



## PARKS CODE OF CONDUCT

Adopted: \_\_\_\_\_

### **PURPOSE**

One of the goals of the City of Milton is to provide diverse opportunities for fun and life-long learning. Community members can find these opportunities in many of the City's parks. While the Parks & Recreation Commission recognizes that everyone is free to use the City's Parks for their intended purposes, and the intended purposes of a Park are numerous, the Commission finds that if a park user's behavior is such that it negatively impacts the use and enjoyment of the park by others, this person should not be allowed to use the City's park, or Parks, for a period of time. This is especially the case with repeat offenders.

Wisconsin Statutes Sec. 27.08(1) gives cities the authority to create a board of parks commissioners empowered and directed to carry out certain specified acts, duties, and responsibilities. The City of Milton created the Parks & Recreation Commission pursuant to this Section through the enactment of Section 2-321 in the Code of Ordinances. Wis. Stat. Sec. 27.08(2)(a) expressly states that the City of Milton Parks & Recreation Commission is empowered and directed to:

*[G]overn, manage, control, improve and care for all public parks, parkways, boulevards and pleasure drives located within, or partly within and partly without, the corporate limits of the city, and secure the quiet, orderly and suitable use and enjoyment thereof by the people; also to adopt rules and regulations to promote those purposes.*

Pursuant to this express authority, the City of Milton Parks & Recreation Commission has established this Parks Code of Conduct to ensure City of Milton parks are safe, welcoming, and available to all potential park users to enjoy for their intended use. This policy sets forth the types of behavior that the Commission finds infringes upon the use and enjoyment of Parks, the consequences for such violations of the Parks Code of Conduct, and the creation of due process protections for those sought to be restricted from using the City's parks.

### **OVERVIEW AND DEFINITIONS**

No individual may engage in inappropriate behavior contrary to this Code of Conduct in the Parks. When possible, City staff will first educate individuals about the applicable policies before taking stronger measures to enforce those policies.

For the purposes of this behavioral policy, "Park", or "Parks", includes all City of Milton property subject to the authority of the Parks & Recreation Commission, and includes the City parks and park facilities, and all portions thereof, including any shelters, restrooms, buildings, or other enclosures. This definition includes the Tails n Trails Dog Park.

"Inappropriate Behavior" includes any individual or group activity which unreasonably interferes with or unreasonably disturbs another individual's lawful use and enjoyment of the parks, or any activity which is otherwise inconsistent with the activities, programs, and services normally associated with a public park.

## **INAPPROPRIATE BEHAVIOR**

For the purposes of this Code of Conduct, Inappropriate Behavior within the parks shall include, without limitation by enumeration, the following conduct or behaviors which the Commission finds compromises the use and enjoyment of the Parks, and the safety, security and maintenance thereof:

- Committing or attempting to commit any activity that would constitute a crime or a violation of City or County ordinances or State Statutes.
- Selling, distributing, or using any dangerous weapon as that term is defined in Wis. Stats. sec. 939.22(10) or using or threatening the use of any other object in such a manner that it may be considered a weapon.
- Fighting, engaging in any physically intimidating or assaultive behavior, or making any threats of violence or other unlawful activities. The Parks & Recreation Commission has a policy of zero tolerance for threats and acts of violence in Parks. Any person engaging in such behaviors will be immediately ejected from the park.
- Possessing, selling, distributing, or consuming a controlled substance without a prescription.
- Engaging in behavior that is disruptive, harassing, or threatening in nature to park users or staff, including stalking, unwanted physical contact, or verbal abuse.
- Engaging in explicit sexual activities or conduct.
- Interfering with the safe and free passage of park users or staff in parks, including, but not limited to, lying, sitting, or placing objects (bags, personal items, strollers) in hallways, aisles, floors, doorways, vestibules, bathrooms, or elsewhere in a manner that unreasonably impedes the free passage of persons about the park or within park facilities.
- Trespassing by entering or remaining on or in a park premises after having been notified by an authorized individual not to do so, and entering or remaining on or in a park premises during the period in which an individual has been banned from the premises.
- Entering non-public areas of the park without permission.
- Theft or intentional damage of park grounds, materials, furniture, equipment, or facilities.
- Improperly using or loitering within park restrooms or facilities in a manner which unreasonably prevents access to and use of the restrooms by other users or City staff; damaging restrooms or leaving them in a condition such that they are unusable by others.
- Engaging in behavior that otherwise unreasonably interferes with or disrupts, or has the strong likelihood of interfering with or disrupting, the intended use of the park, or the services, amenities, or other activities normally associated with the use of public parks (including participation in programs, activities, and services), including making ongoing noise or using personal electronic equipment at such a volume that it interferes with park services and activities.
- Engaging in repeated violations of this Code of Conduct, City or County Ordinances, or State Statutes.
- Not abiding by the rules established for a specific park posted at the park.

## **WARNING & BANNING PROCESS**

1. If a City staff member observes behavior that is considered inappropriate based on this Code of Conduct, they will ask the park user to stop the inappropriate behavior and will warn the park user if the behavior continues they will be asked to leave the park. A violator who refuses to correct their behavior or who becomes belligerent will be asked to leave for the day. Provided that if the behavior is such as to constitute a present danger to other park users, the

individual will be directed to leave the park immediately. Depending on the situation, the City staff member may request assistance from the Milton Police Department.

If the inappropriate behavior is observed by a park user, the park user can report the inappropriate behavior to the Public Works Director, who may contact the Milton Police Department to take the complaint depending on the severity of the behavior and other factors.

2. If the park user's inappropriate behavior is repeated on a later date and it is reported by City staff or by another park user to the Public Works Director, the complaint will be reviewed by a committee consisting of the Public Works Director, Police Chief, and Administrative Services Director. The committee may determine it's necessary to ban the violator from the park premises for a period of time to be determined by the committee depending on the circumstances of the inappropriate behavior. A formal notice of the ban from the committee will be mailed to the park user, and the committee will make an attempt to contact them via phone if a number is available.

All incidents will be documented. In the event that a park user's behavior constitutes an imminent threat to the park, other park users, or staff, City staff or another park user may call the police for assistance.

If an individual who is banned attempts to return to the park, such an act will be considered trespassing and the police will be called to remove the person from the premises and potentially issue a citation.

The above guidelines are for the comfort and protection of all and are to be courteously and firmly enforced by City staff. City staff has the right to use professional judgment depending on the nature and the seriousness of the offense which required removal, the extent of damage or disruption caused, any history of prior infractions of park polices or rules, and other relevant circumstances. If necessary, the police may be called for assistance.

### **APPEAL PROCESS**

Any individual who is banned from a park for any period of time may appeal to the Parks & Recreation Commission within 10 days of the date the notice was sent by filing an appeal in writing to the Public Works Director and sending the letter to 710 S. Janesville Street, Milton, WI 53563. The Parks & Recreation Commission will hear the appeal at its next regularly scheduled meeting.