

**CITY OF WEST ALLIS
ORDINANCE O-2023-0065**

NOW THEREFORE, be it ordained by the Council of the City Of West Allis, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “11.13 Parks And Parklands” of the City Of West Allis Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

11.13 Parks And Parklands

1. Definition. When used to describe a location, "park" means any of the following locations:

Name	Location
Arnold Klentz Park	2601 South 72nd Street
Burnham Pointe Park	6031 West Burnham Street
Honey Creek Park	1981 South 84th Street
Joyce Radtke Skate Park	8338 West National Avenue
Kopperud Park	South 76th Street and West Pierce Street
Liberty Heights Park	6101 West Orchard Street
Mini Park #1	South 58th Street and West Beloit Road
Mini Park #2	South 60th Street and West National Avenue
North Greenfield Railroad Station Park	8139 West National Avenue
Reservoir Park	9621 West Lapham Street
Rogers Park	2010 South 75th Street
Rogers Playground	2014 South 56th Street
Roosevelt Park	947 South 58th Street
Veterans Memorial Park	6900 West National Avenue
West Allis Dog Park	11200 West Hayes Avenue
West Allis Farmer’s Market	6501 West National Avenue

2. Board of Public Works. The board of public works shall govern, manage and control all parks, boulevards, green spaces, terrace areas, and parklands within the City in accordance with Wis. Stat. 27.08(3) .
3. Director of Public Works. The director of public works shall have authority to:
 - a. Manage, change, improve and maintain parks and parklands as authorized by the board of public works.
 - b. Administer the City's policies and procedures for the preservation and use of parks and parklands
 - c. Issue park permits
 - i. Application. Any person who wishes to use an area of a park to the exclusion of the general public shall obtain a park permit. The person shall submit an application to the director of public works that includes all the following:
 - (1) Applicant's name, address, phone number, and email address
 - (2) The park rental area for which the applicant is seeking a permit and the date sought
 - (3) Whether alcohol will be consumed at the park
 - (4) Any other relevant information deemed necessary by the director of public works
 - ii. Issuance. The director shall issue a park permit to any applicant if all the following conditions are satisfied:
 - (1) The applicant is at least 18 years old
 - (2) No other park permit has been issued for an overlapping date and time, and no park permit application for an overlapping date and time was submitted prior and is still pending
 - (3) The applicant pays the proper permit fee listed in the Fee Schedule
 - (4) The applicant agrees to be financially responsible for any damages incurred by the city at the park rental area during the permitted time.
 - (5) The applicant agrees to any other conditions imposed by the director of public works.
 - iii. Terms of Use. Each applicant for a park permit shall be bound by the following conditions:
 - (1) A permittee shall ensure that the use of the park rental area does not significantly impair or detract from the use of the remaining area of the park by the public.
 - (2) A permittee shall ensure no alcohol is consumed in the permitted rental area unless specifically authorized by the park permit.
 - (3) A permittee shall ensure that all persons utilizing the permitted rental area comply with all laws.
 - (4) A permittee shall leave the permitted rental area and any city

property or equipment in at least as good of condition as it was upon the permittee's arrival.

- iv. Cancellation. A permittee may cancel the permit at any time. If a permit is canceled prior to the date of the permit, the director shall retain 20% of the fee amount for administrative expenses and refund the remaining balance. No refund will be issued for cancellations on the date of the permit.
- v. Revocation. The director of public works may revoke a permit if the permit holder violates any terms of use. No refund will be issued if a permit is revoked.

4. Trees and Plant Materials.

a. Planting Regulations.

- i. The Forestry Division of the Department of Public Works is responsible for the planting of all trees and other plant material in City parks and parklands in accordance with the policies and procedures of the Department.
- ii. The Forestry Division shall determine the location and species of all plant materials planted in City parks and parklands.
- iii. The Forestry Division may, at its discretion, remove or cause the removal of any tree or plant material located in City parks or on City parklands deemed inappropriate or hazardous.

b. Maintenance.

- i. The Forestry Division shall be responsible for the maintenance of trees and other plant material on City parks and parklands except as provided herein.
- ii. The owner, occupant or person in charge of each lot or parcel of land shall maintain the terrace area between the walk and the curb or, in the absence of a sidewalk, the area between the pavement and the property line.

