

CHAPTER 10
COUNTY PARKS

10.01 DEFINITION (10/4/94)

- (1) "Park" or "Parks" means all lands and waters heretofore and hereafter acquired by the county for park or recreational purposes placed under the jurisdiction of the Highway and Parks Committee and shall include without limitation, parks, beaches, parkways, boulevards, pleasure drives, golf courses, bicycle trails and privately owned lands, the use of which has been granted the county for parks, recreational or like purposes.
- (2) "Person" means an individual, partnership, corporation, firm, company, association, society or group.

10.02 ADMINISTRATION and ADOPTION OF RULES AND REGULATIONS

The Highway and Parks Committee is empowered and directed to govern, manage, control, improve and care for all public parks as defined in section (1) above and secure the quiet, orderly and suitable use and enjoyment thereof by the people; the Highway and Parks Committee is further empowered to adopt rules and regulations not in conflict with the laws of the State of Wisconsin and these ordinances to promote those purposes. (9/22/83)

10.03 SUPERVISION

The Department of Parks, whose head shall be the Park Director, is the administrative agency of the Highway and Parks Committee and all county parks shall be operated and maintained under the supervision of the County Park Director. (9/22/83)

10.04 PERMITS

The following actions are prohibited in any county park without a written permit describing conditions, rules and limitations of the activity from the County Highway and Parks Committee or its duly authorized agent: (11/14/00)

- (1) No person shall hold or participate in public assemblages including any musical, theatrical, or other entertainment, any parade, procession, rally, demonstration, exhibition, or other similar gathering, and no person shall use any loudspeaker or amplifying equipment without a written permit.
- (2) No person shall organize, sponsor, play, engage, or otherwise take part in any game, competitive sport or event, for money, prize or other valuable thing, without a permit. No person shall organize, sponsor, play, engage in, have team practice for, or take part in any sporting tournament, competition or league involving 3 or more teams without a written permit. (11/14/00)
- (3) No person shall sell or offer for sale any article or perform or offer to perform any service for hire or solicit for any trade, occupation, business, or profession, or solicit for alms in any park without a written permit.
- (4) No person shall place or carry any structure, bulletin board or advertising device of any kind whatever, or erect a tent or post any notice, bill, poster, sign, wire, rod, or cord to any tree, shrub, fence, railing, fountain, wall, post or structure, vase, statue, bridge, monument in any park, or place any advertising or decoration of any kind whatever therein in any park without a written permit.

- (5) No person shall injure, molest, or disturb any bird or other animal or disturb the nest or young of any bird or other animal, except the taking of any bird or other animal which is causing property damage or injuries to persons may be permitted with a written permit.
- (6) No person is permitted to remain in the parks or beaches between 10:00 p.m. and sunrise without a written permit and no person is permitted to be on the Kemper Center Fishing Pier before sunrise and after sunset; furthermore, the Highway and Parks Committee pursuant to the provisions of section 10.02 of this ordinance reserves the right to further restrict or expand the hours of operation of specially designated parks, including but not limited to Kemper Center and the Kenosha County Ice Arena.
- (7) No person shall remove any type of wood from any park without a written permit.
- (8) No person shall ride or drive any horse within a county park without a written permit.
- (9) No person shall camp, erect a tent, or sleep overnight in any county park without a written permit.
- (10) No person, corporation or association shall conduct any gathering or activity where the attendance of the general public is limited or contingent on the payment of a fee in any portion or facility of a park without a written permit.
- (11) No person shall have in his or her possession an uncased firearm, air gun, bow, crossbow, spring operated weapon, cannon, explosive, fireworks, sword, lance, spear or any dangerous weapon as defined in section 939.22 of the Wisconsin Statutes, without a written permit. (12/4/01)

