

Chapter 198

PARKS AND NAVIGABLE WATERS

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 12, Ch. 1 of the 1992 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Park Commission -- See Ch. 16, §16-5.

Alcoholic beverages -- See Ch. 70.

Fermented malt beverages and intoxicating liquor -- See Ch. 130.

Firearms, explosives and other weapons -- See Ch. 134.

Littering -- See Ch. 169.

Noise -- See Ch. 186.

Snowmobiles -- See Ch. 223.

§198-1. Park regulations.

A. Purpose and definition. In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Albany from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, playground, swimming pool or conservancy area in the village.

B. Specific regulations.

(1) Littering prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.

(2) Sound devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Park Commission, or designated committee thereof.

(3) Bill posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Park Commission.

(4) Throwing stones and missiles prohibited. No person shall throw stones or other missiles in or into any park.

(5) Removal of park equipment prohibited. No person shall remove benches, seats, tables or other park equipment from any park without permission from the village office.¹

(6) Trapping. "Trapping," when used in this section, includes the taking or the attempting to take any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in village parks.

(7) Making of fires.² No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted, provided that lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.

(8) Protection of park property.

(a) No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill-use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.

(b) No person shall destroy, injure or cut down any tree or shrub within any park in the village without first having obtained a wood-cutting permit from the Village Clerk-Treasurer. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary activities located in any village park; or to deface by drawing with crayon, chalk or anything else on any of the buildings or equipment at any village park; or to deface the equipment by means of a sharp instrument.

(9) Motorized vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

(10) Snowmobiles. No person shall operate a snowmobile in a village park except in designated areas. Snowmobiles shall only be operated on designated trails.

(11) Speed limit. No person shall operate any vehicle in a village park in excess of 10 miles per hour unless otherwise posted.

(12) Glass beverage bottles are discouraged in any village park.³

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²Editor's Note: See also Ch. 33, Fire Department, §33-9, Open burning.

³Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(13) Reckless driving in parks prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the village.

(14) Parking in parks. No person shall park any motor vehicle in any park in the village except in a designated parking area.

(15) Horse and carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Park Commission is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. Horses shall not be left unbridled or unattended.

(16) Removing tree protectors. No person shall remove any device for the protection of trees or shrubs.

(17) Golfing and sporting activities. No golfing or practicing golf in village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.

(18) Arrows. No person shall use or shoot any bow and arrow in any village park, except in authorized areas.

(19) Fees and charges. The Park Commission shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.

(20) Pets.

(a) Pets, including animals of any species, shall not be permitted to run at large in any village parks, except village-approved events.

(b) No pets of any kind will be allowed in the Acpard Ball Park in the Village of Albany. Dogs used in connection with disabilities are the exception. [Added 7-12-1993 by Ord. No. 02-93.]

(21) Firearms; hunting. Possessing or discharging of any airgun, slingshot, explosive, firearm or weapon of any kind is prohibited in all village parks.

(22) Fish cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all village parks.

(23) Controlled substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act⁴ is prohibited in all village parks.

(24) Vendors restricted. No person shall sell, vend or give away any article of merchandise whatever without a written permit from the Village Board.

§198-2. Operation of remote or radio-controlled toys or devices.⁵

⁴Editor's Note: See W.S.A. ch. 961.

⁵Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled model airplane, helicopter, vehicle or any other such device in, over or upon any street, or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property. Park areas not in use for other activities may be used.

§198-3. Turf protection on public property.

Except as authorized by the Park Commission, no person shall dig into the turf of any village-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Park Commission, the use of metal detectors and digging for buried objects on village parks or recreational property is prohibited.

§198-4. Park hours.

A. Hours. All parks within the Village of Albany shall be closed between the following hours unless otherwise authorized by the Park Commission or Village Board; no person shall be present within any parking areas during the hours when such park shall be closed:

(1) Acpard Village Park and Ball Park, corner of Jackson and Washington Streets: 11:00 p.m. and 5:00 a.m.

(2) Tower Hill Park and Bowman Park: 10:00 p.m. and 5:00 a.m.

B. Park closing and opening dates. The Chief of Police, Superintendent of Public Works, Village Board or Park Commission shall have full authority to open and close any park, facility or area because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.⁶

§198-5. Reservation of park space.

A. Policy on reservation. The village-owned park and park facilities and shelter of areas are primarily for the nonexclusive use of the residents and visitors of the village. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This section is intended to regulate exclusive use of municipally owned parks, park facilities, park shelters or parts thereof, excluding camping areas, in the Village of Albany to the end that the general welfare of the village is protected.

B. Reservation of park space. A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by contacting the Village Clerk-Treasurer for exclusive use of the same. The Village Clerk-Treasurer shall grant permission for exclusive use of a portion of a park or park shelter, while the Park Commission shall issue permits for the exclusive use of village parks. All reservations shall be made on application forms in the office of the Village Clerk-Treasurer and shall be on a first-come, first-served basis; provided, however, that any village-based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

give the party to whom reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.⁷

C. Application. Applications shall be filed with the Park Commission at least 14 days prior to the date on which the exclusive use of the entire park is requested or at least three days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
- (3) The name, address and telephone number of the person who will be responsible for the use of said park, area or facility.
- (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
- (5) The anticipated number of persons to use said park, area or facility.
- (6) Any additional information which the Park Commission or Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.

D. Action on application. The Park Commission shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.

E. Reason for denial. Applicants under this section may be denied for any of the following reasons:

- (1) If it is for a use which would involve a violation of federal or state law or any provision of this Code.
- (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
- (3) If the application does not contain the information required by Subsection C above.
- (4) The application is made less than the required days in advance of the scheduled exclusive use.
- (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
- (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the village.

⁷Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

(7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.

(8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

F. Indemnification. Prior to granting any permit for exclusive use of the park, the village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.

G. Permit not required for village activity. A permit is not required for exclusive use of the park or park facility sponsored by the Village of Albany.

H. Permit revocation. The Village Board, Park Commission, Clerk-Treasurer or Chief of Police may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.

I. Form of permit. Each permit shall be in a form prescribed by the Village Board and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.

J. Class B fermented malt beverage licenses. When fermented malt beverages are sold at any event authorized by this section, a valid Fermented Malt Beverage license shall be obtained and the provisions of ~§130-11 and 70-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

K. Temporary Park Beer Permit. A temporary Park Beer Permit must be purchased if alcohol is to be consumed by legal age adults at any of the village parks. Such permit must be purchased at the Village Clerk's office at a cost of \$2.⁸

L. Care of facilities. Persons reserving village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a village park shall agree to assume full responsibility for all damage to village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the Village Clerk-Treasurer. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the village may have.

§198-6. Dam, raceway and floodgates; offenses.

⁸ Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

No person shall be permitted in or around the immediate area of the dam, raceway or floodgates for any purpose whatsoever, except for village employees, or their duly authorized agent or agents, who have a need to be in the area for purposes of repairs or maintenance.