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**ORDINANCE NO. 2017-18-37**

*An Ordinance Amending Certain Sections of Chapter 8,  
Parks and Playgrounds, of the Johnsburg Municipal Code*

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT A SPECIAL MEETING ON MARCH 22, 2018  
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry  
Kyle Frost  
Josh Hagen  
Mary Lou Hutchinson  
Greg Klemstein  
Kevin McEvoy

Village Administrator

Claudett E. Peters

## **ORDINANCE NO. 2017-18-37**

### ***An Ordinance Amending Certain Sections of Chapter 8, Parks and Playgrounds, of the Johnsburg Municipal Code***

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: That Chapter 8, Parks and Playgrounds of the Johnsburg Municipal Code, is hereby amended to read as follows:

#### **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.
- CB. 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.
- DC. Pollution of WatersSanitation. 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 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.
- ED. 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 activity described in 8.01 A-F shall not be in 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 1<sup>st</sup> through September 30<sup>th</sup>, 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~~President of the Board of Trustees~~ 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 Board of Trustees for such purpose. ~~The Village has established Board may adopt~~ an application form to be used by the Village Clerk for such situation.

The ~~Village Board of Trustees~~ 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, an indemnity bond to protect the Village from any liability of any kind or character and to protect Village property from damage.

## **8.03 USE OF PARK AREAS.**

- A. Picnicking~~Regulated~~. No person in a park shall picnic or, lunch or camp in a place other than those designated for that purpose. Attendants 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 to achieve this end.

B. Nonexclusive Use. No person shall use any portion of the picnic areas or of 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/Duties of Picnickers. No person shall build a fire in any place other than a fireplace or a grill as 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 inflammable 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 Johnsborg unless special permission for such activity is granted in advance by the ~~Village~~ Village President and Board of Trustees. -This prohibition does not apply to Village officials, Village employees, or contracted services while on duty and in performance of their official duties.

~~F~~. Use of Park Shelters. The Village provides park shelters located in Sunnyside 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 \$100 refundable deposit is 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 occurred to the park and all trash and litter is picked up and placed in refuse receptacles provided at the park.

3. A \$25.00 fee for residents and \$100 fee for non-residents shall be charged for rental of the shelter and must be paid a minimum of 14 days prior to the 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 Johnsburg 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 Johnsburg as additional insured must be submitted to the Village a minimum of 7 days prior to the event if inflatables or other pay 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.

F. 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:

Johnsburg Resident - \$20.00 for a two year sticker  
 Non Resident - \$100.00 for a two year sticker

2. -Persons utilizing the launch must adhere to launch hours of operation as set forth in 8.02 A 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 unattended watercraft is not permitted. Obstructions and/or unattended watercrafts shall be removed at owner's expense.

G. 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... \Parks\2017\Johnsburg Schools Field Use Agreement.pdf*

#### **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 whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except as approved by the Board of Trustees.

**8.05 ENFORCEMENT OF REGULATIONS.** ~~The Village Chief of Police shall enforce the provisions of this Chapter.~~

**8.056 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.~~

**8.076 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.~~

**8.07 TREES AND VEGETATION.** ~~No person shall disturb the trees and vegetation located in the Village park unless authorized to do so by the President and Board of Trustees of the Village and then only under supervision of the Village Board.~~

**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.

D. Enforcement

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.

8.08 ENFORCEMENT OF REGULATIONS. The Village Chief of Police shall enforce the provisions of this Chapter.

8.09 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.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

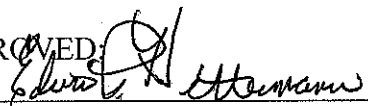
Voting Aye: Trustees McEvoy, Curry, Hagen, Frost and Klemstein

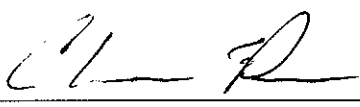
Voting Nay: None

Abstain: None

Absent: Trustee Hutchinson

APPROVED:

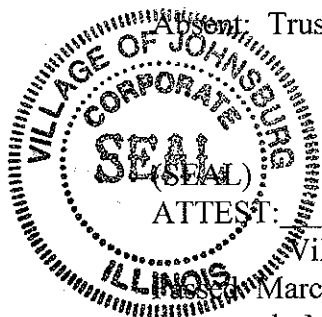
  
Village President Edwin P. Hettermann

ATTEST:   
Village Clerk Claudett E. Peters

March 22, 2018

Approved: March 22, 2018

Published: March 22, 2018



## CERTIFICATION


I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 22<sup>nd</sup> day of March, 2018 the foregoing Ordinance entitled *An Ordinance Amending Sections 8 Parks and Playgrounds of the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2017-18-37 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 22<sup>nd</sup> day of March, 2018, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 22<sup>nd</sup> day of March, 2018.



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Claudett E. Peters, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

