

CHAPTER 19

PARKS AND RECREATION

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ARTICLE I. PARKS AND PLAYGROUNDS

SECTION 19-1 REPEALED.

SECTION 19-2 PARK DEFINITION

As used in this Chapter, the term "park" is defined to mean all lands and water heretofore and hereafter acquired by the City for park or recreational purposes, or placed under the jurisdiction of the Parks Department, and includes, without limitation, parks, parkways, greenways, recreational facilities and structures, and privately owned lands the use of which has been granted or leased to the City for park, recreational, or like public purposes, including:

Community and Regional Parks –

- Menominee Park
- Red Arrow Park
- South Park

Neighborhood Parks –

- Abbey Area Park
- 44th Parallel Park
- Congress Ave. Athletic Field
- Fugleburg Park
- Quarry Park
- Rainbow Park

Stevens Park
Teichmiller Park
Westhaven Circle Park

Playlots –

Bauman Park
Congress Ave. Tot Lot
Mary Jewel Park
West Algoma Park
Stoegbauer Park

Special Purpose –

Abe Rochlin Park
Carl E. Steiger Park
Garden Club Park
Killian G. Spanbauer Park
Municipal Golf Course
Opera House Square
Riverside Park including the Leach Amphitheater and appurtenant properties
Roe Park
William A. Steiger Park

Conservation and Preservation –

Campbell Creek Marsh
Glatz Nature Center
Hikers Monument / Paine Conservancy
North High School Conservancy
Sawyer Creek Conservancy Area

Boat Launches –

24th Avenue Boat Launch
Bowen Street Boat Launch
Fugleberg Boat Launch
Mill Street Boat Launch

Plazas –

Waters Plaza

SECTION 19-3 DUTIES OF THE PARK DIRECTOR

- (A) The Director of Parks shall be responsible to promulgate rules and regulations for the management, operation, and control of parks and related facilities and recommend appropriate fees and deposits to the City Manager to insure the safety, protection, and well-being of the properties operated by the Department of Parks.

SECTION 19-4 GENERAL PARK AND BEACH REGULATIONS**(A) Amplification Systems**

It shall be unlawful to use public address systems, amplifiers, or any other amplification device in any park, beach, or recreation area except as provided herein:

- (1) "Amplifier" or "amplification device" in this section shall mean any machine or device for the amplification of human voice, music, or any other sound, but shall not be construed to include standard vehicle radios or stereos when installed and when heard only by occupants of the vehicles in which the unit is installed while occupying that vehicle.
 - (a) The use of radios, stereos, or other similar devices is expressly permitted, except that the volume of sound shall be controlled so that it is not unreasonably loud, disturbing, or of such character, intensity, or duration that it is disturbing to any person within the range of audibility.
 - (b) The human speech or music amplified shall not be profane, lewd, indecent, or slanderous.
- (2) Groups using amplification devices in public facilities shall first secure an amplification permit from the Director of Parks or designee. The Director shall promulgate such rules as are necessary to enforce this requirement.
- (3) Amplified sound or music shall not be permitted after 10:00 P.M. This section shall not be construed to limit the authority of the Police Department to respond to complaints and to take any appropriate action in response thereto.

(B) Camping in City Parks

No person shall camp in any City park in any vehicle which has accommodations for sleeping, or in any tent or sleeping bag in the open, or in any manner unless authorized to do so by waiver issued by the Common Council.

(C) Curfew

No person shall be in any park, including pavilions, shelters, and beaches within the City between the hours of 11:00 P.M. and 6:00 A.M. with the following exceptions:

- (1) Those portions of the 24th Avenue Boat Launch, Menominee Park, Mill Street Boat Launch, Rainbow Park, Riverside Park, and William Steiger Park which are designated for boat launching, boat launch parking, boat tie-up or fishing purposes when used for those purposes.
- (2) Where permission is granted, in writing, by the City Council for a group to conduct an activity or use specified facilities or buildings for an activity which extends beyond the regular closing hours.
- (3) Police, fire, and any other person authorized by the City, in writing, to be in the park.

