

ENROLLED ORDINANCE 177-8

REPEAL AND RECREATE SECTIONS OF CHAPTER 13, ARTICLE II AND CHAPTER 14,
ARTICLE II OF THE WAUKESHA COUNTY CODE OF ORDINANCES TO MODERNIZE
PROVISIONS CONSISTENT WITH CURRENT PARK OPERATIONS

WHEREAS, Chapter 14 of the Waukesha County Code concerning Parks and Recreation definitions and rules was initially established in 1956 and has been amended at various times through 2016; and

WHEREAS, Chapter 13 of the Waukesha County Code, Article II Section 13-101 references citation authority for specific locations and designated employees; and

WHEREAS, the Waukesha County strives to maintain clean and safe, facilities where all people can enjoy recreational activities; and

WHEREAS, the updates to Chapter 13 and 14 will modernize provisions with current park operations and rules; and

WHEREAS, the proposed amendments to the text of the Waukesha County Law Enforcement and Parks and Recreation Ordinance are on file in the office of the Waukesha County Department of Parks and Land Use and as an attachment to this ordinance

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the text of the Law Enforcement and Parks and Recreation found in Chapter 13 Article II and Chapter 14 Article II of the Waukesha County Code of Ordinances is hereby repealed and recreated in accordance with the proposed amendments on file with the Department of Parks and Land Use and as set forth in the attached Exhibit A and B, effective as of May 25, 2022.

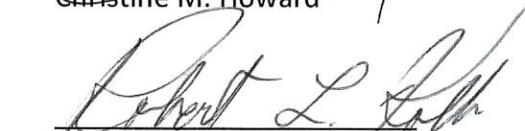
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PROVISIONS CONSISTENT WITH CURRENT PARK OPERATIONS

Presented by:
Land Use, Parks, and Environment Committee

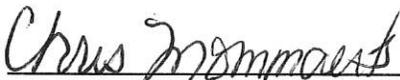

Thomas A. Michalski, Chair

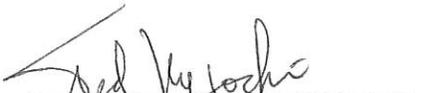

Jennifer Grant


Christine M. Howard


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Ted Wysocki

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 5/31/22, 
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 5/31/2022, 
Paul Farrow, County Executive

Waukesha County Code of Ordinances

Chapter 13 and 14

Summary of Proposed Updates

CHAPTER 13 LAW ENFORCEMENT ARTICLE II OFFENSE CODE

Division 1. Generally Sec. 13-101 Enforcement.

- (c) It shall be the duty of the county sheriff's department and the district attorney of the county to enforce the provisions of this article. Additionally, the director of the parks and land use department is authorized to issue citations for violations of provisions of the County Code Chapter 14 which occur in the parks of the county, including Eble and ~~Naga-Waukeee~~ Ice Arenas, Waukesha County Exposition Center, and the Retzer Nature Center.
- (d) The director of the parks and land use department may delegate to employees employed as ~~park system supervisor, park system manager~~, park rangers and park ranger coordinator the ability to issue citations authorized by this section.

CHAPTER 14 PARKS AND LAND USE ARTICLE II. PARKS AND RECREATION

Division 2. Park Rules Sec. 14-136 Definitions.

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

1. *Camping Unit* shall mean a designated vehicle, trailer, tent, and any other unit, which serves the intended purpose of providing shelter/rest area for users.
2. *Commission* shall mean the Waukesha County Park and Planning Commission.
3. *Department* shall mean the Waukesha County Department of Parks and Land Use.
4. *Director* shall mean the head of the Department of Parks and Land Use and serve as the general manager of the parks system.
5. *Employee* shall mean full-time, part-time, permanent or temporary worker in the employ of the Department. Employee shall also include unpaid volunteers.
6. *Lake Access* shall mean sites designated by the Department ~~to launch watercraft onto waterways. as an area of land providing public boat access or carry-in access, which provides parking for those vehicles with or without trailers.~~

- ~~6.7.~~ *Park* shall mean any park, lake access, -greenway, open space, arena, golf course, special use area, trail corridor or any other area owned, improved, maintained, operated, including buildings therein, or otherwise controlled by Waukesha County for recreation or natural resource preservation purposes.
8. *Facility Use and Special Event Permit* shall mean the written permission that must be obtained from the Department to carry out certain activities.
- ~~7.9.~~ *Entrance Permit/Pass* shall mean a daily or annual entrance permit is required for all vehicles entering a fee-based park or lake access site.
- ~~8.10.~~ *Group Campsite* means a campsite designated for use by six or more campers.
- ~~9.11.~~ *Family Campsite* means a campsite designated for use by five or fewer campers unless the campers are members of an individual family.
- ~~10.12.~~ *Individual Family* means the principal campsite occupant and persons related to that person as a spouse, child, parent, grandparent, sibling or grandchild, or the spouse's child, parent, grandparent, sibling, or grandchild.

Sec. 14-140 Penalties.

(a) Any person violating any of the provisions of this article shall, for each offense, forfeit a penalty of not less than ten dollars (\$10.00) or more than six hundred dollars (\$600.00) together with the taxable costs in the action in the discretion of the court, and in default of payment thereof shall be imprisoned in the county jail for a period not to exceed ninety (90) days, in the discretion of the court.

1. Fees shall be in accordance with 130-102(d) and the Park Ranger System Forfeiture Schedule, which is on file with the department.
2. Whenever an arrest shall have been made or any violation shall occur, the District Attorney shall prosecute by law.

(b) Any law enforcement officer of the County or any of its municipal subdivisions may without a warrant arrest any offender whom they may detect in the violation of any of the provisions of this chapter and take the person so arrested immediately before a magistrate having competent jurisdiction and he shall have at all times the right to enter the premises of any County building, structure or enclosure in any park or greenway, including such grounds, buildings, structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators and use all necessary means to attain that end. ~~Any parks division Employees~~ designated by the director of parks and land use ordinance may issue citations, as according to 13-101, may issue citations to any person whom he or she believes is violating any of the provisions of this ordinance.

(Ord. of 12-8-58, § 15(B); Ord. No. 166-35, §4, 08/02/11)

Sec. 14-141 Permits generally.

(a) All Facility Use and Special Event Permits required by this article ~~shall be~~ issued by the Director or by the Director's designee, shall be in writing, and shall be subject to all Park rules and regulations. Permits shall be required for the exclusive use of all or portions of specific areas, buildings and other Park facilities for conducting special events. The Director shall have the authority to revoke a Permit. Permits may not be transferred or relinquished to another person or group of persons without written authorization from the Director.

(b) The persons to whom such Facility Use and Special Event Permits have been granted shall be fully bound by the rules and regulations as though the same were inserted in the Permits, and any

person to whom a Permit has been issued shall be liable for any loss, damage, or injury sustained to by any person by reason of the negligence of the person to whom the Permit has been issued, their servants or agents.

(c) ~~All vehicles entering any fee-based Park or Lake Access site shall have a proper properly purchased and registered vehicle each vehicle license plate for a Daily or Annual Entrance Permit. A daily park entry Permit. An annual park entrance Permit shall be affixed to the driver's side windshield. A daily park entrance Permit shall be clearly displayed upon the driver's side dashboard and clearly viewable from the outside of the vehicle.~~

- Purchase of Daily or Annual Entrance Permit does not guarantee access and will not be refunded in the event of closure due to weather, safety, Executive Order(s), -when facilities are filled to capacity or special event(s).

~~(e)(d) Exception for (c) is made~~ may be made for events held in ~~the a~~ Park or Lake Access site where an event organizer ~~has made previous arrangements to requests to~~ reimburse Waukesha County for all guests' vehicular entrance fees. This exception will still require vehicle owner to complete proper registration of each vehicle license plate entering a fee-based facility.

Sec. 14-154 Games and amusements; gambling prohibited.

No person shall engage in any sport, game, race, or amusement in any park except upon such portion thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the ~~commission~~ Department.

