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1.0 PURPOSE:

To describe the policies of the City of West Allis regarding the use of Parks, providing a permit system for certain activities, and prescribing rules of conduct in City Parks.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, and to the general public.

3.0 POLICY:

It is the policy of the Department of Public Works to follow a uniform procedure for use of City Parks by the general public.

4.0 REFERENCE:

City of West Allis Revised Municipal Code Section 11.13.

5.0 PROCEDURES:

5.1 RESPONSIBILITY

The Director of Public Works shall be responsible for administering this policy and, where applicable, establishing fees associated with this policy. All fees shall be approved by the Board of Public Works.

5.2 GENERAL POLICIES

5.2.1 Definitions. For the purposes of this policy, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her".

- 1.) *Alcohol beverage* means distilled spirits and all beverages containing one-half of one (0.5) per cent or more alcohol by volume, including beer and

wine. Medicines or drugs dispensed pursuant to a physician's prescription are excluded.

- 2.) *Amplified sound and/or sound-emanating equipment* means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including, but not limited to, public address systems, amplifiers, horns and megaphones.
- 3.) *Animal* means any cat, dog, horse, fowl and living creature other than a human.
- 4.) *Applicant* means any person seeking a permit to use or conduct an activity in a Park or facility.
- 5.) *At large.* Any animal not under restraint while off the premises of the owner.
- 6.) *City* means the City of West Allis.
- 7.) *Civic, educational or community service group* means any not-for-profit group primarily devoted to the advancement of civic, educational or community service purposes.
- 8.) *Domestic animal.* Any animal not deemed to be a wild or exotic animal pursuant to Section 7.12 of the Revised Municipal Code.
- 9.) *Facility* means any building or area owned, equipped and maintained by the City for public use.
- 10.) *Limited membership group* means denominational groups, partisan political groups, labor organizations and other such groups where membership is limited or not open to the general public.
- 11.) *Nonrecurring use* means infrequent use of a specific facility or the use of a facility on a special event basis (i.e., annual picnics, private parties or company-sponsored events).
- 12.) *Organized play* means six persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, baseball, softball, football, basketball, or volleyball; this shall not apply for infrequent use.
- 13.) *Park* means all real properties owned or controlled by the City and designated on a map maintained in the office of the City Clerk, regardless of the extent of development or official designation, which serve as picnic grounds, recreation areas, and nature areas. Park facilities include, but are not limited to, open space play areas, picnic shelters or pavilions, park benches, bike trails, restrooms, etc.
- 14.) *Permit* means any written license issued by or under the authority of the Director of Public Works or his designee permitting a use, event or activity in a park or recreation area or facility.
- 15.) *Person* means any individual, child, firm, association, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

- 16.) *Political activities* mean activities engaged in by candidates for public office, political groups, political parties or political committees.
- 17.) *Professional association* means a group formed by practitioners of a specific profession or occupation.
- 18.) *Recreation facility* means a building, structure, field, court, or park which has organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play.
- 19.) *Recurring use* means repeated use of a specific facility on a regularly scheduled basis (i.e., leagues, organized play, monthly meetings, etc.).
- 20.) *Reserved use* means exclusive, permitted use for one or more occasions.
- 21.) *Resident* means a person or the minor children of the person who owns or leases real property within the city limits or who maintains either a voting residence or bona fide occupancy within the city limits.
- 22.) *Service animal* means any animal meeting the definition in Section 106.52(1)(fm) of the Wisconsin Statutes.
- 23.) *Special event* means an event that takes place on public property which, because of its scope and impact on surrounding areas and the potential need for provision of extra services by the city, requires a permit issued by the Director of Public Works or his designee. Special events include, but are not limited to, circuses, carnivals, festivals, parades and filming for commercial purposes. The location of a circus, carnival or other similar special event shall require the approval of the Director of Public Works or his designee.
- 24.) *Vehicle* means every device in, upon or by which any person or property may be transported or drawn upon a highway, excepting devices used exclusively upon station rails or tracks.

