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Chapter 28 PARKS AND RECREATION

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ARTICLE I. IN GENERAL

Sec. 28-1. Park regulations.

Sec. 28-2. Park operation.

Secs. 28-3—28-22. Reserved.

**Sec. 28-1. Park regulations.**

- (a) *Purpose.* In order to protect the parks, parkways, recreational facilities and conservancy areas within the city from injury, damage or desecration, these regulations are enacted.
- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Park* means and includes 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 or conservancy district in the city.

(c) *Specific regulations.*

- (1) *Littering prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park or public waters, except in containers provided for that purpose. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner. It shall be unlawful for any person to dump or deposit any rubbish, refuse, earth or other material in any park containers provided for rubbish, refuse or garbage disposal, unless generated from the usage of the public park.
- (2) *Sound devices.* No person shall operate or play any amplifying system, unless specific authority is first obtained from the parks and recreation commission. Vulgar, boisterous behavior, overly loud music and loud speakers which tend to interfere with the enjoyment of the park by others shall not be permitted.
- (3) *Pets.* No person shall permit any dog, cat or other pet owned by him to run at large in any park. Pets are prohibited in swimming areas and children's playgrounds.
- (4) *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 parks and recreation commission.

- (5) *Throwing stones and missiles prohibited.* No person shall throw stones or other missiles in or into any park.
- (6) *Removal of park equipment prohibited.* No person shall remove benches, seats, tables or other park equipment from any park.
- (7) *Trapping.* No person shall trap in any park, unless specific written authority is first obtained from the common council.
- (8) *Making of fires.* 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 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.
- (9) *Protection of park property.* No person shall kill, injure, 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.
- (10) *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 a parks and recreation commission authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.
- (11) *Snowmobiles.* Snowmobiling will only be permitted in Ott's, Riverside and Prairie Trail Parks in designated areas as determined by the parks and recreation commission, or its designee, at times when county snowmobile trails are officially open.
- (12) *Speed limit.* No person shall operate any vehicle in a city park in excess of 15 mph, unless otherwise posted.
- (13) *Glass beverage bottles prohibited.* No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
- (14) *Reckless driving prohibited.* No person shall operate a motor vehicle in a reckless manner in any of the city's public parks.
- (15) *Parking.* No person shall park any motor vehicle in any park in the city, except in a designated parking area.
- (16) *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 parks and recreation 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. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within 300 feet horses shall be ridden at slow gait.

- (17) *Removing tree protectors.* No person shall remove any device for the protection of trees or shrubs.
- (18) *Golfing and sporting activities.* No golfing or practicing golf in city 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.
- (19) *Arrows.* No person shall use or shoot any bow and arrow in any city park, except in authorized areas.
- (20) *Fees and charges.* The common council, upon the recommendation of the parks and recreation 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.
- (21) *Firearms; hunting.* Possessing or discharging of any firearm or weapon of any kind is prohibited in all city parks.
- (22) *Fish cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all city parks.
- (23) *Controlled substances.* Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all city parks.
- (24) *Camping.* Overnight camping is not permitted in any city park, except by prior written permission from the parks and recreation commission.
- (25) *Commercial enterprise.* No person shall sell, or offer for sale, any article, thing, privilege or service in any park without prior written permission from the parks and recreation commission.
- (26) *Posted regulations.* In addition to the regulations herein contained and provided, the parks and recreation commission may post from time to time specific rules and regulations; and such specific rules and regulations shall be incorporated by reference in to this chapter as fully as set forth herein.

(Code 1993, § 12-1-1; Ord. No. 2000-13, 6-13-2000)

*State law reference— Removal of rubbish, Wis. Stats. § 66.0405; local regulations of firearms, Wis. Stats. § 66.0409; sound producing devices, Wis. Stats. § 66.0411.*

## **Sec. 28-2. Park operation.**

- (a) *Hours; exception.*
  - (1) *Closing hours.* All grounds and facilities in the city park system shall be open between 6:00 a.m. and 10:30 p.m. daily with the exception that boat loading areas may be used for the loading or unloading of boats only at any time.
  - (2) *Exceptions.* The restrictions set forth in subsection (a) of this section, shall not apply to the following individuals:
    - a. Individuals who are attending or participating in city-authorized community celebrations or events held at the park. However, all such individuals exempted

- by this subsection shall be out of the park within one-half hour of the end or closing of the celebration or the event for that evening.
- b. Individuals or groups who have received permission from the parks and recreation commission or common council for any special group activity.
  - c. Individuals who are law enforcement officers, firefighters, emergency personnel, city employees or city officers who are in the course of their official duties.
- (b) *Public road; exceptions.* A person driving through a park on a public road; however, stopping shall not be permitted within a park. The common council may modify closing hours for particular events.
- (c) *Authority for closure and dates of operation.* The common council will have full authority to open and close any park, swimming area, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.
- (Code 1993, § 12-1-4)

**Secs. 28-3—28-22. Reserved.**

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ARTICLE II. SPECIFIC REGULATIONS

Sec. 28-23. Radio-controlled model airplanes prohibited.

