

**CITY OF MUSKEGO**  
**CHAPTER 26- PARKS AND RECREATION REGULATIONS**  
(Recreated with the adoption of Ordinance #1397 on May 12, 2015)

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**CHAPTER 26 - PARK AND RECREATION REGULATIONS**  
**(Ord. #1397 – 5/21/2015)**

**26.01 DEFINITIONS**

As used in these rules and regulations, the following terms, phrases, words and their derivations, unless the text clearly indicates to the contrary, shall have the meaning indicated herein.

- (1) City: The City of Muskego, Waukesha County, Wisconsin.
- (2) Committee: The Parks and Conservation Committee of the City of Muskego, Wisconsin.
- (3) Department: The Department of Public Works and the Department of Parks and Recreation of the City of Muskego, Wisconsin.
- (4) Manager: The Manager of the Recreation Department of the City of Muskego, Wisconsin, who is immediately in charge of any recreational use of a park, parkway, or recreational facility within the City, to whom all employees of the Recreation Department are responsible.
- (5) Director: The Director of the Public Works Department of the City of Muskego, Wisconsin, who is immediately in charge of the maintenance of any park, parkway, or recreational facility within the City, to whom all employees of the Public Works Department are responsible.
- (5) Park: Is a park, parkway, recreation, playground, beach or open space area, owned or used by the City, devoted to passive or active leisure time.
- (6) Recreation Facility: Is a building, owned or used by the City, devoted to passive or active leisure time activities.
- (7) Permit: Any form of approval given in writing, verbally, or through a permit application form by the Manager, Director or Committee

Reference to any one park, parkway, recreational building or area shall include all.

**26.02 RULES AND REGULATIONS**

All persons within the limits of and/or using a park or recreational facility within the City of Muskego are subject to the following rules and regulations:

- (1) General:
  - (a) Advertising - shall not be permitted in any manner unless authorized by the Manager, Director or Committee in writing or in concessionaire contracts for goods sold on the premises.
  - (b) Amplification Systems - Public address or other amplification devices may be used only by special permit obtainable from the Committee and/or Manager.
  - (c) Animals - All domestic animals are prohibited in said areas except when approved by the Manager, Director or Committee.

The Parks and Conservation Committee of The City Of Muskego has designated the Muskego Recreation Trail (Wisconsin Electric Power Company right of way) as an area allowing dogs. This designation is effective 6-13-95 in accordance with Ordinance #630.

Conditions where dogs are allowed include the following:

1. Dogs must be on a leash no greater than 6 feet in length.
2. Dogs must be under the control of the owner at all times.
3. Dog waste must be cleaned up by the owner.

(d) Alcoholic Beverages

1. No intoxicating liquor shall be sold, stored or consumed in any park, parkway, recreational facility, athletic field, or playground apparatus area at any time with the exception of wine addressed in 26.02(1)(d) 2.
2. No wine as defined in Wis. Stats. 125.02(22) shall be stored or consumed in any park, parkway, recreational facility, athletic field, or playground apparatus area at any time, with the exception of the Old Town Hall with prior consent of the Manager, or unless the Common Council has authorized the issuance of a temporary "Class B" wine (picnic) license for the sale of wine.
3. No fermented malt beverage (beer and wine coolers with a fermented malt base) may be consumed on any athletic field or playground or playground apparatus at any time.
4. No fermented malt beverage (beer and wine coolers with a fermented malt base) may be consumed in any park, parkway, recreational facility without prior consent of the Manager through a permit.
5. No fermented malt beverage (beer and wine coolers with a fermented malt base) may be sold in any park, parkway, recreational facility unless the Common Council has authorized the issuance of a temporary Class "B" fermented malt beverage license.

(e) Begging or Soliciting - It shall be unlawful to beg or solicit within any park or recreation area.

(f) Cleats - Cleats or spikes on shoes are prohibited except in those specially designed athletic areas where programs rules specifically permit their use.

(g) Disturbance - It shall be unlawful within any park, parkway, recreation building or area of the City to disturb the peace of others by violent, tumultuous, offensive, or obstreperous conduct, or by loud or unusual noises or by unseemingly profane, vulgar, obscene or offensive language or conduct, or to assault, strike or fight another, or to in any way break the peace.

(h) Fires - Fires are permitted only in enclosed fireplace or grills, provided for this purpose under such rules and regulations as may be prescribed by the Director and/or Manager and any fire(s) shall be extinguished before leaving any park or recreation area of the City.

(i) Fireworks and Explosives - It shall be unlawful to have in any person's possession or set-off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any park or such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction

with any other substance or compound that would be dangerous from any of the foregoing standpoints, except as allowed by law.