5.2.2 Rules for Use of Parks. Hours of use – parks and outdoor recreation facilities.

- 1.) It shall be unlawful to congregate in or use any Park after 10:00 p.m. and before 6:00 a.m., except for the following:
 - (a) Those organized recreational or cultural activities where the organizer has obtained a permit for use of the Park beyond 10:00 p.m. A permit for the use of a Park beyond 10:00 p.m. may be issued to the organizer of a cultural or recreational activity by the Director of Public Works or his designee.
 - (b) Any Park where a sign is posted that specifies closing hours other than those specified in paragraph (1).
- 2.) The Director of Public Works or his designee may post a sign that specifies closing hours other than those specified in paragraph (a) or (b) for any Park subject to the following guidelines:
 - (a) The amount of daylight at the time of year during which the closing hours will be in effect;

- (b) Available artificial lighting in the Park;
 - (c) The City's ability to provide and the cost of providing adequate police protection in the Park during the hours in which it is open;
 - (d) The occurrence of acts of vandalism and other crimes in the Park;
 - (e) The need to prevent deterioration of existing shrubbery and grass in the Park or the need to protect new plantings of grass and shrubbery.
- 3.) Except for unusual and unforeseen emergencies, Parks shall be open to the public every day of the year during designated hours.
- 4.) The Director of Public Works or his designee may close any Park or any section thereof, or prohibit certain uses in any Park for the time necessary to remedy any unforeseen circumstances, effect repairs, or provide maintenance. No person in a Park shall enter an area posted as being closed to the public without the permission of the Director of Public Works or his designee.

5.2.3 Prohibited Acts. Prohibited acts in Parks.

- 1.) It shall be unlawful for any person in or using a Park to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the City:
- (a) *Damaging property.* No person shall willfully mark, deface, damage, displace, remove or tamper with any Park or facility buildings, tables, benches, railing, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers or other structures, equipment or Parks or recreation property.
 - (b) *Improperly using Park structures, equipment and furniture.*
 - 1. No person shall climb on or over any building, facility, structure, or natural feature in a Park unless the same is intentionally designed for climbing purposes.
 - 2. No person over the age of fourteen (14) years shall trespass upon or play upon or use the playground equipment at any Park other than those swings designated for adult use.
 - 3. No person shall recline upon any seat, table, bench, or in any location not intended for such occupancy.
 - 4. No person over the age of six (6) years, unless accompanied by a parent or other responsible adult, shall enter into or loiter near any Park structure or section thereof reserved and designated by the city for exclusive use by the opposite sex.
 - 5. The Director of Public Works or his designee may post specific rules for each facility.

- (c) *Polluting waters.* No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or lake or any storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters.
- (d) *Removing soil or plants.* No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means, except that digging shall be permitted in areas designated for such purpose. Collection of natural objects, including plant and animal life and minerals, for scientific and educational purposes may be conducted in compliance with terms of written permits granted by Director of Public Works or his designee.
- (e) *Damaging plants.* No person shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (f) *Harming or molesting animal life.* No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any mammal, bird, reptile or amphibian; nor shall any person remove or in any way harm the eggs, nest or young of any mammal, bird, reptile or amphibian. This paragraph does not apply to persons fishing in accordance with State Law.
- (g) *Littering.* No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to any Park or facility, or anywhere on the grounds thereof, other than in the proper receptacles, where provided.
- (h) *Igniting fires.* No person shall ignite or attempt to ignite any fire against or on any vegetation or Park or facility structure, except in designated fireplaces or grills when used for cooking. Persons may use a personal grill in a designated picnic area; however, they will be responsible for the proper off-site disposal of all charcoal, wood chips or other cooking materials after such use if City designated receptacles are not available. No person shall dispose of burning matches, smoking materials or other inflammable items within any Park or recreation area except in designated receptacles.
- (i) *Unauthorized operation of vehicles.* No person shall drive or otherwise operate a vehicle in a Park or recreation area upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the Director of Public Works or his designee, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles, and motorized wheelchairs.

