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City of Wauwatosa Park Rules and Behavioral Policy

Purpose | Overview and Definitions | Inappropriate Behavior | Park Rules | Rental Rules | Staff Response to Infractions | Notice Procedure | Ejection/Exclusion Procedure | Appeals Process | Notice of Ban

Purpose

To implement a City of Wauwatosa policy regarding ejection/exclusion from City Parks. We have had recurring problems with a small number of Park users whose behavior in recreational open areas, restroom facilities, shelters and other places have infringed upon the intended use of the Parks by other users. This behavior has included, among other things, vandalism, climbing on building roofs, loitering in restroom facilities, directing abusive or threatening behavior toward other parks users, and engaging in unlawful activity. Efforts have been made by the City of Wauwatosa Department of Public Works and the Police Department to address this sort of activity, utilizing improved signage, installing anti-climb rollers, educating park users, verbal warnings, and police intervention, however the underlying behavior issues remain. While the City 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 City finds that if a Park user's behavior is such that it impacts the use and enjoyment of the Park by others that 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.

The City of Wauwatosa has established this Park Rules and Behavioral Policy (the "Policy") to ensure that City of Wauwatosa Parks are safe, welcoming and available to all potential Park users to enjoy for their intended use. In conjunction with City of Wauwatosa Ordinance Section 7.64 Park Rules and Regulations, this Policy sets forth the types of behavior that the City finds infringes upon the use and enjoyment of the Parks, the consequences for such violations of the Policy, 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 the Policy in the Parks. When possible, City of Wauwatosa Department of Public Works Staff ("DPW Staff") will first educate individuals about the applicable policies and issue a verbal warning before taking stronger measures to enforce those policies. DPW Staff shall consist of all full-time employees who have been trained on this policy and authorized to implement said policy by the Director of Public works or their designee.

For the purposes of this Policy, "Park", or "Parks", includes all City of Wauwatosa property subject to the authority of the City, and includes the City parks and park facilities, and all portions thereof, including any shelters, restrooms, buildings, or other enclosures.

"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. This includes violation of any applicable rules or laws established in this policy, by statute, or by ordinance.

"DPW Staff" shall include all employees of the City of Wauwatosa Department of Public Works who have been authorized by the Director of Public Works to enforce the Policy, as well as Wauwatosa Police Department officers.

Inappropriate Behavior
For the purposes of this Policy, Inappropriate Behavior shall include, without limitation by enumeration, the following conduct or behaviors which the City 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.
- 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 City 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.
- Bringing an unleashed dog or other animal into a park, unless allowed under Wauwatosa ordinances.
- 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 damaging of Park 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 DPW Staff; damaging restrooms or leaving them in a condition such that they are unusable by others.
- Vending in Parks without, or contrary to, a valid vending permit.
- Engaging in behavior which unreasonably interferes with, or has the strong likelihood of interfering with, the use and enjoyment of the Park by another, including interfering with another's use and enjoyment of a Park facility which that person has rented.
- 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.

- Drives or parks a motorized vehicle in areas other than the paved roadway and parking area; motorized vehicles may only park in designated parking spots and are not permitted on bicycle pathways, service drives or grass other than emergency, law enforcement or Park Staff vehicles.
- Rides bicycle, electric bicycle or electric scooter in non-designated areas or areas marked "No Bicycles or Scooters Allowed"; all bicycles and scooters are permitted on streets, paths, sidewalks and in parking lots and operators must yield right of way to pedestrians.
- Engaging in repeated violations of this Behavioral Policy, City or County Ordinances, or State Statutes.