10.05 APPLICATIONS FOR PERMITS

- (1) Application. A person seeking issuance of a permit hereunder shall file the application with the County Park Director and for any event or activity to take place at the Kemper Center, the application shall be filed with the Kemper Center Director and for any event or activity to take place at the Kenosha County Ice Arena, the application shall be filed with the duly authorized agent of the Kenosha Ice Association. The application shall state:
 - (a) Name and address of applicant;
 - (b) Name and address of the persons, corporation or association sponsoring the activity, if any;
 - (c) The day and hours for which the permit is desired, if applicable;
 - (d) The park, or portion thereof, for which the permit is desired, if applicable;
 - (e) An estimate of the attendance, if applicable;
 - (f) Any other information which, in the opinion of the County Park Director, Kemper Center Director and/or Kenosha Ice Association, is reasonably necessary to a fair determination as to whether a permit should issue hereunder.

- (2) Fees. Each application shall be accompanied by the appropriate fee and/or bond as required by the regulations of the Highway and Parks Committee, Kemper Center, Inc., and/or Kenosha Ice Association, Inc. then in effect. (9/22/83)
- (3) Standards of Issuance. The County Park Director, Kemper Center Director and/or duly authorized agent of the Kenosha Ice Association, Inc., shall issue a permit when it is found:
- (a) That the proposed activity or use, of the park will not unreasonably interfere with or detract from the general enjoyment of the park;
 - (b) That the proposed activity, or use, of the park will not unreasonably interfere with, or detract, from the promotion of public health, welfare, safety and recreation;
 - (c) That the proposed activity, or use, is not reasonably anticipated to incite violence, crime or disorderly conduct;
 - (d) That the proposed activity will not entail unusual, extraordinary or burdensome expense to the County;
 - (e) That the facilities desired have not been reserved for other use at the day and hour requested in the application;
 - (f) That the area requested is in compliance with the areas designated by the Highway and Parks Committee for the type of use requested; (9/22/83)
 - (g) Permits shall be granted on a first-come-first-served basis. Applications for a permit within a given calendar year shall not be accepted prior to the first working day in January of said calendar year.
 - (h) When considering an application for a permit to hold a public assembly, public meeting or gathering for the purpose of exercising any right which is protected by the Constitution of the United States or the Constitution of the State of Wisconsin, the County Park Director or Kemper Center Director and/or duly authorized agent of the Kenosha Ice Association shall grant said permit unless he specifically finds that the granting of said permit is in conflict with ss (c), (f) or (g) above.
- (4) Appeal. Within two days after receipt of an application, the County Park Director, Kemper Center Director or duly authorized agent of the Kenosha Ice Association shall grant or deny the permit, in the event the permit is denied, the applicant shall be appraised in writing of the reasons for refusal of said permit, and any aggrieved person shall have the right to appeal in writing within five days to the Highway and Parks Committee, which shall consider the application of the standards set forth in subsection 3 hereof and sustain or overrule the decision within fifteen days. The decision of the Highway and Parks Committee shall be final. (9/22/83)
- (5) Effect of Permit. A permittee shall be bound by all of the Park rules and regulations and all applicable ordinances fully as though the same were inserted in said permit.

- (6) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permits shall have been issued.
- (7) Display of Permit. As a condition of a permit being issued, it is required that the permittee have the permit in his or her possession at all times while it is in effect and that upon the request of any duly authorized agent of the Kenosha County Highway and Parks Committee or duly authorized law enforcement personnel, a permittee shall present the permit for inspection. (9/22/83)
- (8) Revocation. The County Park Director, Kemper Center Director or duly authorized agent of the Kenosha Ice Association shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown.

10.06 ENTRANCE FEES

- (1) No person shall enter a County Park where an entrance fee is required as specified by the Highway and Parks Committee without first obtaining a valid season sticker or daily entry ticket. (9/22/83)
- (2) No person shall enter upon or use any golf course operated by the Highway and Parks Committee without first paying the appropriate greens fees as established by the Highway and Parks Committee; and the entry or use of such golf course pursuant to the payment of the appropriate greens fees shall be subject to all rules and regulations established by the Committee. (9/22/83)
- (3) No person shall enter any area of Kemper Center or the Kenosha County Ice Arena where a use or rental fee is required as specified by Kemper Center, Inc. or the Kenosha Ice Association without first paying the appropriate fee.