(Ord. of 12-8-58, § 4(F); Ord. 154-03, § 6, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-155 Permits for picnic areas and interference with permittees prohibited.

(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~ Department or with any such person's or party's equipment or property.

(b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of the ~~commission~~ Department, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.

(Ord. of 12-8-58, § 4(G))

Sec. 14-157 Animals.

(a) **Animals in Public Facilities.** No person shall allow a dog or other animal to enter any public buildings, bathing beaches or picnic grounds in any Park, except for a service animal specially trained to perform tasks benefitting a person with a disability or to provide support for mobility-impaired persons or as authorized by the department.

(b) **Animals running at large.** No person shall allow a dog or other animal to run at large in any park. The animal shall be considered as running at large, unless it is on a leash, in or upon a vehicle, or in an area designated as off-leash.

(c) **Exercising animals.** No person shall exercise or walk a dog or other animal in any park without a leash. A leash shall not be more than 6 feet in length. Shock collars cannot be used in lieu of a leash. No leash is required when dog is swimming in approved areas or in a designated dog exercise area. No leash is required during dog shows or training programs authorized by the department.

(d) Handlers. There shall not be more than 3 dogs per handler. Handlers must have control of their animals at all times.

Sec. 14-162 Sleeping or camping.

(a) Camping prohibited. Camping is prohibited in all Parks, except at designated campgrounds or other areas authorized by the Department.

(b) Designated Campgrounds. Designated Campgrounds are those family and group campgrounds within established Parks.

(c) Camping Permit. No person shall camp without completing and displaying a Camping Permit. All camping fees shall be paid online through the Park System online reservation system for the permit period as provided in this chapter relating to a fee charge established by the Department. The Camping Permit holder is required to be onsite with the party and is responsible for ensuring the campsite is maintained in satisfactory condition.

1. Daily and Annual Entrance Permit is required for all vehicles.

2.

1.3. Group Campsites must be reserved - permit reservation shall be completed through the Park System online reservation system prior to setup and requires a minimum of 3 tents per night paid. Any additional units will be charged at the site by Park employees.

2.4. Family Campsites must be reserved - through the Park System online reservation system and prior to set-up, and will be marked as reserved. If the campsite has not been marked as reserved, then sites are available to be used on a first-come, first-served basis.

3.5. Failure to comply with Camping Permit will be grounds for removal from site.

(d) Camping limited, designated campgrounds. No person shall camp and no Camping Unit shall remain in a designated campground for a period greater than 7 consecutive days. The camping unit shall be removed from the property for at least 24 hours before being eligible to return.

(e) Any site left unoccupied, in which Camping Permit fees are not current, is considered abandoned.

(f) All personal and camping property left unattended after Permit expiration will be considered abandoned property.

(g) Family Campsite occupancy. Maximum of 2 Camping Units per site.

1. If a campsite is not reserved, it is available on a first-come, first-served basis.

(h) Campsite changes. No camping party shall move from its assigned campsite to another campsite without prior approval of Park staff.

(i) Camping Permit expiration. All camping Permits expire at 123 p.m. on the last day of the permit period.

(j) Camping Permit extensions. Extensions within the 7-day limit may be granted on Camping Permits. Extensions shall be obtained prior to 10 a.m. on the expiration date of the Permit.

(k) Campsite reservations. ~~Campsite reservations will be accepted for family and group campsites. Any campsite that has not been marked reserved is available on a first-come, first-served basis.~~ All Campsite reservation must be made through the Park System online reservation system.

Sec. 14-164 Traffic regulations.

(a) When any vehicle or vehicle license plate is identified in violation of any provision of this chapter including entrance to a fee-based park or lake access site without purchase of Daily or Annual Entrance Permit, the owner of the vehicle, as defined under Chapter 340, Wis. Stat., and as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation or a comparable authority, including in any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and shall be subject to the applicable forfeiture penalty.

~~(a)~~(b) No person shall drive any automobile, motorcycle, or other vehicle of traffic or burden upon any part of the parks except the proper drives and parking areas or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive.

~~(b)~~(c) No person shall cause any taxicab, bus, limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the department.

~~(e)~~(d) No person shall cause any bus, cart, dray, wagon, truck, trailer, or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, soil or other article, to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the parks, to vehicles making deliveries to the parks, or to busses under permit of the department.

~~(d)~~(e) It shall be the duty of every person operating an automobile, motorcycle, or other vehicle of traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard, sign, or device installed for the regulation of traffic.

~~(e)~~(f) The department shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than twenty-five (25) miles per hour.

~~(f)~~(g) The department shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles, pedestrians, and equestrians.

~~(e)~~(h) Vehicles normally shall be parked in designated parking areas. Parking along roads and drives may be controlled by appropriate signs.

~~(h)~~(i) No person shall operate a motor vehicle in an abusive, boisterous, unreasonably loud or otherwise disorderly manner under circumstances which tend to cause or provoke a disturbance. Such conduct shall include, but not be limited to, conduct which tends to disturb, annoy or endanger one or more persons because of unnecessary or deliberate spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing engine to backfire or causing vehicle while commencing to move or in motion to raise one or more of its wheels, tracks or skis off the ground or operate at an unreasonable or imprudent speed in any park.

~~(j)~~(i) No person shall operate or park any motor vehicle, except as provided in this subchapter, upon any bridle path, hiking trail, beach area, playground, picnic area or any other area other than established roads, parking areas, lake access and service areas or contrary to posted notice or within any park seasonally closed to vehicular traffic.

~~(j)~~(k) No person shall leave any vehicle unattended without the approval of the Department or its authorized agent for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance and be subject to removal at the owners' expense. Removal of the vehicle shall not relieve the owner or operator of the vehicle from any penalty incurred because of such violation.

**CHAPTER 13
LAW ENFORCEMENT**

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LAW ENFORCEMENT

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**CHAPTER THIRTEEN
LAW ENFORCEMENT**

ARTICLE I. IN GENERAL

Sec. 13-1 Permit to solicit on county property.

No person, county employee or group of employees shall solicit funds or sell things of value to persons on county property without first obtaining a written permit from the executive committee pursuant to rules established by the committee. This section does not apply to internal departmental solicitations such as farewell gifts, length of service gifts, or donations for employee social gatherings.

(Ord. No. 144-42, ' 1, 6-20-89)

Secs. 13-2 - 13-100 Reserved.

ARTICLE II. OFFENSE CODE

Division 1. Generally

Sec. 13-101 Enforcement.

(a) The county authorizes the use of a citation to be issued for violations of county ordinances, including ordinances for which a statutory counterpart exists.

(b) Citations issued pursuant to this section shall conform to the requirements of section 66.0113, Wisconsin Statutes, and shall contain all information required by that statute, as it is from time to time amended.

(c) It shall be the duty of the county sheriff's department and the district attorney of the county to enforce the provisions of this article. Additionally, the director of the parks and land use department is authorized to issue citations for violations of provisions of the County Code Chapter 14 which occur in the parks of the county, including Eble and Naga-Waukee Ice Arenas, Waukesha County Exposition Center, and the Retzer Nature Center.

(d) The director of the parks and land use department may delegate to employees employed as park system supervisor, park system manager, park rangers and park ranger coordinator the ability to issue citations authorized by this section.

(Ord. No. 147-151, ' 3, 3-23-93)

Editor's note - Ordinance No. 147-151, adopted March 23, 1993, repealed ' 13-101, which pertained to enforcement and derived from Ordinance No. 144-42, ' 1, adopted June 20, 1989.

Sec. 13-102 State offenses adopted.

(a) For the purpose of this section, the definitions of words and phrases contained in chapters 340, 341, 939 to 947, 961, and section 990.01 of the Wisconsin Statutes are hereby adopted and by reference

made a part hereof with the same force and effect as if fully set forth herein.

(b) In the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code in this section:

1. Whenever the word "crime" is used, it shall be taken to mean "offense;
2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent."

