

ORDINANCE NO. 07-01

AN ORDINANCE ESTABLISHING PARK RULES REGULATING  
THE USE OF PARKS AND PARK FACILITIES

BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BYRON PARK DISTRICT, COUNTY OF OGLE, STATE OF ILLINOIS, THAT THE ORDINANCE ESTABLISHING PARK RULES AND REGULATIONS REGULATING THE USE OF PARKS AND PARK FACILITIES IS AS FOLLOWS:

**SECTION 1.0 ---DEFINITIONS:** Whenever in this ordinance the following terms are used they shall have their meanings respectively ascribed to them in this section.

**1.1---Authorized Agent:** Individuals granted authority by the Executive Director when acting within the scope of that authority.

**1.2---Board:** Byron Park District Board of Commissioners

**1.3---District:** Byron Park District

**1.4---Employee:** Employee of the Byron Park District

**1.5---Overnight:** The time when the park, or facility, is officially closed until it opens the following day.

**1.6---Owner:** Person who holds the legal title to a vehicle or other property of any kind, or in the event that the vehicle or other property is the subject of an agreement for the conditional sale or lease thereof, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this ordinance.

**1.7---Park System:** All of the parks, roadways, water, structures and other property of every kind under the jurisdiction, control or supervision of the District now or hereafter whether within or beyond its boundaries.

**1.8---Permit:** The written permission that must be obtained from the District to carry out a given activity.

**1.9---Person:** Every natural person, firm, co-partnership, association, corporation or organization of any kind.

**1.10---Posted:** A notice that is posted, either by a sign or written declaration of any type, within a Park, or at the administrative offices of the district.

## **SECTION 2.0---HOURS OF USE / PERMITS**

**2.1---Hours of Use:** The parks of the District without operational, artificially lighted athletic facilities shall be closed to the public from dusk each day until daybreak the following day, unless permission has been granted by the District for later hours. All parks with operational, artificially lighted athletic facilities shall be open to the public after dusk during special events, or programs, while the lights are on and shall close immediately after the lights are turned off until daybreak the following day. No person, animal, or property of any kind shall remain in the Park System after closing time unless a permit is granted in advance by the District for later hours. Security lighting shall not be considered operational, artificial lighting.

### **2.2---Permits**

**2.2.1---** Any act prohibited by, or under this ordinance, or any other ordinance or rule of the District, provided such act is not otherwise prohibited by law or ordinance, shall be lawful to the extent authorized or permitted under the provisions of a permit issued by the District.

**2.2.2---** Permits shall be issued only upon payment of such fees as may be established from time to time by the District. All terms for the issuance of the permits must be strictly complied with and any violation of same, or any other law, ordinance or rule of the District, City of Byron, or State of Illinois shall be grounds for revocation of the permit granted.

## **SECTION 3.0---GENERAL USE REGULATIONS TO PROTECT PARK SYSTEM'S PROPERTY AND NATURAL ENVIRONMENT**

**3.1---Open Burning:** It shall be unlawful to burn or cause the burning in any location within the Park System of any paper, leaves, twigs, branches, wood, grass or other refuse from any source, or other combustible materials of any nature whatsoever, except as follows:

**3.1.1---Charcoal Cooking Burning:** Portable grills are permitted; however every effort must be taken to keep other park users away from the grill when it is hot and coals must be disposed of properly by removing from the park. **Do Not Place Coals At The Base Of Trees, On The Grounds Anywhere Within the Park, Or Within Plastic Trash Containers.**

**3.1.2---Campfires:** Burning in an outdoor campfire is prohibited at all times in all areas of the Park System, unless allowed by permit.

**3.2---Plant and Soil Destruction:** Cutting, injuring or destroying any grass, tree, vine, shrub, or other plant, or cutting or removing any sod or earth from any area of the Park System is prohibited unless prior authority is granted.

**3.3---Protection of Plants and Animals:** No person shall trap, catch, hunt, molest, wound, treat cruelly or kill any bird or animal, or attempt same, or molest or rob any nest of any bird or animal within the Park System.

**3.4---Protection of Property: No person shall;**

**3.4.1---**Mark, litter, injure, damage, destroy, take or withhold in any way District plants or property of any kind.

**3.4.2---**Use any property of others in the Park System, unless duly authorized by the owner.

**3.4.3---**Interfere with the use of the Park System by the public.

**3.4.4---**Interfere with the use and maintenance of the Park System by the District.

**3.4.5---**Bring any plant or portion of a plant onto the Park System property.

**3.4.6---**Throw, spit, pour or otherwise discharge any injurious article or vile substance upon the grounds of the Park System.

**3.4.7---**Climb upon any trees, bushes, plants, fences, structure or property of any kind in the Park System, except such recreational equipment as may be installed by the District for such purpose.

**SECTION 4.0---GENERAL USE REGULATIONS OF RECREATIONAL  
ACTIVITIES**

**4.1---Amusement Contraptions:** No person shall bring in, set up construct, manage or operate an “Amusement Contraption” in the Park System. An “Amusement Contraption” means any device, machine or structured designed to test the skill or strength of the user of provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball-throwing contest devices, pinball-type devices, electronic games, animal ride devices, ball and hammer devices, and trampoline devices.