- (j) *Unauthorized parking.* No person shall park a vehicle in an area other than an established or designated parking area. No person shall park a vehicle overnight or park a vehicle having a gross weight exceeding three (3) tones without written approval of the Director of Public Works or his designee. Vehicles in violation of this paragraph may be towed and stored at the owner's expense.
- (k) *Possessing or consuming alcoholic beverages.* No person shall possess and/or consume alcohol beverages provided, however, that alcohol beverages may be permitted by the Director of Public Works or his designee for special events or in specified facilities and where a permit pursuant to Section 9.02(2) of the Revised Municipal Code and Sections 125.26(6) and 125.51(10) Wis. Stat.
- (l) *Possessing or discharging weapons, explosives, etc.*
 - 1. No person shall carry or discharge firearms, firecrackers, rockets, or other types of explosives, nor shall any person carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the Park. No person shall carry or discharge any gun, pistol, slingshot or similar device, or any bows and arrows, or carry or use any other object capable of propelling a projectile in any Park or facility, nor shall any person carry on his person, any knife, dagger or similar weapon.
 - 2. The provisions of paragraph (1) shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or a fireworks exhibition sponsored or approved by the City.
- (m) *Vending, soliciting, advertising, etc.* No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any Park or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any Park. This paragraph shall not apply to any person acting pursuant to a contract with the City or under a special event permit granted by the city. No person shall distribute, post, place or erect any advertising, handbill, circular, bill, notice, placard, paper or other advertisement device in any Park. No person shall beg or solicit contributions.
- (n) *Operating sound amplification equipment.* No person shall install, use, and operate within a Park a loudspeaker, horn, megaphone device, or other sound amplifying equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or of transmitting music to any persons or groups of persons in any Park, or in the vicinity thereof, except when installed, used, or operated in compliance with a special event permit issued by the City and when operated in accordance with the terms of the permit. Amplifiers permitted in Parks shall be operated only through a power source provided or approved by the City or with a battery. This paragraph shall not apply to the use of a loudspeaker or other sound amplifying device that might be used on an athletic field

during an athletic game or other competition sponsored by a school or community organization.

- (o) *Launching or operating aircraft, radio-controlled model airplanes, etc.* No person shall launch or operate any aircraft, including but not limited to, hot air balloons, airplanes, ultralights, helicopters and gliders except in areas or at times specifically designated for this purpose by special permit issued by the Director of Public Works or his designee. No person shall launch or operate any radio-controlled model rockets, airplanes, gliders, boats or vehicles except in areas or at times specifically designated for this purpose by special permit issued by the City.
- (p) *Camping.* No person shall camp in a Park or recreation area except at such times and places as may be designated by the Director of Public Works or his designee and except pursuant to a special permit issued by the City.
- (q) *Erecting structures.* No person shall construct or erect any building or structure of whatever kind, whatever permanent or temporary in character, or run or string any public service utility into, upon, or across a Park except as authorized by special permit issued by the City and in an area and manner approved by the Director of Public Works of his designee.
- (r) *Endangering the public.* No person shall endanger the safety of any person or group by any conduct or act or by any failure to observe the rules established by this policy.
- (s) *Interfering with use of a Park by others.* No person or group shall prevent any other person or group from using any Park or any of its facilities, or interfere with such use in compliance with this policy and with the rules applicable to such use. Conducting activities authorized by a reserved use permit issued pursuant to this policy shall not constitute a violation of this section. No persons shall interfere with the right of a person or group occupying or using a Park or facility under a permit allowing for such use.

5.2.4 Use Permits: Application. Permits to be issued as follows:

- 1.) Any Park use permits required by this policy shall be issued in accordance with the procedures, standards and conditions provided in this policy. A permit issued by the Director of Public Works or his designee and accepted by signature of the permittee shall constitute a contract for use of the Park or portion thereof.
- 2.) All requests for permits required under this policy shall be made in writing, upon an application form to be furnished by the City, which shall require the following information:
 - (a) The name and address of the applicant proposing or sponsoring the activity involved. Photo identification may be required.
 - (b) The type of permit requested and the purposes or activity proposed thereunder.

- (c) The date and hours for which the permit is desired.
 - (d) The specific Park area for which the permit is requested.
 - (e) The proposed number of persons who will attend or participate in the activity involved.
 - (f) The number of youths who will attend or participate in the activity involved and the name of adults who will be present to chaperone.
 - (g) Whether or not alcohol will be served.
 - (h) A statement of any special circumstances which are material to the permit requested.
 - (i) Such other relevant information as the Director of Public Works or his designee may reasonably require in regard to the application.
- 3.) Applicants may be required to provide liability insurance if, in the discretion of the Director of Public Works, City Administrator and City Attorney, the requested use of the facility represents a significant risk of loss to the City.
 - 4.) Parks use permits will be issued to adults and adult sponsors of youth groups only.
 - 5.) The permittee listed on the Park use permit as “person in charge” shall be responsible for the condition of the Park or facility after its use. All other conditions listed on the Park use permit shall apply.

