

**TOWN OF CEDARBURG
ORDINANCE NO. 2020-2**

An Ordinance to Amend Chapter 232, Relating to the Korb Sports Complex, Orthopaedic Hospital of Wisconsin Fields and other Park and Recreation Facilities of the Town of Cedarburg Code of Ordinances

WHEREAS, the Town of Cedarburg regulates activities related to Parks and Recreation within the Town of Cedarburg, Wisconsin; and,

WHEREAS, the Town promotes the public health, safety, welfare and comfort of the general public by protecting the parks, parkways, recreational facilities and conservancy areas within the Town from injury, damage or desecration; and,

WHEREAS, the Town has constructed the Korb Sports Complex located at 8555 STH 60 and the Orthopaedic Hospital of Wisconsin Fields located at 1220 Five Corners Drive to provide facilities for active youth and adult recreation;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that the following portions of Chapter 232 of the Town of Cedarburg Code of Ordinances are hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 232-1 Park regulations.

A. Purpose and definition. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Town from injury, damage or desecration, these regulations are enacted. The term "park," as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Town.

B. Specific regulations.

(1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park, except by placing such material in receptacles provided for such purpose.

(2) Sound devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Town Administrator.

(3) Pets. No person shall permit any dog, cat or other pet owned by him to run at large in any park or to allow pets to enter any public buildings, bathing beaches, picnic grounds or playgrounds within any park.

(4) Bill posting. No person shall post, paste, fasten, pin 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 Town Board.

(5) Throwing stones and projectiles prohibited. No person shall throw stones or other projectiles in or into any park.

(6) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any park.

(7) Trapping. No person shall trap in any animals, birds or waterfowl in any park unless specific written authority is first obtained from the Town Board.

[Amended 3-1-2000 by Ord. No. 2000-9]

(8) 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 that 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.

(9) 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, trample upon, 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, except as authorized by the Park and Recreation Committee.

[Amended 3-1-2000 by Ord. No. 2000-9; 10-4-2006 by Ord. No. 2006-11; 1-6-2016 by Ord. No. 2016-1]

(10) Motorized vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, except areas where the operation of such vehicles is specifically permitted.

(11) Closing hours. All Town parks shall be closed between 9:00 p.m. and 6:00 a.m., except Pleasant Valley Park and Trails and the Orthopaedic Hospital of Wisconsin Fields, which shall be closed between 10:00 p.m. and 6:00 a.m. Only a person or persons possessing an overnight camping permit are allowed in Pleasant Valley Park and Trails between 10:00 p.m. and 6:00 a.m.

[Amended 3-1-2000 by Ord. No. 2000-9; 10-1-2008 by Ord. No. 2008-15; 2-4-2015 by Ord. No. 2015-2; 3-4-2015 by Ord. No. 2015-3; 1-6-2016 by Ord. No. 2016-1]

(12) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Town.

(13) Parking in parks. No person shall park any motor vehicle in any park in the Town except in a designated parking area and no parking shall be permitted other than posted park hours, except by permit issued by the Town Clerk or Administrator.

[Amended 3-1-2000 by Ord. No. 2000-9; 3-4-2015 by Ord. No. 2015-3]

(14) Illegal entry. It shall be unlawful for any person to enter in any way any park building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices, unless possessing an overnight camping permit.

[Amended 10-1-2008 by Ord. No. 2008-15]

(15) Firearms.

[Amended 3-1-2000 by Ord. No. 2000-9]

(a) Within a Town park it shall be unlawful for any person to have in his possession or under his control:

[1] Any firearm or airgun as defined in the Wisconsin Statutes, unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply to a licensee or out-of-state licensee, as defined in § 175.60(1), Wis. Stats., if the firearm is a weapon as defined in § 175.60(1)(j), Wis. Stats., or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer as defined in and subject to the conditions contained in § 941.23, Wis. Stats.