Park Rules and Regulations

The following rules and regulations have been enacted to promote the orderly governing, management, improvement and care for the Parks located within the city limits of Wauwatosa, and to secure the quiet, orderly and suitable use and enjoyment thereof by the people, which rules and regulations are approved and adopted by the Common Council of the City of Wauwatosa. Whoever does any of the following within a City Park in the City of Wauwatosa may be punished pursuant to City of Wauwatosa Ordinance Section 2.38.020 by a forfeiture of an amount not to exceed one hundred dollars, plus costs of prosecution. Any individual violating Park rules is also subject to the City's Park Rules and Behavioral Policy:

1. Park Rules

- Disorderly Conduct. Engages in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance;
- Trespasses by entering or remaining on or in a Park premises or non-public area of the Park 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;
- Litters or deposits any type of debris or waste material in other than a proper container;
- Has in his or her possession a firearm or dangerous weapon except as specifically permitted by state law;
- Brings upon such property an unleashed dog or other animal; animal feces must be picked up and disposed of properly;
- Destroys, defaces, climbs upon contrary to the manner the for which the item was designed, or theft of public property, which includes but is not limited to buildings, plants, shrubs and trees or park equipment and furniture;
- Possesses, sells, distributes, or consumes upon the premises illegal drugs as defined in Wisconsin Statutes Chapter 961;
- Without permission of the Director of Public Works or designee, through a rental agreement or other written agreement, brings upon and/or uses upon the premises intoxicating beverages. Individuals are allowed to bring upon and consume intoxicating beverages at the 69th Street Plaza if such beverages are for their personal use only. A "Class B" license will be required to permit the sale of beer or wine;
- Engages in illegal gambling as defined in Wisconsin Statutes Chapter 945;
- Drives or parks a motorized vehicle in areas other than the paved roadway and parking area; motorized vehicles may only park in designated parking spots and are not permitted on bicycle pathways, service drives or grass other than emergency, law enforcement or park staff vehicles;
- Rides bicycle, electric bicycle or electric scooter in non-designated areas or areas marked "No Bicycles or Scooters Allowed"; all bicycles and scooters are permitted on streets, multi-use paths and in parking lots and operators must yield right of way to pedestrians;

- Except for Park employees, permitted users or officials, anyone found on the premises outside of park hours of 7:00 am to 10:00pm or after the Park has been declared closed by approved personnel. Closing hours for a Park shall be determined by the Director of Public Works or designee;
- Without the permission of the Director of Public Works or designee and by permit issued by the Wauwatosa Fire Department, discharges, explodes, fires, or uses firecrackers, sparklers, rockets, torpedoes, bombs, caps, roman candles, explosives, smoke or party novelties;
- No person shall erect any structure, tent, or edifice unless noted and approved on the reservation permit application. Any such structure, tent or edifice approved must be weighted down and cannot be staked into the ground. Tent size must be less than 400 square feet; tent sizes 400 square feet and greater and any additional tents are not permitted without the approval of the Wauwatosa Fire Department. Inflatable structures shall not be permitted without proper approval and proof of liability insurance. Written permission for use of stakes may be granted by the Director of Public Works, after consultation with the Milwaukee Metropolitan Sewerage District, only in extraordinary circumstances where no alternative installation method exists;
- Signs and advertisements will not be permitted unless approved by the Director of Public Works or designee. Approved signage will not be allowed outside of designated rental times;
- Smoking or use of electronic devices with electrical ignition or vaporization is not permitted inside City buildings or structures;
- Vending in Parks without, or contrary to, a valid vending permit.
- No amplified sound without written authorization by the Director of Public Works or designee.
- In order to ensure the integrity of the flood protection earthen levee and underground utilities at Hart Park no person shall install or cause to have installed stakes, fence posts, or any other object into the ground at Hart Park without written permission from the Director of Public Works. Written permission may be granted by the Director of Public Works, after consultation with the Milwaukee Metropolitan Sewerage District, only in extraordinary circumstances where no alternative installation method exists.

The Director of Public Works may issue additional separate rules for specific areas of the Park such as the stadium field and track, the tennis courts, the rotary stage, etc. Violations of these rules are subject to the forfeiture described above.

