

CHAPTER 8

PARKS AND RECREATION

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8.01 PARK RULES AND REGULATIONS.

- (1) Purpose. The purpose of these regulations shall be to protect the parks and parkways and appurtenances thereto in the Town from fire, abuse and desecration; to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, morals and welfare of all persons while within the limits of the parks and parkways.
- (2) Hours of Operation. All public parks and public playgrounds in the Town shall be closed from 10:00 p.m. to 6:00 a.m., except as provided under rental agreements approved by the Town Board. No person shall be within the Town parks between these hours, except as provided under rental agreements approved by the Town Board.
- (3) Disorderly Conduct Prohibited.
 - (a) No person shall use threatening, abusive, insulting, obscene, indecent language which constitutes a breach of the peace.
 - (b) No person violating any of the prohibitions enumerated in sub. (a) above shall be allowed to remain in any park or parkway.
- (4) Waste Disposal.
 - (a) All trash, including garbage, plastic, cans and paper, created by the person(s) using the park shall be removed from the premises by said person(s) or placed in the receptacles provided for that purpose.
 - (b) No person(s) shall deposit, dump, throw or place any earth, rubbish, dust, manure, paper, garbage or other refuse matter or any sand, stone, lumber or building material or any substance in the water, grounds or roadways of any park or parkway without permission of the Town Park Commission.
 - (c) Burning of garbage or other rubbish in barrels is prohibited.
 - (d) Glass beverage containers of any kind or measure whatsoever are prohibited.
- (5) Excessive Noise Prohibited. Auto radios, portable radios, CD players, tape players, amplifying devices and television sets must be turned low at all times so as not be heard from a distance beyond fifty (50) feet from the instrument. Band and DJs are allowed to set up and perform in rental areas only.

- (6) Permit Required for Advertising, Sales.
- (a) No person shall sell, keep or offer for sale any tangible or intangible article, service or thing; nor solicit for any trade, occupation, business or profession, or for alms, within any park or parkway, without the written permission of the Town Park Commission, Town Plan Commission and final approval of the Town Board.
 - (b) No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag (except of the United States), or advertisement of any kind within any park or parkway, or upon any of the gates or enclosures thereof without the written authorization of the Town Park Commission, Town Plan Commission and final approval of the Town Board.
- (7) Permit for Sale of Fermented Malt Beverages.
- (a) “Special Event Permit Required” – No person or group shall sell, offer for sale or distribution any fermented malt beverages in a Town park in conjunction with a picnic or other special event without first obtaining a permit therefore from the Town Clerk after approval of the Town Board.
 - (b) “Issuance; Conditions; Fee” – Such permits may be issued by the Town Clerk after approval of the Town Board and upon receipt of such information as they may require from the applicant, and upon the receipt of a permit fee of \$100.00. Permits shall be valid for that period of time to be specified by the Town Clerk.
- (8) Interferences with Permittees Prohibited.
- (a) No person shall, in any manner, disturb, harass or interfere with any person or party holding a written permit as indicated previously, nor with any of their equipment or property.
 - (b) Permits for the exclusive use of specific picnic or play areas for any specified date or time may be granted at the discretion of the Town Park Commission and no person shall, in any manner, disturb or interfere with any person or party occupying the ground under such permit, nor with any of their equipment or property.
- (9) Fireworks, Weapons and Traps Prohibited. No person shall carry, fire or discharge any gun, pistol or firearm, nor any rocket, torpedo or any other fireworks of any description, nor shall any person hunt with bow and arrow within any park or parkway. The word “gun” shall include air gun.
- (10) Throwing of Stones or Missiles, or the Hitting Golf Balls, Prohibited. No person shall throw stones or missiles, or hit golf balls, in or into any park or use metal-tipped lawn darts in any park, parkway or waterways.
- (11) Making of Fires Restricted.
- (a) No person shall make or kindle a fire for any purpose except in places provided therefore, and then subject to such regulations as may be prescribed.
 - (b) The use of charcoal burners and grills 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 a manner as to prevent fire or damage to any park property.

- (c) No booyah kettles or other similar cooking utensils are allowed with an open fire unless placed on a raised steel platform with a minimum of four (4) inches of air space between ground surface and platform.
- (12) Motor Vehicles and Animal Restrictions in Park.
 - (a) No person shall operate any motorized vehicle in any part of the property in a Town park except upon facilities provided therefore.
 - (b) Animals are not allowed in parks or parkways except in designated areas or by special permission of the Town Park Commission, Town Plan Commission and final approval of the Town Board, unless it is a seeing eye dog.
 - (c) No person shall kill, injure or attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals within any of the parks or parkways. Nor shall any person rob or disturb the nest or eggs of any bird or other animal therein.
- (13) Injury to Vegetation, Structures and Equipment Prohibited.
 - (a) No person shall climb any tree, or pick any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure or deface, write upon, defile or ill use any tree shrub, flower, flowerbed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway.
 - (b) No person in any park or parkway shall remove any device for the protection of trees or shrubs.
 - (c) No permanent deer stands on landfill.
- (14) Camping Regulated.
 - (a) No person shall sleep or camp or lodge in any park or parkway. An authorized person charged with guarding property overnight for a special event is exempted from the Town Park Commission.
 - (b) No person shall erect a tent or similar appurtenances except with special permission from the Town Park Commission.