[Amended 11-2-2011 by Ord. No. 2011-8]

[2] Any bow, unless the same is unstrung or enclosed in a carrying case or unless written permission has first been granted by the Town Administrator to use a bow in a specific, supervised sport or activity, and then only within a designated area; provided, however, that it shall be unlawful to engage in any sport or activity involving a strung bow that constitutes a safety hazard in the judgment of any law officer or Town Administrator personnel.

(b) Hunting is prohibited in all Town parks and recreational areas.

(c) Use of paintball guns is prohibited in all Town parks.

(16) No horseback or other riding of animals shall be permitted in any park.

[Amended 3-1-2000 by Ord. No. 2000-9]

C. Camping rules. The following rules shall be obeyed by any person permitted to camp in Pleasant Valley Park and Trails, in addition to all other rules contained within this chapter: [Added 1-7-2009 by Ord. No. 2009-4; amended 3-4-2015 by Ord. No. 2015-3; 1-6-2016 by Ord. No. 2016-1]

- (1) Campers must obtain an overnight camping permit from Town Hall prior to unloading gear at the campground.
- (2) The maximum length of stay is as cited in the permit.
- (3) A single site may be used by up to the number of persons cited in the permit and may not exceed this number.
- (4) Only campers with a permit from Town Hall are allowed after 10:00 p.m.
- (5) Use of other areas of the park by the permittee is allowed; however, overnight camping is limited to the identified camping area specified on the permit. Do not camp in the woods or other natural areas.
[Amended 1-6-2016 by Ord. No. 2016-1]
- (6) Camping equipment cannot be left unattended.
- (7) The Town of Cedarburg is not responsible for any loss or damage to personal property. Remove all personal property when leaving.
- (8) The use of generators is prohibited.
- (9) The use of fireworks or other explosives is prohibited within campgrounds unless a permit is obtained from the Town.
- (10) Alcohol intoxication or drinking alcoholic beverages in the park is prohibited.
- (11) Keep your site clean of all litter and waste. Throw all garbage and litter in refuse cans and recycle bins provided for this purpose or take it with you.
- (12) Use toilets properly. Do not throw garbage, litter, or other foreign substances in toilets and plumbing fixtures.
- (13) Obey restrictions on fires. Fires may be limited or prohibited at certain times.
- (14) Build fires only in designated fire rings, personal grills, and designated fireplaces provided for that purpose. Personal grills shall be used only in designated picnic areas. Firewood must be small enough to fit inside the fire ring.
[Amended 1-6-2016 by Ord. No. 2016-1]
- (15) Do not burn anything other than clean wood in designated fire rings and fireplaces.
[Amended 1-6-2016 by Ord. No. 2016-1]
- (16) Do not start campfires with gasoline or camping fuel. Keep flammable materials away from campfires. You are responsible for keeping fires under control.
- (17) Be sure your fire is completely extinguished before leaving your site or going to sleep at night.
- (18) Do not damage the land or vegetation, or disturb wildlife.
- (19) Do not block, restrict, or interfere with the use of roads or trails.
- (20) Hunting is prohibited in the park.
- (21) Vandalizing park buildings and other property is illegal and will result in citation.
- (22) No fighting or boisterous behavior.
- (23) Keep noise at a reasonable level.
- (24) Operate any audio device such as a radio or musical instrument so that it will not disturb the wildlife or neighbors.

§ 232-2 Korb Sports Complex & Orthopaedic Hospital of Wisconsin Fields regulations.

A. Purpose and definition. In order to provide for active recreational activities, the Town constructed the Korb Sports Complex and Orthopaedic Hospital of Wisconsin Fields. In order to protect these facilities from injury, damage or desecration, these regulations are enacted. The terms "Complex and OHOW Fields," as hereinafter used in this sub section, shall include all grounds, structures, watercourses and amenities which are located within the Korb Sports Complex and Orthopaedic Hospital of Wisconsin Fields.

B. Specific regulations.

(1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in the Complex and OHOW Fields, except by placing such material in receptacles provided for such purpose.