2. Use permits.

- Written permits may be issued by the Director of Public Works or designee for purposes of reserving a part of or the entire Park/s, for a specified event and groups of persons on a specific date. Any person who interferes with such use as permitted by the Director of Public Works or designee may be expelled from the Park and may be subject to prosecution for disorderly conduct.
- A permit shall be obtained from the Director of Public Works or designee. Such permit shall set forth the name and address of the applicant, the name and address of the person, persons, corporation or association sponsoring the activity, if any, the day and hours for which the permit is desired, the part or portion thereof for which such permit is desired, an estimate of the anticipated attendance, and any other information which the Director of Public Works or designee finds reasonably necessary to make a fair determination as to whether a permit should be issued hereunder. Failure to comply with rules set forth in written permits may result in loss of permit, permission to obtain a future permit and may be subject to prosecution as outlined in Section 7.64.020.
- No person shall erect any structure, tent, or edifice unless noted and approved on the reservation permit application. Any such structure, tent or edifice approved must be weighted to the ground and cannot be staked into the ground. Tent size must be less than 400 square feet; tent sizes 400 square feet and greater and any additional tents are not permitted without the approval of the Wauwatosa Fire Department, and may be subject to fees. Inflatable structures shall not be permitted without proper approval and proof of liability insurance.

- Any permit for purposes of reserving all or part of the Park does not grant exclusive use to the parking lot.
- Permittee is required to assure that the performance or replay of any live or recorded music is properly licensed.

3. Bond may be required.

To assure proper cleanup and conduct, the Director of Public Works or designee may require a bond or other form of financial security approved by the City Attorney (also referred to as a damage deposit). If permittee or an event attendee does any of the following, this may result in a forfeiture of part or all of the bond that has been posted:

- Failure to leave the premises in as clean a condition as they were found;
- Occupies rental space outside agreed upon rental time as designated on reservation permit;
- Use of prohibited decorating materials;
- Use of unapproved equipment or materials on sports fields;
- Conduct in violation of Park Rules and Behavioral Policy.

4. Standards for use permit issuance.

The Director of Public Works or designee shall issue a permit hereunder when he or she finds that:

- The proposed activity will not unreasonably interfere with or detract from general public enjoyment of the park, including keeping noise at a reasonable level pursuant to Noise Ordinance 7.46;
- The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- The proposed activity and use is not anticipated to incite violence, crime or disorderly conduct;
- The proposed activity will not entail unusual, extraordinary or burdensome expense of police operation by the City;
- The facilities desired have not been reserved for other use on the day required in the application.

5. Appeal.

Within ten days after receipt of an application, the Director of Public Works or designee shall apprise an applicant in writing of his or her reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten days after being refused a permit to the Board of Public Works, which shall consider the application under the standards set forth above. The decision of the board of parks and forestry commissioners shall be final.

6. Effective permit.

A permittee shall be bound by all Park rules and regulations and all applicable ordinances, state and federal statutes, fully as though the same were inserted in the permits.

7. Liability of the permittee.

The person or persons to whom such permit is issued shall be liable for any loss, damage or injury sustained by any person by reason of the negligence of the person or persons to whom such permit has been issued.

8. Revocation**.**

The Director of Public Works or designee shall have the authority to revoke a permit upon a finding of a violation of any rule or ordinance, or upon good cause shown.

Rules and Behavior for Park Rental Facilities and Spaces

For the purposes of this Policy, Inappropriate Behavior shall also include, without limitation by enumeration, the following rules which the City finds compromises the use of certain rental facilities and spaces within City Parks:

- Rentals do not include the exclusive use of parking lot. Parking may be limited due to other activities. Halls are available for use at times determined by DPW Staff.
- Amplified music is not permitted in Hart Park, with the exception of use of the Rotary Stage. Renter is required to assure that the performance or replay of any live or recorded music is properly licensed. Music shall be kept at a reasonable level so as not to disturb other rentals or general neighborhood peace, to be determined by Park staff and pursuant to City of Wauwatosa Noise Ordinance 7.46.
- Hart Park and the City of Wauwatosa are not responsible for any lost or stolen item.
- All guests, personal belongings, rented equipment and appurtenances, hired musicians and DJs, caterers and planners must be out of the rented space at the end time of the rental.
- If the renter wishes to cancel a reservation, the Department of Public Works Office must be notified in writing. Refunds or rescheduling will not be available for any rentals cancelled without proper notification by renter. In the event of inclement weather, DPW Staff will notify the renter if the rental will be cancelled. Refunds will not be given for cancellations due to inclement weather. Cancellations can be rescheduled for a later date during the current season. Any renter found to be utilizing the premises after the rental has been cancelled by DPW Staff will be held liable for damage and/or injury
- Decorating and cleanup time should be included in the reservation time. Do not hang or adhere decorations from any fixtures or equipment. No glitter or confetti is allowed. Do not use staples or nails to affix decorations to surfaces.
- Everything brought in by the renter must be disposed of by the renter by closing time. Any necessary cleanup beyond normal sweeping and mopping will be charged to the renter. Additional time spent before or after hours of use as per the rental agreement will result in loss of deposit. Any violation of the Park Rules and Behavior Policy may result in loss of damage deposit. Any refund of the damage deposit will be made within 3 weeks of the rental
- There shall be one adult chaperon over the age of 21 present for every 20 persons under the age of 18. The chaperons shall remain in attendance during the entire event. The Park Supervisor may require the names and phone numbers of chaperons, to be provided 14 days prior to the event. If any person under 18 years of age leaves an event, reentry to the event will be denied unless escorted by a chaperon. In addition, the renter shall provide security for any event greater than or equal to 175 attendees, from a licensed and bonded security firm at the renter's expense. One (1) Security Guard shall be provided for attendance of 175-349 guests; two (2) Security Guards shall be provided for attendance of 350 and above guests.
- No intoxicating beverages shall be allowed without permission. Intoxicating beverages cannot be sold nor served to any minor under the legal drinking age. A Class "B" Beer & Wine License is required whenever beer or wine is being sold. Contact the City Clerk's Office at Wauwatosa City Hall for more information. A food-selling permit is required when selling food to the public. Contact the City's Health Department for more information
- A Certificate of Insurance shall be required for public gatherings based on identifiable risk. Insurance coverage should hold a minimum limit of $1,000,000 per occurrence and name the City of Wauwatosa and its employees as additional insureds. Special event liability insurance can be obtained from www.eventinsure.com
- Rotary stage renters may utilize their own audio/visual equipment or arrange for audio/visual equipment rental through any vendor they would like. The renter and/or vendor shall coordinate with the Park Supervisor prior to rental so that proper equipment is specified.
- Renter is responsible for making arrangements for refuse collection that will accommodate their event appropriately. Additional refuse removal services needed beyond bins located within Hart Park or provided

through special event permit can be obtained by contacting a refuse removal vendor.

- No person shall erect any structure, tent, or edifice unless noted and approved on the reservation permit application. Any such structure, tent or edifice approved must be weighted down and cannot be staked into the ground. Tent size must be less than 400 square feet; tent sizes 400 square feet and greater and any additional tents are not permitted without the approval of the Wauwatosa Fire Department. Inflatable structures shall not be permitted without proper approval and proof of liability insurance.
- Use of the Stadium and Field and all rentable premises within will be by permit only. The permittee is responsible for the conduct of all players, coaches, coaching staff, administrators and spectators. The Stadium and Field are available for use at times determined by DPW Staff.
- All users of the field are required to clean up their team area after using the field.
- Players, coaches, school employees, athletic trainers, game officials, and/or spectators must wear turf shoes, tennis shoes, or rubber cleats on the field. No metal cleats are allowed on the stadium field. All shoes must be clean before entering the field, and cleats must be washed. Proper shoes must be worn when using the track. No metal cleats or spiked heels of any type can be worn on the track.
- Any tape used by players, coaches or athletic trainers must be removed from the field following any event.
- No gum, seeds or any kind of nuts is allowed on or around the field turf. This includes players, coaches, school or park employees, game officials, athletic trainers and or any spectators.
- No confetti or any small non-degradable materials is permitted on or near the field.
- Any person wishing to use chairs, tables, canopies, or any potentially damaging objects may not be placed on any part of the field turf without permission.
- Only freestanding field markers and sports equipment may be used on the artificial surface. No stakes, poles, or markers of any kind may be driven into the field surface.
- No storage of any equipment is allowed on the field areas.
- No dogs or animals of any sort are allowed in the Stadium.
- No bikes, roller blades, strollers, motorized or electric vehicles are allowed on the field or track at any time.
- Water is the only beverage that is permissible on the field. No sports drinks or other beverages are allowed.
- No tobacco or alcohol products are to be used on or near the field turf. No smoking is allowed on the field or in the stadium.
- No fireworks are allowed in the Stadium.
- Any damage to the field caused by failing to follow the field turf regulations will result in a fine to cover the cost of cleaning and/or repair to restore the field to its prior condition. DPW Staff will inspect the field and stadium after each use and fill out a condition report.

Staff Response to Infractions

Violation of these behavioral policies can result in ejection or expulsion from the Park(s), or portions thereof, as set forth in this Policy. Minor violations of these rules will first result in DPW Staff attempting to educate or verbally warn individuals about the policies before enforcing such policies. DPW Staff will give a person a reasonable opportunity to stop engaging in the disruptive activity or Park violation. If an individual continues to violate these policies, DPW Staff will provide notice and may order the individual to leave for the day. Failure to give an actual verbal warning does not nullify the effectiveness or enforceability of an ejection or exclusion. However, any conduct that threatens the life or safety of any person or unreasonably interferes with the intended use of the Park or that is damaging to Park property, equipment or facilities may result in immediate expulsion

from the Park premises. DPW Staff is authorized, and encouraged, to contact the Wauwatosa Police Department to respond to such situations.

Authorized personnel may impose an ejection/exclusion using the following guidelines:

- Minor rules infraction - Ejection for remainder of the day
- Misdemeanor - Exclusion from Parks for 1 - 30 days
- Gross Misdemeanor/Felony - Exclusion from Parks for 30- 365 days

Violations of this Policy (even if a single isolated event) may result in individuals being ejected or excluded from the Park(s) from one (1) day to one (1) year. In imposing this exclusion, DPW Staff will follow the established procedures below. DPW Staff will call the Wauwatosa Police Department for severe or illegal behavior or when an individual refuses to leave when told by Staff to do so.

The City of Wauwatosa understands that it may not be safe, practical or efficient to empower only DPW Staff with the authority to enforce this Policy. Therefore, the Wauwatosa Police Department is hereby authorized to enforce this Policy, subject to the same rules and restrictions as set forth herein that apply to DPW Staff.

Notice Procedure

Notice required to be provided under this Policy shall be made by DPW Staff to the person in question. Notice should be provided in writing, and reasonable efforts shall be made to accommodate any language or communication barrier between staff and the person. If a person will not accept the written notice, it may be left by DPW Staff near the person. If a person leaves the Park before notice can be given, notice may be sent to the person's last known address, or served upon them at a later date. DPW Staff shall record the method of providing the person notice. The notice shall identify the person, inform the person of the behavior observed that was in violation of the Policy, inform the person of the specifics of the exclusion, and describe the person's appeal rights. When possible, DPW Staff should also inform the person verbally of the specifics of the exclusion.

Ejection/Exclusion Procedure

Violations of this Policy that are either observed by DPW Staff, other City of Wauwatosa employees (including Police Officers), Parks users or other persons are subject to this exclusion procedure. All such violations shall be documented and kept on file at the Department of Public Works. If a violation is not seen by DPW Staff, the accuracy of the report shall be determined and all evidence considered, and DPW Staff may proceed with these exclusion procedures if there is a reasonable probability to believe that a person committed a violation of the Policy.

If a person who violated this Policy fails to or refuses to property identify themselves to DPW Staff, the required notice shall still be served upon the person and efforts shall be made to identify the person based upon their appearance or other characteristics, with a photograph taken if possible. If a person is later found to have intentionally provided false identifying information to DPW Staff, the person shall be excluded for not less than thirty (30) days, in addition to any other penalties that might be imposed.

A person excluded from a Park pursuant to this Policy shall be informed that as a result of the exclusion that, on behalf of the City of Wauwatosa, during the period of the exclusion he or she does not have permission to enter or remain at the Park and that if the person returns to the Park during the period of the exclusion, or remains at the Park after notified of the exclusion, that he or she will be trespassing and subject to an ordinance or statutory enforcement action.

After DPW Staff determines that a person has violated the Policy, and DPW Staff has determined that the individual involved should be ejected/excluded from the Park, or portion thereof, the following procedures and

rules shall apply:

1. DPW Staff shall issue notice to the person ejected /excluded from the Park for twenty-four (24) hours. A ban of 24 hours or less is not reviewable, but the Person may, within seven (7) days of receiving notice, appeal the determination that they violated the Policy to the Director of Public Works, who, after considering the evidence, shall determine whether there was a basis to support the DPW Staff's determination that there existed a reasonable probability to believe that the person committed a violation of the Policy.

   If the ejected/excluded person refuses to leave, or returns to that same Park during the 24 hour exclusion period, and the Police Department is required to remove the person from the Park, DPW Staff will issue a thirty (30) day exclusion regardless of whether the Police Department cites or arrests the person for trespassing.

   If a person complies with the 24 hour exclusion, but then receives a second written notice for an additional Policy violation within thirty (30) days, the person will be subject to a thirty (30) day exclusion, in addition to any other penalties that might be imposed.

2. If a person receives a second exclusion at the same Park during a one (1) year period, the person shall be subject to a ban of not less than thirty (30) days and no more than one (1) year from the Park.

3. In the event that a person subject to an exclusion from one Park receives an exclusion from a second Park during a one (1) year period, then that person shall be excluded from the entire Park system for a period of not less than thirty (30) days and no more than ninety (90) days.

4. In the event that a person receives three (3) or more exclusions within one year, at any Park, the person shall be subject to an exclusion of not less than thirty (30) days and no more than one (1) year from any or all Parks.

5. DPW Staff will promptly forward a copy of the notice and incident report to the Director of Public Works. After consultation with DPW Staff and a review of the evidence, if the Director of Public Works agrees with DPW Staff's finding that there existed a reasonable probability to believe that the person committed a violation of the Policy, as well as the scope and length of the exclusion imposed, then the Director of Public Works shall take no further action. However, if the Director of Public Works deems it appropriate to rescind or modify the terms of the exclusion, the Director of Public Works shall have the authority to do so and shall thereupon notify the individual in writing about the decision to rescind or modify the exclusion and specify the reasons for the rescission or modification and the terms of any modified exclusion. The Director of Public Works shall also notify the excluded individual of the process for appealing any modified exclusion, as set forth below.

6. In determining the length and scope of any exclusion under Sections 2-5, DPW Staff and the Director of Public Works shall consider the person's underlying behavior, the person's history of behavioral violations at the Parks, and the impact of the person's behavior upon others' use and enjoyment of the Parks.

The notice of exclusion shall be in writing and signed by DPW Staff issuing the exclusion. The notice shall include:

1. The date, length and place(s) of the exclusion.
2. Specification of whether Inappropriate Behavior or Park Rule Violation serves as the basis for the exclusion, and if applicable the provision of law the person has violated.

3. A brief description of the Inappropriate Behavior or Park Rule Violation.
4. Information on the right to appeal.
5. A warning of consequences for failure to comply.

Appeals Process

Upon a written request filed by the excluded person with the Director of Public Works prior to the expiration of the exclusion period, the Director of Public Works will review the decision to exclude an individual and the terms thereof, and may uphold, rescind or modify the length and scope of the exclusion based upon the information presented by staff and submitted by the individual. A person may only file one appeal of an exclusion. The Director of Public Works must respond to the request within thirty (30) days of the filing of the request. The Director of Public Works shall notify the excluded individual in writing about the decision to uphold, rescind or modify the exclusion and specify the reasons for this decision. The Director of Public Works shall also notify the excluded individual that they may appeal the determination of the Director of Public Works to the Board of Public Works by filing a written request with the City Clerk within ten (10) days of the issuance of their decision. Any appeal so requested shall be heard by the Board at the next scheduled meeting, unless the appeal is filed within five (5) business days of the next meeting in which case it shall be heard at the following meeting. Until such time as an exclusion has been rescinded or modified by the Director of Public Works, or rescinded or modified on appeal by the Board of Public Works, the person is subject to the terms and conditions of the exclusion.

Park Rules and Behavioral Policy Approved by the Department of Public Works: **November 16th, 2021**

Park Rules and Behavioral Policy Reviewed by the City of Wauwatosa Attorney's Office: **January 4th, 2022**

CITY OF WAUWATOSA NOTICE OF EJECTION/EXCLUSION

TO: _____ _____

Name Date of Birth

_____

Address

On_____at approximately_____you were observed at_____

Date Time Park

violating the City of Wauwatosa Parks Behavioral Policy. Specifically, you were observed _____

_____

_____

_____

_____

_____

Because of the behavior listed above, and/or other history of Park Rules and Behavioral Policy violations at City of Wauwatosa Parks, you are hereby excluded from the Park(s) or Park(s) facilities noted below for the period of time specified. As a result of this exclusion, you are further informed that, on behalf of the City of Wauwatosa, during the period of the exclusion you do not have permission to be at the Park(s) or Park facility(s) noted below and that if you fail to leave or return to the Park(s) or Park facility(s) during the period of the exclusion that you will be trespassing and subject to an ordinance or statutory enforcement action.

If the Exclusion is for 24-hours or less, this decision is not reviewable, but you may, within seven (7) days of receiving this notice, appeal the determination that you violated the Park Rules and Behavioral Policy to the Director of Public Works, who, after considering the evidence, may determine whether there was a basis to support the staff's determination that a behavioral violation occurred.

For exclusions longer than 24-hours, you may file a written request with the Director of Public Works (City of Wauwatosa Department of Public Works, 11100 W. Walnut Road, Wauwatosa, WI, 53226) prior to the expiration of the exclusion period to review and reconsider the exclusion and the terms thereof. Upon review, the Director of Public Works may, after considering any evidence you and staff present, uphold, rescind or modify the length and scope of the exclusion. You have ten (10) days from the issuance of their decision to appeal this decision to the Board of Parks Commissioners by filing a written request with the City Clerk. The Board of Parks Commissioners shall hold a hearing on your appeal during which you may present evidence, and may call and examine witnesses and cross-examine witnesses of the City. The failure to appear at the Board of Parks Commissioners hearing shall constitute a withdrawal of the appeal. After considering the evidence, the Board of Parks Commissioners may uphold, rescind or modify the terms and conditions of the exclusion.

Until such time as an exclusion has been rescinded or modified by the Director of Public Works, or rescinded or modified on appeal by the Board of Park Commissioners, you are subject to the terms and conditions of the exclusion.

EXCLUDED FROM: _____

PERIOD OF EXCLUSION: _____

Staff Imposing Exclusion: _____

How Notice Given: _____