

TABLE OF CONTENTS

TOWN OF MENASHA
MUNICIPAL CODE

Chapter 17 - Public Parklands and Rental Facilities

- 17.01 Regulation of Public Parklands and Rental Facilities
- 17.02 Offenses within Public Parklands and Rental Facilities
- 17.03 Regulations, Reservations, and Permits
- 17.04 Boat Trailer Parking Fee
- 17.05 Disc Golf Fees
- 17.06 Hours of Use: Leaving Property
- 17.07 Penalty

CHAPTER 17

**PUBLIC PARKLANDS
AND RENTAL FACILITIES**

**17.01 REGULATION OF PUBLIC PARKLANDS
AND RENTAL FACILITIES [Amended
11/6/06]**

- (1) Recreation trails in the Town of Menasha shall be considered linear parks and shall be included in the following ordinance. *[Amended 12/ 22/97]*
- (2) That the public parks and Community Center owned and managed by the Town of Menasha shall be governed by the following rules and regulations and by additional rules and regulations made and published upon the park premises by the Park Commission of the Town of Menasha as the Park Commission shall see fit to further regulate said park system, defined as all parks, trails and rental facilities. That the power to regulate said parks in addition to the restrictions contained in this Ordinance shall be delegated to the Park Commission subject to approval of the Town Board of the Town of Menasha. *[Amended 11/6/06]*
- (3) The Park Commission shall have the authority to pass by majority vote rules that shall apply in the rental facilities. Those rules shall then be approved by a majority of the Town Board. Those rules for the parks shall thereafter be posted at the entrance to the park to which the rule applies. The posting shall be printed in a legible manner, and a warning shall be posted with such rules that a violation of that rule so passed and posted shall be considered a violation of this Ordinance and shall be punishable by the penalty provided herein. *[Amended 11/6/06]*

**17.02 OFFENSES WITHIN PUBLIC PARKLANDS
AND RENTAL FACILITIES**

- (1) No person shall:
 - (a) Alter or change, or cause to be altered or changed, anything within any park or Community Center in the Town unless permitted to do so by the Park Commission. *[Amended 11/6/06]*
 - (b) Interfere with, break down, deface or remove, or cause to be interfered with, broken down, defaced or removed, any sign, guard, protection, and barrier or barricade place in any park of the Town.
 - (c) Disobey or disregard the orders of any police officer when commanding any person to cease in a violation of any provisions of this section.
 - (d) Discharge any missile from any firearm, sling shot, bow and arrow, paint ball or other weapon within the park or Community Center or within

forty rods (660 feet) of any public park or the Community Center. Permission may be granted for demonstration or animal control as permitted by the Park Commission. *[Amended 11/6/06]*

- (e) Operate a snowmobile, all terrain vehicle, motorized scooter or mini-bike within any town park or trail unless authorized by the Park Commission. *[Amended 12/12/11]*
- (f) Remove, destroy, cut, deface or injure any tree, shrub or plant existing in any Town park.
- (g) Attach any rope, wire, chain, sign or any other device whatsoever to any tree in any park in the Town.
- (h) Place or leave rubbish of any nature within any park in the Town.
- (i) Operate any vehicle faster than 10 m.p.h. in any park in the Town. *[Amended 12/22/97]*
- (j) Operate any vehicle except on established roads or driveways within any park or the Community Center in the Town. *[Revised 7/24/00, 11/6/06]*
- (k) Utilize the Town recreational trails with an unleashed animal(s). Pet owners must adhere to 9.04(10) in the Town Municipal Code Book, in regards to the proper removal of animal excreta. Animals, leashed or unleashed, are not allowed in any park in the Town. *[Revised 5/5/03]*
- (l) Carry any firearm or weapon in any park in the Town. Firearms may be transported over recreational trails if accessing private property and the firearm is enclosed in a case. *[Revised 7/24/00, 11/6/06]*
- (m) Hunt or trap within any park in the Town. Permission may be granted for demonstration or animal control as permitted by the Park Commission. *[Amended 11/6/06]*
- (n) Park any vehicle except in the designated area in the Town of Menasha parks or Community Center. *[Revised 7/24/98, 11/6/06]*
- (o) Build or cause to be built fires other than in established stationary fireplaces, and in stationary or portable grills. *[Amended 11/6/06]*
- (p) Leave unattended any legally permitted fire in any Town park. *[Amended 11/6/06]*
- (q) Be allowed in any park or Community Center in the Town while under the influence of intoxicants in the form of alcoholic beverages or drugs. *[Amended 11/6/06]*

