

CHAPTER 28

PARKS

ARTICLE I – REGULATIONS

28-1-1 DESTRUCTION OF PARK PROPERTY. Within the municipal parks, no person except park personnel on official business shall:

(A) cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;

(B) kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the Village has authorized hunting;

(C) willfully mutilate, injure or destroy any building, bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

28-1-2 LITTERING - WATER POLLUTION.

(A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided. Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.

(B) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters any substance or thing, liquid or solid which will or may result in the pollution of the waters.

28-1-3 FIRES IN PARKS.

(A) No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

(B) In camping areas, no person shall leave any campfire unattended by a competent person.

(C) Every person who has lighted or used any fire in a municipal park shall extinguish such fire before leaving the park.

28-1-4 PICNICS. No person shall picnic in the municipal parks except in areas designated for that purpose. Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.

28-1-5 ERECTION OF STRUCTURES. No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained a permit to do so from the Village.

28-1-6 **SIGNS.** No person shall place within any municipal park or affix to any object therein any sign or device designated to advertise any business, profession, exhibition, event or thing unless he has obtained a permit to do so from the Village.

28-1-7 **ANIMALS.** No person shall:
(A) bring any dangerous animal into any municipal park; or
(B) permit any dog, cat or other animal to be in any park unless such animal is on a leash; or
(C) permit any dog, cat or other animal to be in any park, or part of such park, during any time that such park or part of park has been reserved through the Village Clerk's Office for an event (i.e. fairs, homecomings, concerts, auto shows, etc.); or
(D) ride or lead any horse in any municipal park or recreational area except upon paths or other ways expressly provided and posted for that purpose. **(Ord. No. 93-18; 10-4-93)**

28-1-8 **MOTOR VEHICLES PROHIBITED.** No person other than municipal personnel on official business shall drive or park any motor vehicle, including snowmobiles, in any municipal park except on a roadway or parking lot.

28-1-9 **SALES; AMUSEMENTS FOR GAIN.** Within the parks of this municipality, no person shall, without having first obtained a permit from the Village:
(A) sell or offer for sale any goods or services; or
(B) conduct any amusement for gain or for which a charge is made.

28-1-10 **GROUP ACTIVITIES.** Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics, parties, exhibitions or performances, a representative of the group shall first apply for and obtain a permit for such activity from the Mayor.

28-1-11 **APPLICATION FOR PERMIT.** Applications for all permits required by this Chapter shall be made in writing to the Mayor not less than **seven (7) days** before the proposed date of the activity for which the permit is sought. Each application shall include the following information:
(A) A statement briefly describing the nature of the proposed activity;
(B) name, address and telephone number of the person or organization wishing to conduct such activity;
(C) the date when such activity is to be conducted;
(D) the hour when such activity will start and terminate;
(E) the park or portion thereof for which such permit is desired; and
(F) an estimate of the anticipated attendance.

28-1-12 **DECISION ON PERMIT APPLICATION.** After due consideration of the information contained in the permit application, but not later than **seven (7) days** after the application has been filed, the Mayor shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:

- (A) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) the facilities desired have not been reserved for other use at the day and hour requested in the application;
- (C) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (D) the proper policing of such activity will not require the diversion of so great a number of police officers as to prevent normal protection to the remainder of this municipality;
- (E) the conduct of such activity is not reasonably likely to cause injury to persons or property or to incite violence, crime or disorderly conduct; and
- (F) such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

28-1-13 **ISSUANCE OR DENIAL OF PERMIT.**

- (A) Notification by regular mail or by telephone shall be made promptly by the Mayor to every permit applicant of the decision on his application.
- (B) If such decision is favorable, the Mayor shall issue the permit. As a condition of the issuance of any permit, the Mayor may require that an indemnity bond be obtained if, in their opinion, such bond is necessary to protect this municipality from liability or to protect municipal property from damage.
- (C) The Mayor shall inform each applicant who has been denied a permit regarding the reasons for the denial and the procedure for appeals.

28-1-14 **HOURS.** The Village Board shall establish the hours of operation of the municipal parks. No one shall be in the park without the Mayor's permission after the established hours.

28-1-15 **ALCOHOL PROHIBITED.** No alcoholic beverages shall be permitted on the premises of the Village Park.

28-1-16 **FIREWORKS, MISSILES, GUNS, BOWS AND ARROWS.** Fireworks shall not be permitted in the park without written permission or proper authorization from the Village Board. No person shall carry firearms of any description, air or gas guns, slingshots, explosives, or missile-throwing or propelling devices including the use of bows and arrows, within the Village Park at any time.

28-1-17 **POWER MODELS AND TOY ENGINE PARTS.** Engine-powered model and toy airplanes, boats, car sirens or other noisemaking devices are not permitted to be operated within the confines of the Village Park.

28-1-18 HOURS. The closing hour for all parks and recreation areas shall be **ten o'clock (10:00) P.M.** through the months of May, June, July, and August, except when special authorization from the Mayor and the Village Board allows for an extension of the time for special areas and events. Closing time for the months not specified above (September, October, November, December, January, February, March, and April) will be **one (1) hour** after sunset. No person shall enter or remain in any park after closing hours. Tennis courts and lighted recreational areas are exempt from this closing time and shall be regulated according to posted rules and regulations on or near the particular area by the Village Board.

(Ord. #77-27; 12-05-77)

ARTICLE II – CAMPING ON PUBLIC PROPERTY

28-2-1 **PURPOSE.** The purpose of this Article is to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by prohibiting unauthorized camping and storage of personal property on public property within the Village, which interferes with the right of others to use the areas for the purposes for which they were intended.

28-2-2 **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of this Article:

(A) **Bridge** means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way, or to afford passage under or over existing public roads, railroads, or other rights-of-way.

(B) **Camp or Camping** means to pitch, use, or occupy camp facilities, or to use camp paraphernalia, or both, for the purpose of habitation. Camp or camping does not include the use of public property or public facilities for recreational use or for authorized public or private events that involve the use of tents, awnings, or other structures in connection with such recreational use or authorized public or private event.

(C) **Unauthorized encampment** means the collection of camp facilities, camp paraphernalia, and/or personal property used for unauthorized camping in violation of this Article.

(D) **Camp facilities** include, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers. Camp facilities do not include tents, huts, or temporary shelters, when used temporarily in a park for recreation or play during daylight hours when the park is open to the public.

(E) **Camp paraphernalia** includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, blankets, mattresses, or cooking facilities and similar equipment.

(F) **Park** means any publicly owned area controlled by the Village or other governmental entity for park purposes. Park also includes all associated areas, including parking lots for parks.

(G) **Public Property** means, without limitation, any real property, building, structure, equipment, sign, shelter, vegetation, greenspace, playground, bench, trail, picnic shelters, recreational and athletic fields, and public open space, including all associated areas such as parking lots, controlled or owned by the Village or any other governmental agency.

(H) **Store or Storing** means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location, leaving one’s personal property such as, without limitation, clothing, bedrolls, cookware, sleeping bags, luggage, shopping carts, knapsacks, or backpacks, unattended for more than **one (1) hour**.

(I) **Street** means any highway, lane, road, street (including adjacent shoulders, medians, and terrace areas), right-of-way, sidewalk, boulevard, alley, and every way or place in the Village open as a matter of right to public pedestrian and vehicular travel.

28-2-3 **UNLAWFUL CAMPING OR STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES.** It shall be unlawful for any person to camp, or to engage in the activity of unauthorized camping, or to store personal property, including camp facilities or camp paraphernalia as defined in this Section, within the following areas:

(A) Any street; or

(B) Any bridge; or

(C) Any park; or

(D) Any public property, improved or unimproved; or

(E) Any public property where camping obstructs or interferes with the intended public use of the property.

28-2-4 ENFORCEMENT; WARNINGS; REMOVAL AND CONFISCATION OF DEBRIS AND PERSONAL PROPERTY.

The Police Department, or its designee(s), will have primary responsibility for the enforcement of the camping regulations herein. Nothing in this Article shall prevent the Police Department, or its designee(s), from obtaining voluntary compliance by way of warning, notice, education, or coordination with other willing public or private entities and/or community members.

(A) Prior to issuing any citation pursuant to this Article, the investigating officer shall provide a verbal and written warning to cease such unlawful conduct and a verbal and written referral for possible alternatives to their present camping practices, such as, (without limitation), transportation, shelter, and/or contact information to public or private agencies who may be able to provide services or support. Any public or private entities who wish to assist the Police Department ("Department") in effectively and humanely transitioning individuals from unauthorized encampments on public property to an environment consistent with Village ordinances should contact the Department with a description of what services they can provide and effective contact information. The Department will develop and maintain a policy to include procedural guidance regarding the implementation of this Article. The Department shall consult relevant professional resources and engage interested community members, service providers, or other willing public or private entities when designing and implementing this policy. The policy shall be published and implemented no later than **six (6) months** after the passage of this Article. The policy shall provide for the collection of relevant data that shall be used to review and revise the manual every **three (3) years**, or as needed. Said revision shall be made in the same manner the policy is developed.

(B) Officers shall exercise discretion to ensure that individuals are not cited for violating this Article due only to a true personal necessity that requires their present unauthorized camping practices. When possible, the Department may work directly with community members, service providers or other willing public or private entities to determine whether a true personal necessity exists in a particular circumstance. The Department shall provide specific support, guidance and contacts for officers. But it shall be construed as direct evidence that no true personal necessity exists if the individual who is camping refuses to take advantage of proffered alternatives to their present camping practices (which could include, in the most extreme cases, short term use of another location more easily monitored by the Department).

(C) Upon a determination by law enforcement that an area constitutes an unauthorized encampment, regardless of whether an individual is cited for a violation of this Article, Village officials shall have the right to remove any debris, contraband, or personal property that creates a legitimate health and safety concern, or that creates an immediate and substantial danger to the environment. No warning is required prior to such confiscation relating to health and safety concerns.

(D) Materials confiscated pursuant to this Article that are unsanitary or a danger to the health and safety of any person may be immediately disposed of. Otherwise, the Department shall provide **twenty-four (24) hour** written notice prior to confiscating property. The Department shall retain personal property confiscated pursuant to this Article in a manner consistent with the handling of other confiscated property and must not dispose of such personal property for a period of at least **thirty (30) calendar days**, during which time the owner may retrieve such property from the Department, pursuant to the procedure outlined in the policy. Nothing prevents Department members from disposing of property with the consent of the property owner. When Department members have received consent to dispose of property, Village officials shall assist Department members when necessary.

28-2-5 PENALTIES.

(A) Any person who violates a provision of this Article as a first offense may be punished by a fine of not more than **One Hundred Dollars (\$100.00)**. All fines under this Article may be satisfied by cash payment or community service.

(B) Any person who commits a subsequent violation of this Article, occurring within **one (1) year** of a violation, may be punished by a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)**. All fines under this Article may be satisfied by cash payment or community service.

(C) Each occurrence of a violation of this Article or, in the case of a continuous violation, each day a violation occurs or continues, constitutes a separate offense and shall be punishable separately.

(Ord. No. 2024-09; 04-08-24)