5.2.5 Permit Fees. Permit fees for reserved use.

- 1.) The Director of Public Works or his designee, upon approval by the Board of Public Works, is authorized to establish fees for reserved use of a Park, or a specified facility therein and to offset the cost to the public for additional services provided by the City in connection with such use. Such fees are established in Section 8 of this policy and may be amended from time to time.
- 2.) A fee will not be charged for use of a Park for City sponsored or co-sponsored program or event.
- 3.) A reservation fee shall be charged at the time the Park is reserved that will roll over into a damage deposit at the time of the event and be refunded if there is no damage and the Park has been satisfactorily cleaned up after its use. The balance of the fee must be paid prior to use of the Park in accordance with requirements of the applicable section of the ordinance.
- 4.) If cancellation of an approved reservation is necessary, it is the permittee’s responsibility to provide immediate written notification of such intent to cancel use.
- 5.) Cancellations will only be accepted from the permittee (the person who signed the reservation application) and not from anyone else acting on behalf of the permittee.

- 6.) In the event of a cancellation, refund of the reservation fee will be handled as follows:
 - (a) If 30 days or more remain before the date for which the facility is reserved, 100% of the reservation will be refunded less a \$10.00 administrative fee.
 - (b) If fewer than 30 days but more than 14 days remain before the date for which the facility is reserved, 50% of the reservation fee will be refunded except where the amount to be refunded is less than the \$10.00 administrative fee.
 - (c) If less than 14 days cancellation notice is provided, the city will retain the entire reservation fee.

5.2.6 Deadline for Application. Deadlines for submittal of permit applications prior to the date of a particular use shall be established for each type of facility; however, any use requiring approval as a special event or which requires a temporary street closing shall require that the application be submitted at least forty-five (45) days prior to the event. The Director of Public Works or his designee may waive this deadline for extenuating circumstances, but sufficient time must remain before the event for staff review of the application.

5.2.7 Standards for Permit Issuance.

- 1.) If the Park or facility will be available for use on the date and time requested, and is not subject to a prior reservation, the Director of Public Works or his designee shall issue a permit under this policy when he finds the use applied for to be in accordance with the purpose for which such Park or facility property is designed or intended, and further that the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the remaining Park, or interfere with or endanger public health, welfare or safety, or be reasonably calculated to incite violence, crime or disorderly conduct on the part of the participants or entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the City. In the event of scheduling conflicts, i.e., when an application is submitted by two or more persons at the same time for the same facility, priority shall be given to City residents. Thereafter, permits shall be issued to qualifying applicants on a first-come, first-served basis.
- 2.) Eligibility for permitted use of Parks is limited to activities which are free and open to residents of the City without regard for sex, age, race, religion or national origin except that an event sponsored or co-sponsored by the City may charge a fee.

5.2.8 Conditions of Permits.

- 1.) Permits will be issued under this Policy subject to such special regulations and instructions as may be prescribed by the Director of Public Works or his designee including, but not limited to:
 - (a) Restrictions on the number of persons who may participate in such permitted activities.

- (b) Restrictions on the days of the week and the time of day that the particular facility may be used by the permittee.
 - (c) Provisions for maintenance by the permittee of the sanitation, cleanliness, and appearance of the facility. At times, portable restrooms may be required for special events.
 - (d) Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety and other appropriate regulations. It is at the City's discretion to require security on the premises. If security is deemed necessary, it is the responsibility of the permittee to reimburse the City for costs incurred in providing such security.
 - (e) Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a sports field or adjacent structures.
 - (f) Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized.
 - (g) Requirements that a certificate of insurance, naming the City as the additional insured, must be on file at the City prior to any permit being approved.
- 2.) Permittees shall be bound by all Park rules and regulations and all applicable ordinances as fully as though such rules, regulations and ordinances were inserted in the permit.
 - 3.) Each permittee agrees to hold the City harmless from any claims for loss, injury or damage to any persons whatsoever caused by the negligence of the permittee in the exercise of such permit.
- 5.2.9 Approval/Denial of Permit. A permit shall only be approved by the Director of Public Works or his designee in accordance with this policy and any written rules and regulations specific to the facility. All such permits must be granted contingent upon the condition that rules, regulations and ordinances established by the City, or any other public entity having jurisdiction, will be observed. A decision by the Director of Public Works to deny a permit may be appealed to the Board of Public Works within 30 days of the decision. Appeals shall be filed with the City Clerk and shall be governed by Section 2.48(5) except that the decision of the Board of Public Works shall be the final determination.
- 5.2.10 Revocation of Permit. The Director of Public Works or the Chief of Police or their designees shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown. Revocation of a permit shall result in the forfeiture of the damage deposit. The permittee may appeal the revocation within 30 days to the Board of Public Works.
- 5.2.11 Term of Permit. All permits issued under this policy shall expire on the date specified therein.
- 5.2.12 Transfer of Permit. No permit issued under this policy shall be transferable.
- 5.2.13 Liability Insurance for Certain Permits.