TOWN OF MENASHA CODE

- (r) Distribute any circulars, pamphlets, handbills or notice of any kind within any rental facility in the Town. *[Amended 11/6/06]*
- (s) Injure, destroy, deface any property in the Town; nor shall any person climb on any buildings, fences, statues or other structures in the Town except properly designated recreational facilities. *[Amended 11/6/06]*
- (t) It is unlawful to hit any type of golf ball in or into any Town of Menasha Park. *[Effective 3/1/88]*
- (u) No horses shall be allowed on any recreational trail in the Town of Menasha. *[Amended 12/22/97]*
- (v) Use any indecent, vile, profane or obscene language or conduct themselves in an indecent, lewd, lascivious or obscene manner within the Town park system, rental facilities or recreation trails. *[Created 5/5/03, Amended 11/6/06]*
- (w) Violate any Town ordinance, including but not limited to, any State Statute adopted by the Town of Menasha. *[Created 5/5/03]*
- (x) Possess an open container of fermented malt beverage or intoxicating liquor in any town park between 10:00 p.m. and 10:00 a.m., except in those areas otherwise posted or except by permit from the Park Commission. *[Amended 11/6/06]*

17.03 REGULATIONS, RESERVATIONS AND PERMITS *[Amended 10/27/03, 11/6/06, 3/12/07]*

- (1) The Town of Menasha Park Commission shall have the authority to regulate the use of rental facilities, defined as park pavilions and Community Center during certain hours in order to facilitate persons, groups, or others in such a manner as to make the most efficient use of the parks and Community Center on behalf of Town residents. The Director of Parks and Recreation shall have the authority to close the park or Community Center or any portion thereof, in order to maintain public peace and to regulate the use of areas where the health and safety of users is of concern or in danger of being damaged. *[Amended 11/6/06]*
- (2) No group, association, gathering or other assembly of persons in excess of 15 in number shall make use of the park pavilion facilities without first obtaining a permit. *[Amended 11/6/06]*

The park permit fees and Community Center rules regarding the Park Commission's issuance of such permits are as follows:

- (a) Park pavilion or Community Center rentals shall be issued on a first-come, first-served basis no earlier than eleven months prior to rental date.
- (b) The rental fee schedules can be obtained from the

Park & Recreation Department upon request, or viewed in the Appendix B Fee Schedule as referenced by this code section. *[Amended 11/28/05, 11/6/06]*

- (c) Nonprofit organizations will be charged half of the regular facility fee and the reservation/damage deposit shall be waived for rental Monday-Thursdays. The full facility fees shall be charged Friday-Sunday. Any additional cleanup or damage will be charged to the organization. *[Added 11/6/06, Amended 3/12/07]*
- (d) A refundable reservation/damage deposit set forth in the Appendix B Fee Schedule, reference this code section, is required to reserve a rental facility on any given date. The rental facility reservation form must be completed and the deposit must be paid in order to secure the rental date. The balance of the rental fees are due when picking up the keys. Failure to comply will result in the cancellation and forfeiture of reservation/damage deposit. *[Amended 11/28/05, 11/6/06]*
- (e) Renters must be 21 years of age or older to rent facilities. If renters are planning an event that is designed for children, proper supervision must be secured. Events for children ages 14 and below must be supervised at a 1 to 15 ratio. Events for young adults' age 15 to 21 must provide supervision at a ratio of 1 to 25. At the time of rental confirmation, names and ages must be provided of those supervising an event for minors.
- (f) Cancellation of reservations must be done seventy-two (72) hours for park rentals, and two (2) weeks for Community Center rentals, in advance of the scheduled rental time by notifying the Parks and Recreation Office and receiving confirmation of the rental contract. Failure to do so will result in forfeiture of the rental fee. *[Amended 11/6/06]*
- (g) Reservation/ damage deposit refunds are processed during the week following the event or after return of rental equipment/key. If substantial cleanup or damage occurs, these costs will be deducted from the reservation/damage refund. A letter itemizing the deductions will be sent to the renter. *[Amended 11/6/06]*
- (h) A park pavilion permit is for use of the pavilion only. Park pavilion fees are non-refundable and non-transferable in the case of bad weather conditions or change of plans.
- (i) The Park Commission reserves the right to refuse a permit to any group or persons making applications for such permit when it reasonably believes any of the following may result or occur from the stated park or Community Center use: *[Amended 11/6/06]*

