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A resolution/ordinance by Supervisor Wasserman, in conjunction with the Department of Parks, Recreation, and Culture, to amend Section 47.03 of the Milwaukee County Code of General Ordinances, to establish a policy for location-based augmented reality games in Milwaukee County Parks, by recommending adoption of the following:

A RESOLUTION/ORDINANCE

WHEREAS, On July 6, 2016, Niantic, Inc.,(Niantic) released its location-based augmented reality game, Pokémon Go, which immediately gained worldwide popularity, and proved to be a unique phenomenon for the use of public spaces; and

WHEREAS, Pokémon Go has brought thousands of people to Milwaukee County Parks (County Parks) as the premise of the game is for players to “catch” and "train" virtual Pokémon characters at various locations and designated stationed markers known as “Poke stops”, which have been placed on or near various physical landmarks; and

WHEREAS, Lake Park has been one of the most highly trafficked spaces for Pokémon Go players within Milwaukee County (the County), as well as the State, due to the numerous historic landmarks that have been tagged with Poke stops by Niantic; and

WHEREAS, although Pokémon Go has significantly increased the public’s recreational usage of County Parks, the sudden mass influx of Pokémon Go players in Lake Park, in particular since July 6, 2016, has resulted in unanticipated consequences, including, but not limited to: increased litter and waste in the park, inadequate bathrooms to accommodate the high ratio of people, after-hours violations, enhanced security oversight, unauthorized vendors, significant daily traffic congestion, parking violations, trampled grass, and related concerns about sensitive flora and fauna areas; and

WHEREAS, for these reasons, the Department of Parks, Recreation, and Culture (DPRC) and Corporation Counsel communicated with Niantic regarding Pokémon Go through Niantic’s online troubleshooting portal website, in addition to correspondence dated August 16, 2016, and voicemails directly to the company and

WHEREAS, on or about October 3, 2016, Niantic communicated its interest in working with the County in a cooperative spirit regarding Pokémon Go in County Parks; and

WHEREAS, location-based augmented reality games are not addressed by current ordinances due to their novelty and technology, though they are somewhat analogous to the DPRC’s geocaching procedures; and

46 WHEREAS, virtual gaming is defined as an activity during which a person can
47 experience being in a three-dimensional environment and interact with that environment
48 during a game, and the game typically consists of an artificial world of images and
49 sounds created by a computer that is affected by the actions of a person who is
50 experiencing it; and

51

52 WHEREAS, Pokémon Go fits the characteristics defined by virtual gaming and is
53 considered as such by the standards of the DPRC; and

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55 WHEREAS, based on the monumental success of Pokémon Go, there will be
56 more of such location-based augmented reality games in County Parks; and

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58 WHEREAS, a systemic framework is therefore necessary to better manage these
59 games going forward to promote positive interactions, protect sensitive Park areas,
60 showcase the Parks System in its entirety, and alleviate pressure on any one Park; and

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62 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of
63 December 6, 2016, recommended adoption of this resolution/ordinance (vote 4-0);

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65 WHEREAS, the Milwaukee County Board of Supervisors, at its meeting of
66 December 15, 2016, recommended that File No. 16-637 be referred back to the
67 Committee on Parks, Energy, and Environment (vote 13-4); and

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69 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of
70 January 24, 2017, REAFFIRMED its recommendation to adopt this File No. 16-637
71 (vote 4-1); now, therefore,

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73 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
74 hereby establishes a policy for location-based augmented reality games; and

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76 BE IT FURTHER RESOLVED, the Department of Parks, Recreation, and Culture
77 (DPRC) is requested to modify its existing departmental policies on special event
78 permits to incorporate location-based augmented reality games;

79

80 BE IT FURTHER RESOLVED, DPRC is to reflect compliance with the ordinance
81 changes contained in Section 47.03 of the Milwaukee County Code of General
82 Ordinances (the Code) upon adoption; and

83

84 BE IT FURTHER RESOLVED, the County Board hereby amends Chapter 47.03
85 of the Code by adopting the following:

86

87 **AN ORDINANCE**

88
89 The Milwaukee County Board of Supervisors of the County of Milwaukee does
90 ordain as follows:

91
92 **SECTION 1.** Section 47.03 of the Milwaukee County Code of General Ordinances
93 is hereby amended as follows:

94
95 (3) *Permits required for location-based augmented reality games.* Virtual and
96 location-based augmented reality games are not permitted in Milwaukee County Parks
97 except in those areas designated with a permit for such use by the Director of the
98 Department of Parks, Recreation, and Culture (DPRC). Permits shall be required before
99 any company may introduce a location-based augmented reality game into the Parks,
100 effective January 1, 2017. The permitting application process is further described on
101 DPRC's website for companies that create and promote such games. That process shall
102 include an internal review by the DPRC to determine the appropriateness of the
103 application based on site selection, protection of rare flora and fauna, personal safety,
104 and the intensity of game activities on park lands. Game activity shall only occur during
105 standard park hours, unless otherwise authorized by the DPRC Director, who has the
106 authority to designate special events and activities within the Parks outside of the
107 standard operational hours.

108
109 **SECTION 2.** The provisions of this Ordinance shall become effective upon
110 passage and publication.

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114 01/24/17