

CHAPTER 2

PARKS

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2.001- TITLE

PARK SPECIAL FUND ORDINANCE

A. PUBLIC SITES AND OPEN SPACES.

The requirements of this section are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Town grows. It has also been established to insure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for residential development.

B. AUTHORITY

This ordinance is authorized under Section 60.61, 61.34, 61.35, 62.23, 66.55, 236.01, and 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 purpose set forth herein, either in substitution of, or in conjunction with this ordinance.

C. DESIGN

In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage ways and other public purposes. Such sites as shown on the official map, master plan or comprehensive outdoor recreation plan, if applicable, shall be made part of the design.

D. DEDICATION

The developer shall donate adequate developable land for the park, recreation and open space needs of the development, subject to a determination of acceptability by the Town Board. The developer shall donate sufficient land area that is suitable and readily developable to provide adequate park, playground, recreational and open space. These public lands shall be made a part of the plat or certified survey map and shall be donated to the public at a minimum rate of an acre for each 35 acres.

E. FEE IN LIEU OF DONATION

1. Where in the discretion of the Town Board there is no land suitable for parks within the proposed subdivision or the comprehensive development plan or the Town Board determines that a cash contribution would better serve the public interest, the Town Board shall recommend that the developer pay a fee in lieu of making the required land donation. In case of a certified survey map, the Town Planning Commission shall make its recommendation to the Town Board.
2. Where a fee in lieu of land system is used, the developer shall pay to the Town a fee equivalent to the fair market value of one acre for each 35 acres. The fair market value of such a lot shall be determined by the Town Assessor.
3. The Town Board may recommend the developer satisfy the requirements by combining land donation with fee payments. The fee in such cases shall be determined by subtracting the fair market value of donated land from the total fee, which would have been imposed, had no land been donated by the developer. The fair market value shall be determined by the Town Assessor.
4. All funds so collected by the Town shall be deposited as “Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces and Greenways” (Park Special Fund), and such funds so levied and collected shall be used to pay a portion of capital costs for such purposes, at such places, and in such manner as shall be approved, ordered and directed by the Town Board. Any and all interest accumulated upon such funds shall be added to the special fund and used only for acquisition and developments for such purposes.
5. All fees provided for herein are required to be paid on or before the date of the Town’s final plat approval, or approval of Certified Survey Map.

F. ASSESSMENT PER UNIT FEE

In addition to the fees or dedication required in the preceding paragraphs, a one time fee of \$200.00 will be assessed at the time a building permit is issued for new construction in a new or existing subdivision for single family residential and a one time fee of \$400.00 will be assessed at the time a building permit is issued for new construction in a new or existing subdivision for two-family residential. For apartment buildings, that is those units above one and two-families, the fee shall be \$200.00 per living unit.

G. GENERAL

1. If a person sells off a lot from this home or business, the value for determining the fee shall be based on the vacant lot that is sold off and not on the lot with the existing building.

2. The basis for the fee of one acre for each 35 acres shall be based on the assessed value prior to being subdivided unless, in the Assessor's opinion, this is not accurate, in which case he will determine the fair market value of the subdivision of property.
3. Where a certified survey map is required only for a zero lot line duplex or for correcting the legal description of property and does not really mean a subdivision of land, then there shall be no fee charge.
4. All approvals of certified survey maps by the Planning Board are subject to the payment of the fee described above. If the certified survey map is recorded without paying the fee and the fee is not paid, then the Town may assess the amount unpaid as a special assessment and place it on the tax roll.
5. When a subdivision of land has been made and the park fee has been paid on such land, no further park fee shall be assessed against the developer on subsequent division of such land.

2.002 – DEFINITIONS

A. FAIR MARKET VALUE (MARKET VALUE).

The highest price in terms of money which a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

B. DEVELOPER.

Any person, firm, partnership, cooperation, association, estate or other legal entity dividing land for development. This shall include all residential development.

2.003 – APPEALS

A developer upon whom a fee or dedication is imposed has the right to contest the amount, collection or uses of the impact fee to the Town Board of the Town of Pittsfield. Such appeal shall be made within (30) days after the decision or action complained of, by filing with the Town Clerk, a notice of appeal specifying the grounds thereof. The Town Board shall thereafter reach its decision with (60) days from the filing of the appeal.

2.004 – SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconditional or invalid by a court of competent jurisdiction, provision shall not be affected.

2.101 – TITLE

ORDINANCE REGULATING PARKS.

A. RULES AND REGULATION

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.

B. CLOSING HOURS IN PARKS

1. Presence prohibited when closed. All public parks and public playgrounds in the Town shall be closed from 10:00 p.m. to 7:00 a.m. No person shall be within the Town parks between these hours.
2. Exemption. The Town Board may grant to any group wishing to use a specific public park or public playground during closed hours beyond 10:00 p.m. Permission shall be given in writing and shall contain the name of the group, the name of the responsible person in charge of the group, the extended closing time, and the date for which permission to use the specific public park or public playground beyond the closed hours is granted.

C. DISORDERLY CONDUCT

1. No person shall use threatening, abusive, insulting, obscene, indecent language, which constitutes a breach of peace.
2. No person violating any of the prohibitions enumerated in sub. (B) above, shall be allowed to remain in any park or parkway.

D. WASTE DISPOSAL

1. No person shall scatter, drop, or leave any pieces of paper, rags, tin cans, plastic, glass, peanut shells, melon rinds, banana peels, or other garbage, dead flowers, or other rubbish in any portion of the parks or parkways except in the receptacles provided for that purpose. All trash created by the person/s using the parks shall be removed from the premises by said person/s.
2. 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 Board.

3. Burning of garbage or other rubbish in barrels is prohibited.
4. Special Events: The person in charge of a special event is responsible for removal of all garbage from the grounds after the event.
5. The Town will provide containers for all recyclables, which will be clearly marked and displayed.

E. EXCESSIVE NOISE PROHIBITED

Auto radios, portable radios, CD player, recording 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. No portable radio or television set shall be operated within any building unless specifically permitted in connection with a public gathering or a temporary exclusive use for which a permit has been granted. No bands or D.J.'s are allowed to set up and perform outside, without written approval by Town Board.

F. PERMIT REQUIRED FOR ADVERTISING, SALES

1. No person shall sell, keep or offer for sale any tangible or intangible article, merchandise 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 Board.
2. No person shall distribute, post, affix or display any car, handbill, sign, placard, target, banner, flag (except the US or State of Wisconsin), or advertisement of any kind within any park or parkway, or upon any of the gates or enclosures thereof without the permission of the Town Board.

G. PERMIT FOR SALE OF FERMENTED BEVERAGES

1. No person or group shall sell, offer for sale any fermented malt beverage in a Town park in conjunction with a picnic or other special event without first obtaining a permit therefor from the Town Board.
 - a. Such permits may be issued by the Town Board upon receipt of such information as they may require from the applicant, and upon the receipt of a permit fee of \$5.00. Permits shall be valid for that period of time to be specified by the Town Board.

H. INTERFERENCES WITH PERMITTEE PROHIBITED

1. 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.

2. Permits for the exclusive use of any picnic or play area for any specified date or time may be granted at the discretion of the Town Board, and no person shall in any manner disturb or interfere with any person or party occupying the ground under such a permit, nor with any equipment or property.

I. 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 a bow and arrow within any park or parkway. The word "gun" shall include air gun.

J. THROWING OF STONES OR MISSILES, OR HITTING GOLF BALLS

No person shall throw stones or missiles, or hit golf balls in or into any park, parkway or waterways.

K. MAKING FIRES

1. No person shall make or kindle a fire for any purpose except in places provided therefor, and then subject to such regulations as may be prescribed.
2. 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 a manner as to prevent fire or damage to any park property.
3. 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.

L. TRESPASS IN PARKS PROHIBITED

1. No person shall operate a motor vehicle or any other vehicles or ride a horse or walk in any part of the property in a Town park except upon facilities provided therefor.
2. Animals are not allowed in parks or parkways except by special permission of the Town Board.

M. FISH, WATERFOWL, GAME BIRDS AND ANIMALS PROTECTED

No person shall kill, injure or attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals, wild or domestic including ponies, 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.

N. INJURY TO VEGETATION, STRUCTURES AND EQUIPMENT PROHIBITED

1. No person shall climb any tree, or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample 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.
2. No person in any park or parkway shall remove any device for the protection of trees or shrubs; nor shall any person fasten a horse or other animal next to any tree, shrub or grass plot which may become damaged by the animal.

O. CAMPING REGULATED

1. 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 this regulation.
2. No person shall erect a tent or similar appurtenances except with special permission from the Town Board.

P. TRAFFIC CODE

1. Parking and driving of any motorized vehicles is prohibited on non-paved areas in Town parks or parkways. This shall not apply to vehicles engaged in construction, maintenance or operation of the parks or parkways, nor to vehicles making deliveries to parks or parkways, nor to emergency vehicles.

Q. SHELTER, BALL FIELD RENTAL AND FEES

It will be necessary to reserve the shelter and/or the ball field for both special events and league play. Reservations will be scheduled by the Town Board, and will be on a first come/first serve basis. Fees will be reviewed on a yearly basis and will be determined on costs incurred during the season for the maintenance, lighting, and other operating expense.

R. CLEAN-UP

1. All grounds, buildings, and parking areas must be cleaned of any garbage, rubbish, or refuse after special event or league softball play.
2. The responsible person in charge will receive a list of special clean-up regulations prior to the event.

S. CLOSING

The responsible person in charge of a special event or softball league will receive specific regulations on proper closing procedures prior to each event.

2.102 – PENALTY

Rev 0707

Any person violating this ordinance, shall be fined not less than \$75.00 and not more than \$200.00 for each offense, plus the costs and disbursements. In default of payment of the above forfeiture plus costs and disbursements, the person convicted shall be confined to the County Jail until such forfeiture, plus costs and disbursements have been paid, not to exceed thirty (30) days.