- (4) Any park or part thereof may be declared closed to the public by the City Council or its Director at any time and for any interval of time, either temporary 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.

(D) **Domesticated Animals**

No domesticated animals shall be allowed in the parks, except as follows:

- (1) Animals assisting disabled persons.
- (2) Persons will be allowed to have domesticated animals at City park boat launches, only when being transferred from vehicles to boats, or boats to vehicles. Those domesticated animals shall be on a leash no longer than six feet (6') and shall be under full control of their owners.
- (3) Persons will be allowed to have domesticated animals at Rusch/Sawyer Creek Park provided that such domesticated animals shall be on a leash no longer than six feet (6') and shall be under full control of their owners.
- (4) Upon waiver granted by the Common Council.

(E) **Driving in Parks**

No person shall drive any motor driven vehicle upon the grass or trail(s) or park any place other than upon the established roadways or parking lots unless authorized to do so by the Parks Director.

(F) **Feeding of Geese and Gulls**

The feeding of geese and gulls, or other birds or animals in any City park is strictly prohibited.

(G) **Fires**

Fires are permitted only in grills unless permission is granted to allow fires in other areas by the Parks Director and Fire Chief.

(H) **Glass Containers**

Glass beverage containers of any kind are prohibited in all parks unless authorized by the Common Council.

(i) **Litter**

It shall be unlawful for any person to leave, throw or break any bottle, box, refuse, or other object, except in clearly marked refuse receptacles provided for that purpose; or throw, discharge, or otherwise place or cause to be placed in the water of any fountain, pond, lake, stream, river, or other body of water or on the ice thereof, in or adjacent to any park, any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters.

- (1) Where receptacles for rubbish and refuse are not provided, all waste shall be carried away from the park by the person or group responsible for it.

(J) **"Little Oshkosh" Community-Built Playground**

- (1) Smoking: Smoking shall not be allowed within the boundaries of the playground structure (actual play areas). Smoking is acceptable in the playground's entrance picnic/sitting plaza, or anywhere around the perimeter of the playground.

(K) Moving of Park Equipment

No person or group shall remove any bench, seat, table, or any other park equipment from any park or park facility unless prior approval of the Parks Director is obtained.

(L) Regulated Activities

No person shall engage in any athletic contest, game or activity, except in areas specifically designated for such activity. Specifically, no one shall participate in golf, tennis, or archery in any City park, except upon golf links, tennis courts, or archery ranges, respectively.

(M) Sales in Parks

It shall be unlawful for any person, organization, group, or association to vend, sell, peddle, or offer for sale any foods, refreshments, commodities, or articles within any park, except by concession agreement or authorization by the City Council for major operations, or by authorization of the Parks Director for minor operations.

(N) Use of Park Facilities: Fees and Deposits

(1) Rental Facilities. The schedule of rental facilities and respective fees as established by the Parks Department, and approved by the City Council, on file in the office of the Parks Department, is hereby adopted by reference.

(2) Reservation of Other Park Facilities. Other park facilities and park areas may be reserved on a first-come, first-serve basis upon making application to the Parks Director or his/her designee.

(3) Deposits. The Parks Director may require a cash deposit for any reserved park facilities. All or part of said deposit may be retained in the event the facility or area is not cleaned up; damages are incurred; or if facility keys are not returned.

(O) Weapons Prohibited

The use of firearms, air guns, bow and arrow, slingshots, explosives, and weapons of every character upon the grounds is strictly prohibited.

(P) Workmen

Use of any park area shall be relinquished to any employee carrying out his/her work assignment.

(Q) City Fountains

No person shall enter into, swim, bathe, or wade in any City of Oshkosh fountain or allow any privately owned animal to do so. Nor shall any person place, throw, or deposit in any City of Oshkosh fountain any substance or object, except coins.

(R) The use of bikes, scooters, motorized vehicles, or other wheeled devices, except for skateboards or in-line skates, is prohibited at the Red Arrow Skate Park.

SECTION 19-5 ZOO REGULATIONS

- (A) **Zoo Business**
No person shall be allowed within the boundaries of the Menominee Park Zoo, except during official hours of operation.
- (B) **Harassment of Animals**
No person shall engage in any conduct under circumstances which tends to harass, annoy, disturb, or endanger the health, welfare, safety, and living environment of the Menominee Park Zoo animals, including but not limited to: teasing; harassing; mocking; throwing objects; spitting; making loud and disturbing noises; feeding foods or drink; touching; or hitting with objects; or intentional molestation.
- (C) **Feeding of Animals**
No person shall feed or give any substance to any Menominee Park Zoo animal, except for those animals where feeding is specifically allowed by a sign located on or near the animals' cage or enclosure.
- (D) **Food and Beverages Prohibited**
Visitors are prohibited from taking food or beverages into the Menominee Park Zoo, except for what is sold in the Zoo's Welcome Center, or is authorized by Menominee Park Zoo staff.
- (E) **Destruction of Plants Prohibited**
It shall be unlawful for any person to disturb or destroy any of the vegetation within the Menominee Park Zoo grounds for feeding the animals or any other purpose.
- (F) **Barriers**
All persons visiting the Menominee Park Zoo shall adhere to and stay behind all barrier structures.

SECTION 19-5.1 ZOO ENTRANCE FEE

A Zoo Entrance Fee shall be paid by each person entering the zoo according to the following schedule:

	<u>Daily</u>	<u>Season</u>
Children 3 and under	Free	Free
Children 4 to 18	\$1.00	\$5.00
Adults	\$2.00	\$7.00
Families	--N/A--	\$12.00

The Director of Parks may establish certain times during which admission to the zoo shall be free. The Director of Parks may also work with educational or other groups providing free admission to the zoo for such purposes.

The net revenue resulting from the Zoo Admission Fee, after the deduction of the cost of collection, enforcement and administration, shall be used to develop and improve the zoo facility within the City of Oshkosh.

SECTION 19-6 REGULATIONS IN COUNTY-OWNED PARKS

- (A) County Parks and Recreation Regulations Adopted.
Except as otherwise specifically provided within this Section, the provisions of Chapter 19 of the Winnebago County General Code describing and defining regulations with respect to County-owned parks and section 9.14 Smoking in county buildings, as such applies to county buildings within the enforcement jurisdiction of the City of Oshkosh, are adopted and by reference made a part of this Code as if fully set forth within this Chapter. Any act required to be performed or prohibited by any provision incorporated by reference is required or prohibited by this Section.
- (B) Future Incorporations Included
It is the intention of this ordinance to include within such reference all provisions in effect at the time of the adoption of this ordinance or future amendments, revisions or recodification effective upon adoption by the Winnebago County Board of Supervisors to provide uniform enforcement of County park rules and regulations in all Winnebago County-owned parks located within the City limits.
- (C) Permits, Reservations and Fees
Permits and reservations required by the Winnebago County park regulations are to be secured from and all fees imposed by this Section are to be paid to the Director of County Parks or designee.
- (D) Enforcement and Penalties
Any law enforcement officer may enforce this ordinance, pursuant to Sec. 25.04(4) of the Winnebago County General Code, by following the procedures set forth in Chapter 1 of this municipal code. Penalties specified in this Chapter shall apply to violations of this ordinance.

SECTION 19-7 BOATING REGULATIONS

- (A) **Public Boat Launchings**
City boat launches are located at the following City properties: 24th Avenue Boat Launch (24th Avenue and South Main Street), Fugleberg Boat Launch (Fugleberg Trail and South Main Street), Miller's Bay in Menominee Park (east of Hazel Street and north of Irving Avenue), Mill Street Boat Launch (Bayshore Drive and Mill Street), Rainbow Park (Oshkosh Avenue and Rainbow Drive), and Steiger Park (North Campbell Road).
- (B) **Boat Launching**
Boats that are trailered shall be launched only in designated areas of the listed City properties where boat launches are provided. All boat launch areas will be open 24 hours per day during the navigation season. No boats will be allowed to attach or tie-up, in any manner, adjacent to or on the tie-up docks which are adjacent to the launching ramps, except for immediate launching or loading or for authorized events.
- (C) **Sailboat Storage**
Boats are to be stored, parked or tied down only in designated areas. Boats, trailers, or other appurtenant gear not located within the designated area are subject to removal. Owners of such equipment are responsible for repair costs to city property if damage results arising out of, or incurred in the process of storing, parking or securing sailboats.
- (D) **Sailboat Moorings, Dinghy Docks, and Dry Dock Stalls.**
Only sailboats shall be eligible to participate in the Miller's Bay program, which consists of

moorings, dinghy docks, and the dry dock program. Sailboats are assigned to a Miller's Bay mooring, dinghy dock, or dry dock stall and shall use only those spaces assigned, per the annual permit process. The maximum length of boats assigned to mooring plugs shall be 28 feet. Only small car-top boats and sailing dinghies may be kept on the dinghy docks. Small catermarans may be kept on the dinghy docks, if space is available.

(E) **Boat Hoists**

Hoists shall be allowed only in designated areas. All hoists are to be removed after the navigation season. No hoists are allowed on shore.

(F) **Application**

All sail boats participating in the City's mooring, dinghy dock, or dry dock program, referred to as the Miller's Bay Program, shall be registered annually with the Oshkosh Parks Department and appropriate permits issued. Application forms shall include all pertinent and required information as found in the Miller's Bay Boating Regulations.

(1) The Common Council reserves the right to suspend any and all permits and the rights thereunder at any time.

(2) A separate fee may be established for use of any of the above facilities with rates established by the Department of Parks with approval of the Common Council. The receipts from such fees shall be placed in a separate account and used for the purpose of future boating improvements.

(G) **Transient Docking**

All docks and piers that are not used for boat launching may be used for transient boaters. Non-launching transient docks and piers are located at the 24th Avenue Boat Launch (24th Avenue and South Main Street), Miller's Bay in Menominee Park (east of Hazel Street and north of Irving Avenue), Rainbow Park (Oshkosh Avenue and Rainbow Drive), and Riverside Park (North Main Street and Ceape Avenue). Persons using these docks and piers shall not be allowed to dock more than 48 consecutive hours, except persons using the dock at Riverside Park shall not be allowed to dock more than 24 consecutive hours.

SECTION 19-7.1 BOAT LAUNCH USER FEES

A. No person shall use any City owned or operated boat launch facility for launching purposes without an annual, multi-year or daily launching permit. The annual permit shall be valid from March 1 of the year of issuance to February 28 of the next year. Multi-year permits shall be valid for three (3) years from March of the year of issuance. The daily permit shall only be valid during the day of purchase. Annual and Multi-year permits shall be sold through the Finance Department and/or other outlets as designated by the Director of Finance. Daily permits will be sold through "self" registration at each boat launch site. Boat launch sites include: 24th Avenue boat launch, Fugleburg boat launch, Menominee Park boat launches, Mill Street boat launch, Rainbow Park boat launch, and Steiger Park boat launch.

B. Fees: The annual launching permit fee shall be \$15 for residents, and \$20 for non-residents. The multi-year (3 year) launching permit fee shall be \$40 for residents, and \$55 for non-residents.

“Resident” for the purposes of this section of the ordinances shall mean 1) a resident of the City of Oshkosh; or 2) a resident of Winnebago County if Winnebago County adopts a reciprocal boat launch fee recognizing City of Oshkosh permit users.

A second permit purchased at the same time or an annual-replacement sticker shall cost \$5.

The daily launching permit fee shall be \$3.

All annual stickers shall be prominently placed and displayed on the left side of the trailer tongue. In the event no trailer is used, the launch sticker shall be prominently displayed on the back left bumper of the vehicle used to transport the craft launched at the launching site. The daily launching permit shall be prominently displayed on the interior of driver's side window of the vehicle used to transport the boat to the launching area.

(1) Tournaments/organizations at a minimum of 200 registered boaters are offered a \$250/day flat fee. If the flat fee option would not be chosen, then the normal boat launch procedures would be followed.

(a) Boat launch rangers would not monitor any boat launch activities within Menominee Park during the special fee times.

C. (1) Vehicles with boat trailers or other vehicles used to transport craft launched at any City owned or operated boat launch facility shall have affixed an annual, multi-year or daily launching permit when parking in the following areas:

a) 24th Avenue Boat Launch

- 1) all parking areas at the 24th Avenue boat launch
- 2) both sides of Doty Street from 23rd Avenue to the end of the cul-de-sac south of 24th Avenue

b) Fugleburg Boat Launch

- 1) all parking areas at the Fugleberg boat launch
- 2) both sides of Fugleberg Trail from South Main Street to Doty Street
- 3) both sides of Doty Street from 21st Avenue to Brockway Avenue

c) Mill Street Boat Launch

- 1) both sides of Mill Street from its termini at the Fox River to Ceape Avenue
- 2) both sides of Bay Shore Drive from Broad Street to Bowen Street

d) Menominee Park

- 1) all parking areas within Menominee Park
- 2) both sides of Hazel Street from Merritt Ave. to New York Ave.

e) Rainbow Park

- 1) all parking areas within, or adjacent to Rainbow Park, including Veterans Trail from the boat launch site to Punhoqua Avenue, and Rainbow Drive from Oshkosh Avenue to Punhoqua Avenue
- 2) all streets within the Rainbow Park neighborhood, from Oshkosh Avenue to Punhoqua Street to the Fox River, including both sides of Punhoqua Street

from Oshkosh Avenue to the Lakeshore Municipal Golf Course, Graham Avenue from Rainbow Drive to Punhoqua Street, and Catherine Avenue from Rainbow Drive to Punhoqua Street

- 3) all parking areas within Rochlin Park, located south of Oshkosh Avenue

f) William M. Steiger Park

- 1) the boat launch parking area is shared with Steiger Park and Senior Center users
- 2) boat launch parking will be allowed only in designated vehicle/trailer parking areas.
- 3) the Steiger Park parking lot
- 3) the Fox Valley Technical College parking area
- 4) the Senior Center Annex parking area

(2) Parking of vehicles shall be prohibited in the parking stalls designed for on-land boat storage in Menominee Park (north of the sailboat launch) except by those vehicles which display City of Oshkosh Miller's Bay Program permits.

D. Authorize "Traffic Officers"

For purposes of enforcing this section of the Oshkosh Municipal Code, employees of the City of Oshkosh Parks Department are hereby designated as "Traffic Officers" within the meaning of Sections 340.01(70) and 349.13 of the Wisconsin Statutes and are hereby authorized to issue citations for non-moving violations of this section.

E. Responsibility of Owner

If any vehicle with a boat trailer is found upon any street, alley, highway, park or other public grounds of the City in violation of this section of the Oshkosh Municipal Code and the identity of the driver cannot readily be determined, the owner or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

F. Enforcement of Parking Restrictions

Traffic officers observing violations of the parking restrictions specified within this chapter may issue parking tickets which shall be attached to the vehicle parked in violation. Each parking ticket shall specify:

- (a) identification of the location of the vehicle parking in violation of the provisions of this section
- (b) the license number and state of licensing of the vehicle.
- (c) the time at which such vehicle is parking in violation of the provisions of this chapter.
- (d) any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending to the violation.

G. Basic Penalty for Violation

The basic penalty for violation of this section shall be fifteen dollars (\$15.00).

H. Payment of Violations; Time Limits; Failure to Pay

Each owner or operator shall, within 120 hours after 4:00 p.m. of the day of the following enumerated violations, pay to the City as a penalty for and in full satisfaction of such violation, the basic penalty as enumerated within this section. Each such owner or operator shall, after said 120 hour period, pay an additional penalty of Three Dollars (\$3.00). However, if the penalty is not paid within 15 days after 4:00 p.m. of the day of the violation, each such owner or operator shall then pay an additional penalty of Thirteen Dollars (\$13.00); except that if the penalty is not paid within forty-five (45) days after 4:00 p.m. of the day of the violation, each such owner or operator shall pay a penalty of Twenty-three Dollars (\$23.00). The failure of such owner or operator to make such payment shall render such owner or operator subject to the penalties hereinafter provided for violation of the provisions of this section. Each day of violation shall constitute a separate offense.

I. Non-moving Violations Registration Program

In addition to all other methods of collecting parking fines provided for in this Section, the proper City officials are hereby authorized and directed to use the procedures provided for in Section 345.28 of the Wisconsin Statutes and to take all actions authorized under said Section with regard to suspension of the registration of motor vehicles with unpaid citations.

J. Alternate Procedure

In lieu of the foregoing provisions, a person who has been issued a parking ticket for violation of this section may request a hearing regarding such violation. The person shall be issued a summons and citation and such proceedings shall thereafter be governed by §§345.34 to 345.47 Wis. Stats.

K. Use of Launch Fee Revenue

The net revenue resulting from the sale and enforcement of Launch Fee Permits, after the deduction of the cost of collection, enforcement, administration and operation shall be used to establish, maintain and improve boat launch facilities within the City of Oshkosh.

**SECTION 19-8 FACILITY CHARGE/LEACH AMPHITHEATER AT RIVERSIDE PARK
(EFFECTIVE JANUARY 1, 2007.)**

- (A) For all events where the maximum ticket price is \$5.00 or greater (only for profits), there shall be collected a facility charge of \$1 per paid admission, on all paid admissions regardless of actual

ticket price, that shall be payable to the city, net of sales tax. Any entity responsible for ticket sales shall remit to the City all revenues from this facility charge, no later than thirty (30) days after the event has occurred.

- (B) All proceeds shall be maintained in the segregated account already established at Oshkosh Area Community Foundation and shall be only used for:
- (i) nonroutine maintenance and repair of,
 - (ii) for upgrading, enhancements or additions to, and
 - (iii) for renovation or replacement of facilities (specially including restroom facilities, concession buildings, VIP areas, front of house structure and performance building)

at the Leach Amphitheater at Riverside Park.

- (C) By its use of the Leach Amphitheater, any entity, which charges an admission fee subject to this Section, consents to the City's inspection of the entity's financial records to verify the accuracy of any payment under this Agreement. The entity shall produce such records for inspection at its offices during normal business hours, or as such other place as the City and the entity may then agree. The City retains the right to conduct an independent audit at its own cost. However, if audit indicates underpayment, the entity shall reimburse the City for both any underpayment and for the city's audit expenses within 30 days of invoicing by City.

SECTION 19-9 PENALTIES

- (A) Except as provided below, any person who shall violate any of the provisions of this Chapter or of any Section thereof, shall upon conviction thereof, be punished by a forfeiture of not less than \$75.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment thereof, by suspension of that person's operating privileges as provided by law or by imprisonment in the County Jail for a period not to exceed 30 days. Each violation shall constitute a separate offense. Each day of violation shall constitute a separate offense.
- (B) Except as provided below, any juvenile person who shall violate any provision of this Chapter or of any section thereof, shall upon conviction thereof, be punished by a forfeiture of not less than \$50.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment thereof, by suspension of that person's operating privileges as provided by law or by imprisonment in the County Jail for a period not to exceed 30 days. Each violation shall constitute a separate offense. Each day of violation shall constitute a separate offense.
- (C) Any person who shall violate the provisions of Section 19-4(F) shall upon conviction thereof, be punished by a forfeiture of not less than \$35.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment thereof, by suspension of that person's operating privileges as provided by law. Each violation shall constitute a separate offense. Each day of violation shall constitute a separate offense.