(c) The statutory and administrative code provisions describing, defining and prohibiting conduct in the following enumerated sections and subsections of the Wisconsin Statutes and Administrative Code and cross references contained therein to other sections and subsections of the Wisconsin Statutes, and Administrative Code exclusive of any provisions thereof relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section with the same force and effect as if fully set forth herein. Any acts required to be performed or prohibited by any statute or administrative code incorporated by reference also is required or prohibited by this section. The following specifically enumerated offenses are hereby prohibited in the county, and are incorporated herein by reference, just as though fully set forth herein, but the penalty for violation under this section shall be limited to the forfeiture as hereinafter set forth:

1. 167.10(1): possession, use or distribution of fireworks;
2. 346.935: intoxicants in motor vehicles;
3. 941.35: emergency telephone calls;
4. 943.01: damage to property less than three hundred dollars (\$300.00);
5. 943.13(1m)(a) and (b),and (3): trespass to land;
6. 943.14: trespass to dwelling;
7. 946.41: resisting or obstructing an officer;
8. 947.01: disorderly conduct;
9. 125.09(2): possession of alcohol beverages on school grounds;
10. 943.24: issuance of worthless check;
11. 254.92(2): purchase or possession of tobacco products by persons under 18 prohibited;
12. 943.20: theft;
13. 961.41(3g)(e) possession of marijuana;
14. 961.573.(1) possession of drug paraphernalia;
15. 59.54 (25g) possession of synthetic cannabinoids and analogs which have similar chemical structures and similar physiological effects to synthetic marijuana.

(d) The penalty for violation of subsection (c) shall be limited to the forfeiture as set forth below. The amount of forfeiture shall not exceed the maximum penalty for the offense, including any penalty assessment which would be applicable under section 757.05, Wisconsin Statutes, plus court costs. All references below are to sections or subsections of the Wisconsin Statutes:

1. 167.10(1): possession, use or distribution of fireworks, not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00);
2. 346.935: intoxicants in motor vehicles, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
3. 941.35: emergency telephone calls, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);

4. 943.01: damage to property of less than three hundred dollars (\$300.00), not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
5. 943.13(1m)(a) and(b), and (3): trespass to land, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
6. 943.14: trespass to dwelling, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
7. 946.41: resisting or obstructing an officer, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
8. 947.01: disorderly conduct, not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00);
9. 125.09(2): possession of alcohol beverages on school grounds, not more than two hundred dollars (\$200.00);
10. 943.24(1): issuance of worthless check, not less than \$200.00 nor more than \$500.00;
11. 254.92(2): purchase or possession of tobacco products by underage individuals (a person under the age of 18), not less than \$10 nor more than \$25 plus costs for each offense;
12. 943.20: theft, not less than two hundred dollars (\$200.00) nor more than five hundred (\$500.00);
13. 961.41(3g)(e) possession of marijuana, not more than one thousand (\$1,000.00);
14. 961.573(1) possession of drug paraphernalia, not more than five hundred (\$500.00); and
15. 59.54 (25g) possession of synthetic cannabinoids and analogs, not more than (\$1,000.00).

(e) Any person between the ages of twelve (12) and seventeen (17), inclusive, violating the provisions of this section shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00), plus costs, for each offense or that person shall be referred to the proper authorities as provided in Chapters 48 or 938, Wisconsin Statutes. Any person under the age of twelve (12) shall be referred to the proper authorities as provided in Chapters 48 or 938, Wisconsin Statutes.

(f) Every person convicted of a violation of this section shall, for each offense, be punished by a forfeiture not to exceed that set forth opposite the particular provision in subsection (d), together with the costs of prosecution. In default of payment of such forfeiture and costs, punishment shall be commitment in the county jail until payment of such forfeiture and costs, but not in excess of the terms hereinafter stated:

1. For a forfeiture not exceeding one hundred dollars (\$100.00), commitment not exceeding thirty (30) days;
2. For a forfeiture in excess of one hundred dollars (\$100.00) but not exceeding two hundred dollars (\$200.00), commitment not exceeding sixty (60) days;
3. For a forfeiture in excess of two hundred dollars (\$200.00), commitment not exceeding ninety (90) days.

(Ord. No. 144-42, ' 1, 6-20-89; Ord. No. 151-16, " 1 and 2, 6-11-96; Ord. No. 151-17, " 1, 2 and 3, 6-11-96; Ord. No. 158-120, 01-13-04; Ord. No. 162-77, 11-27-07; Ord. No. 166-40, 8-23-11)

Editors Note: Statutory reference to *943.13 updated with current statute number in (c) and (d), above. 04/02/12

Sec. 13-103 Solicitation.

Whoever, with intent that an offense be committed, advises another to commit that offense under circumstances which indicate unequivocally that he has such intent, may be subject to a forfeiture not to exceed the maximum provided for the completed offense.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-104 Conspiracy.

Whoever, with intent that an offense be committed, agrees or combines with another for the purpose of committing that offense, if one or more parties to the conspiracy does an act to effect its object, may be subject to a forfeiture not to exceed the maximum provided for the completed offense.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-105 Attempt.

(a) Whoever attempts to commit an offense may be subject to a forfeiture not to exceed one-half the maximum penalty for the completed offense.

(b) An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result, which, if accomplished, would constitute such offense, and that he does acts toward the commission of the offense which demonstrate, under all the circumstances, that he forms intent and would commit the offense but for the intervention of another person or some other extraneous factor.

(Ord. No. 144-42, '1, 6-20-89)

Secs. 13-106 - 13-150 Reserved.

Division 2. Other Offenses Against Public Peace, Order, Etc.

Sec. 13-151 Penalty.

(a) This section does not apply to any offense in this division for which another penalty is specified by ordinance, provided that subsection (d) of this section applies to all violations of this division.

(b) Any person over the age of seventeen (17) years violating the provisions of this division shall be subject to a forfeiture of not less than twenty-five dollars (\$25.00) or more than two hundred dollars (\$200.00), plus costs, for each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of seventeen (17) years to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

(c) Any person between the ages of fourteen (14) and seventeen (17) violating the provisions of this division shall be subject to a forfeiture of not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00) plus costs for each offense or shall be referred to the proper authorities as provided in Chapters 48 or 938 of the Wisconsin Statutes.

(d) Any person under the age of fourteen (14) violating any of the provisions of this division shall be referred to the proper authorities as provided in Chapters 48 or 938 of the Wisconsin Statutes.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-152 Loitering of minors.

It shall be unlawful for any person under the age of seventeen (17) years to congregate, loiter, wander, stroll, stand or play in or upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the county either on foot or in or upon any conveyance being driven or parked thereon between the hours of 11:00 p.m. and 6:00 a.m. of the following day unless accompanied by his parent, guardian, or other adult person having the care, custody, or control of such minor.

(Ord. No. 144-42, '1, 6-20-89)

Sec. 13-153 Juvenile drinking; furnishing alcohol to juveniles, etc.

Sections 125.07(4)(a), (b) and (bm) of the Wisconsin Statutes defining offenses against the peace and good order of the state are hereby adopted by reference, exclusive of any provisions relating to the penalties to be imposed or the punishment for violation of such statute. The penalty for violations of this section shall be limited to the forfeiture specified in this article.

(Ord. No. 144-42, '1, 6-20-89)

State law reference - Authority of county to regulate drinking, etc. by underaged persons, Wis. Stat. ' 125.10(2).

Sec. 13-154 Habitual truancy.

(a) *Prohibition of habitual truancy.* A child is prohibited from being a habitual truant.

(b) *Definitions.* For purposes of this section:

Acceptable excuse shall mean an excuse deemed acceptable by the school board for the school district in which the child lives or attends school.

Habitual truant shall mean a pupil who is absent from school without an acceptable excuse for either of the following periods of time:

1. Part or all of five (5) or more days out of ten (10) consecutive days on which school is held during a school semester.
2. Part or all of ten (10) or more days on which school is held during a school semester.

