

CHAPTER 28

PARK CODE

ARTICLE I - GENERAL REGULATIONS

28-1-1 **HOURS OF OPERATION.** The park shall be closed from dusk in the evening until dawn the following morning. No person is allowed in the park after dusk in the evening and before dawn the following morning except those persons using the walking paths contained within the park or those persons utilizing pavilions that they have rented at the park. The Mayor of the Board of Trustees or the Mayor's designee may close the park at any hour of the day at the recommendation of the Police Department.

28-1-2 **CLOSED AREAS.** Any section or part of any park may be declared closed to the public by the Mayor or the Mayor's designee at any time or for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Mayor or the Mayor's designee shall find reasonably necessary.

28-1-3 **AUTHORITY OF MAYOR OR MAYOR'S DESIGNEE.** The Mayor or the Mayor's designee shall have the power to make, from time to time, any reasonable rules and regulations as are necessary to manage, use, preserve, and govern park property and activities.

28-1-4 **EJECTION FROM PARK.** Any person found violating any provision of this Chapter shall either be subject to violation of ordinances under the general penalty clause of this Revised Code and ejected from the park.

28-1-5 **OPERATION OF VEHICLES WITHIN PARK.**

(A) No person shall operate a bicycle or other pedal operated device within the limits of the Village Park, including the walking paths provided in the Park. All bicycles shall be parked in provided bicycle racks or in other appropriate places if the bicycle racks are occupied.

(B) No person shall operate a non-licensed vehicle (motor-bike, scooter, mini-bikes) in a park except upon designated areas or trails set aside for use by that vehicle.

(C) Where a public road, street, or highway crosses a park or park property, the road, street or highway shall be open to all through traffic normally

permitted on any street, or highway, but traffic shall conform to park traffic regulations, and motor vehicles not otherwise permitted to operate within a park or upon park property, shall not stop along any road, street, or highway except in an emergency.

(D) No person shall operate a motor vehicle in a park or upon park property in such a way as to impede the free movement of other motor vehicle traffic or cause a traffic obstruction. In the event that a motor vehicle must be stopped or parked along a park road, street or driveway because of an emergency for more than **fifteen (15) minutes**, the operator of the motor vehicle or his designee shall notify the law enforcement officer of the location of the motor vehicle and its description. Any such motor vehicle stopped or parked along a park road, street or driveway under the foregoing provisions shall not be permitted to remain stopped or parked for more than **four (4) hours** duration. Any such motor vehicle stopped or parked for a longer period of time shall be deemed to be an abandoned vehicle, and shall be removed at the owner's expense.

(E) No person shall operate any motor vehicle within a park or upon park property in excess of **fifteen (15) miles per hour**, except upon those roads, streets, or driveways where official signs or markings designated a different speed limit. The foregoing provisions do not apply to authorized emergency vehicles when responding to an emergency existing within a park or upon park property.

(F) Wheelchairs (including those that are motorized) and strollers used for infant children, may be utilized within the Park, including the walking paths.

28-1-6 PARKING.

(A) No person shall park a motor vehicle within a park or upon park property other than in areas designated for parking that type of motor vehicle, unless there is an emergency, or unless directed to do otherwise by a law enforcement officer. Parking shall conform to officially posted signs or markings unless other instructions are given by park personnel or a law enforcement officer. This Section shall not apply to motor vehicles owned by, or under the control of the Village, when the vehicles are being used for official business within a park or upon park property.

(B) No motor vehicle shall be left standing or parked at night within a park or upon park property without lights being clearly visible front and rear for at least **two hundred (200) feet**, except in designated parking areas. Motor vehicles utilized by law enforcement personnel for surveillance purposes are exempt from this provision.

(C) No motor vehicle shall be left parked or standing within any park or upon any park property after park closing hours without obtaining a permit to do so from the Mayor or the Mayor's designee.

(D) No park employee shall accept any payment or other gratuity for any service concerning the parking of a motor vehicle.

28-1-7 BUILDINGS AND OTHER PROPERTY. No person shall in any Village park or upon any park property, do or cause to be done any of the following:

(A) Willfully mark, deface, or injure in any manner, or displace, remove, or tamper with any park building, bridge, table, bench, playground equipment, fireplace, railing, paving or paving materials, water line or other public utility or parts thereof, park sign or marking, whether temporary or permanent, monument, stake, post, or other structure or equipment, facility, or park property of any kind. A violation of this paragraph shall require a minimum fine of **Seven Hundred Fifty Dollars (\$750.00)** plus restitution for repair or replacement of the damaged property. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is responsible for actual damages for the willful or malicious acts of such minor for damages caused as a result of a violation of this Section.

