

**ORDINANCE NO. OR06-13**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE  
CHAPTER 62, PARK AND RECREATION, ARTICLE VI., IN GENERAL,  
SECTION 62-10, GEOCACHING AND LETTERBOXING,  
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

**SECTION 1.** Chapter 62, Park and Recreation, Article I, In General, Section 62-10 Geocaching and Letterboxing, are hereby repealed and recreated as follows:

**ARTICLE I. IN GENERAL**

**Sec. 62-10. Geocaching and Letterboxing.**

(a) *Definitions.*

*Geocaching* is the activity of hiding a geocache from public view for the challenge of participants using a global positioning system (GPS) device and Internet-published coordinates to locate the geocache. Once it is located, the participants take an item from the geocache, replacing it with one that they contribute, and/or sign and date a logbook.

*Geocache* is a weather-resistant container, such as a plastic food storage container, that serves the purpose of providing a place to store small trade items and/or logbooks. It is required by the Wisconsin Geocaching Association to be clearly labeled in large lettering with the word "Geocache" on the outside of the container. Geocaches are intentionally placed by their owners, and the association claims that the containers are not abandoned property.

*Letterboxing* is similar to geocaching in that a player takes directions from a web site and uses those directions to find a hidden object. In the case of letterboxing, the directions come in the form of a riddle, and the hidden object is a stamp that the finder can use to stamp a piece of paper to prove that he/she has visited the site.

For purposes of this policy, the term "geocaching" shall cover "letterboxing," too.

(b) *Geocache Placement on City Property.*

- (1) Geocaching is considered an acceptable outdoor recreational pursuit for all municipal parks.
- (2) Geocaching is prohibited on all other municipally owned properties.
- (3) Under no circumstances shall a container be placed on city property without prior approval of the city. Unauthorized geocaches will be removed if the owner cannot be contacted. The city Park and Recreation Director shall make an attempt to contact the owner/placer of existing geocaches to bring

geocaches located on city property under compliance with this policy. Working through the Wisconsin Geocaching Association is the most effective method to locate owners.

- (4) City employees should not remove geocaches placed on city property unless city authorities believe there to be an imminent hazard to humans or an unacceptable level of damage to the environment or it is not in compliance with this policy. Any geocache found on city property without proper authorization may be removed if the owner cannot be contacted.

(c) *Geocache Placement throughout the City*

- (1) Geocaching is prohibited on all other properties throughout the City, unless special consent has been given by the property owner or authorized property manager.
- (2) Failure to obtain the consent of the property owner or authorized property manager shall result in potential trespassing and/or disorderly conduct charges.

(d) *Permitting and Permitting Procedures.*

- (1) City property may be used to hide a geocache only if the person wishing to do so first obtains written approval by the Park and Recreation Director or appointed designee. The following minimum information shall be included on the permit:
  - a. Name, address and phone number of the owner or original placer of the geocache.
  - b. The exact location both in GPS coordinates and written description or a map of the geocache site.
- (2) No location may be used for more than one year. The geocache must be moved a minimum of once over a twelve-month period. The Park and Recreation Director may require it moved more often to avoid over-use of an area.
- (3) The City is not responsible for any vandalism or other damage to geocaches.
- (4) The City reserves the right to terminate the approval for placement of a geocache on city property for any reason at any time. Prior to termination of this approval, the city will contact the geocache owner or original placer using the contact information provided on the application to allow the owner to remove the geocache or move it to a new location. If the city is unable to contact the geocache owner/placer the geocache will be removed.

(e) *Logistics.*

- (1) Geocaches are not to be buried. A geocache is considered buried if it must be dug up by hand or by an object used as a digging tool. Placing rocks, bark, logs, etc. over a cache is not considered burial. Neither is placing a geocache into a naturally occurring crevice or hole.

- (2) Geocache owners/placers are required to maintain the geocache.
- (3) The following items are not allowed to be placed into geocaches:
  - a. Food of any kind.
  - b. Pocket knives or weapons of any kind.
  - c. Illegal items such as drugs.
  - d. Material restricted from minors such as (but not limited to): tobacco, adult publications, and alcohol.
- (4) Geocache owners/placers are allowed to move the geocaches to new locations to make it more challenging to locate the geocache but only with prior approval of the city. Approval may be obtained verbally, and the Park and Recreation Director must note the new location on the permit.
- (5) Geocache hunters are not required to seek authorization before searching for a geocache; however, they are required to abide by all park rules and laws.
- (6) If geocache owners/placers find illegal or hazardous materials in the geocache, the person making the discovery should contact the police department before removing the item(s).

**SECTION II:** This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR06-13 introduced and its adoption moved by Alderperson Edinger; and seconded by Alderperson Bastian.

Upon a pole vote thereon, the result was as follows:

  6   Votes Cast  
  6   Votes Yes  
  0   Votes No

The Mayor declared Ordinance Number OR06-13 adopted, approved and signed the same this 24<sup>th</sup> day of July, 2006.

Attested:

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 Gerald Sonnabend  
 Mayor  
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 Lori M. Gosz, CMC  
 City Administrator/Clerk-Treasurer