(c) *Penalty.* Upon finding that a child is a habitual truant, the court may enter an order making one (1) or more of the following dispositions:

1. Suspension of the child's operating privilege, as defined in section 340.01 (40) of the Wisconsin Statutes, for not less than thirty (30) days or more than ninety (90) days. The

court shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice stating the reason for and duration of the suspension.

2. Order the child to remain at home except during hours in which the child is attending religious worship or a school program, including travel time required to get to and from the school program or place of worship. The order may permit a child to leave his or her home if the child is accompanied by a parent or guardian.
3. Order the child to attend an educational program under section 48.345(12) of the Wisconsin Statutes.

(d) *References to statutes.* References to specific statutory sections wherever used in this section shall mean the Wisconsin Statutes of 1985-86, as, from time to time, amended, modified, repealed or otherwise altered by the state legislature.

(e) *Severability.* If any section or part of this section is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this section shall not be affected thereby.

(Ord. No. 144-163, ' 1, 12-19-89)

Editor's note - Section 1 of Ord. No. 144-163, adopted Dec. 19, 1989, added provisions to Ch. 19, but did not specify a section number; designation as ' 13-153.1 was at the editor's discretion.

Sec. 13-155 Public drinking prohibited.

No person shall consume or have in his possession open containers of intoxicants of fermented malt beverages, or intoxicating liquor, in or upon any public thoroughfare. The word "thoroughfare" includes any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.

(Ord. No. 144-42, ' 1, 6-20-89)

Sec. 13-156 Littering.

No person shall discharge any waste materials of any kind including but not limited to gum wrappers, empty beverage containers, candy wrappers, or any such littering materials on any public thoroughfare, in public parks, or on any property where such person does not have specific permission to discharge such materials. The word "thoroughfare" shall include any public road, street, alley, highway, freeway, interstate, county trunk highway, or public right-of-way.

(Ord. No. 144-42, ' 1, 6-20-89)

Sec. 13-157 Disorderly Conduct with a Motor Vehicle.

(a) *Definitions.* The following terms are defined for the purpose of this ordinance:

1. *Motor Vehicle, Vehicle, and Highway* shall be defined as the same terms are defined in '340.01, Wis. Stats.

2. *Disorderly Conduct With A Motor Vehicle* means the deliberate operation of a motor vehicle in a manner that is unnecessarily and unreasonably violent, abusive, loud, maneuvered, or accelerated in such a manner so as to disturb, annoy or endanger any person or property in any public or private area in Waukesha County. It includes, but is not limited to the unnecessary and unreasonable spinning of wheels, squealing of tires, accelerating the engine or vehicle or both, raising one or more wheels off the surface, use of the horn, loud playing of radios or audio entertainment, emission of smoke, gases, or other foul odors that are disagreeable, leaving the highway to travel across property to avoid an intersection, official traffic control sign, signal or other device, and deliberately causing the engine to backfire. For the purpose of this definition, the motor vehicle is not required to be moving at the time of commission of the disorderly conduct.

(b) No person shall operate a Motor Vehicle in Waukesha County in such a manner that constitutes Disorderly Conduct with a Motor Vehicle.

Editor's Note: Enrolled Ordinance 163-37 directed that this new section be placed in Chapter 13, Article II, Division 2 of the Code. It was moved from Sec. 13-106 to Sec. 13-157 to comply with this directive by the Editor on 05/05/15.

(Ord. No. 163-37, 09-23-08.)

Secs. 13-158 – 169 Reserved.

Division 3. Public Assistance and Housing Fraud

Sec. 13-170 Definitions.

False representation(s) include failing to report change of income, assets, household members, employment, or other relevant circumstance.

(Ord. No. 163-52, 10/28/08)

Sec. 13-171 Fraud with Respect to Low Income Housing.

(a) Any person who secures or assists in securing dwelling accommodations under Wisconsin Statute 66.1205 by intentionally making false representations in order to receive more than \$1,000 but less than \$25,000 in financial assistance for which the person would not otherwise be entitled is subject to the appropriate penalty set out below.

(b) Any person receiving assistance for dwelling accommodations under s. 66.1205, who has been notified by the authority of the obligation to report an increase in income or assets that would reduce the amount of that assistance and who intentionally fails to notify the authority of the receipt of income or assets is subject to the appropriate penalty set out below.

(Ord. No. 163-52, 10/28/08)

Sec. 13-172 Fraud with Respect to Public Assistance.

Any person who, with intent to secure public assistance under this chapter, whether for himself or herself or

for some other person, willfully makes any false representations is subject to the penalty set out below.

(Ord. No. 163-52, 10/28/08)

Sec. 13-173 Penalty.

Any person violating the provisions of this division shall be subject to a forfeiture of not less than two hundred dollars (\$200.00), plus costs, for the first offense and not more than five hundred dollars (\$500.00), plus costs, for the second and subsequent offenses. Failure to pay any forfeiture hereunder shall subject any violator to be committed to the county jail until the forfeiture is paid, but not to exceed ninety (90) days.

(Ord. No. 163-52, 10/28/08)

**CHAPTER 14
PARKS AND LAND USE**

ARTICLE II. PARKS AND RECREATION

Division 1. Reserved.

Secs. 14-131 - 14-135 Reserved.

Editor's Note: Former Sec. 14-131 regarding sale of sodas at parks and golf courses repealed by Ord. No. 160-26.

Division 2. Park Rules

Sec. 14-136 Definitions.

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

1. *Camping Unit* shall mean a designated vehicle, trailer, tent, and any other unit, which serves the intended purpose of providing shelter/rest area for users.
2. *Commission* shall mean the Waukesha County Park and Planning Commission.
3. *Department* shall mean the Waukesha County Department of Parks and Land Use.
4. *Director* shall mean the head of the Department of Parks and Land Use and serve as the general manager of the parks system.
5. *Employee* shall mean full-time, part-time, permanent or temporary worker in the employ of the Department. Employee shall also include unpaid volunteers.
6. *Lake Access* shall mean sites designated by the Department to launch watercraft onto waterways, as an area of land providing public boat access or carry-in access, which provides parking for those vehicles with or without trailers.
- 6.7. *Park* shall mean any park, lake access, greenway, open space, arena, golf course, special use area, trail corridor or any other area owned, improved, maintained, operated, including buildings therein, or otherwise controlled by Waukesha County for recreation or natural resource preservation purposes.
8. *Facility Use and Special Event Permit* shall mean the written permission that must be obtained from the Department to carry out certain activities.
- 7.9. *Entrance Permit/Pass* shall mean a daily or annual entrance permit is required for all vehicles entering a fee-based park or lake access site.
- 8.10. *Group Campsite* means a campsite designated for use by six or more campers.
- 9.11. *Family Campsite* means a campsite designated for use by five or fewer campers unless the campers are members of an individual family.
- 10.12. *Individual Family* means the principal campsite occupant and persons related to that person as a spouse, child, parent, grandparent, sibling or grandchild, or the spouse's child, parent, grandparent, sibling, or grandchild.

(Ord. of 12-8-58, § 2; Ord. No. 166-35, §1, 08/02/11)
 (Section 14-136 was amended by Enrolled Ordinance 171-7, effective 06/10/16).

Sec. 14-137 Purpose.

The purpose of this article is to specify rules and regulations to provide for use and enjoyment of the Waukesha County Park System so as to further the safety, health, enjoyment and welfare of all persons in the use thereof, to provide for the protection and preservation of property, facilities and natural resources.

(Ord. of 12-8-58, § 1; Ord. No. 166-35, §2, 08/02/11)

Sec. 14-138 Scope.

This article applies only to areas identified as parks by Waukesha County.

(Ord. No. 166-35, §3, 08/02/11)

Sec. 14-139 Rules and regulations.

Until otherwise directed by the county board, the department may adopt additional or revised rules and regulations for the proper conduct and administration of the parks in the county that are not inconsistent with ordinance, and may perform such other acts with reference to the management of the parks as are lawful and as it may deem expedient to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the county and of visitors to the parks in their use of same.