(B) Willfully dig, cut, move, or remove from any park or park property any sand, wood, turf, grass, gravel, shrub, or other material, or make any excavation by hand, tool, equipment, blasting, or any other means.

(C) Construct or erect any building, tent, or structure of any kind, whether permanently or temporarily, without obtaining prior permission from the Mayor or Mayor's designee to do so.

(D) Enter into or remain in any building or structure that has not been officially set aside for use by the public.

28-1-8 TREES, SHRUBBERY, AND GRASS. No person shall within any park or upon park property, do or cause to be done any of the following:

(A) Pick, saw, chop, cut, tear, carve, remove, or injure any flowers, seeds, blooms, bark, branches, twigs, or leaves of any tree, plant, shrub, vine, bush, or any other vegetation;

(B) Drive any nail, staple, screw, hook, talon, pin on or attach or fasten any wire, rope or other device to or into any tree or plant, or tie or hitch any animal to any tree or plant;

(C) Dig in or disturb any grass areas, or in any way injure or impair the natural beauty or usefulness of any park or park property; or

(D) Climb any tree, or walk, stand or sit upon any monument, vase, fountain, railing, fence, or any other park property not designated or normally used for such purposes.

28-1-9 PROTECTION OF WILD ANIMALS.

(A) Capture, attempt to capture, hunt, molest, injure, trap, or administer or set out any bait or harmful substance for any wild or domestic animal, reptile, bird or fish, not remove or have in his possession the young, eggs, or nest of any animal, reptile, or bird; or

(B) Give or offer, or attempt to give or offer, to any wild or domestic animal, reptile, bird, or fish, any tobacco, alcohol, or other potentially harmful substance.

28-1-10 **SANITATION.** No person shall, in any park or upon any park property, bring into, dump, deposit, or leave any bottles, broken glass, pieces of metal, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash into a park or upon park property, but shall place same in the proper receptacles when these are provided. Any and all glass bottles are specifically prohibited from being brought into the park or upon any park property. When receptacles are not so provided, all such times of rubbish and waste shall be carried from the park or park property by the person or persons responsible for its presence and properly disposed of elsewhere.

28-1-11 **FIREARMS AND DANGEROUS INSTRUMENTS.**

(A) No person, except an authorized Village employee or law enforcement officer, shall bring into park property or have in his possession or under his control on park property or within the park, any firearm or firearm ammunition, any explosive, or explosive device, dynamite, dynamite cap, fireworks, airgun, pellet gun, spring gun, slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any flammable liquid except the fuel tank of a motor vehicle, lantern, camp stove or camp heater, and not more than **one (1) gallon** of liquid fuel in a closed metal container.

(B) No person shall discharge any of the weapons or instruments listed in paragraph (A) of this Section into any park from outside a park.

(C) The Mayor or Mayor's designee may designate areas within a park where bows and arrows can be used. In such case, the Mayor or Mayor's designee shall promulgate rules and regulations for the safe use of those devices, and no person shall fail to follow or abide by such rules and regulations.

(D) The Mayor or Mayor's designee may designate times and areas where fireworks may be used and discharged within a park. The Mayor or Mayor's designee shall promulgate rules and regulations to assure that in such cases the fireworks are used in a same manner. No person shall fail to follow or abide by such rules and regulations.

28-1-12 **PICNIC AREAS AND USE.**

(A) The Mayor or Mayor's designee shall designate those areas of a park where picnicking is permitted. No person shall picnic other than in a designated area.

(B) Pavilion use must be reserved in advance by permit. If there has not been a permit obtained for the day for which the pavilion is to be used, the pavilion shall be available "first-come, first-served" basis.

(C) Picnickers shall not leave a picnic area before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in a disposal receptacle, where provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

28-1-13 **CAMPING.** No person shall place, erect, or use any hammock, swing, tent, or shelter or otherwise camp or sleep in the park areas, except organizations who may have received written permission from the Mayor or Mayor's designee to do the same.

28-1-14 **FIRES.**

(A) No person shall start or maintain in any park, any outdoor fire except in designated picnic or camping areas. Fires shall be limited to cooking fires, or fires in camp lanterns or heaters.

