group use of parks; registration or permit required.

Any assembly of persons over 20 in number shall register with the village director of leisure services before using the facilities, giving the name of a person responsible and the activity planned. Any group over 40 in number shall obtain a permit from the village board prior to the date of use, unless it is a gathering at a designated park shelter where they have submitted a facility reservation form and rented it from the village leisure services department. A damage deposit may be required.

(Comp. Ords. 2000, § 19.13; Ord. No. 2009-6, § 1(19.13), 4-27-2009)

Sec. 28-32. - Penalties.

Any person who shall violate any provision of this article may be subject to a forfeiture as provided in section 1-16.

(Comp. Ords. 2000, § 19.14; Ord. No. 2009-6, § 1(19.14), 4-27-2009)

Secs. 28-33—28-51. - Reserved.