(Ord. of 12-8-58, § 14(C))

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-140 Penalties.

(a) Any person violating any of the provisions of this article shall, for each offense, forfeit a penalty of not less than ten dollars (\$10.00) or more than six hundred dollars (\$600.00) together with the taxable costs in the action in the discretion of the court, and in default of payment thereof shall be imprisoned in the county jail for a period not to exceed ninety (90) days, in the discretion of the court.

1. Fees shall be in accordance with 130-102(d) and the Park ~~Ranger~~ System Forfeiture Schedule, which is on file with the department.
2. Whenever an arrest shall have been made or any violation shall occur, the District Attorney shall prosecute by law.

(b) Any law enforcement officer of the County or any of its municipal subdivisions may without a warrant arrest any offender whom they may detect in the violation of any of the provisions of this chapter and take the person so arrested immediately before a magistrate having competent jurisdiction and he shall have at all times the right to enter the premises of any County building, structure or enclosure in any park or greenway, including such grounds, buildings, structures or enclosures which may be leased or set aside for private or exclusive use of any individual or group of individuals for the purpose of arresting violators and use all necessary means to attain that end. ~~Any parks division Employees designated by the director of parks and land use ordinance may issue citations, as~~ according to 13-101, may issue citations to any person whom he or she believes is violating any of the provisions of this ordinance.

(Ord. of 12-8-58, § 15(B); Ord. No. 166-35, §4, 08/02/11)

Sec. 14-141 Permits generally.

(a) All Facility Use and Special Event Permits required by this article ~~shall be~~ issued by the Director or by the Director's designee, shall be in writing, and shall be subject to all Park rules and regulations. Permits shall be required for the exclusive use of all or portions of specific areas, buildings and other Park facilities for conducting special events. The Director shall have the authority to revoke a Permit. Permits may not be transferred or relinquished to another person or group of persons without written authorization from the Director.

(b) The persons to whom such Facility Use and Special Event Permits have been granted shall be fully bound by the rules and regulations as though the same were inserted in the Permits, and any person to whom a Permit has been issued shall be liable for any loss, damage, or injury sustained to by any person by reason of the negligence of the person to whom the Permit has been issued, their servants or agents.

(c) ~~All vehicles entering any fee-based Park or Lake Access site shall have a proper properly purchased and registered vehicle each vehicle license plate for a Daily or Annual Entrance Permit. An annual park entry Permit shall be affixed to the driver's side windshield. A daily park entrance Permit shall be clearly displayed upon the driver's side dashboard and clearly viewable from the outside of the vehicle.~~

- Purchase of Daily or Annual Entrance Permit does not guaranteed access and will not be refunded in the event of closure due to weather, safety, Executive Order(s), -when facilities are filled to capacity or special event(s).

~~(e)(d) Exception for (c) is made may be made for events held in the a Park or Lake Access site where an event organizer has made previous arrangements to requests to reimburse Waukesha County for all guests' vehicular entrance fees. This exception will still require vehicle owner to complete proper registration of each vehicle license plate entering a fee-based facility.~~

(Ord. of 12-8-58, § 14(A); Ord. 154-03, § 1, 4/27/99; Ord. No. 166-35, § 5, 08/02/11)
(Section 14-141 was amended by Enrolled Ordinance 171-7, effective 06/10/16.)

Sec. 14-142 Leasing of equipment.

The department is authorized to lease equipment suitable for recreational purposes to private organizations upon such terms as it may determine provided that any such lease shall contain the provision binding the lessee to save and keep the county harmless from any and all liability whatsoever arising out of the leasing and use of such equipment, and provided further that the department may, in its discretion, in each case require lessee to provide public liability insurance covering the use of such equipment.

(Ord. of 12-8-58, § 14(B))

Sec. 14-143 Reserved.

Editor's note - Ordinance No 147-151, § 4, adopted March 23, 1993, repealed § 20-33, which pertained to powers of peace officer and derived from an ordinance of December 8, 1958, § 15(A).

Sec. 14-144 Operating hours.

(a) Except for vehicular traffic moving through streets or roadways, and except when the department publishes general permission or permission through permit to use all or certain parks the parks shall be closed at 10:00 p.m. each night until sunrise the following morning, and no person shall remain therein during those hours, except for registered campers in or en route to designated campgrounds and persons transporting watercraft to and from designated boat landings are permitted at any hour. The department may from time to time, in all or any of the parks, publish or post closing hours different from the above, or discontinue closing hours, as in the exercise of the judgment of the director may appear reasonable and necessary.

(b) In case of an emergency, or when in the judgment of the department the public interest demands it, any portion of the parks or buildings therein may be closed to the public or to designated

persons until permission is given to return.

(Ord. of 12-8-58, § 3(A), (B); Ord. No. 166-35, §6, 08/02/11)

Sec. 14-145 Interference with park employees.

It shall be unlawful for any person to knowingly:

(a) Interfere with or in any manner hinder any employee or agents of the department from performing their assigned duties. Interfering includes, without limitation, knowingly giving false information to an employee with intent to mislead the employee in the performance of duty including the issuance of any citation.

(b) Obstruct an employee while in the discharge of duties in an official capacity and with lawful authority.

(Ord. of 12-8-58, § 3(C); Ord. No. 166-35, §7, 08/02/11)

Sec. 14-146 Use of liquor in parks.

It shall be unlawful for any person to:

(a) Use, possess or sell any alcoholic beverage in violation of Wisconsin Statutes. "Alcohol beverages" means fermented malt beverages, intoxicating liquor, and wine as defined in Wisconsin Statute 125.02.

(b) Serve, possess, or consume any alcoholic beverage except:

1. Beer and wine in areas designated by the director. Any person must obtain a permit in order to bring beer and wine into a park in kegs, barrels or other tap quantities.
2. By permit or concessionaire agreement approved by Director.

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(c) Serve, possess, or consume any alcoholic beverage at sites where the department or its agent is a licensed vendor of alcoholic beverages unless purchased at that site.

(Ord. of 12-8-58, § 3(D); Ord. No. 166-35, §8, 08/02/11)

Sec. 14-147 Disorderly conduct.

(a) No person, or group, using a park, shall perform or permit others under their custody or control to perform any of the following acts:

1. Violate any duly established rule for the use of the park.
2. Prevent any person from using any park or any of its facilities or interfere with such use, which is in compliance with this chapter and rules applicable to such use.
3. Engage in violent, threatening, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance in any park.
4. Commit, perform or engage, nor solicit or ask anyone to engage, in any lewd, lascivious, obscene or indecent act.

5. Endanger the safety of or damage the property of any person by any conduct of act.
6. No person shall use docks or piers adjacent to any lake access facility in any manner as to obstruct or hinder the launching, landing, loading or unloading of watercraft.
7. No person shall intentionally deface, vandalize or remove from park property, buildings, equipment or facilities; or intentionally deface, destroy, cover, damage or remove any placard, notice, or sign or parts thereof, whether permanent or temporary, posted or exhibited by the Department.

(b) Any person violating any of the prohibitions enumerated in subsection (a) may be removed from any park.

(Ord. of 12-8-58, § 3(E); Ord. No. 166-35, §9, 08-02-11)

Sec. 14-148 Smoking; throwing lighted cigarette or cigar out of motor vehicle.

(a) No person shall be permitted to smoke, or to hold a lighted cigarette, cigar, or pipe in any building, or section of a building, or in any park where officially posted notices so prohibit.

(b) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from a motor vehicle moving along a park drive.

(Ord. of 12-8-58, § 3(F); Ord. No. 166-35, §10, 08-02-11)

Sec. 14-149 Littering.

No person shall knowingly:

(a) Throw, deposit, scatter, drop or abandon in any park, any paper, bottles, cans, sewage, waste, trash or other debris, except in receptacles provided by the department for such purpose. Where receptacles for rubbish are not provided, all waste shall be carried away from the park by the person responsible for its presence.

(b) Deposit in any receptacle any accumulation of waste and trash generated outside the boundaries of the park.

