

**Ordinance 2008-1**  
**TOWN OF SUN PRAIRIE**  
**An Ordinance relating to Parks, Open Space,**  
**Cultural, Natural and Historic Resources**

The Town Board of Supervisors of the Town of Sun Prairie, Dane County, do hereby Ordain as follows:

Article One. The Town Board finds that the Town of Sun Prairie has been authorized by its Town Meeting to exercise Village Powers. Among such powers are the power to provide for the common health, welfare and safety through the enactment of police power legislation. This Ordinance is enacted pursuant to such power and not pursuant to the zoning power of the Town.

Article Two. The "Parks, Open Space, Cultural, Natural and Historic Resources Ordinance" is adopted to read:

A. Purpose.

The purpose of this ordinance is to create a program to create, preserve and maintain parks, recreational facilities, open space, cultural, natural and historic resources to promote the health, safety and general welfare of the community.

B. Definitions:

1. **Committee.** The Parks and Recreation Committee of the Town of Sun Prairie.
2. **Comprehensive Plan.** The land use and community development plan adopted by the Town pursuant to sec. 66.1001, Wis. Stats.
3. **Park.** A park, recreational facility, playground, nature preserve, open space area owned or used by the Town, devoted to passive or active leisure activities and under the jurisdiction of the Town Board.
4. **McCarthy Park Youth and Conservation County Park.** A 200-acre county park located east of the intersection of CTH N and TT which provides youth conservation activities and equestrian trails.
5. **Conservation Easements.** An interest in land which limits the future development of the land in order to prevent harm to the public resulting from encroachment upon farmland, open space or resource areas.

C. Goals, Policies and Objectives.

1. Maintain the town's parks and recreational facilities in a condition which is safe, attractive and available during as much of the year as possible.
2. Use equipment, landscaping and design which reduces long-term maintenance costs and provides safety for park users.
3. Use signage and other means to notify park users of general park rules.
4. Make regular safety inspections of park facilities for potential safety and maintenance problems.

5. Provide Park facilities, including trails, picnic areas, play equipment and recreational facilities which are accessible to the disabled.
  6. Continue to cooperate with school and youth organizations to utilize the town's nature park for educational studies, workshops and construction projects.
  7. Promote volunteer programs to plan, develop, maintain and improve parks and recreational facilities.
  8. Coordinate the development of parks and recreational facilities with other elements of the Comprehensive Plan, particularly the Land Use Element. The siting and design of parks and recreational facilities should further the goals of the Comprehensive Plan whenever applicable.
  9. Recognize the critical and unique environmental features in the community, such as, wetlands, streams, riparian corridors, significant archaeological and historical properties, hillsides and other geological features.
  10. Protect agricultural activity and long-term viability of agricultural land. Maintain protection for reasonable agricultural practices to continue without threat of nuisance actions.
  11. Make maximum use of conservation easements acquired under the Town's Comprehensive Plan to preserve and enhance open space, scenic vistas, environmentally significant areas and cultural, natural, and historical resources in addition to preserving agricultural lands.
- D. Parks and Recreation Committee. The Town Board may establish a Parks and Recreation Committee to advise the Town Board on the location, design and use of town parks and operating rules. The Committee shall consist of one member designated as liaison to McCarthy Park and the Dane County Parks System.
- E. Historical, Cultural and Natural Resources Preservation. Significant historical, cultural and natural features and other points of interest shall be preserved in accordance with state and federal law. The Town Clerk shall identify and maintain a permanent record of such features. The Town may acquire interests in land to protect these resources through dedication, or through conservation easements required as a condition of development under the Town's Comprehensive Plan.
- F. Fees in-lieu-of land for Parks or Open Space. Where in the opinion of the Town Board, there is no land suitable for parks within a proposed land division, or dedication of land would not be compatible with the Comprehensive Plan or any park plan, or the Town Board determines that a cash contribution would better serve the public interest, the Town Board may require the developer/owner to contribute \$2,000\* to the Town Park Fund for each residential parcel created. Fees paid in lieu of conservation easements are also authorized by this section. (\*Refer to current fee schedule).
- G. Park Fund. The Town shall maintain a separate fund balance for the purpose of receiving and holding moneys received for various purposes related to the acquisition and maintenance of park, open space and recreational features, to be known as the Park Fund. The Park Fund shall

receive: all funds paid to the Town in lieu of land dedication; in lieu of conservation easements; contributions from other sources for park development and improvements. There shall be separate accounts within the Park Fund for park acquisition and improvement, open space preservation, and recreation. The Town Board shall have the right to approve or reject all projects funded from the Park Fund.

- H. Amendment or Repeal. This Ordinance may be amended or repealed only by an affirmative vote of the Town Board following a public hearing. Repeal of this ordinance shall not affect any donations, fees or dedications made during its effective period.
- I. Severability. Should any provision of this ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect any of the provisions of this Ordinance.
- J. Effective Date. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

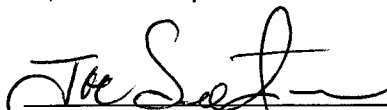
Adopted: May 12, 2008      Posted: May 12, 2008  
Dated this 12<sup>th</sup> day of May, 2008

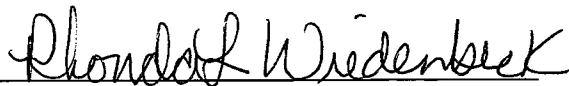
Amended May 28, 2024

Town of Sun Prairie Town Board

  
\_\_\_\_\_  
Lyle Updike, Town Chairman

  
\_\_\_\_\_  
Doug Yerk, Supervisor

  
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Joe Seltzner, Supervisor

  
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Attest: Rhonda L Wiedenbeck, Clerk

