

# CHAPTER 21

## PARKS AND PUBLIC LANDS

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# PARKS AND PUBLIC LANDS

## 21.01 PARK REGULATIONS

### (1) Purpose and Definitions

In order to protect the parks, parkways, recreational facilities within the City of Middleton from injury, damage or desecration these regulations are enacted. The term "park" as hereinafter used in this section shall include all grounds, structures, lagoons and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility in the City, but not including any lands designated as conservancy under Section 21.03(1) of this Code. The term "person" shall include any individual, firm, corporation or group of persons.

### (2) Specific Regulations

#### (a) Park Hours

Each park shall be closed and all activities therein shall be terminated at 10:00 P.M., daily, and shall not reopen until 5:00 A.M. the following morning, except for the Quarry Park Skate Facility, which shall open at 8:00 a.m. and shall be closed during hours of darkness, as defined in Wis. Stats. § 340.01(23). No person shall enter or remain in any park at any time other than as herein provided, unless specific written authority is first obtained from the Board of Park, Recreation and Forestry Commissioners.

#### (b) Smoking

No person shall smoke or hold a lighted cigarette, cigar or pipe in any structure within any park, or in any other area in any park where notices prohibiting smoking are posted pursuant to an order of the Board of Park, Recreation and Forestry Commissioners. Smoking shall be prohibited in Firemen's Memorial Park from 7:30 a.m. to 4:00 p.m. on weekdays during the period that regular classes are in session for the Middleton-Cross Plains School District, but not including any official school holidays or breaks when no classes are held or during any special or summer session classes outside the regular school year calendar and the Board of Park, Recreation and Forestry Commissioners shall cause notice of such regulation to be conspicuously posted. Nothing in this subsection shall be construed to limit the Board of Park, Recreation and Forestry Commissioners from ordering and posting more restrictive regulations regarding smoking.

#### (c) Dumping

No person shall dump or deposit any rubbish, refuse, earth or other material in any park. No person shall dispose of trash not generated incidental to park usage in a dumpster or other refuse container located in or upon park property unless specific written authority is first obtained from the Director of Parks and Recreation.

#### (d) Sound Devices

No person shall operate or play any amplifying system without a permit pursuant to Section 7.15. To prevent disturbance or disruption at Middleton High School, no outdoor amplified sound permit shall be issued for use at Firemen's Memorial

Park from 7:30 a.m. to 4:00 p.m. on weekdays during the period that regular classes are in session for the Middleton-Cross Plains School District, but not including any official school holidays or breaks when no classes are held or during any special or summer session classes outside the regular school year calendar.

(e) Pets

No person shall permit any dog, cat or other pet owned by, or under the care or control of him or her to run at large in any park, except that dogs are permitted in designated dog exercise areas. Pets shall be allowed on leash, no longer than six feet, on trails and pathways only. All pet waste must be picked up and disposed of off park property. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person bringing a pet onto park property.

(f) Bill Posting

No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Board of Park, Recreation and Forestry Commissioners and the City Council.

(g) Vehicles and Parking

No motorcycle, go-cart, snowmobile or other motor driven vehicle shall be driven or parked in any park, except in designated parking areas. Except as provided in paragraph (q), this prohibition shall not apply to any electric personal assistive mobility device as defined under Wis. Stats. § 340.01(15pm) or to any mechanically propelled wheelchair designed for and used by a person who is physically disabled. Subject to paragraph (q) this prohibition shall also not apply to a motor bicycle as defined under Wis. Stats. §340.01(30) as long as the motor is not in use.

(h) Throwing Stones and Missiles

No person shall throw stones or other missiles in or into any park.

(i) Repealed O1514, 01/21/2020

(j) Golf, Hardball

No person shall shoot or strike a golf ball or throw or bat a hardball in any park, except that hardball may be played in areas designated for this purpose.

(k) Moving of Park Equipment

No person shall remove benches, seats, tables or other park equipment from any park.

(l) Alcohol Beverages

No person shall have in his or her possession or drink beer, wine or intoxicating liquor any alcohol beverages regulated under Wis. Stats. Chap. 125 in any park except in those parks designated by the Board of Park, Recreation and Forestry Commissioners. Notwithstanding any such designation by the Board of Park, Recreation and Forestry Commissioners, no person shall have in his or her possession or drink any alcohol beverages in Firemen's Memorial Park between

7:30 a.m. and 4:00 p.m. on weekdays during the period that regular classes are in session for the Middleton-Cross Plains School District, but not including any official school holidays or breaks when no classes are held or during any special or summer session classes outside the regular school year calendar.

(m) Camping

No camping shall be permitted in any park, except where prior approval of the Director of Parks and Recreation is first obtained.

(n) Trapping

No person shall trap in any park, unless specific written authority is first obtained from the Director of Parks and Recreation and Chief of Police.