(c) Deposit or leave garbage, sewage, or waste material upon any body of water.

(d) Upset or turn over the contents of any receptacles or recycling container in any park.

(Ord. of 12-8-58, § 3(G); Ord. No. 166-35, §11, 08-02-11)

Sec. 14-150 Permit for public meetings and assemblies.

(a) Planned or advertised public meetings and assemblies, or sporting and athletic events, are allowed in parks only by written permit issued by the director of parks and land use or by the director's designee.

1. Application for permits shall be made in writing and received by the director no less than 10 working days prior to the event and shall state:

A. The name, address and telephone number of the applicant.

B. The name and address of the person(s), corporation or association sponsoring the

activity.

- C. Description of the activity to be conducted.
 - D. The name of the park and the part thereof for which the permit is requested.
 - E. The date of the proposed activity, and the hour at which it will begin and end.
 - F. The estimated attendance.
 - G. Special needs, i.e., kitchen, utilities, parking, tent, sound, security and others.
2. A permit shall be issued to an applicant for the facility requested if:
- A. Subsection 1 has been satisfied.
 - B. The place requested has not been reserved by other permits.
 - C. The site or facility requested will safely accommodate the anticipated attendance, the activity will not physically damage the site, and the activity is not proscribed by law; and for athletic or sporting events, the site will accommodate the activity to be conducted.
3. Any applicant for a permit under this section shall have the right to appeal the denial of a permit to the Executive Committee of the County Board. The appeal shall be made within 10 days of the denial of the permit and shall be made by filing a written notice of the appeal in the Office of the Chairman of the Waukesha County Board. The Executive Committee shall act upon the appeal within 30 days of receipt of the notice of appeal by the Office of the County Board Chairman.

(Ord. 154-03, § 2, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-151 Reserved.

Sec. 14-152 Noise.

(a) No person shall use or operate any radio, tape or disc player, musical instrument or other mechanical or electrical sound making, reproducing or amplifying device in a park so as to be heard at a distance greater than (a) 15 feet from the instrument, device, radio or tape or disc player if used in a campsite area, or (b) 75 feet from the instrument, device, radio or phonograph if used in a non-campsite area.

(b) No such radio, tape or disc player, musical instrument or above-described device may be used or operated within a park within 75 feet of the legal boundaries of the park such that the device can be heard outside the park.

(c) The director of parks and land use or the director's designee may authorize or permit musical shows, cultural events, public gatherings, and exhibitions which are not limited by this section.

(Ord. 154-03, § 4, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-153 Sales and Handouts.

(a) No person shall sell, or offer for sale, any article, merchandise, or thing, nor promote any trade, occupation, business or profession, for commercial purposes in any park without a written permit

from the director of parks and land use or the director's designee.

(b) No person shall deposit, place or scatter any material in any park. It shall not be unlawful, however, to hand out or distribute, without charge to the recipient, any printed or written material to any person willing to accept it.

(c) No person shall deposit or place any material in or upon any vehicle in any park unless the owner or occupant of the vehicle is willing to accept it.

(d) Any person who distributes any material shall keep the area of distribution free of any litter caused by or related to the distribution.

(e) No person shall post, stick or otherwise affix any item or material to or upon any tree, equipment or structure of any kind in any park.

(f) In this section, "material" means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper, book, or other printed or otherwise reproduced original or copies of any matter or literature.

(Ord. 154-03, § 5, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-154 Games and amusements; gambling prohibited.

No person shall engage in any sport, game, race, or amusement in any park except upon such portion thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the ~~commission~~ Department.

(Ord. of 12-8-58, § 4(F); Ord. 154-03, § 6, 4/27/99)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-155 Permits for picnic areas and interference with permittees prohibited.

(a) No person shall in any manner disturb, harass or interfere with any person or party holding a written permit from the ~~commission~~ Department or with any such person's or party's equipment or property.

(b) Permits for the exclusive use of any picnic or play area for any specific date or time may be granted at the discretion of the ~~commission~~ Department, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, or with any of such person's or party's equipment or property.

(Ord. of 12-8-58, § 4(G))

Sec. 14-156 Weapons and fires.

(a) No person shall carry, fire, or discharge any gun, pistol, or firearm, nor any rocket, or any other fireworks of any description, nor shall any person engage in trapping; nor shall any person hunt with bow and arrow within any park, except as provided below in (2). The word "gun" includes air gun.

1. No person shall possess or discharge any fireworks regulated by s. 167.10(1), Wis. Stats. in parks except that exhibitions of fireworks given under the direction or by the permission of the Director or an authorized agent are permitted.
2. No person shall have in their possession or under their control any firearm as defined in s. 167.31(c), Wis. Stats., or air gun as defined in s. 939.22, Wis. Stats., unless the same is unloaded and encased or any bow unless the same is unstrung or enclosed in a carrying case in any park except those areas of the park where bows are permitted on designated ranges and in accordance with posted regulations and

except where in use for hunting purposes following State of Wisconsin hunting regulations on lands designated for such purpose in the Waukesha County Park and Open Space Plan, as required through a grant condition for the purchase of the property or otherwise authorized in this code.

(b) No person shall throw or shoot an arrow, knife, stone, paintball or other projectile, by hand or any other means, in any park. This subsection shall not apply to arrows used on archery ranges authorized by the Department or for the discharge of a bow or firearm for hunting purposes as authorized by this code.

(c) No person shall start, tend or maintain any fire or burn any refuse except at designated fireplaces, fire rings or permanent grills within any park.

1. The use of charcoal burners in designated picnic areas shall be permitted provided lawns and other vegetation are not damaged and provided further that all unburned coals or ash are disposed of in such manner as to prevent fire or damage to any park property. Charcoal residue or wood ash shall be left in a grate or fireplace until cool or placed in receptacle provided for such purposes.
2. Fires for cooking or heating may be made in portable metal stoves, heaters, grills or replaces at the picnic areas or designated campgrounds.
3. No person shall abandon any fire, leave any fire unattended, or throw away any matches, cigarettes, cigars, pipe ashes or embers without first extinguishing them.
4. To reduce the risk of transporting exotic invasive species, firewood is not allowed to be brought into the parks by the public.

(Ord. of 12-8-58, § 5; Ord. No. 166-35, §12, 08-02-11)

Sec. 14-157 Animals.

(a) **Animals in Public Facilities.** No person shall allow a dog or other animal to enter any public buildings, bathing beaches or picnic grounds in any Park, except for a service animal specially trained to perform tasks benefitting a person with a disability or to provide support for mobility-impaired persons or as authorized by the department.

(b) **Animals running at large.** No person shall allow a dog or other animal to run at large in any park. The animal shall be considered as running at large, unless it is on a leash, in or upon a vehicle, or in an area designated as off-leash.

(c) **Exercising animals.** No person shall exercise or walk a dog or other animal in any park without a leash. A leash shall not be more than 6 feet in length. Shock collars cannot be used in lieu of a leash. No leash is required when dog is swimming in approved areas or in a designated dog exercise area. No leash is required during dog shows or training programs authorized by the department.

~~(e)~~(d) **Handlers.** There shall not be more than 3 dogs per handler. Handlers must have control of their animals at all times.

~~(d)~~(e) **Animal feces.**

1. The owner or person having immediate care, custody or control of a dog or other animal shall promptly remove and dispose of, in a sanitary manner, any feces left or deposited by the animal upon any park.
2. No person shall permit a dog or other animal to be on any park unless such person has, in their immediate possession, an appropriate means of removing animal feces.

(e)(f) Horses.

1. No person shall ride or use a horse or other beast of burden in any manner in any park, except on designated bridle trails or for events authorized by the department.
2. No person shall ride or use a horse or other beast of burden in a careless, negligent or reckless manner so as to create a nuisance or to endanger life, property or person of others.

(Ord. of 12-8-56, § 6; Ord. No. 166-35, §13, 08-02-11)

Sec. 14-158 Fish, waterfowl, game birds.