Sec. 28-24. Turf protection on public property.

Sec. 28-25. Ultralight aircraft regulated.

Sec. 28-26. Reservation of park space.

**Sec. 28-23. Radio-controlled model airplanes prohibited.**

No person shall fly a radio-controlled model airplane or helicopter, in any city park, except in areas specifically designated and posted for such purpose.

(Code 1993, § 12-1-2)

**Sec. 28-24. Turf protection on public property.**

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

(Code 1993, § 12-1-3)

**Sec. 28-25. Ultralight aircraft regulated.**

(a)

*Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Ultralight aircraft, vehicle or hang glider* means an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics as an ultralight vehicle pursuant to 14 CFR 103.1 and Wis. Stats. § 114.195.

(b) *Usage regulations.*

- (1) No person shall operate any ultralight aircraft within the city in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the city in violation of any applicable state and federal regulation and standard. No person shall cause an ultralight aircraft to land, or to take off from any property without permission of the owner or occupant of said property; provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a city public park or other city property, the operator of such ultralight aircraft shall first obtain a permit from the parks and recreation commission. No fee shall be charged by the parks and recreation commission for such permit which may be issued for a period up to 30 days, nor shall the parks and recreation commission sponsor such activity.
- (2) Any person desiring to land or to take off from any property owned by the city shall, prior to receiving a permit, procure evidence of insurance providing for not less than \$500,000.00 of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the city as an additional insured and said certificate shall be filed with the city clerk at the time the applicant seeks a permit.

(Code 1993, § 12-1-5; Ord. No. 96-04, 2-13-1996)

State law reference— *Ultralight identification*, Wis. Stats. § 114.195.

## **Sec. 28-26. Reservation of park space.**

- (a) *Policy.* The city-owned park, park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the city. 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 in the city to the end that the general welfare of the city is protected.
- (b) *Reservation.* A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the parks and recreation director for a permit for exclusive use of the same. The parks and recreation director shall issue permits for exclusive use of a portion of a park or park shelter, while the parks and recreation commission shall issue permits for the exclusive use of city parks. Park facilities are reserved on a first-requested, first-reserved basis.
- (c) *Application.* Applications shall be filed with the parks and recreation director 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 the 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 the said park, area or facility.
  - (6) Any additional information which the parks and recreation commission or parks and recreation director finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) *Fee schedule.*
- (1) All applicants for reservation of park space or shelter for which a permit is required shall pay a fee for the city's maintenance and cleanup expenses. The fee shall be as established by the common council, from time to time, and, as indicated on the schedule of licenses and fees appearing in chapter 16 of this Code.
  - (2) Fifty dollars of the fee shall be returned if cleanup or repair by the city is not required.
- (e) *Action on application.* The parks and recreation commission shall act promptly on all applications for permits for exclusive park use, not shelter use, after consulting with the applicant, if necessary.
- (f) *Denial.* Applicants 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) of this section.
  - (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 or 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 city.
  - (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 that will endanger public health or safety.
- (g) *Indemnification.* Prior to granting any permit for exclusive use of the park, the city 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 city 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 city and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) *Permit—Not required for city activity.* A permit is not required for exclusive use of the park or a park facility sponsored by the city.
- (i) *Same—Revocation.* The common council, mayor, parks and recreation commission and/or chief of police after granting a permit 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.

- (j) *Same—Form of permit.* Each permit shall be in a form prescribed by the parks and recreation commission 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.
- (k) *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 sections 4-33 and 26-91 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.

(Code 1993, § 12-1-6; Ord. No. 03-05, 2-11-2003)

*State law reference— Class "B" licenses, Wis. Stats. § 125.26.*

**Sec. 6-94. Trapping of animals.**

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on city-owned land, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. The term "live box-type traps" means those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This section shall prohibit the use of all traps other than live traps as described in subsection (a) of this section, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Wis. Stats. ch. 29 as they relate to trapping.
- (d) This section shall not apply to trapping on private property.
- (e) Nothing in this section shall prohibit or hinder the city or its employees or agents from performing their official duties.