(o) Making of Fires

No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted, provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(p) Horses and Carriages

No person shall ride a horse or drive a horse driven vehicle in any park, except on roads or designated bridle paths, except where approval of the Public Lands Manager is first obtained. It shall be unlawful for any person to ride a horse or drive a horse drawn vehicle in a careless, negligent or reckless manner which may endanger the well-being of others.

(q) Bicycles, Electric Personal Assistive Mobility Devices, and Motor Bicycles

All ordinances of the City of Middleton relating to the use of bicycles, electric personal assistive mobility devices as defined by Wis. Stats. § 340.01(15pm) and motor bicycles as defined by Wis. Stats. § 340.01(30), shall be applicable in all parks. Bicycles, electric personal assistive mobility devices and motor bicycles may be ridden on trails and pathways only. Motor bicycles shall not be operated with the motor in use. The Board of Park, Forestry and Recreation Commissioners may designate certain trails or pathways as off limits for bicycle, electric personal assistive mobility device or motor bicycle use and no person shall ride a bicycle any such vehicle on such trails or pathways. Bicycles, electric personal assistive mobility devices and motor bicycles shall be parked only in areas so designated. Bicycles, electric personal assistive mobility devices and motor bicycles are prohibited within the Quarry Park Skate facility.

(r) Interference with Permittee

No person shall in any manner harass, disturb or interfere with persons holding written permits granted by the Board of Park, Recreation and Forestry Commissioners for the use of shelter areas or other park facilities.

(s) Protection of Park Property

No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, remove, or in any

manner injure, deface, write upon or ill use any tree, shrub, flower, flowerbed, turf, soil, sand, fountain, ornament building, structure, apparatus, bench, table, official notice, sign, or other property within any park.

(t) Possession of Glass Beverage Bottles Prohibited

No one shall possess or consume any beverage in a glass bottle or glass containers in a city park.

(u) Cleaning of Fish Prohibited

No one shall engage in the cleaning of fish in a city park.

(v) Lake Street Boat Launching Facility

Mooring of boats shall be limited to a maximum of two hours at a time and only in those slips specifically identified and signed for such restrictions.

## **21.02 USE OF PARKS; PERMITS**

### **(1) Group Permits**

Permits for groups wishing to reserve the use of a shelter area, park or other park facility in the City shall apply for and obtain a written permit from the Parks and Recreation Department for such use, when first approved by the Board of Park, Recreation and Forestry Commissioners. Persons using park facilities pursuant to such permit shall observe all ordinances and regulations which apply to casual users of the park facilities. In addition to the permit under this section, groups seeking to hold a special event as that term is defined under Section 7.17(2) shall be required to obtain a special permit under Section 7.17.

### **(2) Other Permits**

No person shall sell, convey or offer for sale any tangible or intangible articles or merchandise nor solicit for the sale of any article for future delivery or for any subscription to any publication within any City park, except that when a permit shall have been issued pursuant to s. 21.02(1), above, to a civic group, service club or veteran's organization for a community festival or carnival, such sales shall be permitted on the dates covered by such permit.

This section shall not apply to sales of craft supplies and similar items by authorized personnel of the Parks and Recreation Department or under their supervision.

## **21.03 CONSERVANCY LANDS REGULATIONS**

### **(1) Purpose and Definitions**

In order to protect the conservancy lands within the City of Middleton as defined herein from injury, damage or desecration and to further the purposes set forth in Section 2.16(3) of this Code, these regulations are enacted. The term "conservancy" or "conservancy lands," notwithstanding any designation of land pursuant to the City of Middleton zoning Code or designation of lands by any other authority, shall include only those public lands of the City of Middleton designated as conservancy on the official Park System Map on file in the offices of the City Clerk and Director of Parks and Recreation as approved by the Common Council. Such lands shall include, but are not limited to the following:

- (a) Pheasant Branch Conservancy
- (b) Stricker's Park Conservancy
- (c) Tiedeman's Pond Conservancy
- (d) Graber Pond Conservancy
- (e) Esser Pond Conservancy

## **(2) Specific Regulations**

### (a) Conservancy Hours

Each conservancy shall be open to the public between 5:00 a.m. until 10:00 p.m. No person shall enter or remain in any conservancy outside these hours unless specific written authority is first obtained from the Director of Parks and Recreation.

### (b) Smoking

No person shall smoke or hold a lighted cigarette, cigar, or pipe in any structure within any conservancy, or in any other area in any conservancy where notices prohibiting smoking are posted pursuant to an order of the Conservancy Lands Committee.

### (c) Dumping

No person shall dump or deposit any rubbish, refuse, earth, yard waste or other material in a conservancy. No person shall dispose of trash not generated incidental to conservancy usage in a dumpster or other refuse container located in or upon a conservancy unless specific written authority is first obtained from the Director of Parks and Recreation.