(a) Fishing is permitted unless prohibited by posted signs, and provided state law and state department of natural resources rules and regulations are observed.

(b) No person shall throw any object into the waters of the parks so as to injure or unnecessarily disturb the fish in said water.

(c) No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any wild animals or rob or disturb the nest of any bird in any park unless authorized by the department.

(d) Hunting is allowed on department approved park properties designated in the Waukesha County Park and Open Space Plan or as required through a grant condition for the purchase of the property as allowed by permit or general authorization.

(e) Bag limits, daily hours, licenses or other regulations are in accordance with those rules and regulations established by the Wisconsin Department of Natural Resources.

(f) Possession and discharge of bows and firearms are subject to local municipal regulations.

(g) Permanent blinds and stands are not permitted. All stands and blinds must be removed at the close of each day. The damaging of trees or removal of vegetation is prohibited.

(h) Target practice or shooting not associated with the actual harvest of licensed game is prohibited, except in areas designated by the department.

(Ord. of 12-8-56 § 7(A); Ord. No. 166-35, §14, 08-02-11)

Sec. 14-159. Injury to vegetation, structures, and equipment.

(a) Destruction and entry

1. *Deface, remove or destroy.* No person shall disturb, molest, deface, remove or destroy any trees, shrubs, plants or other natural growth; disturb or remove shoreline rip-rap; carve on any rocks, archaeological or geological features, signs, walls or structures including buildings, signs, fences, tables or other park property. Edible fruits, nuts, wild mushrooms and wild asparagus may be gathered without permit, except on State Natural Areas.
2. *Entry and manipulation.* No person shall enter in any way any building, installation or area that may be under construction or locked or closed to public use or molest or manipulate any water control structure, dam or culvert or enter or be upon any building, installation or area after the posted closing time or before the posted opening time or contrary to posted notice in any park.

- (b) No person shall without written authorization of the director:
1. Intentionally remove, alter, injure or destroy any natural resource.
 2. Dig trenches, holes or other excavation in a park.
 3. Plant or cultivate any plant, or release any animal into the park.

(Ord. of 12-8-56, § 7(B); Ord No. 166-35, §15, 08-02-11)

Sec. 14-160 Removal of ice or sand prohibited.

No person shall take ice from any stream or lake within any park, nor remove any sand therefrom or from the shores thereof without written permit from the department.

(Ord. of 12-8-56, § 7(C))

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-161 Aircraft landing prohibited.

No person shall ascend or land any manned or unmanned aircraft, including drones, gliders and parachutes, nor engage in any stunt flying or parachute landing in any Park without a written permit of the Department.

(Ord. of 12-8-56, § 7(D))

Editor's note: Reference to parkway removed 08-24-11.

(Section 14-161 was amended by Enrolled Ordinance 171-7, effective 06/10/16.)

Sec. 14-162 Sleeping or camping.

(a) Camping prohibited. Camping is prohibited in all Parks, except at designated campgrounds or other areas authorized by the Department.

(b) Designated Campgrounds. Designated Campgrounds are those family and group campgrounds within established Parks.

(c) Camping Permit. No person shall camp without completing and displaying a Camping Permit. All camping fees shall be paid online through the Park System online reservation system for the permit period as provided in this chapter relating to a fee or charge established by the Department. The Camping Permit holder is required to be onsite with the party and is responsible for ensuring the campsite is maintained in satisfactory condition.

1. Daily and Annual Entrance Permit is required for all vehicles.

2.

3. Group Campsites must be reserved - permit reservation shall be completed through the Park System online reservation system prior to setup and requires a minimum of 3 tents per night paid. Any additional units will be charged at the site by Park employees.

4. Family Campsites must be reserved through the Park System online reservation system and prior to set-up, and will be marked as reserved. If the campsite has not been marked as reserved, then sites are available to be used on a first come, first served basis.

5. Failure to comply with Camping Permit will be grounds for removal from site.

(d) Camping limited, designated campgrounds. No person shall camp and no Camping Unit shall remain in a designated campground for a period greater than 7 consecutive days. The camping unit shall be removed from the property for at least 24 hours before being eligible to return.

(e) Any site left unoccupied, in which Camping Permit fees are not current, is

considered abandoned.

(f) All personal and camping property left unattended after Permit expiration will be considered abandoned property.

~~(g)~~ Family Campsite occupancy.

~~(h)~~

Maximum of 2 Camping Units per site.

~~1. If a campsite is not reserved, it is available on a first come, first served basis.~~

~~(i)(g)~~ Campsite changes. No camping party shall move from its assigned campsite to another campsite without prior approval of Park staff.

~~(j)(h)~~ Camping Permit expiration. All camping Permits expire at 123 p.m. on the last day of the permit period.

~~(k)(i)~~ Camping Permit extensions. Extensions within the 7-day limit may be granted on camping Permits. Extensions shall be obtained prior to 10 a.m. on the expiration date of the Permit.

~~(l)(j)~~ Campsite reservations. ~~Campsite reservations will be accepted for family and group campsites. Any campsite that has not been marked reserved is available on a first come, first served basis. All Campsite reservation must be made through the Park System online reservation system.~~

~~(m)(k)~~ Camping contrary to posted notice. No person shall camp on any lands under the management, supervision or control of the Department contrary to posted notice.

~~(n)(l)~~ Camping violations. A violation of any state, local or federal law by a member of a camping party is cause for revocation of the camping Permit.

~~(o)(m)~~ Campground quiet hours. No person shall make or cause to be made any unreasonable sounds or noises in or adjacent to any designated campground between the hours of 11 p.m. and 6 a.m.

(Ord. of 12-8-56, § 7(E); Ord. No. 166-35, §16, 08-02-11)
(Section 14-162 was amended by Enrolled Ordinance 171-7, effective 06/10/16.)

Sec. 14-163 Public utilities and private construction.

(a) The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lamp posts, telegraph, telephone, and electric power posts and lines, manholes, conduit and pumps within any park shall be subject to the jurisdiction and control of the department and their construction, erection, repair or relocation shall be undertaken only after written permission is received from the department.

(b) *Private Construction.* No curb, whether stone, concrete or grass, shall be cut for the purpose of constructing a private driveway across any park border nor for any other purpose, without written permission from the department. The location, width, grade, and construction of all paths, driveways and roadways across any sidewalk border along any park shall be subject to the approval of and constructed only after written permission thereof is obtained from the department. Every person who shall receive a permit to open a trench, to cut a curb, or to deposit materials in or upon any park shall at all times after such work has been commenced or materials deposited, and until the same has been completed, and until all accumulations of materials resulting from such work have been removed, so guard and protect the same that persons driving or passing along the roadway, sidewalk, or in the vicinity of the place where the work is being done, shall not be likely to meet with any accident therefrom. Such a person shall also during the time from sunset to sunrise, each night while said work is in progress, cause the same to be securely fenced and guarded by a warning light or lights placed in a conspicuous position, and so secured that the same shall not be extinguished.

(Ord. of 12-8-58, § 8; Ord. No. 166-35, §17, 08-02-11)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-164 Traffic regulations.

(a) When any vehicle or vehicle license plate is identified in violation of any provision of this chapter including entrance to a fee-based park or lake access site without purchase of Daily or Annual Entrance Permit, the owner of the vehicle, as defined under Chapter 340, Wis. Stat., and as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation or a comparable authority, including in any other state, shall be deemed to have committed the violation for purposes of enforcement of this chapter and shall be subject to the applicable forfeiture penalty.

~~(a)~~(b) No person shall drive any automobile, motorcycle, or other vehicle of traffic or burden upon any part of the parks except the proper drives and parking areas, or permit the same to stand upon the drives or any part thereof so as to congest traffic or obstruct the drive.

~~(b)~~(c) No person shall cause any taxicab, bus, limousine or other vehicle for hire to stand upon any part of the parks for the purpose of soliciting or taking in passengers or persons other than those carried to the parks by the vehicle, unless licensed by the department.