- 1.) The Director of Public Works or his designee, in consultation with and upon the approval of the City Administrator & City Attorney, may require an organized activity taking place at any City Park or facility to have insurance for said activity if, in their opinion, the activity represents a significant risk to the City. When required, permittee shall procure and maintain for the term of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the permittee, his agents, representatives, or employees. Except where otherwise specified in this policy, insurance shall be provided in an amount to be determined by the Director of Public Works or his designee. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the City.
- 2.) In all cases, for moon walks, bounce houses or other inflatable structures, a Certificate of Insurance in the amount of \$1,000,000 dollars in general liability insurance shall be provided naming the City of West Allis as an additional insured party.
- 3.) The certificate of insurance and endorsements, naming the City as the additional insured waiving subrogation and providing a 10 day Notice of Cancellation are to be submitted prior to permit authorization or execution of a negotiated use agreement. The certificate and endorsements shall be in as form approved by the City Attorney.
- 4.) Where insurance is determined to be required for a particular use of a Park or a one-time special event, the City is authorized to provide insurance for that use or event through the City's insurance provider as an alternative to the private purchase of such insurance. The person or organization requesting the permit will be required to reimburse the City for the cost of such insurance prior to issuance of the permit.

5.2.14 General Rules for Permitted Activities.

- 1.) Reservations/Application.
 - (a) Parks, that portion of the Park applicable or a facility therein may be reserved for use between the hours of 8:00 a.m. and 10:00 p.m. except that upon approval by the Board of Public Works, the times may be extended.
 - (b) All fees must be paid prior to use of the Park or facility. If paid by check, all fees are payable in full no later than fourteen days prior to the event. Cash payment will be required if fees are paid less than fourteen days prior to the event.
 - (c) A reservation fee shall be charged at the time the Park is reserved that will roll over into a damage deposit at the time of the event and be refunded if there is no damage and the facility has been satisfactorily cleaned up after its use. The balance of the fee must be paid no later than fourteen days prior to use of the facility. A use permit shall not be issued if all required fees have not been paid.
 - (d) Reservations shall be made no less than two weeks in advance and no more than six (6) months in advance.

- (e) All applicants must be 21 years of age or older and must be present throughout the entire use of the Park or facility.
- (f) Reservation of a Park or facility is normally limited to one reservation per month by any one group. Exceptions may be approved by the Director of Public Works or his designee based on a space available basis.
- (g) Rental hours must include time needed for delivery of supplies, set-up of tables and chairs and cleanup.
- (h) The City reserves the right to deny any facility use request in accordance with standards for issuance of permits as provided in this policy.

2.) *Alcohol beverages.* Alcohol beverages are allowed by permit. An applicant wishing to obtain a permit shall apply to the City Clerk for such permit as well as a temporary alcohol permit under Section 9.02(2) and 125.26(6) and 125.51(10).

- (a) If a permit is issued for a non-alcoholic event and alcohol is found on the premises, the police will shut down the event and no deposit will be refunded. The term *on the premises* shall include parking lots and all surrounding exterior public property.
- (b) If an event is shut down by the police for any reason, the clean-up/damage deposit will be forfeited.

3.) *Use of facility equipment.*

- (a) The City may charge a fee for the rental of equipment including tables and chairs.
- (b) The permittee is responsible for arranging tables and chairs for their specific purpose and returning the tables and chairs to their stored or original location/configuration. At no time should anyone stand on tables or chairs or sit on tables. Any need for tables and chairs in excess of what is available at a particular facility shall be provided by the permittee.
- (c) Use of equipment that is available for reservation in a specific facility shall be reserved when the application is filed. A list of equipment available for reservation will be provided with written procedures for the reservation of that facility. The City may charge a fee for the rental of equipment.
- (d) All equipment and materials not belonging to the City must be removed at the end of each scheduled use. There are no facilities available for storage of equipment or materials used for meetings.