8.02 PARK IMPACT FEE REGULATION.

- (1) Authority. This Ordinance is authorized under §66.0617, Wis. Stats. The provisions of this Ordinance shall not be construed to limit the power of the Town to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance.
- (2) Purpose. The purpose of this Ordinance is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision of parks, playgrounds and land for athletic facilities by imposing impact fees upon developers or property owners to pay for the capital costs of public facilities that are necessary to accommodate land development.
- (3) Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

- (a) “*Capital Cost*” shall mean the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs, which relate directly to the public improvement for which the impact fees were imposed, exceed 10% of capital costs. Capital cost does not include other non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.
 - (b) “*Developer or Property Owner*” shall mean a person that constructs or creates land development.
 - (c) “*Impact Fees*” shall mean cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer or property owner by the Town under this Ordinance.
 - (d) “*Land Development*” shall mean the construction or modification of improvements to real property that creates additional residential dwelling units, additional commercial square footage and additional industrial square footage within the Town or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Town.
 - (e) “*Public Facilities*” shall mean highway, as defined in §340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and land for athletic facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “Public facilities” does not include facilities owned by a school district.
- (4) Public Facilities Needs Assessment. New public facilities or improvements or expansions of existing public facilities as it relates to park and recreation, that are required because of land development for which impact fees will be imposed, are those which are identified in the park and recreation public facilities needs assessment report prepared prior to the adoption of this Ordinance and any amendments hereto. The park and recreation public facilities needs assessment report, that forms the basis of any impact fees imposed by the Town by this Ordinance, shall be kept on file in the office of the Town Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this Ordinance and any amendments. A Class 1 Notice is required prior to any public hearing. The park and recreation public facilities needs assessment report shall remain on file in the office of the Town Clerk for the entire period during which impact fees are collected.
- (5) Imposition of Impact Fees. Impact fees are hereby imposed on all developments and land divisions within the Town of Chase and shall be calculated pursuant to this Ordinance. For developments, impact fees shall be payable by the developer or property owner to the Town in full within fourteen (14) days of the issuance of a building permit. The building permit is issued on a conditional basis with the

condition being payment of the impact fee within fourteen (14) days. If the impact fee is not paid in fourteen (14) days of issuance of the permit, the building permit is then null and void.

(6) Parks and Recreation Facilities Impact Fee.

(a) Any developer or property owner creating or constructing additional residential dwelling units within the Town shall pay a fee to the Town to provide for the capital costs necessary to accommodate the park and recreational needs of land development, except as provided in Sec. 8.08.

(b) The amount of a fee per structure to be constructed or created by the proposed development, subject to adjustment pursuant to Sec. 8.09, shall be as follows:

1. For single-family or two-family residential development, the fee shall be \$650.00 per structure.
2. For multi-family residential development of three or more dwelling units, the fee shall be \$325.00 per dwelling unit within each multi-family residential structure.

(c) Such fees collected by the Town shall be placed in a separate segregated, interest-bearing account and shall be accounted for separately from other funds of the Town. The Town shall keep an account of all impact fees paid by date, tax parcel number and amount. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed.

(d) Such fees shall be expended by the Town for the aforesaid purpose within seven (7) years after they were collected or such fee amount paid shall be refunded by the Town to the current owner of the property with respect to which the impact fee was imposed, along with any interest that has accumulated. Under extenuating circumstances, the Town of Chase may, and reserves the right to, extend this period to ten (10) years with the adoption of a resolution. The resolution shall specify the extenuating circumstances or hardship that led to the need for extending the period.

(7) Fee Reduction. Any impact fee imposed under this Ordinance shall be reduced to compensate for other capital costs imposed by the Town with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under Chapter 236 of the Wisconsin Statutes or any other items of value. Impact fees imposed under this Ordinance shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fee was imposed.

(8) Exemption from Fees. The lawful new construction of a single family dwelling structure razed or to be razed within one (1) year of the date of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this Ordinance. Any new construction of a single family dwelling structure upon a single parcel of land involving the demolition of a pre-existing residential structure upon such single parcel of land, which project is similar to but not exactly as described above, may be found to be exempt upon

application to the Town Board and a finding by the Town Board that such project does not bear a rational relationship to the need for new, expanded or improved facilities required to serve such development. Such application shall be made to the Town Board prior to the payment of any fees under this Ordinance.

- (9) Administration and Review. All fees collected and special accounts maintained under this Ordinance shall be subject to administration by the Town Treasurer. The Treasurer shall report annually to the Town Board with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Town Board with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Town Board may determine where there exists any reasonable need for refund of fees previously collected. The Town Board shall, as part of its annual budget process, review the impact fee imposed under this Ordinance. The Town also reserves the right to apply a reasonable inflationary factor to estimated capital costs provided in the Public Facilities Needs Assessment.
- (10) Appeal. Any developer or property owner upon whom an impact fee is imposed under this Ordinance shall have the right to contest the amount, collection or use of a the impact fee to the Town Board, provided the developer or property owner files a written notice of appeal in the Town Clerk's office within fifteen (15) days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's or property owner's name, address, telephone number and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Town Clerk shall schedule the appeal for consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances, but within forty-five (45) days of receipt of written notice of appeal, and shall notify the developer or property owner of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three (3) days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.