~~(e)~~(d) No person shall cause any bus, cart, dray, wagon, truck, trailer, or other vehicle carrying goods, merchandise, manure, soil, or any other articles, or solely in use for the carriage of goods, merchandise, manure, soil or other article, to enter or be driven in any part of the parks. This subsection shall not apply to vehicles engaged in the construction, maintenance, or operation of the parks, to vehicles making deliveries to the parks, or to busses under permit of the department.

~~(d)~~(e) It shall be the duty of every person operating an automobile, motorcycle, or other vehicle of traffic or burden within the parks to comply with the state, county and municipal traffic laws and with all orders, directions, and regulations of traffic officers, or officially displayed on any post, standard, sign, or device installed for the regulation of traffic.

~~(e)~~(f) The department shall cause signs to be erected indicating speed limits on roads and drives. Where no such signs are posted the speed shall in no case be greater than twenty-five (25) miles per hour.

~~(f)~~(g) The department shall cause to be erected such other traffic control signs as are necessary or which might become necessary for the proper regulations and safe movement of vehicles, pedestrians, and equestrians.

~~(g)~~(h) Vehicles normally shall be parked in designated parking areas. Parking along roads and drives may be controlled by appropriate signs.

~~(h)~~(i) No person shall operate a motor vehicle in an abusive, boisterous, unreasonably loud or otherwise disorderly manner under circumstances which tend to cause or provoke a disturbance. Such conduct shall include, but not be limited to, conduct which tends to disturb, annoy or endanger one or more persons because of unnecessary or deliberate spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing engine to backfire or causing vehicle while commencing to move or in motion to raise one or more of its wheels, tracks or skis off the ground or operate at an unreasonable or imprudent speed in any park.

~~(i)~~(j) No person shall operate or park any motor vehicle, except as provided in this subchapter, upon any bridle path, hiking trail, beach area, playground, picnic area or any other area other than established roads, parking areas, lake access and service areas or contrary to posted notice or within any park seasonally closed to vehicular traffic.

~~(j)~~(k) No person shall leave any vehicle unattended without the approval of the Department or its

authorized agent for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance and be subject to removal at the owners' expense. Removal of the vehicle shall not relieve the owner or operator of the vehicle from any penalty incurred because of such violation.

(Ord. of 12-8-58, § 9; Ord. No. 166-35, 08-02-11)
 Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-165 Bicycles.

- (a) Riders of bicycles shall comply with Wisconsin Statutes, sections 346.77 through 346.82.
- (b) Bicycles are only allowed on designated trails.
- (c) Bicycle riders shall proceed in the extreme right hand lane of the drives at all times, in a single file only.
- (d) A bicycle shall not be towed by a rope or otherwise, nor shall any rider hold on to any moving vehicle for purpose of being drawn along.
- (e) Children riding bicycles that have wheels less than twenty (20) inches in diameter may use the footwalks.
- (f) Wherever possible, bicycles shall be parked in places provided for such purpose.

(Ord. of 12-8-56, § 10; Ord. No. 166-35, §20, 08/02/11)

Sec. 14-166 Horseback riding.

- (a) No person shall ride horseback in any park except upon designated roadways and bridle paths.
- (b) No person shall be permitted to ride horseback in any park after dark or before daybreak.
- (c) No person shall be permitted to ride or drive a horse which cannot be held under such control that it may be easily turned or stopped.
- (d) No person shall be permitted to ride or drive a horse in a reckless manner.
- (e) Pedestrians shall have the right of way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet, horse shall be ridden at a slow gait.
- (f) Every rider shall comply with all department rules and signs along the bridle paths.

(Ord. of 12-8-56, § 11)
 Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-167. Bathing and swimming regulations.

- (a) It shall be unlawful for any person to:
 1. Wade, bathe, or swim within a park except at such pools or beaches as are or may be designated for that purpose by the department.
 2. Take any food or beverage into the water of any area designated for wading, bathing or

swimming under (a), above.

3. Take any glassware or bottles of any kind except eyeglasses on to any grass or sand area of a designated beach or pool for bathers.
4. Use water flotation devices when a lifeguard is on duty, except for U.S. Coast Guard approved lifejackets and vests that are of a proper size and are worn and secured properly.
5. Bring in or consume any alcoholic beverages of any kind in designated beach areas.

(b) Non-swimmers are restricted to areas designated. Children 5 years of age or younger must be supervised by an adult. All persons, regardless of age, may be asked to demonstrate their swimming proficiency at the discretion of department employees.

(c) Patrons of any area designated for wading, bathing or swimming are to speak to lifeguards only in the case of an emergency and are not permitted to interfere with the execution of a lifeguard's duties or responsibilities.

(d) Swimmers and bathers shall comply with all rules and regulations that are posted at beaches, pools or in bathhouses or other buildings.

(e) Failure to comply with any rules or regulations may result in the violator being required to leave the beach, pool, or bathhouse or other enforcement actions permitted by law.

(f) *Boundary Buoys.* No person shall disturb or molest a beach boundary buoy or marker in any swimming beach in any park or moor or cause to be within that area of water enclosed in the boundary buoys any boat, raft or craft used to transport persons.

(g) *Beach Athletics.* Except in locations designated for such purpose, no person shall engage in any athletic game or sport or in any activity upon a bathing beach or in the water when injury or inconvenience to others might result therefrom except with written permission of the Department.

(h) *Bathing attire.* No swimmer or bather shall enter the water or onto any beach unless clothed in a suitable bathing suit.

- (i) Scuba diving is permitted in designated areas.

(Ord. of 12-8-56, § 12; Ord. No. 166-35, §21, 08-02-11; Ord. No 170-30, 07-23-15.)

Editor's note: Reference to parkway removed 08-24-11.

Sec. 14-168 Boat launching and docking regulations.

(a) No person shall launch or dock any boat or other watercraft except at locations or facilities provided and designated for that purpose by the department.

(b) No person shall launch or dock any boat or other watercraft except at such times as are designated by the department.

(c) No person shall store or leave unattended overnight any boat or other watercraft without the written permission of the department.

- (d) All persons using the boating facilities of the county park system shall comply with all

posted regulations of the department.

(Ord. of 12-8-56, § 13)

Sec. 14-169 Encroachments prohibited.

It is unlawful for any person to encroach on park property with such items as fences, gardens, other personal property, or to disturb the natural landscape, vegetation or structures on park property, on park property or otherwise use park property for private use. All setbacks and other local zoning regulations are in effect and apply against properties adjacent to parks as they would against property adjacent to private property.

(Ord No. 166-35, §22, 08-02-11)

Sec. 14-170 Fees and special use permitting.

(a) Fee schedule. No person shall use any facility, shelter, land or area for which a fee or charge has been established by the Director without payment of such a fee or charge in advance, except for open shelters which may be used if not reserved.

(b) Special Use Agreements shall be required for all events that allow for public invite to the event, closure of areas, special equipment or amusement features.

(Ord. No. 166-35, §23, 08-02-11.)

Secs. 14-171 - 14-180 Reserved.

VOTING RESULTS

AVE 25 | NAY 0 | ABSTAIN 0 | ABSENT 0

Ordinance 177-O-007

Ordinance 177-O-007: Repeal And Recreate Sections...

 **Passed By Majority Vote**

D1 - Foti	AVE	D14 - Mommaerts	AVE
D2 - Weil	AVE	D15 - Kolb	AVE
D3 - Morris	AVE	D16 - Crowlev	AVE
D4 - Batzko	AVE	D17 - Meier	AVE
D5 - Grant	AVE	D18 - Nelson	AVE
D6 - Walz	AVE	D19 - Enriquez	AVE
D7 - LaFontain	AVE	D20 - Schellinger	AVE
D8 - Michalski	AVE	D21 - Gaughan	AVE
D9 - Heinrich	AVE	D22 - Wysocki	AVE
D10 - Thieme	AVE	D23 - Hammitt	AVE
D11 - Howard	AVE	D24 - Bangs	AVE
D12 - Wolff	AVE	D25 - Johnson	AVE
D13 - Decker	AVE		

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