(B) Cooking fire shall be started and maintained only in a stove, fireplace, or barbecue pit maintained by the park, or in a portable camp stove. Fuels used in cooking fires shall not produce any noxious fumes or smoke.

(C) All persons who have started and/or maintained any fire in the park shall not leave the area where the fire is located without first completely extinguishing the fire.

28-1-15 **ANIMALS AND PETS.**

(A) No person in a park shall do any of the following:

(1) Ride a horse, mule, donkey, or pony except on designated paths or trails. Where riding permitted, the animal used shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to go unattended, nor shall they be hitched to any rock, tree, or shrub. The Mayor or Mayor's designee shall designate which trails or paths in the park, if any, can be used for riding;

(2) Be responsible for the entry of a dog or other domestic animals into areas other than automobile parking concourses and walks immediately adjacent thereto, and in any other areas as may be clearly marked by signs bearing the words "Domestic Animals Permitted in this Area". Dogs shall not be allowed to run loose, but shall at all times be restrained or kept on a leash not more than **six (6) feet** in length. All animal defecation shall be removed from the park and properly disposed by the person responsible for the entry of the animal into the park, automobile parking concourses and walks immediately adjacent to the park; or

(3) Abandon any animals in the park.

(B) The prohibitions of the Section shall not apply to the following:

(1) Horses or dogs employed by a law enforcement officer in the performance of his duties.

(2) Seeing-eye dogs used by a visually handicapped person, provided that the dog is at all times kept under control.

28-1-16 **CHILDREN.** An adult must accompany all children under the age of **seven (7) years** at all times while on, or within, park property.

28-1-17 **GAMES.**

(A) No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, kites, or model airplanes, except in areas set apart for those forms of recreation.

(B) No person shall walk, remain or conduct himself upon any portion of the park system designated for any particular game, sport, or amusement for which it has been designated.

(C) No person shall engage in any activity in a rough or reckless manner so as to endanger, injure, or damage persons or property in any way.

28-1-18 **GOLF.** No person shall bring into the park any golf clubs, golf balls, or any other equipment or materials associated with the game of golf.

28-1-19 **SKATING AND SLEDDING.** No person shall skate, sled, slide, or carry on other similar activity in the park system except at places and times as the Mayor or Mayor's designee determines for the purpose. No person, while engaged in such activity, shall conduct himself in such a manner as to annoy others or to endanger, injure, or damage persons or property in any way. All persons skating, using skateboards or all similar devices shall wear a protective helmet at all times while on or within the park property.

28-1-20 **USE OF PLAYGROUND EQUIPMENT.** No adult person shall in any manner use any of the playground apparatus or devices meant exclusively for the use of children.

28-1-21 **ALCOHOL BEVERAGES AND DRUGS.**

(A) **Alcoholic Beverages.**

(1) Alcoholic beverages may be sold by persons operating under a concession from the Village, subject to the regulation and control of the Mayor or Mayor's designee. Sale of alcoholic beverages shall be by the individual drink cup only. Sale of beer and wine in unopened containers shall not be permitted.

(2) Alcoholic beverages may be consumed at family or group picnics or functions.

(B) **Intoxication/Narcotic Drugs.** No person, under the influence of intoxicating liquor or narcotic drugs, shall enter, be, or remain in the park system, and any such person so found in a park shall be either arrested or ejected from the park.

28-1-22 BEGGING. No person shall solicit contributions, or beg, in a park for any purpose.

28-1-23 COOPERATION WITH AUTHORITIES.

(A) No person shall hinder, interfere with, disobey, or otherwise not cooperate with employees of the park in the performance of their duties. No person shall falsely represent or impersonate any member or employee of the park, or otherwise pretend to be an employee of the park system.

(B) No provision of this Chapter shall make unlawful any act necessarily performed by any member or employee of the park system in the carrying out of his duties and responsibilities.

28-1-24 GAMBLING. No person shall gamble for money or any other valuable thing within the park system.

28-1-25 ADVERTISING AND SIGNS. No person in a park shall do any of the following:

(A) Expose or offer for sale or hire any article, thing, or service, not station or place any stand, cart, or vehicle for the transportation, sale, or display of any article, thing, or service, unless a permit has been obtained from the Mayor or Mayor's designee.

(B) Announce, advertise, or call the public's attention to any article, thing, or service for sale or hire, unless done pursuant to regulations promulgated by the Mayor or Mayor's designee.

(C) Paste, glue, tack, or otherwise place any sign, placard, advertisement, or inscription in a park; or cause to be erected any sign on any public lands, highways, or roads adjacent to a park, unless done pursuant to regulations promulgated by the Mayor or Mayor's designee.