### (d) *This section was repealed O1548, 05/04/2021*

### (e) Pets

No person shall permit any dog, cat, or other pet owned by, or under the care or control of him or her to run at large in any conservancy. Pets are permitted on leash, no more than six feet in length only on trails designated for pets. All pet waste must be picked up and disposed of off conservancy lands. Bags, scoops or other appropriate implements for the removal of pet waste must be carried by any person bringing a pet into a conservancy.

### (f) Bill Posting

No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object at any conservancy, except conservancy regulations and other signs authorized by the Conservancy Lands Committee or the Common Council.

### (g) Vehicles and Parking

No motorcycle, go cart, snowmobile, or other motor driven vehicle shall be driven or parked in any conservancy except in designated parking areas. This prohibition shall not apply to any vehicle permitted under paragraph (p). O1531, 10/20/20.

- (h) Throwing Stones and Missiles  
No person shall throw stones or other missiles in or into any conservancy.
- (i) Repealed O1514, 01/21/2020
- (j) Moving of City Property  
No person shall remove benches, seats, tables, or other equipment or city property from or within any conservancy.
- (k) Beer and Liquor  
No person shall have in his or her possession, nor shall any person drink beer, wine, or intoxicating liquor at any conservancy.
- (l) Camping  
No camping shall be permitted in any conservancy, except where prior approval of the Director of Parks and Recreation is first obtained.
- (m) Trapping  
No person shall trap in any conservancy, unless specific written authority is first obtained from the Director of Parks and Recreation and Chief of Police.
- (n) Making of Fires  
No person shall start, tend, or maintain a fire in any conservancy except by written authorization of the Director of Parks and Recreation.
- (o) Horses and Carriages  
No person shall ride a horse or drive a horse-driven vehicle in any conservancy, except as permitted by the Director of Parks and Recreation.
- (p) Bicycles, Electric Personal Assistive Mobility Devices, and Motor Bicycles  
All ordinances of the City of Middleton relating to the use of bicycles, electric bicycles as defined by Wis. Stats. § 340.01(15ph), electric personal assistive mobility devices as defined by Wis. Stats. § 340.01(15pm), electric scooters as defined by § 340.01(15ps), and motor bicycles as defined by Wis. Stats. § 340.01(30), shall be applicable in all conservancies. Bicycles, electric bicycles, electric personal assistive mobility devices, electric scooters, and motor bicycles shall be parked only in areas so designated. Bicycles, electric bicycles, electric personal assistive mobility devices, electric scooters, and motor bicycles may not be operated in any conservancy except upon pathways designated for such use.  
*O1531, 10/20/20*
- (q) Protection of Conservancy Property  
No person shall kill, injure, or disturb or attempt to injure or disturb waterfowl, birds, or animals, wild or domestic, within any conservancy. No person shall climb any tree or remove any plants, flowers or fruit, wild or cultivated, or break, cut down, remove, or in any manner injure, deface, write upon, or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign, or other property within any conservancy. This section does not apply to management or restoration activities authorized by the Director of Parks and Recreation or Conservancy Lands Cmte.

(r) Possession of Glass Beverage Bottles Prohibited

No one shall possess or consume any beverage in a glass bottle or glass container in any conservancy.

(s) Cleaning of Fish Prohibited

No one shall engage in the cleaning of fish in any conservancy.

(t) Trails

All persons shall stay on designated and maintained trails in any conservancy at all times unless permission to be elsewhere in the conservancy has been granted by the Director of Parks and Recreation.

## **21.04 STONE HORSE GREEN REGULATIONS**

### **(1) Purpose**

Stone Horse Green is a public land reserved to provide a downtown open space providing immediate respite for downtown living, a gathering place for all ages and a place to strengthen the community around music, art, food and culture. These regulations are designed to serve and enhance these purposes.

### **(2) Regulations**

(a) Hours

Except as may be extended by the issuance of a Special Event Permit under Section 7.17, Stone Horse Green shall be closed at 10:00 p.m. daily and shall not reopen until 5:00 a.m. the following morning. No person shall enter or remain upon Stone Horse Green grounds during closed hours except that, if the City maintains any benches immediately adjacent to and facing City sidewalks, it shall not be unlawful for any person to sit at such bench.

(b) Smoking

No person shall smoke upon Stone Horse Green grounds as that term is defined in Section 6.09.

(c) Sound Devices

No person shall operate or play any amplified sound system without a permit pursuant to Section 7.15.

(d) Pets

No person may bring any pet upon the Stone Horse Green grounds. For purposes of this paragraph, the term "pet" shall not be construed to include any service animal that is assisting a person with a disability as protected under state or federal law.

(e) Bill Posting

No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other object upon Stone Horse Green premises except Stone Horse Green regulations or other signs authorized by the City Administrator.



(f) Alcohol Beverages

Alcohol beverages are permitted except that the License and Ordinance Committee may restrict the possession and consumption of alcohol beverages to those beverages purchased on the premises if subject to a Special Event Permit or temporary alcohol license and in the event of such restriction, notice thereof shall be conspicuously posted upon the premises.

(g) Making of Fires

No person shall start, tend or maintain a fire of any kind, including personal grills upon Stone Horse Green except for mobile food vendors or fires started and maintained within any fireplace, fire pit or similar structure constructed by the City upon the premises during events occurring pursuant to and as authorized under subsection (3) below. (O1598, 4/4/23)

(h) Bicycles, Skateboards, and Other Vehicles

No person shall ride or operate any bicycle, skateboard, or other vehicle upon Stone Horse Green. This paragraph shall not be construed to preclude operation of City maintenance vehicles, or other vehicles expressly permitted as part of a Special Event Permit under Section 7.17 or by written authorization of the City Administrator as necessary to conduct any City sponsored events.

(i) Glass Containers

Glass containers are prohibited

O1502, 11/19/2019

### **(3) Events**

Because of the unique nature of Stone Horse Green existing in the Downtown area in close proximity to downtown businesses and mixed-uses, use of Stone Horse Green shall be overseen by the Community Development Authority which may recommend the adoption of regulations for Stone Horse Green to the Common Council and shall be responsible for overseeing the use of Stone Horse Green for events outside of ordinary use as public open space and may adopt policies for the conduct of events not inconsistent with the Municipal Code. No portion of Stone Horse Green may be reserved for private use or for events that exclude the general public. Special Event Permits under Section 7.17 may be issued only with the additional approval of the Community Development Authority and only for events that are organized by or in partnership with a City of Middleton Department, Board, Commission or Committee. (O1598, 4/4/23)

## **21.05 CITY HALL COMMONS REGULATIONS**

### **(1) Purpose**

City Hall Commons shall be a public land reserved to provide a downtown open space providing immediate respite for downtown living, a gathering place for all ages and a place to strengthen the community around music, art, food and culture. These regulations are designed to serve and enhance these purposes

## **(2) Regulations**

### **(a) Hours**

Except as may be extended by the issuance of a Special Event Permit under Section 7.17 of the City of Middleton Code of Ordinances, City Hall Commons shall be closed at 10:00 p.m. daily and shall not reopen until 5:00 a.m. the following morning. No person shall enter or remain upon the City Hall Commons or adjacent City Hall grounds during closed hours except that, if the City maintains any benches immediately adjacent to and facing City sidewalks, it shall not be unlawful for any person to sit at such bench.

### **(b) Smoking**

No person shall smoke upon City Hall Commons grounds as that term is defined in Section 6.09.

### **(c) Sound Devices**

No person shall operate or play any amplified sound system without a permit pursuant to Section 7.15.

### **(d) Pets**

No person may bring any pet upon the City Hall Commons grounds. For purposes of this paragraph, the term "pet" shall not be construed to include any service animal that is assisting a person with a disability as protected under state or federal law.

### **(e) Bill Posting**

No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other object upon City Hall Commons premises except City Hall Commons regulations or other signs authorized by the City Administrator.

### **(f) Alcohol Beverages**

Alcohol beverages are permitted except that the License and Ordinance Committee may restrict the possession and consumption of alcohol beverages to those beverages purchased on the premises if subject to a Special Event Permit or temporary alcohol license and in the event of such restriction, notice thereof shall be conspicuously posted upon the premises.

### **(g) Making of Fires**

No person shall start, tend or maintain a fire of any kind, including personal grills upon City Hall Commons except for mobile food vendors specifically permitted to operate upon City Hall Commons pursuant to a Special Event Permit under Section 7.17, mobile food vendors operating under written authority of the City Administrator as part of a City sponsored event or fires started and maintained within any fireplace, fire pit or similar structure constructed by the City upon the premises.

(h) Bicycles, Skateboards, and Other Vehicles

No person shall ride or operate any bicycle, skateboard, or other vehicle upon City Hall Commons. This paragraph shall not be construed to preclude operation of City maintenance vehicles, or other vehicles expressly permitted as part of a Special Event Permit under Section 7.17 or by written authorization of the City Administrator as necessary to conduct any City sponsored events.

(i) Glass Containers

Glass containers are prohibited

This ordinance shall be effective April 30, 2022, and shall sunset and no longer be effective as of November 30, 2022. (O1577, 4/19/22)

O1526, 9/15/2020; O1543; O1573, 12/21/21

**21.10 PENALTY**

Whoever violates any provision of this Chapter shall be subject to a penalty as prescribed by s. 30.04 of this Code.