*(Code 1993, § 7-1-16)*

*State law reference— Local regulation of wild animals, Wis. Stats. § 29.038.*

**Sec. 26-21. Regulation of firearms and explosives; hunting.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Firearm* means any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gunpowder.
- (b) *Discharging and carrying firearms and air guns.*
- (1) No person shall fire or discharge any firearm, rifle, air gun or handgun in the city.
  - (2) No person shall have in his possession or under his control any rifle, in the city, unless it is unloaded and knocked down or enclosed within a carrying case or holster.
  - (3) No handguns, either holstered, cased or uncased shall be worn on a person while the person is inside a public building which has been posted to prohibit the carrying of a concealed weapon.
- (c) *Exceptions.* This section shall not apply to the following:
- (1) A sheriff, deputy sheriff, warden, constable, U.S. marshal, state trooper, police officer or other law enforcement officer while engaged in official duties;
  - (2) The maintenance and use of city-approved supervised rifle or pistol ranges, shooting galleries or firearm, rifle air gun or handgun safety courses;
  - (3) The firing or discharging of BB guns upon private premises by persons over 16 years or persons under such age under the direct personal supervision of a parent or guardian;
  - (4) Display of unloaded firearms, rifles, air guns or handguns in public premises;
  - (5) Display or possession of unloaded or loaded firearms, rifles or guns on private premises;
  - (6) A licensed or certified security agency, while actively engaged in the handling or transporting of money, security or other items of value and only as previously authorized by the chief of police or county sheriff.
- (d) *Explosive devices; permit required.* No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the city without first obtaining a permit to do so from the chief of police.
- (e) *Hunting prohibited.* Hunting is prohibited within the corporate limits of the city. Notwithstanding the foregoing, in recognition of the need to effectively manage wildlife, hunting by shotgun, muzzle loader, pistol or bow and arrow only is permitted on lands owned by the state and maintained as parkland, but only as regulated and permitted by the state department of natural resources. Persons hunting on lands owned by the state within the city shall be required to observe all hunting regulations established by the state department of natural resources and subject to the regulations of this article.
- (f) *Exception; wildlife overpopulation.*
- (1) The common council may designate certain areas of the city as being so overpopulated with certain forms of wildlife, such as deer, that it may designate those areas as animal nuisance areas, and allow the hunting and destruction of the nuisance animals within that area.

1309260

**RESOLUTION NO. 2328**

**A RESOLUTION DESIGNATING PARTS OF THE CITY OF MERRILL AS ANIMAL NUISANCE AREAS AND ALLOWING BOW AND ARROW HUNTING WITHIN THOSE AREAS**

WHEREAS, the City of Merrill has received numerous complaints of deer damage within the City of Merrill; and

WHEREAS, the Health and Safety Committee has given public notice, conducted a public hearing, and found sufficient evidence to warrant the designation of the following ten animal nuisance areas for the hunting season; and

WHEREAS, the Common Council has formulated rules and boundaries to insure the safety of the public during a "hunt";

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10<sup>th</sup> day of September, 2013, that the Common Council of the City of Merrill designates the following areas as animal nuisance areas:

Area #1: The Hillside Cathedral church property north to the city limits on Pier Street (approximately 20 acres).

Area #2: The bottom lands of the Prairie River from Pier Street to Jefferson Street on both sides of the river bank. And the area from the east side of Jefferson Street to Lakeview Street on the west side of that street; from the south side of Taylor Street to the North side of Sixth Street; and those areas in between these boundaries, excepting a block bounded by Jefferson Street, Tenth Street, Adams Street and Eighth Street. Additional hunting area for Area 2 is 10<sup>th</sup> to Taylor, Genesee to Jefferson.

Area #3: The area from Oregon Street to California Street, following the line south of Devils Creek to City Limits.

Area #4: That area south of the railroad tracks from the junction of the Wisconsin River and the Prairie River west to the property line belonging to Hurd Millwork.

Area #5: That area from Schulz Street on the west side to Center Avenue on the east side; from the south city limits north to the Wisconsin River.

Area #6: The island between the 6<sup>th</sup> Ward Bridges south to the Wisconsin River.

Area #7: That area from Ohio Street on the east side to Division Street on the south side to the Wisconsin River on the north and west sides.

Area #8: That area west on Glen Drive bordered by Glen Drive on the south and the railroad right-of-way on the north. Additional boundaries are the residence at 2806 Glen Drive on the east and the north/south power lines to the west. These power lines cross Glenn Drive. This area is commonly known as the Eric Roth Farm.

Area #9: That 80 acre parcel bordered by STH 64 on the north and Heldt Street to the south. This area is directly south of the Heinz Roth residence located at 2701 W. Main Street. This area is commonly referred to as the Roth Farm, except the East 360 feet of the South 360 feet of the Southeast ¼ of the Northwest ¼ a/k/a 2801 Heldt Street property.

Area #10: A parcel of land lying bordered by Ninth Street on the south, Mill Street on the East, the North City limit line to the north and following the Section 2 line to Pier Street on the west.

BE IT FURTHER RESOLVED that any person wishing to hunt deer with a bow and arrow or crossbow may hunt deer within the designated area during the State of Wisconsin's archery season; and

BE IT FURTHER RESOLVED that any person wishing to hunt within the City of Merrill limits must first register with the Merrill Police Department and abide by the rules and hours established by both the State of Wisconsin and the Common Council of Merrill.

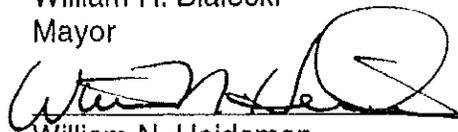
Recommended by: Health & Safety  
Committee

CITY OF MERRILL, WISCONSIN

Moved: Alderman Schwartzman

William R. Bialecki  
Mayor

Passed: September 10, 2013



William N. Heideman  
City Clerk

