

Kenosha



County

BOARD OF SUPERVISORS

ORDINANCE NO. _____

Subject: An Ordinance To Revise Chapter 10 of the Municipal Code of Kenosha County Pertaining to County Parks			
Original <input type="checkbox"/>	Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted: January, 27 2022		Date Resubmitted:	
Submitted By: Public Works/Facilities Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Matthew Collins, Parks Director		Signature:	

AN ORDINANCE TO REVISE CHAPTER 10

WHEREAS, Kenosha County Division of Parks and Golf is governed through Chapter 10 of Kenosha County Ordinances, and

WHEREAS, historically, there has been a need to modernize and clarify intent of such ordinances to effectively govern and enforce the use of parks and golf courses, and

WHEREAS, the last major update to Chapter 10 County Ordinances occurred in 2013 and many new recreational amenities and uses have been added since the last revision to these ordinances, and

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors does hereby ordain that Chapter 10 of the Municipal Code of Kenosha County is hereby amended to read as follows:

CHAPTER 10
COUNTY PARKS

10.01 DEFINITIONS

- (1) "Committee" means the Public Works/Facilities Committee of the County Board, (formerly known as the Highway & Parks Committee) or, if changed, its successor committee.
- (2) "County" means Kenosha County.
- (3) "Park" or "Parks" means all lands, waters, and property heretofore and here-after acquired by the county for park or recreational purposes and placed under the jurisdiction of the Parks Division of the Kenosha County Department of Public Works and shall include, without limitation, parks, beaches, parkways, boulevards, pleasure drives, golf courses, bicycle trails and privately owned lands, the use of which has been granted to the county for parks, recreational or like purposes.
- (4) "Person" means an individual, partnership, corporation, firm, company, association, society or group.
- (5) "Vehicle" means any device in, upon, or by which any person or property may be transported.
- (6) "Aircraft" means any machine supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces.

10.02 ADMINISTRATION and ADOPTION OF RULES AND REGULATIONS

- (1) The Department of Public Works is empowered and directed to govern, manage, control, improve and care for all public parks as described herein and secure the quiet, orderly and suitable use and enjoyment thereof by the people; the Committee is empowered to adopt rules and regulations not in conflict with the laws of the State of Wisconsin and these ordinances to promote those purposes.
- (2) Legislative Intent. This ordinance is enacted for the well being of the public and its opportunity to enjoy outdoor recreation in its parks in a safe and wholesome atmosphere. The regulations herein are intended to protect park resources for future generations, prevent accidents and injury, and maintain order for those who visit these parks. Recognizing that U.S. Supreme Court decisions interpreting the Constitution have declared public parks to be traditional forums for expression of free speech, citizens shall be allowed to carry signs, banners, pickets, and similar items to express their free speech message, without a permit, except as provided herein. However, no such sign, banner, etc., may be erected upon, or posted upon park property.

10.03 SUPERVISION

The Division of Parks, whose head shall be the Park Manager/Director, is the administrative agency of the parks and all county parks shall be operated and maintained under the supervision of the County Park Manager/Director. The Park Manager/Director or staff designee has the authority to enforce park rules, to evict or ban from any park for up to 72 hours any individual when that person compromises the safety of people or the environment in the park. The Kenosha County Sheriff also has authority to enforce park rules and keep the peace in all county parks. All Park Ordinances apply. Enforced by Park, or Sheriff's Dept. (262) 843-2371 or (262) 653-6600.

10.04 PERMITS

The following actions are prohibited in any county park without a written permit describing conditions, rules and limitations of the activity from the Park Manager/Director or his duly authorized agent, and payment of fees if required:

- (1) No person shall hold or participate in public assemblages for any musical, theatrical, sporting event, or other entertainment, or any parade, procession, rally, demonstration, exhibition, or other similar gathering, or use any loudspeaker or amplifying equipment, without a written permit.
- (2) No person shall organize, sponsor, play, engage, or otherwise take part in any game, competitive sport or event, for fees, money, prize or other valuable thing, without a written permit. No person shall organize, sponsor, play, engage in, have team practice for, or take part in any sporting tournament, competition or league involving fees or exchange of item(s) or value in any park without a written permit.
- (3) No person shall sell or offer for sale any article or object, or perform or offer to perform any service for hire or solicit for any trade, occupation, business, or profession, or solicit for donations, in any park, without a written permit. The Director/Manager may also designate an area for temporary parking within the park that is not normally used for that purpose.
- (4) No person shall place any structure, bulletin board or advertising device of any kind whatever, or erect or post any notice, bill, poster or sign of any kind, or attach a rope, board, paper, wire, rod, or other object or material to any tree, shrub, fence, railing, fountain, wall, post or structure, vase, statue, bridge, monument, ground or water, in any park, or place any advertising or decoration of any kind whatever, in any park without a written permit.
- (5) No person shall hunt, trap, injure, molest, or disturb any bird or other animal or disturb the nest or young of any bird or other animal, except the taking of any bird or other animal which is causing property damage or injuries to persons may be permitted by a written permit. The Park Manager/Director has the authority to allow hunting or trapping in designated park areas by written permit as well as all applicable State laws and rules.
- (6) No person is permitted to remain in the parks or beaches between 10:00 p.m. and 6:00 a.m. without a written permit; further, the Committee, pursuant to the provisions of section 10.02 of this ordinance, reserves the right to further restrict or expand the hours of operation of specially designated parks. (11/10/16)
- (7) No person shall remove any type of wood from any park without a written permit. No person shall remove any gravel, sand, sod, soil, plants or other material from any park without a permit.
- (8) No person shall ride or drive any horse, launch a hot air balloon, engage in scuba diving, possess or operate a remote controlled or other type of self-propelled model airplane, drone,

rockets or to possess other airborne devices, or motorized ski bikes within a county park without a written permit.

- (9) No person shall camp, erect a tent, or sleep overnight in any county park without a written permit.
- (10) In the absence of a validly executed lease agreement between Kenosha County as Lessor and a lessee, no person, corporation or association shall conduct any activity where the attendance of the general public is limited or contingent on the payment of a fee, in any portion or facility of a park, without a written permit.
- (11) No person shall have in his or her possession an uncased firearm, paintball gun, air gun, bow, crossbow, spring operated weapon, cannon, explosive, fireworks, sword, lance, spear or any dangerous weapon as defined in section 939.22 of the Wisconsin Statutes, without a written permit unless he or she is duly authorized under a specific state statute.
- (12) Persons are permitted to metal detect within a county park with the exception of golf courses. Digging and disturbance is prohibited within athletic fields, natural areas, Kemper Center, and lawn areas adjacent to Old Settlers Park and Silver Lake Park Beach(s). Persons are responsible to restoring disturbed sites back to the original condition in authorized areas.
- (13) No person shall engage in extreme sports including, but not limited to, base jumping, bungee jumping, street luge, hang gliding, or other like activities without express permit. Other recreation activities shall be allowed in designated areas only as posted and at the discretion of the Parks Director or Designee.

10.05 APPLICATIONS FOR PERMITS

- (1) Application. A person seeking issuance of a permit hereunder shall file the application with the County Park Manager/Director and for any event or activity to take place at any Kenosha County Park, the application shall be filed with the Director or the Department. The application shall state, among other information, the following:
 - (a) Name and address and phone number of applicant;
 - (b) Name and address and phone number of the persons, corporation or association sponsoring the activity, if any;
 - (c) The day and hours for which the permit is desired, if applicable;
 - (d) The park, or portion thereof, for which the permit is desired, if applicable;
 - (e) An estimate of the attendance;
 - (f) Any other information which, in the opinion of the County Park Manager/Director the Park Director/Manager is

reasonably necessary to a fair determination as to whether a permit should issue hereunder.

- (2) Fees. Each application shall be accompanied by the appropriate fee and/or bond as required by the regulations of the Committee. The Park Director/Manager may waive pavilion fees for non-profit groups upon application by the group.
- (3) Standards of Issuance. The County Park Manager/Director, or their duly authorized employee may issue a permit when it is found:
 - (a) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general enjoyment or wholesome family atmosphere of the park;
 - (b) That the proposed activity or use of the park will not unreasonably interfere with, or detract, from the promotion of public health, welfare, safety and recreation;
 - (c) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (d) That the proposed activity will not damage park property or entail unusual, extraordinary or burdensome expense to the County;
 - (e) That the facilities desired have not been reserved for other use at the day and hour requested in the application;
 - (f) That the area requested is in compliance with the areas designated by the Park Manager/Director for the type of use requested;
 - (g) Permits shall be granted on a first-come-first-served basis unless otherwise specified by Park Personnel.
 - (h) A sign authorized by permit shall not:
 1. Express or advance a political message, a political candidate, a political party or a political action group.
 2. Express or advance a religious or anti-religious message or advance any particular religion.
 3. Contain any false or misleading information, or infringe upon any trademark, copyright or other protected rights.
 4. Contain any disparaging message or disparaging image about persons of any race, religion, color, creed, national origin, ancestry, sex, marital status, age or disability.
 5. Offer or encourage use of illegal goods or substances.
 6. Offer or encourage any illegal behavior or activity.