28-1-26 NOISE. No person having the control of any device producing amplified sound shall operate or permit any device to be operated in any park so that the sound produced exceeds **105 decibels (dba)** at a point **fifty (50) feet** in front of the center point of the distance between the loudspeaker installations.

28-1-27 PRODUCTION OF PERMITS. No person in a park shall refuse or fail to produce and exhibit any permit he claims to have upon the request of any law enforcement officer or authorized park employee who wishes to inspect the permit for the purposes of determining that the provisions of this Chapter have been complied with.

28-1-28 RESTROOMS AND PUBLIC BATH HOUSES. No person over the age of **six (6) years** shall enter or use any restroom, bath or dressing room facilities designated for the use of the opposite sex. No person shall loiter in or around any restroom, bath house, or dressing room for the purposes of soliciting another to engage in deviant sexual behavior.

ARTICLE II - ACTIVITY PERMITS

28-2-1 PERMITS. In addition to any other provision of this Chapter that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage, or take part in any of the following activities unless a permit is obtained prior to the start of the activity by a Village resident.

(A) Any picnic, outing, or gathering sponsored by any person or composed of **twenty (20)** or more persons;

(B) Any contest, exhibit, dramatic performance, play, fair, circus, musical event, or any similar event;

(C) Any public meeting, assembly, or parade, including, but not limited to, drills, maneuvers, ceremonies, addresses, speeches, or political meetings; or

(D) Any use of any park facility by a certain person or group of persons to the exclusion of others.

28-2-2 APPLICATION.

(A) A person seeking the issuance of a permit to carry on an activity in the park shall state the following information:

(1) The name, address, telephone number of the person applying for the permit;

(2) The exact nature of the use or activity for which the permit is being sought;

(3) The day and hours for which the permit is desired;

(4) The portion of the park desired to be used to carry out the proposed use or activity;

(5) An estimate of the anticipated attendance; and

(6) Any other information considered reasonably necessary in order to determine whether to issue a permit.

(B) Application shall be filed not less than **fourteen (14) days**, nor more than **ninety (90) days** before the date of the proposed use or activity.

28-2-3 STANDARDS FOR ISSUANCE.

(A) The permit shall be issued unless any of the following are true:

(1) The proposed activity or use of the park will unreasonably interfere with or detract from the general public use and enjoyment of the park;

(2) The proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety, or welfare;

- (3) The conduct of the proposed activity or use is reasonably likely to result in violence to persons or property resulting in serious harm to the public.
- (4) The proposed activity or use will entail an extraordinary expense or operation by the Village; or
- (5) The facilities desired have been reserved for another activity or use at the day and hour requested in the application.

(B) The Mayor or Mayor's designee may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:

- (1) Restrictions on fires, fireworks, amplified sound, use of alcoholic beverages, dancing, sports, use of animals, equipment, or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park by others, or of damage to park property;
- (2) A requirement that the applicant post a reasonable deposit of security for the repair of any damage to park property, or the cost of clean-up; or
- (3) A requirement that the applicant post a reasonable fee to defray the cost of furnishing adequate security forces at the proposed use or activity; or
- (4) A requirement that the permittee furnish additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought.

(C) Permits shall not be transferable without the written consent of the Mayor or Mayor's designee.

(D) Within **five (5) days** after receipt of an application, the Mayor or Mayor's designee shall apprise an applicant in writing of his reasons for refusing a permit or any conditions attached to the issuance of a permit, and any aggrieved person shall have the right to appeal in writing within **six (6) days** to the Village Board, who shall consider the application under the standards set forth in paragraph (A) of this Section, and sustain or overrule the decision within **four (4) days**.

(E) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in his permit.

(F) The person or persons to whom a permit has been issued shall be liable for any loss, damage or injury to any person or property by reason of the negligence of a person or persons to whom the permit was issued.

(G) The Mayor or Mayor's designee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon the violation of any condition or restriction under which the permit was issued.

28-2-4 GENERAL CONDUCT OF PERSONS UTILIZING THE PARK. All persons utilizing the park in any manner are subject to the general civil and criminal statutes governing conduct by and between individuals, including, but not limited to, all applicable Criminal Codes of the Village, the State of Illinois, and the United States Government. Violation of any provisions of such Ordinances or Statutes shall be punishable as provided for in the applicable Ordinance or Statute.