



Legislation Details (With Text)

File #: 990536 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 7/13/1999 **In control:** PUBLIC SAFETY COMMITTEE

On agenda: **Final action:** 10/19/1999

Effective date:

Title: A substitute ordinance relating to police enforcement powers in Milwaukee county parks within the city of Milwaukee.

Sponsors: ALD. MURPHY, ALD. RICHARDS

Indexes: CRIME PREVENTION, MILWAUKEE COUNTY, POLICE DEPARTMENT

Attachments:

Date	Ver.	Action By	Action	Result	Tally
7/13/1999	0	COMMON COUNCIL	ASSIGNED TO		
7/14/1999	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
7/15/1999	0	PUBLIC SAFETY COMMITTEE	REFERRED TO		
7/15/1999	0	PUBLIC SAFETY COMMITTEE	REFERRED TO		
7/22/1999	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
9/10/1999	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
9/16/1999	0	PUBLIC SAFETY COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
9/30/1999	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
10/5/1999	1	CITY CLERK	DRAFT SUBMITTED		
10/6/1999	2	CITY CLERK	DRAFT SUBMITTED		
10/7/1999	0	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
10/19/1999	2	COMMON COUNCIL	PASSED	Pass	16:0
10/28/1999	2	MAYOR	SIGNED		
11/4/1999	2	CITY CLERK	PUBLISHED		

990536
SUBSTITUTE 2

ALD. MURPHY AND RICHARDS

A substitute ordinance relating to police enforcement powers in Milwaukee county parks within the city of Milwaukee.

63 cr
79-11 am
105-4.5 rp
- Analysis -

At the present time, ch. 47 of the Milwaukee county ordinances regulates Milwaukee county parks and parkways within the city of Milwaukee. This ordinance, which creates ch. 63 of the city code, would incorporate select Milwaukee county provisions from this chapter into the Milwaukee city code, which would be enforced by the Milwaukee police department.

Chapter 63 would permit enforcement of a variety of regulations, ranging from animal control to swimming, hunting and motor vehicle regulations.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Chapter 63 of the code is created to read:

**CHAPTER 63
PARKS AND PARKWAYS**

63-1 Definitions
63-3 Park Hours
63-5 Noise
63-7 Permits for Exclusive Use; Interference
 With Prohibited
63-9 Sales and Solicitation for Sale, and
 Distribution of Advertisements Prohibited
 Without Permit
63-11 Possession of Firearms
63-13 Hunting or Trapping
63-15 Throwing of Stones or Missiles
63-17 Making of Fires
63-19 Domestic Animals in Parks
63-21 Fish, Waterfowl and Game Birds
63-23 Use of Skateboards Regulated
63-25 Use of Motor Vehicles in Parks
63-27 Boating Regulations
63-29 Bathing and Swimming Regulations
63-31 Penalties

63-1. Definitions. In this chapter:

1. AT LARGE means an animal is off the premises of its owner and on any park or parkway without the permission of the department or the director. Any animal shall not be deemed to be at large if any one of the following conditions occurs:

- a. It is attached to a leash not more than 6 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying persons in the park or parkway.
- b. It is properly restrained within a motor vehicle.
- c. It is a dangerous animal that is in compliance with the requirements of s. 78-23-2.

2. DEPARTMENT means the Milwaukee county department of parks, recreation and culture.

3. DIRECTOR means the Milwaukee county director of parks, recreation and culture, or designee.

4. PARK OR PARKWAY means the grounds, buildings thereon, waters therein and any other property within the city which is under the control or jurisdiction of the Milwaukee county department of parks, recreation and culture.

5. PERSON means any individual, firm, partnership, corporation or association of persons, and the singular number shall include the plural.

63-3. Park Hours. Parks, other than those adjacent to Lake Michigan, and parkways shall be closed daily between midnight and 5 a.m., except as otherwise posted by the director. Parks adjacent to Lake Michigan shall open at 4:30 a.m. No person shall enter or remain within the parks or parkways, except vehicular traffic, during hours that the parks are closed.

63-5. Noise. 1. No person shall use or operate any radio, phonograph, musical instrument or other mechanical, electrical sound making, reproducing or amplification device in a park or parkway so as to be heard at a distance greater than 50 feet from such instrument or device, radio or phonograph.

2. No such radio, phonograph, musical instrument or device described in sub. 1 may be used or operated within the park within 50 feet of the legal boundaries of the park or parkway such that the device can be heard outside the park or parkway.

3. Musical shows, cultural events, public gatherings or exhibitions authorized by the director or the Milwaukee county board are exempt from this section.

63-7. Permits for Exclusive Use; Interference With Prohibited. 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 director, 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 of their equipment or property.

63-9. Sales and Solicitation for Sale, and Distribution of Advertisements Prohibited Without Permit. No person shall sell or offer for sale any article, merchandise or thing, nor solicit for or pursue any trade, occupation, business or profession, within any park or parkway, without the written permit of the director.

63-11. Possession of Firearms. No person shall possess any gun, pistol or firearm in any park or parkway. The word "gun" shall include airgun.

63-13. Hunting or Trapping. No person shall engage in trapping or hunting within any park or parkway without a written permit from the department.

63-15. Throwing of Stones or Missiles. No person shall throw stones or missiles in or into any park or parkway.

63-17. Making of Fires. No person shall make, kindle, maintain or congregate around a fire for any purpose except in places provided therefor, and then subject to such regulations as may be prescribed by the department.

63-19. Domestic Animals in Parks.

1. DOMESTIC ANIMALS NOT ALLOWED IN PARKS. No animal, except those placed in the parks or parkways by the authority of the director shall be allowed to remain within except dogs. No person having the control or care of a dog shall permit the dog to enter or remain in a public park or parkway unless it be led by a leash of suitable strength not more than 6 feet in length, and only within such areas in parks as have been designated by the director.

2. IMPOUNDING OF DOGS. Dogs found running at large within any park or parkway may be impounded by any peace officer, employee of the department, or a police officer.

3. ANIMAL LITTER NUISANCES. a. Prohibited. No owner or caretaker of any animal may permit the animal to be at large on any park or parkway. Any animal found at large in any park or on any parkway shall be deemed to be so with the permission of its owner or caretaker.

b. Animal Litter. An owner or caretaker of any animal in any park or parkway must have a shovel, scoop, bag or other item for the removal of fecal matter on such premises; remove all fecal matter by shovel, scoop, bag or other item; and properly wrap and deposit the fecal matter in a waste container upon his or her own premises or in a container in the park or parkway designated for such purpose.

63-21. Fish, Waterfowl and Game Birds.

1. FISHING. Fishing is permitted unless prohibited by posted signs.

a. No person shall throw any object into the waters of the parks or parkways.

b. No person shall take, capture or kill any fish or fish for fish by any means other than hook or line within 200 feet of any fishway, lock or dam.

c. No person may fish or leave any fish line unattended in any waters, or take any fish by snagging or fouling, or fish with the aid or use of any firearm or pellet gun, or by any means other than angling or trolling. Dip nets 3 feet or less in diameter and a gaff may be used for the purpose of landing fish legally hooked.

2. WATERFOWL AND GAME BIRDS. No person shall kill, injure or attempt to injure, or unnecessarily disturb any waterfowl or other birds or animals, wild or domestic, within any of the park or parkways. No person shall rob or disturb the nest or eggs of any bird or other animal therein.

63-23. Use of Skateboards Regulated. No person shall ride or otherwise use a skateboard upon the sidewalks, walkways or any other park area where skateboarding has been prohibited by the Milwaukee county board and appropriate signs have been posted by the department.

63-25. Use of Motor Vehicles in Parks.

1. DRIVING CONFINED TO REGULAR DRIVES AND PARKING AREAS. No person shall operate or drive any motor vehicle upon any part of the parks or parkways, except roads, driveways, parking areas or other areas which have been designated by the director for vehicular traffic.

2. VEHICLES FOR HIRE NOT TO STAND IN PARKS. No person shall cause any taxi, bus, limousine or other vehicle for hire to stand upon any part of the parks or parkways for the purpose of soliciting or taking in passengers or persons other than those carried to the parks or parkways by the vehicles, unless licensed by the director.

3. PARKING REGULATION. Parking within the county parks and parkways is regulated and restricted by the director. The director may prohibit parking in specified areas, may limit the times of day and the maximum duration during which parking will be permitted in specified areas and may adopt such other regulations and restrictions on parking as the director may determine to be necessary for the safe and efficient operation and maintenance of parks and parkways. No person shall park any vehicle or permit any vehicle to remain standing on any highway or roadway within the county parks or parkways in violation of any regulation or restriction adopted and posted by the director.

4. PARKING AREA TO BE USED FOR PARKING PURPOSES ONLY. No person shall operate or drive any motor vehicle in any area designated for the parking of vehicles except for the purposes of parking therein or of maintaining such areas.

5. REGULATION OF SNOWMOBILES. No person shall operate or drive a snowmobile in any park or parkway.

63-27. Boating Regulations. No person shall, without written permission of the department, place upon the lagoons, rivers or any of the waters under the control of the department, any float, boat or other watercraft, nor land or go upon any of the islands of the lagoons or rivers, nor land or touch with a boat upon any part of the shores not designated as a landing place.

63-29. Bathing and Swimming Regulations.

1. BATHING PERMITTED ONLY AT DESIGNATED PLACES. No person shall wade, bathe or swim within a park or parkway except at such

pools or beaches as are designated for that purpose by the department.

2. ALUMINUM CANS, BOTTLES, ETC. PROHIBITED. No person shall take any aluminum cans, bottles or glassware of any kind, except eyeglasses, into an area designated as a beach or pool for bathers by the department.

3. BATHING HOURS RESTRICTED. No person shall wade, bathe or swim within a park or parkway except during the hours and days designated for the purpose by the director. No person shall enter into a swimming or wading pool area or any body of water within the parks or parkways except during such hours and days as designated for that purpose by the director. The director shall cause to be prominently placed signs stating the hours during which wading, bathing or swimming therein is either permitted or prohibited.

63-31. Penalties. Any person who violates any of the provisions of this chapter shall, upon conviction, forfeit not less than \$25 nor more than \$500, together with the costs of prosecution, and in default of payment, shall be imprisoned in the house of correction for a period not to exceed 10 days.

Part 2. Section 79-11 of the code is amended to read:

79-11. Littering of Public Property. No person shall deposit or cause to be deposited, dropped, dumped, discharged, left, spilled or scattered, any litter nauseous or offensive substance or material, in or upon any >>park or parkway,<< sidewalk, street, alley, gutter, catch basin, storm inlet, or other public facility or place. Nothing contained in this section shall prohibit the placing of temporary patch material, sand, ashes, sawdust or salt upon any sidewalk, street[[.]] or alley for safety in travel, nor the placing of leaves on the street in season from October 1 to November 15 inclusive.

Part 3. Section 105-4.5 of the code is repealed.
APPROVED AS TO FORM

Legislative Reference Bureau
Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____
99254-4
lme
10/6/99