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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. The provisions of this Ordinance shall become effective upon passage and publication.

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01/24/17