(2) Sound devices. No person shall operate or play any amplifying system within the Complex and OHOW Fields unless specific authority is first obtained from the Town.

(3) Pets. No person shall permit any dog, cat or other pet owned by him/her within the Complex and OHOW Fields, except for "service animals" required for use by a person with a disability.

(4) Bill posting. No person shall post, paste, fasten, pin or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in the Complex and OHOW Fields, except regulations and other signs authorized by the Town Board.

(5) Throwing stones and projectiles prohibited. No person shall throw stones or other projectiles in or into the Complex and OHOW Fields.

(6) Removal of Complex and OHOW Fields equipment prohibited. No person shall remove benches, seats, tables or other equipment.

(7) Trapping. No person shall trap in any animals, birds or waterfowl in the Complex and OHOW Fields unless specific written authority is first obtained from the Town Board.

(8) Making of fires. No person shall start, tend or maintain a fire in the Complex and OHOW Fields. The use of personal grills is prohibited.

(9) Protection of property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within the Complex and OHOW Fields. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, 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 the Complex and OHOW Fields, except as authorized by the Park and Recreation Committee.

(10) Motorized vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, except areas where the operation of such vehicles is specifically permitted.

(11) Closing hours. The Complex shall be closed between 9:00 p.m. and 6:00 a.m. The OHOW Fields shall be closed between 10:00 p.m. and 6:00 a.m.

(12) Reckless driving prohibited. No person shall operate a motor vehicle in a reckless manner within the Complex and OHOW Fields.

(13) Parking. No person shall park any motor vehicle in the Complex and OHOW Fields except in a designated parking area and no parking shall be permitted other than posted park hours, except by permit issued by the Town Clerk or Administrator.

(14) Illegal entry. It shall be unlawful for any person to enter in any way any Complex and OHOW Fields building, installation or area after the posted closing time or before the posted opening time, or contrary to posted notices.

(15) Firearms.

(a) Within the Complex and OHOW Fields it shall be unlawful for any person to have in their possession or under his control:

[1] Any firearm or airgun as defined in the Wisconsin Statutes, unless the firearm is unloaded and enclosed within a carrying case. This subsection does not apply to a licensee or out-of-state licensee, as defined in § 175.60(1), Wis. Stats., if the firearm is a weapon as defined in § 175.60(1)(j), Wis. Stats., or to a law enforcement officer, a qualified out-of-state law enforcement officer, or a former officer as defined in and subject to the conditions contained in § 941.23, Wis. Stats.

[2] Any bow, unless the same is unstrung or enclosed in a carrying case or unless written permission has first been granted by the Town Administrator to use a bow in a specific, supervised sport or activity, and then only within a designated area; provided, however, that it shall be unlawful to engage in any sport or activity involving a strung bow that

constitutes a safety hazard in the judgment of any law officer or Town Administration personnel.

(b) Hunting is prohibited within the Complex and OHOW Fields.

(c) Use of paintball guns is prohibited within the Complex and OHOW Fields.

(16) No horseback or other riding of animals shall be permitted within the Complex and OHOW Fields.

(17) Camping is prohibited within the Complex and OHOW Fields.

§ 232-23 Radio-controlled model airplanes.

[Amended 3-1-2000 by Ord. No. 2000-9]

No person shall operate a radio-controlled model airplane or other powered devices in any Town park or the Korb Sports Complex and OHOW Fields in the Town of Cedarburg except in areas specifically designated and posted for such purpose.

§ 232-34 Use of metal detectors on public property.

[Amended 3-1-2000 by Ord. No. 2000-9]

Absent authorization by the Town Board, the use of metal detectors and digging for buried objects on Town property are prohibited.

§ 232-45 Fees and user regulations.

A. Fee schedule. It shall be unlawful for any person to use any Town park or Korb Sports Complex and OHOW Fields facility, shelter, land or recreational area for which a fee or charge has been approved by the Town Board without payment of such fee or charge. Fees and charges shall be reviewed annually.

B. Special fees. Any park or Korb Sports Complex and OHOW Fields structure, facility or area other than the above may be reserved or rented for special purposes subject to the approval of the Town Board, Administrator or Clerk. Fees may be established for recreational programs where costs warrant them. The Town Board shall establish a fee schedule for each facility or recreational program.

[Amended 3-1-2000 by Ord. No. 2000-9]

C. Additional rules. Rules and regulations may be made from time to time by the Town Board governing the further use of and enjoyment of Town parks, Korb Sports Complex, OHOW Fields, parkways, playgrounds, beaches, boat landings, campgrounds, lakes, streams and the facilities thereof. Any person who shall violate such rules or regulations may be excluded from the use of such facility.

D. Permits. Any person to whom a permit shall have been issued by the Town Board or agent thereof shall be bound by the provisions of all ordinances and rules of the Town of Cedarburg as fully as though the laws and the provisions of this chapter were inserted in each permit.

[Amended 3-1-2000 by Ord. No. 2000-9]

§ 232-56 Public utilities and private construction.

A. Location of public utilities. The location of all sewers and receivers, gas pipes, water pipes, stopcock boxes, hydrants, lampposts, telegraph, telephone and electric power posts and lines, manholes, conduits and pumps within any Town park, Korb Sports Complex, OHOW Fields, or parkway shall be subject to the jurisdiction and control of the Town Administrator, and their construction, repair or relocation shall be undertaken only after written permission is received from the Town Administrator.

B. Private construction.

(1) No curb, whether stone, concrete or glass, shall be cut for the purpose of constructing a private driveway across any parkway/Korb Sports Complex and OHOW Fields border, nor for any other purpose, without the written permission of the Town Administrator.

(2) The location, width, grade and construction of all paths, driveways and roadways across any sidewalk bordering along any parkway/Korb Sports Complex and OHOW

Fields shall be subject to the approval of the Town Administrator and constructed only after written permission is obtained from the Town Administrator.

§ 232-67 Reservation of park space, Korb Sports Complex, OHOW Fields, shelters or campgrounds.

[Amended 3-1-2000 by Ord. No. 2000-9; 10-4-2006 by Ord. No. 2006-11; 10-1-2008 by Ord. No. 2008-15]

A. Policy on reservation. ~~The~~ Town-owned park, Korb Sports Complex, OHOW Fields and park associated facilities and shelter areas are primarily for the use of the residents and visitors of the Town. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This section is intended to regulate exclusive use of Town-owned parks/Korb Sports Complex/OHOW Fields park facilities, shelters, campgrounds or parts thereof in the Town to the end that the general welfare of the Town is protected.

B. Reservation of park space. A person or group, firm, organization, partnership or corporation may reserve the use of a park/Korb Sports Complex/OHOW Fields facility, shelter, or ballfield by written application filed with the Town Administrator or Clerk for a permit for exclusive use of the same. The Administrator or Clerk shall issue permits for exclusive use of a shelter, ballfield, park/Korb Sports Complex/OHOW Fields or other facility. The reservation of the youth scouting overnight campground area is limited to youth scouting groups within Pleasant Valley Park and Trails. Overnight camping in other areas of the park is available to nonscouting applicants. The Administrator or Clerk shall issue permits for the use of campground areas. During the period of the permit, use of other areas of the park is permitted; however, overnight camping is limited to the area specified on the permit.

[Amended 8-7-2013 by Ord. No. 2013-7; 3-4-2015 by Ord. No. 2015-3; 1-6-2016 by Ord. No. 2016-1]

C. Application. Applications shall be filed with the Clerk at least 45 days prior to the date on which the exclusive use of the entire park/Korb Sports Complex/OHOW Fields is requested or at least five days prior to the date on which a shelter, campground, ballfield or related facility is to be used and shall set forth the following information regarding the proposed exclusive use:

[Amended 8-7-2013 by Ord. No. 2013-7]

- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same, and the responsible and authorized heads or partners of the same.
- (3) The name, address and telephone number of the person who will be responsible for the use of said park, area or facility.
- (4) The date when the exclusive use is requested and the hours of the proposed exclusive use.
- (5) The anticipated number of persons to use said park/Korb Sports Complex, OHOW Fields area, campground, or facility, ~~or ballfield~~.
- (6) Any additional information which the Town Board or its designee finds reasonably necessary to make a fair determination as to whether a permit should be issued.