- (j) Flying Objects - It shall be unlawful to throw, strike, propel or otherwise operate flying or propelled objects of a potentially dangerous nature, including by way of example, without limitations, such things as model airplanes, drones, rockets, horseshoes, arrows, golf balls, or rocks, except in areas designated for such use or part of an authorized sport or recreational activity or by a written permit of the Manager
- (k) Hours - Parks shall normally be open daily from 5:00 a.m. until 10:00 p.m., and normally be closed from 10:00 p.m. to 5:00 a.m. except for activities and events sponsored by the Department or authorized by permission of the Director and/or Manager, and except for the purpose of using the boat launch to launch or remove a water craft. Any park or recreational facility may be declared closed to the public by the Director and/or Manager at any time for any interval of time, with temporarily or stated intervals as the Director and/or Manager shall find reasonably necessary. It shall be unlawful to go upon areas or parts of any park or recreational facility of the City when it has been declared to be closed to the public by the Director and/or Manager.
- (l) Hunting and Firearms - It shall be unlawful in any park to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description or airrifles, spring-guns, bow and arrows, slings, or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instruments that can be loaded with the fire blank cartridges, or any kind of trapping device unless activity is approved by the Committee through offered activities and park amenities. Shooting into park areas from beyond park boundaries is prohibited.

This code section shall not supersede concealed carry law as provided in 2011 Wisconsin Act 35. Hunting and trapping shall be allowed on certain city-owned lands in accordance with Wisconsin Department of Natural Resources regulations and City policies where approved separately by Common Council Resolution. (Ord. #1357 – 03-08-12)

- (m) Lost and Found - The finding of lost articles by any person shall be reported to the Recreation Department which shall make every reasonable effort to locate the owners. The Recreation Department shall make every reasonable effort to find articles reported as lost. After two months, all items will be donated. Items valued at \$100 or more will be turned over to the Muskego Police Department.
- (n) Natural Resources - It shall be unlawful to dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, down-timber or other wood or materials, or make any excavation by tool, equipment blasting or other means. Exceptions can be granted by Manager, Director or Committee.
- (o) Permits - The Manager is hereby authorized to issue permits relating to any use of accommodation of any park or recreation facility of the City with the exception of major events that consume the majority of a park. Conditions through an agreement will be recommended by the Committee to the Common Council for approval. The Manager shall have the power and authority to cancel any permit for violation of the requirements of the permit and violation of any of the rules and regulations set forth therein.

- (p) Pollution of Waters - It shall be unlawful to throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter or this, liquid or solid, which will or may result in the pollution of said waters.
- (q) Refuse and Trash - It shall be unlawful to have brought into, dump, deposit or leave any bottles, broken glass, ashes or other trash not related to park use. No park use trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed or left in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- (r) Sales - It shall be unlawful to sell or offer for sale food and/or refreshment, souvenirs, or any other merchandise unless approval is obtained from the Manager and/or Committee.
- (s) Structures - It shall be unlawful to construct, erect, or store any building, tent, or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such park lands, except on special written permit issued by Manager and/or Director.
- (t) Trees, Shrubbery, Lawns - It shall be unlawful to damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick the flowers or seeds, of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (u) Workmen and Work Areas - The use of any park or recreation area shall be relinquished to any City or Park employee carrying out work assignments. Public use of work and maintenance area is not permitted.
- (v) The Manager and/or Director may from time to time establish areas on city-owned property upon which fishing is prohibited; said areas shall be clearly marked by signs indicating that fishing is prohibited.
- (w) It shall be unlawful to willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.
- (x) Geocache - Small geocache items can be placed in parks with the location approved by the Director and/or Manager, as long as they are located away from active use park areas, away from roads, accessible to parking, placed above ground so no soil disturbance occurs, and activities occur only during park hours.

(2) Athletic Fields

- (a) The Manager or an appointed employee of the Department shall enforce all rules and regulations pertaining to activities upon any athletic field in any park or recreation area under the jurisdiction of the City. The Manager shall have the power

to issue rules and regulations governing such athletic fields and copies of such rules and regulations shall be on file with the Parks and Recreation Department.

- (b) All teams or individuals shall relinquish play on any athletic field to any individuals or teams to whom a permit/approval for use of such facility has been issued by the Manager.
- (c) The Manager may restrict or remove any player, players, teams or leagues from all public fields for a specified time for violations of rules and regulations set forth in this ordinance or issued by the Manager under the authority of this ordinance.
- (d) It shall, under the rules and regulations set forth in this ordinance, be unlawful to disturb or interfere unreasonably with any person or party, occupying any areas or participating in any activity, under the authority of a permit.
- (e) The Manager shall have the authority to close any or all public fields or play areas under the jurisdiction of the City when use of such area shall create maintenance problems as a result of weather or other conditions.

(3) Equestrian Activities

- (a) Horseback riding shall be permitted only upon any authorized areas specifically designated by the Director and/or Manager any other decision-making governing body

(4) Picnic Areas and Use

- (a) All picnics shall be restricted to those areas designated for that purpose. The Manager or any employee of the Department shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use or to comply with any direction given to achieve this end.
- (b) It shall be unlawful to use any portion of the picnic areas or of any building or structures therein for the purpose of holding picnics to the exclusion of other persons, except by permit; nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.
- (c) It shall be the duty of the person or persons using a picnic area(s) to see that: If a fire was used, to make sure it has been completely extinguished; to pick up all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse and place in the receptacles provided. If no such trash receptacles are available, then all refuse and trash shall be carried away from the park area by the person or persons responsible for its presence, and properly disposed of elsewhere.