- (i) When considering an application for a permit to hold a public assembly, public meeting or gathering for the purpose of exercising any right which is protected by the Constitution of the United States or the Constitution of the State of Wisconsin, the County Park Manager/Director shall grant said permit unless he specifically finds that the granting of said permit is in substantial conflict with subsections (c), (f) or (g) above.
- (4) Appeal. Within thirty days after receipt of an application, the County Park Manager/Director or their duly authorized employee shall grant or deny the permit, in the event the permit is denied, the applicant shall be appraised in writing of the reasons for refusal of said permit, and any aggrieved applicant shall have the right to appeal in writing within thirty days to the Committee, who shall consider the application of the standards set forth herein and all applicable laws and rules, and sustain or overrule the decision within ten days. The decision of the Committee shall be final.
- (5) Effect of Permit. A permittee shall be bound by all of the Park rules and regulations and all applicable ordinances fully as though the same were inserted in said permit.
- (6) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permits shall have been issued.
- (7) Display of Permit. As a condition of a permit being issued, it is required that the permittee have the permit in his or her possession at all times while it is in effect and that upon the request of any duly authorized agent of the Kenosha County Public Works/Facilities Committee or duly authorized law enforcement personnel, a permittee shall present the permit for inspection.
- (8) Revocation. The County Park Manager/Director or their duly authorized employee shall have the authority to revoke a permit upon a finding of violation of any established park rule or ordinance, or upon good cause shown.

10.06 ENTRANCE FEES

- (1) No person shall enter a County Park or Dog Park, or other designated area where an entrance fee is required as specified by the Committee without first payment of the fee and obtaining a valid daily ticket, annual sticker or other duly authorized entry ticket or pass. No annual dog license shall be granted without a Kenosha County dog license or current license from the municipality where the dog is kept.
- (2) No person shall enter upon or use any golf course operated by the Department of Public Works without first paying the appropriate greens fees as established by the Committee; and the entry or use of such golf course pursuant to the payment of the appropriate greens fees shall be subject to all rules and regulations established by the Committee.

- (3) No person shall enter any area of Kemper Center where a use or rental fee is required as specified by Kemper Center, Inc., without first paying the appropriate fee.

10.07 PROHIBITED ACTIONS

The following actions are prohibited in County parks:

- (1) (a) To place any household or commercial garbage or trash in, near, or around the outside of a park garbage dumpster or garbage can or in any other area of a park, or place any straw, soil, chips, paper, shavings, shells, ashes or other rubbish in or upon any park.

(b) To clean, slaughter, or dispose of fish or animal entrails.
- (2) To remove, destroy, break, injure, mutilate or deface in any way any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower or other property in any park. However, gathering mushrooms for personal use only is allowed in any park areas not specifically designated as a nature center.
- (3) To drive, ride or push any motorcycle, motor vehicle, truck, wagon, horse or any vehicle or animal in any part of the parks, except on the regular drives or areas designated therefor; however, wheel chairs, baby carriages and such vehicles as are used in the park service are not included in the foregoing prohibition. Pedal assist electric bikes and electric handicapped mobility vehicles are permitted on multi-use trails with a maximum speed of no more than posted speed limit or 20 MPH. All bicyclists are to maintain safe, orderly control of their bicycle and person at all times on park property.
- (4) (a) To drive or operate any vehicle, whether propelled by animal, engine, human energy or any other power, in any park, recklessly, or at a rate of speed greater than is reasonable and prudent for its use in the parks, or to operate a vehicle in a manner likely to injure property or cause bodily injury to any person.

(b) To operate any vehicle in excess of the posted speed limit sign.
- (5) To place, build or create any fires within any park areas except in properly constructed fireplaces and grills. Hot charcoal ashes shall be disposed of in containers labeled and provided for such disposal.
- (6) To wade, bathe, or swim except at such pools or beaches as may be designated for that purpose.
- (7) Except as permitted in subsection 10.04(10) of this ordinance, it shall be unlawful for any person to sell, bring, drink, possess, or give away any beer, or other intoxicating beverages within a county park except that designated employees of the Department of Public Works may sell beer or wine to persons of legal drinking age for consumption only in areas specifically designated by the Committee. However, it shall be lawful to obtain a beer permit

with a pavilion reservation for possession and consumption of beer, but not sale of beer, and the beer must be consumed in the reserved pavilion). However, it shall be lawful for Kemper Center, Inc., or its director, to allow consumption of and/or sell beer, wine or intoxicating beverages at Kemper Center Park, and such sale or consumption of alcohol shall be in strict compliance with all State of Wisconsin and City of Kenosha laws, including the requirement of obtaining appropriate licenses, and shall comply with all terms of an annual permit issued to Kemper Center, Inc., by the park manager/director. However, it shall be lawful, at the sole discretion of the County Executive or designee, for Kenosha County Parks to enter into a vendor permit agreement, lease arrangement, or other agreement with a business entity or non-profit organization to allow the selling of beer or wine at a designated area of a park per agreement with the vendor/operator/organization. Notwithstanding the general prohibition, the possession and consumption of beer or wine shall be permitted in such a designated area so long as such sale or consumption of alcohol shall be in strict compliance with all applicable State and local laws and requirements, including the requirement of obtaining appropriate licenses which shall be the sole responsibility of the contracted entity. The agreement between said vendor/operator/organization and the County may be by permit either on an individual event basis or by contractual agreement and shall be subject to revocation by the County for cause by agreement. (11/10/016)

- (8) In beach areas, to engage in ball throwing, bicycle riding, or fishing or any other activity which might endanger the safety of bathers or spectators.
- (9) To bring or permit any animal to be in any county park or on any county park trail, except a dog or a house cat which is on a leash not exceeding 10 feet in length; except that dogs may be off-leash within areas of a county park officially designated by the County Park Manager/Director as "Off-Leash Dog Park Area" and when obeying all "Dog Park" rules, or to fail to immediately pick up and place into a garbage container any feces dropped by such dog in a park or on county park trail property, or to bring or permit a dog or cat in any county park unless such animal is properly licensed and has all required vaccinations and treatments.
 - (a) To release or abandon animals in a park whether domestic, wild or exotic.
- (10) To bring or allow any animal in a beach, playground or other designated limited use areas at any time, except for service animals trained and used to assist persons with a disability.
- (11) It shall be unlawful for any person to use a boat, raft, or other watercraft within designated swim areas.
- (12) To indulge in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disturbing conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

- (13) It shall be unlawful for any person, except authorized park personnel, to operate a snowmobile in any county park except on designated snowmobile trails.
- (14) To operate any vehicle over 6 tons on County Park roads with the exception of passenger buses and public works maintenance vehicles.
- (15) To use any type of inflatable device within a designated bathing/swimming beach area unless it is a U.S. Coast Guard approved flotation device.
- (16) To place or possess tables, glass containers, and food in a designated beach area. Furthermore, it shall be unlawful for any person to place, build or create any fires within a designated beach area.
- (17) REPEALED (2022)
- (18) To launch a boat, raft, or watercraft of any type in any county park except that a boat, raft, or watercraft of any type may be launched in a designated launching area.
- (19) To fish in any pond in any golf course area at anytime during the golfing season or to fish in violation of any posted rules in any park, or to fish in any designated beach area. (11/10/16)
- (20) REPEALED (2022)
- (21) To practice golf in any county park except in designated practice areas immediately adjacent to the golf courses.
- (22) To play baseball, football, Frisbee, or other games in parking areas, or any park road.
- (23) To perform any mechanical work on automobiles in any park, unless it is an emergency situation.
- (24) To intentionally interfere with or hinder the work of county park employees.
- (25) To violate any park rule posted by sign.
- (26) To ball hawk on any golf course except that persons who have duly paid greens fees may search for a reasonable period of time for any golf balls lost in the course of play provided they signal following golfers to play through.
- (27) To operate a motor vehicle with a trailer attached at either Silver Lake Park or Old Settler's Park, except in a designated area for trailer parking.
- (28) REPEALED (11/10/16)
- (29) To parachute into a county park.

- (30) To land an ultralight aircraft or other aircraft within a county park, except for emergency purposes.
- (31) To operate a petroleum fueled motor or transport containers of petroleum within 50 feet of lakeshore unless Park Maintenance is the operator or if it is for an approved activity.

10.071 PARKING

Parking regulations contained in Section 7.03 of the Municipal Code of Kenosha County shall be enforced in all county parks. Parking in Kenosha County Parks is strictly for park visitors engaged in park activity unless specifically authorized otherwise.

10.08 ENFORCEMENT

Any law enforcement officer of the County may, without a warrant, arrest any offender on probable cause of the violation of any of the provisions of this chapter and follow applicable law regarding arrest and release. Such officer shall have at all times the right to enter the premises of any building, structure, or enclosure in any park or parkway including such grounds, buildings, structures, or enclosures which may be leased to or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators. Duly authorized law enforcement personnel and park personnel are exempt from the provisions of this ordinance to the extent necessary to perform their duties.

10.09 PENALTIES

Any person convicted of violating any of the provisions of this chapter shall be subject to a forfeiture of not less than \$40.00 nor more than \$400.00 together with the costs of the action and in default of payment, be imprisoned in the County Jail for a period not to exceed 90 days.

10.10 SCHEDULE OF CASH DEPOSITS

The cash deposit for the violation of any section or subsection of the Kenosha County Park Ordinance shall be \$100.00 except the cash deposit for violation of Section 10.04(6) Permits, and Section 10.07(2) Prohibited Actions, shall be \$200.00

10.11 SEPARABILITY

- (1) Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared invalid.
- (2) This act being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

10.12 DOG PARKS

The Parks Manager/Director may create reasonable rules to manage the Kenosha County off-leash dog parks, including but not limited to the following rules:

- (1) All dogs must have a Kenosha County Dog Parks per annum tag or owner can pay a daily fee. Dog Parks tags are available at several locations (listed on the Tags and Fees page). The Dog

Parks tag is valid for the calendar year in which it is purchased.

- (2) Owner/handler must clean up and properly dispose of waste left by their dog(s).
- (3) Dogs must be kept on leash until they are in the dog park entrance and the gate has closed behind them. For the safety of your pet as well as others, do not keep your dog on leash while inside the dog park.
- (4) Dog owner/handler must be physically capable of controlling their dog. All owner/handlers are required to remain inside the off-leash area and be in view of their dog(s) at all times. The limit is three dogs per handler, per visit.
- (5) Aggressive dogs are not permitted on the premises. Dogs exhibiting rough, aggressive or dangerous behavior must be removed by owner immediately.
- (6) Excessive barking is prohibited. Dogs barking excessively must be removed by owner.
- (7) All dogs must be current on vaccinations.
- (8) All dogs must be licensed by their respective municipality and display said license/tag while in the dog park. Non-County residents must have the current rabies vaccine tag as well as a dog license tag issued by the governing body where they reside.
- (9) REPEALED (2022)
- (10) The off-leash dog park is for dogs and their handlers. No other type of animal (i.e. hunting or other use) is allowed. No firearms, starting pistols are permitted.
- (11) Female dogs in heat or puppies under the age of four months are not allowed in the dog park.
- (12) No smoking, food, alcoholic beverages, glass containers, strollers or bicycles are allowed inside the dog park.
- (13) Only flying discs and tennis balls are allowed to be thrown inside dog park.
- (14) Children under 18 years old must be accompanied and supervised closely by an adult at all times. Children are not permitted to run with or chase dogs.
- (15) Users of the dog park do so at their own risk. Kenosha County is not liable for any injury or damage caused by any dog or person in this park. Owners and users agree to assume the full responsibility of any injuries, damages or loss to themselves, their dogs or property or any damage to other people or dogs connected with or associated with their use of the park.
- (16) All users must immediately obey verbal or written orders of Park

Employees. Please be reminded that failure to comply with park rules or to maintain the facility in a clean or orderly fashion will result in fines or temporary/permanent loss of park privileges.

(17) REPEALED (2022)

An Ordinance to Revise Chapter 10

Approved by:

(Public Works/Facilities Committee)

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ (William Grady, Chair)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (John Franco, Vice Chair)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Laura Belsky)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Zach Rodriguez)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Dennis Pierce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Andy Berg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ (Gabe Nudo)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>