10.07 PROHIBITED ACTIONS

The following actions are prohibited in County parks:

- (1) It shall be unlawful for any person to place any straw, dirt, chips, paper, shavings, shells, ashes or other rubbish, even though not offensive to health, in or upon any park. Furthermore, it shall be unlawful for any person to clean fish and dispose of fish entrails in other than a designated area. (5/4/82)
- (2) It shall be unlawful for any person to remove, destroy, break, injure, mutilate or deface in any way any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, tree, shrub, fern, plant, flower or other property in any park, except for gathering mushrooms for personal use only in any park areas not specifically designated as a nature center. (6/5/07)
- (3) It shall be unlawful for any person to drive, ride or push any motorcycle, motor vehicle, truck, wagon, horse or any vehicle or animal in any part of the parks, except on the regular drives designated therefor; provided wheel chairs, baby carriages and such vehicles as are used in the park service are not included in the foregoing prohibition.
- (4) It shall be unlawful for any person to drive or operate any vehicle, whether propelled by animal or any other power, in any park, recklessly, or at a rate of speed greater than is reasonably proper, having regard for the traffic, the safety of the public and

the use of the parks, or so as to injure the property, life or limb of any person, and at no time shall the speed of such vehicles exceed 15 miles per hour. Furthermore, at no time shall the speed of any such vehicles exceed 5 miles per hour when on the Kemper Center grounds and/or Ice Arena grounds. (5/4/82)

- (5) It shall be unlawful for any person to place, build or create any fires within any park areas except in properly constructed fireplaces and grills. Hot charcoal ashes shall be disposed of in containers labeled and provided for such disposal.
- (6) It shall be unlawful for any person to wade, bathe, or swim except at such pools or beaches as may be designated for that purpose.
- (7) It shall be unlawful for any person to sell, bring, drink, possess, or give away any beer, liquor, or other intoxicating beverages within a county park except that designated agents of the Highway and Parks Committee may sell beer, liquor or other intoxicating beverages to persons of legal drinking age for consumption only in areas specifically designated by the Highway and Parks Committee. However, it shall be lawful for Kemper Center, Inc., or its director, to allow consumption of and/or sell beer, wine or intoxicating beverages at Kemper Center Park, and such sale or consumption of alcohol shall be in strict compliance with all State of Wisconsin and City of Kenosha laws, including the requirement of obtaining appropriate licenses, and shall comply with all terms of an annual permit issued to Kemper Center, Inc., by the parks director. (11/6/90)
- (8) It shall be unlawful for any person to engage in ball throwing, bicycle riding, or fishing or any other activity which might endanger the safety of bathers or spectators in beach areas.
- (9) It shall be unlawful for any person to bring or permit a dog or other animal to be in any county park or on any county park trail at any time unless said animal is on a leash not exceeding 10 feet in length except within areas of a county park officially designated by the County Parks Director as "Off-Leash Dog Exercise Area", or to fail to immediately pick up and place into a garbage container any feces dropped by such dog or animal in the county park or on county park trail property, or to bring or permit a dog or other animal in any county park unless such animal is properly licensed and has all required vaccinations and treatments. (3/21/06)
- (10) It shall be unlawful for any person to bring or permit a dog or other animal in a beach, playground or other designated areas at any time.
- (11) It shall be unlawful for any person to go beyond the designated swimming limits outlined by markers and it shall be unlawful for any person to use a boat, raft, or other watercraft within such limits when bathers are present.
- (12) It shall be unlawful for any person to indulge in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disturbing conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
- (13) It shall be unlawful for any person, except authorized park personnel, to operate a snowmobile in any county park except on designated snowmobile trails.