**4.2---Bicycling: No person shall;**

**4.2.1---**Ride a bicycle on a trail, roadway or other area prohibiting bicycles.

**4.2.2---**Ride a bicycle across or upon any athletic field, playground, play lot or any wet or newly seeded grassy areas.

**4.2.3---**Fail to ride a bicycle as closely as possible to the right-hand side of any road, trail or path, as conditions shall permit.

**4.2.4---**Operate a bicycle in a reckless manner so as to endanger pedestrians, or any other park patron.

**4.2.5---**Ride a bicycle on any path or trail more than two abreast.

**4.2.6---**Leave unattended any bicycle, except in those areas designated for such purpose and then only in in such a manner as not to create a nuisance or hazard to the public.

**4.3---Camping:** No person, or group of persons, shall place, erect, or use any hammock, swing, tent or shelter, or otherwise camp or sleep in the Park System.

**4.4---Engine Powered Models or Toys:** No person shall start, fly or use any fuel-powered engine or jet-type or electronic-powered model aircraft, boat, auto, truck, rocket, or like powered toy or model in the Park System without a permit and then only at such times and places as the District may from time to time designate for the purpose.

**4.5---Golfing:** No person shall swing or make use of any golf club, nor play golf, nor hit or putt golf balls within the Park System.

**4.6---Horseback Riding:** No person shall bring into, unload, use or ride any horse in the Park System.

**4.7---Picnics:** Picnics may be held within picnic shelters within the Park System, but not within areas set aside specifically for other recreational activities (i.e.: ballfields, playgrounds, parking lots). A permit is required for group picnics involving 10 or more persons, or to specifically reserve a picnic area.

**4.8---Play Classes and Day Camps:** No person shall bring or cause to be brought onto the Park System any play class, day camp, or other organized group of any kind without a permit from the District and then only upon such terms specified therein.

**4.9---Roller and In-Line Skating:** No person shall propel himself with the use of roller or in-line skates in the Park System in such a manner so as to endanger pedestrians.

**4.10---Playground Apparatus:** No adult person (18+) shall in any manner use any of the playground apparatus or devices meant exclusively for the use of children.

**4.11---Scooters / Go-Carts:** No person shall ride or propel a motor powered scooter or go-cart within the Park System.

**4.12---Snowmobiles:** No person shall operate a snowmobile within the Park System unless a specific area is designated for such use, except for law enforcement officers and emergency personnel when necessary to perform their duties.

## **SECTION 5.0---GENERAL REGULATIONS OF VEHICLES, TRAFFIC AND PARKING**

**5.1---Vehicle Defined:** Every motorized device in, upon or by which any person or property is in or may be transported or drawn upon, except a wheelchair when used by a disabled person.

**5.2---Restriction of Vehicle Use on Park System Property:** No person shall:

**5.2.1---**Operate any Vehicle anywhere except on the driveways and parking areas provided for by the District.

- 5.2.2---Operate any Vehicle at a speed greater than the speed limit posted or in the absence of such posted limit, at a speed in excess of 15 miles per hour. But in no event shall a Vehicle be operated at a speed that is greater than that which is reasonable and proper with regard to pedestrians present and other traffic or environmental conditions.
- 5.2.3---Operate a Vehicle in such a manner that traffic is obstructed.
- 5.2.4---Operate a Vehicle that is not licensed or permitted to be operated on roads, streets and highways of the State of Illinois.
- 5.2.5---Operate or move a Vehicle in a closed park.
- 5.2.6---Disobey the instruction of any official traffic control device, unless at the time otherwise directed by a police officer or authorized event staff member.
- 5.2.7---Leave an engine running in an unattended Vehicle and permit it to stand without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb of the side of the roadway.
- 5.3---**Parking:** Parking of any and all Vehicles are to be in areas designated for parking ONLY, within all Park System areas, unless directed to do otherwise by authorized event traffic staff or a police officer.

## **SECTION 6.0---GENERAL REGULATIONS OF CONDUCT AND BEHAVIOR**

- 6.1---**Disorderly Conduct:** The various kinds of conduct, demeanor, states of behavior and action enumerated in this section shall be deemed disorderly conduct, and are prohibited. Any person found guilty of such conduct, demeanor or state of behavior or action shall be deemed a disorderly person, and shall for each offense upon conviction, be punished as provided in applicable law, or ordinance. The District reserves the right to remove people due to behavior at all sites and facilities within the Park System, subject to fine. No person in the Park System shall:
- 6.1.2---Commit an assault, or an assault and battery, upon any other person within the Park System.
- 6.1.3---Be under the influence of intoxicating liquor or narcotic drugs, be, or remain in the Park System, nor shall any person being within, possess, drink, sell or transfer any intoxicating liquor or narcotic drugs in the Park System, provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.
- 6.1.4---Engage in any fight.
- 6.1.5---Conduct himself, or join with one or more other persons, if he knows or should know that, singly or together with the others with whom he has joined, he is unreasonably obstructing the free and unobstructed passage and enjoyment of the public in the Park System.