- (1) In lawn terrace areas, grass and weeds shall be maintained at a height not to exceed six (6) inches in length. Noxious weeds shall be destroyed as provided in Wis. Stat. 66.0407(3). Such areas shall be kept in good condition and repair and free from debris.
- (2) In paved terrace areas, the pavement shall be kept free and clear of weeds, vegetative materials and debris.
- (3) If the owner, occupant or person in charge of any property fails to maintain the terrace area abutting their property as provided in Subds. (1) and (2), the Director of Public Works or his designated agent, after giving five (5) days written notice to the owner, occupant or person in charge of the property, is authorized to perform the required maintenance. The cost of such maintenance shall be charged against the owner of the property as provided in Wis. Stat. 66.0703.
- (4) In any one (1) calendar year, where, on private property, the

Director has authorized required maintenance, as described in Subd. (3), subsequent required maintenance shall not require a five (5) day written notice prior to the Director again authorizing the performance of maintenance on said property.

- iii. No person shall plant, cut, prune, or remove any tree or shrub in a City park or parkland or cut, disturb or interfere in any way with the roots of any tree or spray trees or shrubs with any chemical herbicide or insecticide in a City park or parkland, without first receiving permission from the Director of Public Works. Such permission is not required for the use of products associated with the maintenance of turf in the area between the pavement and adjacent property line.
 - iv. No person shall break or injure any tree or shrub planted in any City park or parkland.
5. Public Use of Parks. All parks shall be open to use by the public except as limited by this subsection.
- a. Hours of Operation. No person may enter or remain in a park in violation of the hours posted by the director of public works unless authorized by a park permit. If no hours are posted, no person may enter or remain in a park between the hours of 10:00 p.m. and 6:00 a.m. unless authorized by a park permit.
 - b. Temporary Closure. No person may enter or remain in an area of a park closed by the director of public works for construction, maintenance, or other reasons.
 - c. No Trespass Order. No person may enter or remain in a park during the time that a no trespass order prohibits the person from entering or remaining in that park.
 - i. Issuance. A police officer may issue and serve a no trespass order to a person if that person has committed a law violation in a park. A no trespass order may be effective for up to 1 year after the date of issuance.
 - ii. Content. The order shall contain the following information:
 - (1) The name of the person against whom it is issued;
 - (2) The signature of the issuing police officer;
 - (3) The date of issuance;
 - (4) The date, time, location, and type of the law violation that justifies the no trespass order;
 - (5) The duration of the order;
 - (6) A list of the prohibited park(s);
 - (7) Notice of the penalties for an act in violation of the order; and
 - (8) Notice of the right to appeal the order's issuance.
 - iii. Appeal. Any person who has been served a no trespass order may appeal the order by submitting an appeal form to the City Clerk within 10 calendar days of issuance of the no trespass order.
 - iv. Scheduling. The City Clerk shall notify the appellant and the City Attorney of the hearing date, time, and location, and shall schedule

the hearing no more than 30 days after the appeal is filed.

- v. Hearing. The administrative appeals review board shall hear the appeal. The administrative appeals review board shall uphold a reasonable order, modify the order to ensure the order is reasonable, or rescind the order if it is not reasonable.
- d. Park Permit. No person may enter or remain in a park rental area during the time in which a park permit is effective for that rental area, unless allowed by the permit holder.

AFTER AMENDMENT

11.13 Parks ~~And Parklands~~

1. Definition. When used to describe a location, "park" means any of the following locations:

Name	Location
Arnold Klentz Park	2601 South 72nd Street
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Mini Park #1	South 58th Street and West Beloit Road
Mini Park #2	South 60th Street and West National Avenue
<u>Mini Park #3</u>	<u>South 64th Street and West Greenfield Avenue</u>
<u>Mini Park #4</u>	<u>South 92nd Street and West National Avenue</u>
North Greenfield Railroad Station Park	8139 West National Avenue
Reservoir Park	9621 West Lapham Street
Rogers Park	2010 South 75th Street
Rogers Playground	2014 South 56th Street
Roosevelt Park	947 South 58th Street
Veterans Memorial Park	6900 West National Avenue
West Allis Dog Park	11200 West Hayes Avenue
West Allis Farmer's Market	6501 West National Avenue

2. Board of Public Works. The board of public works shall govern, manage and control all parks, ~~boulevards, green spaces, terrace areas, and parklands~~ within the City in accordance with [Wis. Stat. 27.08\(3\)](#).
3. Director of Public Works. The director of public works shall have authority to:
 - a. Manage, change, improve and maintain parks ~~and parklands~~ as authorized by the board of public works.
 - b. Administer the City's policies and procedures for the preservation and use of parks, ~~and parklands~~
 - c. Issue park permits
 - i. Application. Any person who wishes to use an area of a park to the

exclusion of the general public shall obtain a park permit. The person shall submit an application to the director of public works that includes all the following:

- (1) Applicant's name, address, phone number, and email address
 - (2) The park rental area for which the applicant is seeking a permit and the date sought
 - (3) Whether alcohol will be consumed at the park
 - (4) Any other relevant information deemed necessary by the director of public works
- ii. Issuance. The director shall issue a park permit to any applicant if all the following conditions are satisfied:
- (1) The applicant is at least 18 years old
 - (2) No other park permit has been issued for an overlapping date and time, and no park permit application for an overlapping date and time was submitted prior and is still pending
 - (3) The applicant pays the proper permit fee listed in the Fee Schedule
 - (4) The applicant agrees to be financially responsible for any damages incurred by the city at the park rental area during the permitted time.
 - (5) The applicant agrees to any other conditions imposed by the director of public works.
- iii. Terms of Use. Each applicant for a park permit shall be bound by the following conditions:
- (1) A permittee shall ensure that the use of the park rental area does not significantly impair or detract from the use of the remaining area of the park by the public.
 - (2) A permittee shall ensure no alcohol is consumed in the permitted rental area unless specifically authorized by the park permit.
 - (3) A permittee shall ensure that all persons utilizing the permitted rental area comply with all laws.
 - (4) A permittee shall leave the permitted rental area and any city property or equipment in at least as good of condition as it was upon the permittee's arrival.
- iv. Cancellation. A permittee may cancel the permit at any time. If a permit is canceled prior to the date of the permit, the director shall retain 20% of the fee amount for administrative expenses and refund the remaining balance. No refund will be issued for cancellations on the date of the permit.
- v. Revocation. The director of public works may revoke a permit if the permit holder violates any terms of use. No refund will be issued if a permit is revoked.

4. Trees and Plant Materials.

a. Planting Regulations.

- i. The Forestry Division of the Department of Public Works is responsible for the planting of all trees and other plant material in ~~City parks-and parklands~~ in accordance with the policies and procedures of the Department.
 - ii. The Forestry Division shall determine the location and species of all plant materials planted in ~~City parks-and parklands~~.
 - iii. The Forestry Division may, at its discretion, remove or cause the removal of any tree or plant material located in ~~City parks-or on City parklands~~ deemed inappropriate or hazardous.
- b. Maintenance.
 - i. The Forestry Division shall be responsible for the maintenance of trees and other plant material on ~~City parks and parklands except as provided herein~~.
 - ii. ~~(The owner, occupant or person in charge of each lot or parcel of land shall maintain the terrace area between the walk and the curb or, in the absence of a sidewalk, the area between the pavement and the property line.~~
~~In lawn terrace areas, grass and weeds shall be maintained at a height not to exceed six (6) inches in length. Noxious weeds shall be destroyed as provided in Wis. Stat. 66.0407(3). Such areas shall be kept in good condition and repair and free from debris. In paved terrace areas, the pavement shall be kept free and clear of weeds, vegetative materials and debris. If the owner, occupant or person in charge of any property fails to maintain the terrace area abutting their property as provided in Subds. (1) and (2), the Director of Public Works or his designated agent, after giving five (5) days written notice to the owner, occupant or person in charge of the property, is authorized to perform the required maintenance. The cost of such maintenance shall be charged against the owner of the property as provided is Wis. Stat. 66.0703. In any one (1) calendar year, where, on private property, the Director has authorized required maintenance, as described in Subd. (3), subsequent required maintenance shall not require a five (5) day written notice prior to the Director again authorizing the performance of maintenance on said property.~~
(Reserved.)
 - iii. No person shall plant, cut, prune, or remove any tree or shrub in a ~~City park-or parkland~~ or cut, disturb or interfere in any way with the roots of any tree or spray trees or shrubs with any chemical herbicide or insecticide in a ~~City park-or parkland, without first receiving permission from the Director of Public Works. Such permission is not required for the use of products associated with the maintenance of turf in the area between the pavement and adjacent property line.~~
 - iv. No person shall break or injure any tree or shrub planted in any ~~City park-or parkland~~.