(5) Recreation Centers and Buildings

- (a) The Manager and/or Director is hereby authorized and empowered to enforce all rules and regulations in this ordinance in accordance with the authority granted in this ordinance.
- (b) The Manager may restrict the hours, days and weeks of use of any recreation center or building and the Manager may restrict or remove any user, individual or group for violation of any rules and regulations set forth herein.

- (c) It shall also be the individual's responsibility to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

(6) Tennis

- (a) Tennis courts under the jurisdiction of the Parks and Recreation Department shall be reserved only by written permit except for Department sponsored programs.
- (b) Use of said mentioned tennis courts shall be subject to specific rules and regulations posted on such courts.

(7) Vehicles

- (a) It shall be unlawful for any person operating a vehicle in any park or recreation area of the City to fail or refuse to obey all traffic signs, or other traffic control devices regulating the operation, stopping or parking of vehicles. It shall be unlawful for other than authorized personnel to park or drive on lawns, fields, paved or unpaved trails, or any other places other than upon roadways and parking areas clearly constructed and established for such purposes within the parks, parkways, or other recreational facilities on the City. Laws pertaining to the provisions as outlined in the state motor vehicle traffic laws in regard to equipment and operation of vehicles are applicable except that pedestrians shall have the right-of-way over vehicles in park areas.
- (b) It shall be unlawful to disobey any traffic officers, park employees, or such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations.
- (c) The speed limit for vehicles in any park, parkway or recreation facility shall be 15 miles per hour except upon such roads as the Common Council may designate, by posted signs, for higher rate of speed.
- (d) Parking shall not be permitted during regular closing hours or in any areas closed by the Manager and/or Director. It shall be unlawful to park so as to obstruct access roadways and parking area or areas designated by sign for emergency vehicles use only. Vehicles may be parked in park and recreation areas only if the occupants are engaged in activity connected with the area. Parking in parks, after park hours, is allowed only with approval from the Manager, Director and/or Committee.
- (e) Washing or servicing of vehicles in any park or recreation area in the City is prohibited.
- (f) All bicycle riders shall obey traffic signs and laws regulating the operation stopping or parking of vehicle. Bicycle riding will be governed further by safe riding practices and consideration for the use of park and recreation areas, trails, and pathways by others. Bicycle riding is prohibited on playgrounds, tennis courts and game courts/fields, or any area where other activities are in progress.
- (g) No bicycle will be allowed on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight plainly visible at least 500 feet in front of, and without a red reflector plainly visible from at least 300 feet from the rear of the bicycle.

(8) Water Areas

- (a) Swimming and wading are allowed only in beaches under the jurisdiction of the Parks and Recreation Department. Any allowed swimming activity shall be subject to any specific rules and regulations which may be issued and enforced by the Manager or Department employee.
- (b) No boat or raft of any kind or description shall be used in any designated swimming area except by permit issued by the Manager or a part of a Department sponsored activity.
- (c) No boat shall be moored to any public lake access dock or shoreline without prior approval from the Director, Manager and/or Committee. Mooring is defined as tying boat to said dock/shoreline with the engine/motor off.
- (d) Director and/or Manager approved launch fees are established for anyone using a city public boat launch. Launch use is defined as a trailer's wheels entering the launch ramp area and water for the purpose of launching a watercraft.

(9) Winter Sports

- (a) No ice skating on any water body supervised by the Department or included in any park or recreation facility is permitted unless the specific areas to be used is so posted or public announcement has been made by the Manager allowing such activity. When such areas are open for use, they are subject to rules and regulations on program and safety as issued by the Manager.
- (b) Ice hockey shall not be permitted except in designated areas as part of a Department sponsored activity or by permit issued by the Manager.
- (c) Sledding is permissible within any park or recreation facility except in such areas where sleds would coast across vehicle roadways.
- (d) It shall be unlawful to use snowmobiles on park lands or recreation facility except in those areas specifically designated by the Manager and/or Director, with approval from the Committee (or Public Safety).

**26.03 NAMING OF PUBLIC FACILITIES**

- (1) Requests for the naming or the renaming of public buildings, facilities, and parks shall be submitted in writing. Requests concerning parks shall be brought before the Committee for recommendation to the Common Council. Requests concerning buildings and facilities shall be brought before the Committee of the Whole. The person(s) who submitted the request shall provide background information into the rationale behind the request, including biographical information if to be named after a person. Any letters from appropriate organizations and individuals which provide evidence of substantial local support for the proposal shall be submitted at that time. Naming shall be accomplished through adoption of a formal resolution by the Common Council.
- (2) Once a public building, park, or facility is named after a person, the name of the public property cannot be changed for a period of one hundred years.

- (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.

#### **26.04 ENFORCEMENT**

The Director and/or Manager or any appointed employee of the Department(s) shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance. Furthermore, the Director and/or Manager or any appointed employee of the Department(s) shall have the authority to eject from any park, parkway or recreational facility any person acting in violation of this ordinance.

#### **26.05 PENALTIES**

Any person who shall violate any provisions of this Chapter or any order, rule or regulation made herewith shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.