- 6.1.6**---Persist in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is, in fact, unreasonably causing such a disturbance, provided, however, that notice need not be given when such persons affected reasonably believe that to do so would constitute a risk to their personal safety.
- 6.1.7**---Persist in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication which, by its very existence, inflicts injury or tends to incite an immediate breach of the peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is, in fact, unreasonably causing such a disturbance.
- 6.1.8**---Knowingly harass any other person. "Harass" is defined as any repeated verbal, or nonverbal, conduct which is specifically intended to frighten, embarrass or anger the person or persons who are the object of such conduct or which the person accused has reason to know is likely to produce such a reaction.
- 6.1.9**---Knowingly obstruct or resist any member of a public safety agency in the discharge of his lawful duties or fail to obey the lawful order of said official, knowing him to be a member of a public safety agency (i.e.: police, fire, medical).
- 6.1.10**--Urinate or defecate on any Park System grounds, equipment or on the floor of any Park System facilities open to the public access or view.
- 6.1.11**--Graffiti, writing drawing, carving, making or showing any lewd or indecent words, sentences, design, picture or figure on any Park System property open to public access or view.
- 6.1.12**--Knowingly take possession of and ride or take away any property owned by another individual without the express or implied permission of the owner.
- 6.1.13**--Fail to accurately identify himself when requested to do so by a police officer after the officer observes that person commit a civil infraction or when the officer has probable cause to believe the person has committed an offense outside the officer's presence.
- 6.1.14**--Without a permit, use sound amplification equipment to generate sound that is audible at a distance of no more than thirty feet from the device producing the sound. "Sound Amplification Equipment" is defined as any machine or device for the amplification of the human voice, music, or any other sound or noise, but not including devices used by public safety officials in the performance of their official duties.
- 6.2**---**Gambling**: Gambling of any kind, or setting up or participating in, any lottery or gambling device, unless specifically authorized under Illinois law and the District, is strictly forbidden in the Park System.
- 6.3**---**Indecent Exhibitions**: Taking part in or displaying indecent plays, public exhibitions, or expressions, as defined by Illinois law, is strictly forbidden in the Park System.
- 6.4**---**Public Meetings**: No person or organization of any kind shall call or hold any public meeting, exhibition or entertainment of any kind within the Park System without being granted a permit for the event, prior to the event taking place, from the District.

**6.5---Weapons, Explosives & Fireworks:** No person shall possess, brandish, expose, throw, discharge or carelessly handle any explosive contrivance, firework, or firearms anywhere on Park System property without first obtaining a permit from the District.

**6.6---Food and Beverage Concessions:** The Byron Park District holds exclusive right to provide concession service within the Park System. Any other person, group or agency shall not operate a food and beverage service for the exchange of money within the Park System, unless express written consent is given by the District. Persons, groups or agencies requesting permission to operate a food and beverage concession must submit proper health and insurance information to the Executive Director of the District no later than 45 days prior to the service date in order to be considered for a permit.

## **SECTION 7.0---POLICE ENFORCEMENT**

**7.1---Police Force:** The District has elected to enter into an intergovernmental cooperation agreement to secure police services from the Byron Police Department. The powers, duties and limitations set forth in this Ordinance #07-01 shall be incorporated and transferred to the Byron Police Department. Further, in such event, the Byron Police Department shall not be limited by the powers set out in the Illinois Park District Code, but shall maintain all powers granted it by Ogle County, Illinois and the State of Illinois.

**7.2---Duties:** The Byron Police Department shall be the conservators of the peace within the park system and shall be responsible for the enforcement of the laws of the State of Illinois, and Ordinances and rules of the District, the City of Byron and the County of Ogle applicable thereto, pursuant to law.

**7.3---Powers:** The members of the City of Byron Police Department shall have the power to make arrests as they deem necessary, as provided by law.

## **SECTION 8.0---ENFORCEMENT**

**8.1---Animal Control:** Any person guilty of violating the Animal Control sections of this Ordinance shall be fined not less than \$50, nor more than \$500.

**8.2---General Fines:** Any person violating or disobeying any clause or provision of any section of this Ordinance, or any other regulatory ordinances or rules of the District, shall be guilty of a misdemeanor, may be forthwith evicted from the Park System, may have their permit revoked, and shall be fined upon conviction no less than \$50, nor more than \$500 for each offense, the fine to be recovered in a manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**APPROVED AND PASSED THIS 15<sup>TH</sup> DAY OF MAY, 2007, PURSUANT TO A ROLL CALL VOTE AS FOLLOWS:**

**AYES: Boyle, Eisfeller, Jeffrey, Johnson, Wilmarth**

**NAYS: None**

**ABSENT: None**

**BOARD OF COMMISSIONERS OF THE BYRON PARK DISTRICT**

**BY: \_\_\_\_\_**  
**Jeff Wilmarth, President**  
**Board of Commissioners**  
**Byron Park District**

**ATTEST: \_\_\_\_\_**  
**Holly Johnson, Secretary**  
**Board of Commissioners**  
**Byron Park District**