(e) *Use of decorations.*

1. Any decorating, or covering of, or changes to the facilities shall be discussed at the time of application. The permittee shall be responsible for putting up any decorations and all other special preparations necessary

for the function. All decorations shall be removed at the conclusion of the function. Permittee shall be responsible for the removal of all decorations, special preparations, and permittee's personal property, owned or rented.

2. All decorations must be applied with duct or masking tape. The use of cellophane adhesive tape, nails, staples, screws, etc. is not allowed on walls or ceilings. Staples and pushpins are allowed only on tackstrips and bulletin boards. All tape and string must be removed from all surfaces and equipment at the conclusion of the event.
3. Decorations may not be hung from light fixtures, ceilings, heat detectors, emergency lights, or acoustical wall/ceiling tiles. Decorations may not be applied to wood floors.
4. All plants, trees and shrubs must be in waterproof containers and must be carefully placed so as not to damage floors or tables or block exits.
5. No open flames, such as lighted candles, are allowed.
6. No foreign substance may be applied to the floor.
7. No rice, birdseed, confetti, etc. is permitted in the facilities or on surrounding sidewalks and parking lots.

4.) *Liability for damage to facility/Requirement for insurance.*

- (a) The permittee shall be responsible for any and all damage to the facility premises and property therein and shall be responsible for all actions, behavior and damages caused by their guests or attendees.
- (b) The City is not responsible for accidents, injury, illness or loss of group or individual property.
- (c) Prior to issuance of the permit, all approved applicants shall execute a Hold Harmless/Indemnification Agreement releasing the City of all liability from activities conducted in community facilities.

5.2.15 Additional Rule-Making Authority.

In addition to enforcement of general rules provided by this policy, the Director of Public Works or his designee may prescribe reasonable rules for enforcement in specific Parks or facilities. All such rules shall supplement and be consistent with rules provided by this policy. All specific rules shall be posted in a conspicuous place at the facility where the rules apply.

5.2.16 Endorsement not implied.

The fact that a group is permitted to meet in a Park or facility does not constitute an endorsement of the group's policies or beliefs by the City.

5.2.17 Sales in Parks.

No person, firm or corporation shall sell any commodity upon the grounds of any Park without first obtaining a permit as provided in section 9.18 of the Revised Municipal Code.

5.2.18 Effect of Permit.

Any person holding a permit for use of a Park or portion thereof only entitle the permit holder to use the facility or that portion of the Park to the exclusion of others.

5.2.19 Domestic Animals.

- 1.) Pets are permitted, except where posted, in Parks if adequately restrained except for designated dog Parks. Dogs must be kept at all times on leashes no longer than eight (8) feet. All animal excrement must be properly cleaned up and properly disposed of by the owner or keeper of the animal.
- 2.) No person shall bring into any Park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.
- 3.) No person in charge of any dog shall permit, allow or suffer such dog to enter upon or remain within any playground or Park area reserved for children or to enter any sandbox or play apparatus area.
- 4.) Horseback riding is not permitted in Parks.
- 5.) Domestic animals, except for service animals, are not permitted inside city facilities.

5.2.20 Alcohol beverages.

No person shall sell, offer for consumption, or consume any alcoholic beverage, including beer and wine, within any Park except that the Common Council may approve the sale or consumption of beer and/or wine coolers in a Park in conjunction with the issuance of a special event permit when possession and consumption is specifically authorized under state law.

6.0 APPEAL:

The granting or denial of an application for use of a Park may be appealed, in writing, to the City of West Allis Board of Public Works. The appeal shall be filed within 30 days of the grant or denial and shall be filed with the City Clerk. The Board of Public Works shall conduct a hearing on the appeal within 20 business days of the filing of the appeal unless such time is extended by mutual consent. The decision of the Board of Public Works shall constitute a final decision of the Common Council under section 2.48(5) and any person aggrieved by the decision of the Board of Public Works may appeal to circuit court as provided by Wisconsin Statutes.

7.0 ENFORCEMENT/PENALTIES:

7.1 It shall be unlawful for any person to do any act prohibited or fail to perform any act required by this policy. Any person who fails to comply with any lawful and reasonable order given by law enforcement officers or authorized city official shall be in violation of Section 11.17 of the Revised Municipal Code.

The Department of Public Works, city law enforcement officers, or any employee so designated by the Department of Public Works shall have the authority to eject from a Park any person in violation of the policy, the Revised Municipal Code, or Wisconsin Statutes.

8.0 FEES:

8.1 Applicable fees and deposits, as approved by the Board of Public Works, shall be listed on the permit application.