

## Chapter 34

### **PARKS AND RECREATION\***

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\***Cross references** – Any ordinance naming public grounds and parks saved from repeal, § 1-9(20); public safety and public works, ch. 38.



**Sec. 34-1. Parks regulated.**

- (a) *Purpose and definition.*
- (1) In order to protect the parks, parkways, recreational facilities and conservancy areas within the village from injury, damage or desecration, the regulations set forth in this chapter are enacted.
  - (2) For the purposes of this section, the term "park" shall include all grounds, structures and watercourses which are or may be located within any area in the village dedicated to the public use as a park, parkway, recreation facility or conservancy district.
- (b) *Specific regulations.*
- (1) *Littering.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
  - (2) *Amplifying systems.* No person shall operate or play any amplifying system, unless specific authority is first obtained from the village board.
  - (3) *Pets.* No person shall permit any dog, cat or other pet owned by him to run at large in any park.
  - (4) *Bill posting.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the village board.
  - (5) *Throwing stones and missiles.* No person shall throw stones or other missiles in or into any park.
  - (6) *Removal of park equipment.* No person shall remove benches, seats, tables or other park equipment from any park.
  - (7) *Trapping.* No person shall trap in any park, unless specific written authorization is first obtained from the village board.
  - (8) *Fires.* No person shall start, tend or maintain a fire, except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted, provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in a manner so as to prevent fire or damage to any park property.
  - (9) *Protection of park property.* No person shall kill, injure, disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
  - (10) *Motorized vehicles.* Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motor vehicle outside of areas specifically designated as parking areas or

areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads, drives and parking areas. No motor vehicle of any nature may be used on the seeded areas, except vehicles which have a village board authorization for shows, rides or exhibits, and then only for the purpose of loading and unloading.

- (11) Snowmobiles. No person shall operate a snowmobile in a village park, except in designated areas.
- (12) Speed limit. No person shall operate any vehicle in a village park in excess of 15 miles per hour, unless otherwise posted.
- (13) Glass beverage bottles. While in any public park, no person shall bring into, carry onto or possess any glass bottles or glass containers, including those containing, or normally used for containing, soda water, fermented malt beverages or alcohol.
- (14) Reckless driving. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the village.
- (15) Parking. No person shall park any motor vehicle in any park in the village, except in a designated parking area.
- (16) Horse and carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the village board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and horses shall be ridden at a slow gait whenever groups of people are visible within 300 feet.
- (17) Removal of tree and shrub protectors. No person shall remove any device for the protection of trees or shrubs.
- (18) Golfing and sporting activities. No golfing or practicing of golf in the village parks or recreation areas shall be allowed, except with the use of a whiffle ball. All sporting activities must be held in areas designated for such purpose.
- (19) Bow and arrows. No person shall use or shoot any bow and arrow in any village park, except in authorized areas.
- (20) Fees and charges. The village board shall have the authority to establish such fees as deemed necessary for the use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge, when required.
- (21) Firearms and weapons. Possessing or discharging any firearm or weapon of any kind is prohibited in all village parks.

- (22) Fish cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all village parks.
- (23) Controlled substances. Possessing, using or dispensing a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all village parks.
- (24) Utility installation and construction. Any private construction which may, in any manner, encroach upon or affect the parks and parkways shall be under the direction and jurisdiction of the village board, and no such installation, repair or construction shall commence without the written permission from the village board. All public works, including construction and installation of power lines, hydrants, sewers, etc., shall be commenced only after notice to the village board of the utility's intention to do so. Where practicable, such construction and installation shall be performed pursuant to recommendations by the village board.
- (Code 1988, § 4-5-1)

**Sec. 34-2. Radio-controlled model airplanes and helicopters in parks.**

No person shall fly a radio-controlled airplane or helicopter in any park in the village, except in areas specifically designated and posted for such purpose.

(Code 1988, § 4-5-2)

**Sec. 34-3. Turf protection on public property; metal detectors.**

(a) Except as authorized by the village board, no person shall dig into the turf of any village-owned property for any purpose whatsoever, or remove any trees or flowers.

(b) Except as authorized by the village board, the use of metal detectors and digging for buried objects on village property, except beaches where no vegetation is present, is prohibited.

(Code 1988, § 4-5-3)

**Sec. 34-4. Park hours.**

(a) *Established.* Subject to a certain exception listed in this section, all village parks shall be closed from 11:00 p.m. to 5:00 a.m. the following day. Persons launching or transporting watercraft from park property may do so only within park hours.

(b) *Stopping; modification of closing hours.* Stopping shall not be permitted within a park, except persons driving through a park on a public road. The village board may modify closing hours for particular events.

(c) *Closing and opening.* The chief of police will have full authority to open and close any park, beach, facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

(Code 1988, § 4-5-4)

**Sec. 34-5. Reservation of park space.**

(a) *Policy.* The village-owned parks, park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the village. However, under proper circumstances, exclusive use of such parks, park facilities and shelter areas, or parts thereof, may be permitted. This section is intended to regulate exclusive use of village-owned parks, park facilities and park shelters, or parts thereof, in the village so that the general welfare of the village is protected.

(b) *Permit required.* A person may reserve the use of a park facility or park shelter by written application filed with the village administrator for a permit for the exclusive use of a park facility or park shelter. The village administrator shall issue permits for exclusive use of a portion of a park or park shelter, while the village board shall issue permits for the exclusive use of village parks. Park facilities are reserved on a first requested, first reserved basis.

(c) *Application.* Applications shall be filed with the village administrator at least 14 days prior to the date on which the exclusive use of an entire park is requested, or at least three days prior to the date on which a park shelter or portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:

- (1) The name, address and telephone number of the applicant.
- (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the group, firm, organization, partnership or corporation, and the responsible and authorized heads or partners thereof.
- (3) The name, address and telephone number of the person who will be responsible for the use of the park, area or facility.
- (4) The date and hours when the proposed exclusive use is requested.
- (5) The anticipated number of persons to use the park, area or facility.
- (6) Any additional information which the village board or village administrator finds reasonably necessary for a fair determination as to whether a permit should be issued.

(d) *Action on application.* The village board, or appropriate committee thereof, shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.

(e) *Reasons for denial.* Applicants may be denied for any of the following reasons:

- (1) If the request is for a use which would involve a violation of federal or state law or any provision of this Code.
- (2) If the granting of the permit would conflict with another permit already granted or for which an application is already pending.

- (3) If the application does not contain the information required by subsection (c) of this section.
  - (4) The application is made less than the required number of days in advance of the scheduled exclusive use.
  - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  - (6) If the law enforcement requirements of the exclusive use will require such a large number of persons as to prevent adequate law enforcement to the park facility or shelter area involved or of the rest of the village.
  - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
  - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (f) *Indemnification.* Prior to granting any permit for exclusive use of a park, the village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the village and such other third parties as may be injured or damaged, in an amount, depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use, sufficient to indemnify the village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) *Permit not required for village activity.* A permit is not required for exclusive use of a park or park facility which is sponsored by the village.
- (h) *Selling of fermented malt beverages.* When fermented malt beverages are sold at any event authorized by this section, a valid license shall be obtained and the provisions of sections 22-64 and 30-142 shall be fully complied with. Such license must be held by the person who filed the original license, and shall be presented to any law enforcement officer, upon request.  
(Code 1988, § 4-5-5)

**Editor's note** – The reference to section 22-64, pertaining to temporary licenses, in subsection (h) of this section has been changed by the editor to correct an apparent typographical error in the 1988 Code, in which such citation referred to section 7-2-11 (section 22-59 of this Code), concerning transferability of licenses.