D. Deposit.

(1) All applicants must provide a refundable deposit of \$200 and provide payment of \$100 per day of use for any park shelter located in the Town and fee for other ballfield or Korb Sports Complex/OHOW Fields facility fee as set by the Town Board. The deposit shall be returned if cleanup or repair by the Town is not required.

[Amended 8-7-2013 by Ord. No. 2013-7]

(2) All scouting groups or other applicants applying for overnight camping permits in the Town of Cedarburg must provide a refundable deposit of \$200 and proof of insurance in

the amount of \$500,000 naming the Town of Cedarburg as an additional insured. The deposit shall be returned if cleanup or repair by the Town is not required.

[Amended 1-6-2016 by Ord. No. 2016-1]

(3) All applicants applying for use of the Korb Sports Complex and OHOW Fields must provide a refundable deposit of \$200 and a Certificate of Insurance for comprehensive general liability insurance denominated not less than \$1,000,000 in the aggregate and not less than \$500,000 for any single occurrence naming the Town of Cedarburg as an additional insured. The deposit shall be returned if cleanup or repair by the Town is not required.

[Amended 1-6-2016 by Ord. No. 2016-1]

E. Action on application. The Town Board or appropriate designee thereof shall act promptly on all applications for permits for exclusive park/Korb Sports Complex/OHOW Fields use (not shelter use) and campground use after consulting with the applicant, if necessary.

F. Reasons for denial. Applications may be denied for any of the following reasons:

(1) If it is for a use which would involve a violation of any applicable law or any provision of this Code.

(2) If the granting of the permit would conflict with another permit already granted or for which application is already pending:

(3) If the application does not contain the information required by Subsection C above.

(4) If the application is made less than the required days in advance of the scheduled exclusive use.

(5) If it is for a use of the park/Korb Sports Complex and/or OHOW Fields, ~~park associated~~ facility or campground at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park/Korb Sports Complex and/or OHOW Fields, ~~park associated~~ facility or campground is expected and would be seriously adversely affected.

(6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park/Korb Sports Complex, OHOW Fields,~~park associated~~ facility, shelter area or campground involved or of the rest of the Town.

(7) If the exclusive use will reasonably create a substantial risk of injury to persons or damage to property.

(8) If the exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

G. Indemnification. Prior to granting any permit for exclusive use of the park/Korb Sports Complex/OHOW Fields or part thereof, the Town may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility in favor of the Town, running to the Town and such other third parties as may be injured or damaged, in an amount based on the possibility of injury or damage as a direct and proximate result of the exclusive use so as to indemnify the Town and such third parties as may be injured or damaged and caused by the permittee, its agents or participants.

H. Permit not required for Town activity. A permit is not required for exclusive use of the park/Korb Sports Complex/OHOW Fields, ~~park~~ facility or campground sponsored by the Town.

I. Permit revocation. The Town Board or designee thereof, after granting a permit, may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by major change in the conditions forming the basis of the issuance of the permit.

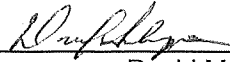
J. Form of permit. Each permit shall be in a form prescribed by the Town Administrator and shall designate the park/Korb Sports Complex/OHOW Fields, ~~park associated~~ facility, shelter area or campground involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to whom or to which the permit is issued.

(The above text modified with a strikethrough shall be deleted).

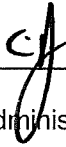
(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 4th day of March, 2020.



David M. Salvaggio
Town Chairman



Eric Ryer
Interim Administrator/Clerk