TOWN OF MENASHA CODE

- (1) Substantial disturbance would be caused to residents and/or other park users.
- (2) That the purpose of the gathering is solely for the consumption of alcoholic beverages allowed in the parks and the Commission reasonably believes the gathering could end with disturbances and damages to the park. Consumption of alcoholic beverages is not allowed at the Community Center. *[Amended 11/6/06]*
- (3) Where previous uses by the renter applying for the permit have resulted in disturbances of any nature such as is outlined above.
- (j) That during the months of June, July and August, when the parks and athletic fields are being used by organized summer programs, no permits for picnics shall be available until after the hour of 4:00 p.m. Mondays through Thursdays. The Park Commission has granted permission for the use of the parks to baseball and soccer leagues, which have the first priority to use the baseball and/or soccer fields at O'Hauser, Palisades and Wittmann Parks. *[Amended 11/6/06]*
- (k) Sales of beer cannot be made on Town of Menasha park property without first obtaining written permission from the Park Commission and thereafter applying for an application from the Town Clerk and approval granted by the Town Board at least six (6) weeks prior to the rental.
- (l) Overnight camping in any Town park is prohibited, unless otherwise permitted by the Park Commission. *[Amended 11/6/06]*
- (m) No person shall establish, erect or use any temporary structures, such as tents, covers, or other temporary structures in any Town park, unless previous written permission is given by the Park Commission.
- (n) No person shall establish any carnival rides, whether miniature or otherwise, or conduct any business for entertainment in the parks without first obtaining written permission from the Town Park Commission and securing necessary permits from the Town Clerk.
- (o) The Park Commission may require a bond to be filed by the applicant to indemnify the Town for damages, actions for liability against the Town, and damage to Town property. The Park Commission may establish additional rules for the use of the permit.
- (p) Sale of concessions and all other goods on or about the park property is prohibited without first obtaining written permission from the Park Commission and securing necessary permits from the Town Clerk.
- (q) Portable inflatable bouncy toys and dunk tanks will be permitted with proof of insurance naming the Town of Menasha as additionally insured. Renters will be charged for water and staff hours needed to fill the tank.
- (3) No person shall possess or consume beverages such as beer, wine, liquor, or any other form of beverage, packaged in a glass container within any park or rental facility. This rule does not prohibit the possession or consumption of beverages packaged in containers other than glass in public parks or in park pavilions. Consumption of any alcoholic beverages is not allowed at the Community Center. *[Amended 11/6/06]*
- (4) No person shall possess or operate any sound amplification equipment on park property, including but not limited to, loud speakers and amplifiers, whether such equipment consists of self-contained units or are incorporated into sound systems used in automobiles, radio receivers, or any other sound reproduction components, subject to the exceptions set out below:
- (a) It shall not be a violation of this ordinance if the person possessing or using sound amplification equipment on park property has first obtained consent from the Park & Recreation Director or designee. A request specifying the date, time, and purpose for which sound amplification equipment will be used. *[Amended 11/6/06]*
- (b) From an automobile, it shall not be a violation of this ordinance for any person to project any type of sound if the sounds are inaudible beyond a twenty-foot radius. *[Amended 11/6/06]*
- (5) No organized gathering shall be permitted at the Fritse Park Comfort Station without written permission from the Park Commission. *[Amended 12/12/11]*
- (6) Renter shall abide by all established park and/or Community Center rules. *[Amended 11/6/06]*
- (7) The penalty for a violation of either Subsection (4) or Subsection (5) of this ordinance shall be as indicated in Section 17.07.

17.04 BOAT TRAILER PARKING FEE
[Added 11/9/09]

- (1) No person shall park a boat trailer, whether attached or detached to a vehicle in the Fritse Park boat trailer parking lot or in the Fritse Park overflow parking lot without displaying annual or daily boat trailer permit.
- (2) An annual permit shall be valid from January 1 through December 31 of the year of issuance. Annual permits shall be sold through the Park and Recreation office in person or online. Annual permit shall be

TOWN OF MENASHA CODE

prominently displayed on the left side rear of the trailer.

- (3) Daily permits may be purchased through a self registration facility located at Fritse Park. Daily permits shall only be valid during the same day of purchase. Daily permits shall be prominently displayed on the inside of the upper left rear window.
- (4) Boat trailer parking fees shall be established and reviewed annually by the Park and Recreation Commission. The boat trailer parking fee schedule can be obtained from the Park and Recreation Department upon request or viewed in Appendix B fee Schedule as referenced by this code section.
- (5) Use of permit revenue resulting from the sale of annual and daily permits minus the cost of administration and operation shall be placed in a non-lapsing fund established for the long-term maintenance and improvement of the Fritse Park marina.

17.05 DISC GOLF FEES

Pursuant to its authority granted by the broad powers under section 60.10(2)(c), 60.22, and village powers under 61.34, Wis. Stats., which confers the power to act for the government and good order of the town, for its commercial benefit and for the health, safety, welfare and convenience of the public, the Town Board has found that in the Town of Menasha the proper utilization of town parks affects the health, safety, and general welfare of the residents of the community. Therefore, the Town Board finds that the establishment and enforcement of disc golf fees at O'Hauser Park is necessary to preserve both private and public interests with the overall purpose being to benefit the health, safety, welfare and convenience of the public.

- (1) No person shall play a round of disc golf or be on the course with discs without displaying a valid Disc Golf Course Permit.
- (2) Annual Course Permits shall be valid from January 1 through December 31 of the year of issuance. Annual Course Permits shall be sold through the Park and Recreation office in person. Annual Course Permit shall be carried and prominently displayed on person throughout time on the disc golf course.
- (3) Daily Course Permits may be purchased through a self registration facility or through the approved disc golf vender located at O'Hauser South Shelter. Daily Course Permits shall only be valid during the same day of purchase. Daily Course Permits shall be carried and prominently displayed on person throughout time on the disc golf course.
- (4) O'Hauser Disc Golf Annual and Daily Fees shall be established and reviewed annually by the Park and Recreation Commission. The O'Hauser Disc Golf Annual and Daily Course Fee schedule can be obtained from the Park and Recreation Department

upon request or viewed in Appendix B Fee Schedule as referenced by this code section.

- (5) Permit Revenue resulting from the sale of Annual and Daily Course Permits minus the cost of administration and operation shall be placed in a non-lapsing fund established for the long-term maintenance and improvement of the O'Hauser Disc Golf Course. The Park and Recreation Commission shall budget annually for administration, operational or capital expenditures and offset with non-lapsing funds.
- (6) The Director of Park and Recreation or designee(s) shall have the authority to enforce and issue citations for failure to pay and/or provide Annual Course or Daily Course Permit when requested. The penalty for a violation of this ordinance shall be as indicated in Section 17.07.

17.06 HOURS OF USE: LEAVING PROPERTY

- (1) The parks and rental facilities shall be open from 7:00 a.m. each morning until 10:00 p.m. All parks and rental facilities in the Town of Menasha shall be regulated in such manner that any person found upon these premises after 10:00 p.m. or before 7:00 a.m. shall be deemed guilty of violating the regulation with regard to hours herein. This rule shall not apply to Town recreational trails, which may be used anytime. *[Amended 5/5/03, 11/6/06]*
- (2) No person shall leave unattended any motor vehicle, mini-bike, snowmobile or other motorized vehicle, whether designed for on or off highway travel, and no person shall leave unattended or abandon any item of personal property on the premises of any park after the hours of 10:00 p.m. of any day. The police may remove any property or vehicle so left in the park or Community Center pursuant to the rules and regulations under Chapter 4.04 of this Code. *[Amended 11/6/06]*

17.07 PENALTY

Any person who shall violate any provision of this Chapter shall upon due conviction thereof forfeit an amount set forth in Appendix C Fines and Penalties, reference this code section, for each such offense, together with the costs of prosecution, and default of the payment of such forfeiture and costs, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed thirty (30) days. Violation of the above rules and regulations may also result in expulsion from all Town parks or the Community Center for a period of up to one (1) year, as determined by a Court of competent jurisdiction. *[Amended 5/5/03, 11/28/05, 11/6/06]*