- (14) It shall be unlawful for any person to operate a truck in excess of 3/4 ton rating unless authorized by County Park personnel.
- (15) It shall be unlawful for any person to use any type of inflatable device within a designated bathing beach area.
- (16) It shall be unlawful for any person to place or possess tables, glass containers, and food in a designated beach area. Furthermore, it shall be unlawful for any person to place, build or create any fires within a designated beach area.
- (17) It shall be unlawful for any person to possess or operate a remote controlled or other type of self-propelled model airplane or airborne device in any County Park. "U-Control" self-propelled model airplanes may be flown in an area so designated by the County Parks' Administration. (4/4/90)
- (18) It shall be unlawful for any person to launch a boat, raft, or watercraft of any type in any county park except that a boat, raft, or watercraft of any type may be launched in a designated launching area.
- (19) It shall be unlawful for any person to fish in any pond in any golf course area at anytime during the golfing season and to fish in any designated beach area. Furthermore, only rod, reel or hand line fishing will be allowed on the pier at Kemper Center. (8/16/83)
- (20) It shall be unlawful for any person to operate a skateboard, roller skis, roller skates, motorized ski bikes or any similar toy vehicle in any county park.
- (21) It shall be unlawful for any person to practice golf in any county park except in designated practice areas immediately adjacent to the golf courses.
- (22) It shall be unlawful for any person to play baseball, football or other games in the designated parking areas.
- (23) It shall be unlawful for any person to perform any mechanical work on automobiles in any park, unless it is an emergency situation.
- (24) It shall be unlawful for any person to intentionally interfere with or hinder the work of county park employees.
- (25) It shall be unlawful for any person to engage in ball playing or the use of a frisbee or activity of like kind which interferes with the flow of traffic on any park road.
- (26) It shall be unlawful for any person to ball hawk on any golf course except that persons who have duly paid greens fees may search for a reasonable period of time for any golf balls lost in the course of play provided they signal following golfers to play through.
- (27) It shall be unlawful for any person to operate a motor vehicle with a trailer attached at either Silver Lake Park or Old Settler's Park.
- (28) It shall be unlawful for anyone to enter on the Kemper Fishing Pier when signs are posted indicating that the pier is closed. Furthermore, it shall be unlawful for children under 12 to enter on the Kemper Pier unless accompanied by a parent, adult or guardian.

(29) It shall be unlawful for anyone to parachute into a county park.
(8/16/83)

(30) It shall be unlawful for anyone to land an ultralight aircraft
within a county park. (8/16/83)

10.071 PARKING (10/4/94)

Parking regulations contained in Section 7.03 of the Municipal Code of
Kenosha County shall be enforced in all county parks.

10.08 ENFORCEMENT

Any law enforcement officer of the County may without a warrant arrest
any offender whom he may detect in the violation of any of the provi-
sions of this chapter and take the person arrested before a magistrate
having competent jurisdiction. He shall have at all times the right to
enter the premises of any building, structure, or enclosure in any park
or parkway including such grounds, buildings, structures, or enclosures
which may be leased to or set aside for private or exclusive use of any
individual or group of individuals for the purpose of arresting viola-
tors. Duly authorized law enforcement personnel and park personnel are
exempt from the provisions of this ordinance to the extent necessary to
perform their duties.

10.09 PENALTIES

Any person convicted of violating any of the provisions of this chapter
shall be subject to a forfeiture of not less than \$5.00 nor more than
\$250.00 together with the costs of the action and in default of payment,
be imprisoned in the County Jail for a period not to exceed 90 days.

10.10 SCHEDULE OF CASH DEPOSITS

The cash deposit for the violation of any section or subsection of the
Kenosha County Park Ordinance shall be \$50.00, except for the following:
(8/16/83)

(1) Section 10.04(6) Permits and Section 10.07(2) Prohibited Actions:
Deposit \$100.00

10.11 SEPARABILITY

(1) Should any section, clause or provision of this ordinance be
declared by the courts to be invalid, the same shall not affect the
validity of the ordinance as a whole or any part thereof other than
the part so declared invalid.

(2) This act being a general act intended as a unified coverage of its
subject matter, no part of it shall be deemed to be impliedly
repealed by subsequent legislation if such construction can rea-
sonably be avoided.