5. Public Use of Parks. All parks shall be open to use by the public except as limited by this subsection.

- a. Hours of Operation. No person may enter or remain in a park in violation of the hours posted by the director of public works unless authorized by a park permit. If no hours are posted, no person may enter or remain in a park between the hours of 10:00 p.m. and 6:00 a.m. unless authorized by a park permit.
- b. Temporary Closure. No person may enter or remain in an area of a park closed by the director of public works for construction, maintenance, or other reasons.
- c. No Trespass Order. No person may enter or remain in a park during the time that a no trespass order prohibits the person from entering or remaining in that park.
 - i. Issuance. A police officer may issue and serve a no trespass order to a person if that person has committed a law violation in a park. A no trespass order may be effective for up to 1 year after the date of issuance.
 - ii. Content. The order shall contain the following information:
 - (1) The name of the person against whom it is issued;
 - (2) The signature of the issuing police officer;
 - (3) The date of issuance;
 - (4) The date, time, location, and type of the law violation that justifies the no trespass order;
 - (5) The duration of the order;
 - (6) A list of the prohibited park(s);
 - (7) Notice of the penalties for an act in violation of the order; and
 - (8) Notice of the right to appeal the order's issuance.
 - iii. Appeal. Any person who has been served a no trespass order may appeal the order by submitting an appeal form to the City Clerk within 10 calendar days of issuance of the no trespass order.
 - iv. Scheduling. The City Clerk shall notify the appellant and the City Attorney of the hearing date, time, and location, and shall schedule the hearing no more than 30 days after the appeal is filed.
 - v. Hearing. The administrative appeals review board shall hear the appeal. The administrative appeals review board shall uphold a reasonable order, modify the order to ensure the order is reasonable, or rescind the order if it is not reasonable.
- d. Park Permit. No person may enter or remain in a park rental area during the time in which a park permit is effective for that rental area, unless allowed by the permit holder.

SECTION 2: **ADOPTION** “11.135 Terraces And Boulevards” of the City Of West Allis Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

11.135 Terraces And Boulevards (Non-existent)

AFTER ADOPTION

11.135 Terraces And Boulevards(*Added*)

1. Definitions.

- a. “Terrace” means the area between the sidewalk and the curb or, in the absence of a sidewalk, the area between the curb and the abutting property line.
- b. “Boulevard” means the area between curbs on a median strip or island that separates a street.

2. Board of Public Works. The board of public works shall govern, manage and control all terraces and boulevards within the City in accordance with Wis. Stat. 27.08(3).

3. Director of Public Works. The director of public works shall have authority to manage, change, improve and maintain City terraces and boulevards as authorized by the board of public works.

4. Trees and Plant Materials.

a. Planting Regulations.

- i. The Forestry Division of the Department of Public Works is responsible for the planting of all trees and other plant material in all City terraces and boulevards in accordance with the policies and procedures of the Department. No other persons, including those who abut the terraces, shall plant any type of vegetation or flowers in the terraces or boulevards.
- ii. The Forestry Division shall determine the location and species of all plant materials planted in City terraces and boulevards.
- iii. The Forestry Division may, at its discretion, remove or cause the removal of any tree or plant material located in City terraces and boulevards deemed inappropriate or hazardous.

b. Maintenance.

- i. The Forestry Division shall be responsible for the maintenance of trees and other plant material on City terraces and boulevards except as provided herein.
- ii. The owner, occupant or person in charge of each lot or parcel of land shall maintain the terrace abutting their property line.
 - (1) In lawn terrace areas, grass and weeds shall be maintained at a height not to exceed six (6) inches in length. Noxious weeds shall be destroyed as provided in Wis. Stat. 66.0407(3). Such areas shall be kept in good condition and repair and free from debris.
 - (2) In paved terrace areas, the pavement shall be kept free and clear of weeds, vegetative materials and debris.
 - (3) If the owner, occupant or person in charge of any property fails to maintain the terrace abutting their property as provided

in Subds. (1) and (2), the Director of Public Works, or their designated agent, after giving five (5) days written notice to the owner, occupant or person in charge of the property, is authorized to perform the required maintenance. The cost of such maintenance shall be charged against the owner of the property as provided is Wis. Stat. 66.0703.

(4) In any one (1) calendar year, where the Director has authorized required maintenance, as described in Subd. (3), subsequent required maintenance shall not require a five (5) day written notice prior to the Director again authorizing the performance of maintenance on said property.

iii. No person shall plant, cut, prune, or remove any tree or shrub in a City terrace or boulevard; cut, disturb or interfere in any way with the roots of any tree or shrub in a City terrace or boulevard; or spray any tree or shrub in a City terrace or boulevard with any chemical herbicide or insecticide, without first receiving permission from the Director of Public Works. Such permission is not required for an owner, occupant or person in charge of a lot or parcel of land that abuts a City terrace to use products associated with the maintenance of turf in the abutting terrace or to prune suckers (sprouts or slim branches of new growth) from the base of trees located in the abutting terrace.

iv. No person shall break or injure any tree or shrub planted in any City terrace or boulevard.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis