

CHAPTER 8
PARKS AND PLAYGROUNDS

8.01 PROTECTION OF PARK PROPERTY.

- A. Damaging Property. No person in a park in the Village shall willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- B. Damaging Plants. No person in a park shall damage, cut, carve, climb on, transplant or remove any tree or injure the bark, or pick the flowers or seeds of any tree or plant unless authorized to do so by the Village. No person shall attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- C. Rest Rooms and Washrooms. No person in a park shall fail to cooperate in maintaining rest rooms and washrooms in a neat and sanitary condition.
- D. Pollution of Waters. No person in a park shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- E. Refuse. No person shall bring in, have brought in to a park, or dump, deposit or leave in a park any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
- F. Structures & utilities. – No person in a park shall construct or erect any building or structure of any kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such land.
- G. Any of the activity described in 8.01 A-F shall not be a violation if authorized by the Village.

8.02 OPERATING POLICY.

- A. Hours.
 - 1. The Village parks shall be open daily to the public from sunrise until sunset as defined herein, unless such use has been approved as provided in 8.02 (B) of this chapter.

2. The Village Boat Launch shall be open daily from sunrise until sunset as defined herein except that during the months of April 1st through September 30th, the boat launch shall be open from sunrise until 10:00 p.m. During duck hunting season the launch shall open at 4:00 a.m.

Sunrise/Sunset (defined) – A specific time of day, as determined and published by the U.S. Weather Bureau locally, at which the sun rises and sets.

Any section, or part of the park, may be declared closed to the public by the Village President at any time and for any interval of time, either temporary or at regular or stated intervals.

- B. Group Activity. Whenever any group, association or organization desires to use the park facilities for a particular purpose, such as picnics, campouts, parties or theatrical or entertainment performances, a representative of the group, association or organization shall first obtain permission from the Village for such purpose. The Village has established an application form to be used by the Village Clerk for such situations.

The Village shall grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application. The application may contain a requirement for liability insurance, for which the Village shall be named as additional insured, to protect the Village from any liability of any kind or character and to protect Village property from damage.

- C. Alcohol Prohibited. The possession and/or consumption of alcohol in Village Parks is prohibited except as set forth in Section 8.03 F Use of Park Areas, and in the case of Special Events for which a Special Event Liquor License has been secured through the Village.

8.03 USE OF PARK AREAS.

- A. Picnicking. No person in a park shall picnic or lunch in a place other than those designated for that purpose. Assigned village personnel shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given by assigned village personnel to achieve the goals of this section.
- B. Non-exclusive Use. No person shall use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, except by permit, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.
- C. Fires. No person shall build a fire in any place other than a fireplace, fire pit, or a grill as constructed or affixed to the property by the Village or in a portable grill constructed of a suitable fireproof substance, or other area designated by the Village. No person shall drop, throw, or otherwise scatter lighted matches or other flammable materials within any

park area or on any highway, road or street abutting or contiguous thereto. No person shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such 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.

D. Camping. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used for such purpose, such as house-trailer, camp-trailer, cap-wagon, or the like. Exception to this Section shall be granted only by permission of the Village.

E. Motorized Vehicles. No person shall drive or park any motorized vehicle in any park in the Village of Johnsburg unless special permission for such activity is granted in advance by Village. This prohibition does not apply to Village officials, Village employees, or contracted services while on duty and in performance of their official duties.

1. Exemption – Motorized vehicles, permitted under Municipal Code Chapter 15.15 Non-Highway vehicles are allowed on designated paths identified to specific parks and/or paths identified and marked for Non-Highway Vehicle use. Max speed shall be limited to 5mph or less.

a. Designated Paths: Operation on paths that are identified “Permitted Non-Highway Vehicle Use ONLY and/or a combination of said use clearly identified and marked on Non-Highway Vehicle use maps.

b. Designated Parks: Operation for ingress and egress in Sunnyside Memorial Park, Hiller Park, Hickory Way Fishing Pond & Park and Rescue Squad Park shall be limited to a designated path and motorized vehicles are not permitted off of a designated path except for the purpose of parking in a designated motorized vehicle parking area.

c. Minimum Operator Age: Operation of a motorized vehicle on designated paths or in designated parking areas shall be limited to individuals aged 16 years or older.

F. Use of Park Shelters. The Village provides park shelters located in Sunnyside Memorial Park, Hiller Park and Rescue Squad Memorial Park which may be rented for private functions subject to the following provisions:

1. A reservation is made and confirmed with the Village at least 14 days prior to the event.

2. A refundable deposit of \$100.00 for residents residing in the corporate limits of Johnsburg and a \$200.00 refundable deposit for non-residents being submitted to the

Village a minimum of 14 days prior to the date of event. Said deposit will be refunded within 14 days from the date of event upon an inspection by Village personnel to confirm that no damage, destruction or extensive cleaning and repairs occurred to the park and all trash and litter was picked up and placed in refuse receptacles provided at the park.

3. 3. A fee of \$50.00 for residents residing in the corporate limits of Johnsborg and a \$250.00 fee for non-residents shall be charged for rental of the shelter which must be paid a minimum of 14 days prior to the event. Four (4) picnic tables will be provided for park shelter rentals when available and not allocated to other Village functions or special events. Additional picnic tables may be provided for a fee of \$10.00 for each additional picnic table, when available, not to exceed six additional tables. Requests for additional picnic tables must be submitted to the Village a minimum of 14 days prior to the date of event.
4. Liquor liability insurance in the amount of \$300,000 or as statutorily required must be secured and a certificate of insurance naming the Village of Johnsborg as additional insured must be submitted to the Village a minimum of 7 days prior to the event if liquor will be consumed at the event.
5. General liability insurance in the amount of \$1,000,000 or as statutorily required must be secured and a certificate of insurance naming the Village of Johnsborg as additional insured must be submitted to the Village a minimum of 7 days prior to the event if inflatables or other equipment will be placed on the park property for the event. Inflatables and other equipment must be approved by the Village in advance of the event.

G. Use of Boat Launch - The Village provides a boat launch on Riverview Drive. Use of the launch is subject to the following provisions and fees:

1. A boat launch sticker must be purchased and displayed on the vehicle launching the boat or other watercraft. The fee for said sticker shall be as follows:

Johnsborg Resident - \$20.00 for a two-year sticker

Non Resident - \$100.00 for a two-year sticker

Contractor or Commercial Activity - \$200.00 per daily permit, authorized use for only Village's corporate boundaries (*non-recreational boat launching activity*)

"Contractor or Commercial Activity" shall mean any undertaking to deliver materials or components or equipment such as by way of example without limitation; boat lifts or shore stations to residents in the Village's corporate boundaries or to furnish services of a commercial nature, such as by way of example, seawall repairs or installations of a boat lift, shore station or seawall repair to a resident in the Villages corporate boundaries.

If an undertaking act or activity would constitute a "Contractor or Commercial Activity" but for the fact that services or items are not being provided or furnished to a resident within Village's corporate boundary such undertaking, act or activity shall not be undertaken from the Village's boat launch.

- 2 . Persons utilizing the launch must adhere to launch hours of operation as set forth in 8.02A and all other provisions regarding the use of Village Parks.
- 3 . Launch time is limited to 15-minute maximum.
- 4 . Obstruction of the launch or piers is prohibited. Vehicles, trailers, or watercraft are not permitted to obstruct the free use of the launching lane, ramp, or piers at any time other than during the actual act of launching a watercraft. At no time may a person leave a vehicle, trailer, or watercraft unattended except as provided in 8.03 (G)(5). Obstructions and/or unattended vehicles, trailers, or watercrafts shall be removed at owner's expense.
- 5 . Contractor or Commercial activity is only permitted on Monday through Wednesday during permitted boat launch hours and Thursday to be launched and completed by 12:00p.m. No holiday activity uses or Monday after a holiday weekend.
 - a. Launch time is limited to 1.5-hours maximum. Recreational boat launching use is awarded priority, Contractor or Commercial activity must relocate and allow recreational user to launch.
 - b. Before commencing and utilizing the boat launch the contractor obtaining the launch sticker must deposit with the Village a bond issued by a surety licensed in the State of Illinois in a form approved by the Village which contains a provision for the recovery of attorney's fees in the event that the Village must bring an action to recover on the bond, in favor of the Village in the amount of \$10,000.00. The bond shall provide that the Village may recover against the principal and the surety jointly and severally. The bond shall be used by the Village to reimburse it for any damage to the Village property, roads, pier or other public improvements damaged by the applicant, the applicant's contractors, sub-contractors, agents, employees or other parties utilized or retained in connection with the use and process at the boat launch.
 - c. In lieu of entities regularly doing work within the Village activity identified above may deposit a yearly cash bond, to be held by the Village, for all work anticipated to be performed during a given year, the Village Board will set the amount of the yearly cash bond.
 - d. A person who violates any provision of this Contractor or Commercial activity section may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class E violation in Chapter 1.07-E. Any second or continued violation for the same offense shall increase penalty to the next offense classification. In addition to a fine, any person holding a Contractor or Commercial activity launch sticker issued by the Village shall be subject to revocation of said activity.

- 6 . Boat Launch Parking. All vehicles and trailers must have a current and valid Village of Johnsburg vehicle sticker affixed to the vehicle or trailer parked in the designated Village Boat Launch Parking area.

H. Use of Village Athletic Facilities – The Village provides athletic facilities at Hiller Park and Sunnyside Memorial Park. Use of the facilities is governed by the *Village of Johnsburg Agreement for the Development, Maintenance, Scheduling and Operations of Athletics Facilities*.

8.04 ADVERTISING AND SIGNS.

- A. Advertising. No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.
- B. Signs. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription, nor shall any person erect or cause to be erected any sign on any public land, highway, or road adjacent to a park, except as approved by the Board of Trustees.

8.05 NO SWIMMING. No person shall swim or wade in any river, stream, creek, lake or pond located in the Village's parks.

8.06 FISHING IN PONDS. Fishing in Village ponds by non-residents is prohibited. Violators shall be subject to a \$200 fine.

8.07 FIREWORKS. No person in a park shall bring in, have in his possession, set off or otherwise cause to explode or discharge or burn, any firecracker, or explosives of inflammable material, or discharge or burn, any firecracker, torpedo, rocket, or other fireworks, or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance, or compound, would be dangerous from any of the foregoing standpoints. Professional fireworks display allowed only by Village permit in accordance with Chapter 7 of the Municipal Code.

8.08 USE OF TOBACCO PRODUCTS.

- A. Use of Tobacco Products prohibited

The use of any tobacco product is prohibited within all buildings, facilities and vehicles owned, leased, or otherwise in the possession or under the control of the Village of Johnsburg, or within 15 feet of facility entrances/exits, windows that open and ventilation intakes. The use of any tobacco product is also prohibited on or within twenty-five (25) feet of any Village of Johnsburg playground, sports field, shelter or structure.

- B. Definition

Tobacco is defined to include any lighted or unlighted cigarette (clove, bidis, kreteks), e-cigarettes, cigars, cigarillos, pipes, hookah products; and any other smoking product; and any smokeless, spit or spit less, dissolvable, or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form (orbs, sticks, strips, pellet, etc.); and all nicotine delivery devices that are not FDA-approved as cessation products.

- C. Penalties for Violation

A person who violates any provision of this Ordinance shall be given a warning for the first offense within any 12-month period. A person who violates this Ordinance on two or more occasions within any 12-month period shall be fined as follows: 2nd offense: Fifty Dollars (\$50.00); 3rd or subsequent offense within any 12-month period One Hundred Dollars (\$100.00). The maximum fine for any single violation of this Ordinance shall be One Hundred Dollars (\$100.00). In addition to a fine, any person holding a Park Permit issued by the Village shall be subject to revocation of said Permit.

8.09 ENFORCMENT OF REGULATIONS. The Police of the Village of Johnsburg, Illinois, shall be and hereby are authorized and empowered to enforce this and all ordinances. This Ordinance shall not be construed to create any duty of the Village, its officers, or employees.

8.10 SETTLEMENT OF OFFENSES. Any offense arising under this Chapter 8, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class C violation in Chapter 1.07-E. Any second or continued violation for the same offense shall increase penalty to the next offense classification.