

**CHAPTER 28**

**PARKS**

**ARTICLE I - DEFINITIONS**

**28-1-1**      **SHORT TITLE.** The Chapter regulating the use of the parks owned or controlled by the Village; providing for conduct and enforcement; and providing penalties for the violation of its provisions shall be known and may be cited as the "Ordinance Regulating Conduct in Public Parks."

**28-1-2**      **DEFINITIONS.** For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number and words in the singular number include the plural number; words importing the masculine gender shall include the feminine, and words importing the feminine gender shall include the masculine. The word "shall" is always mandatory and not merely directory.

- (A)            **"Authorized Agent"** is any person granted authority by the Mayor.
- (B)            **"Village"** is the Village of Fisher, Illinois.
- (C)            **"Director"** is the person appointed and designated by the Village Trustees to administer the policies established by the Village Trustees.
- (D)            **"Employee"** is any employee of the Village.
- (E)            **"Park"** is any park owned, leased or controlled by the Village, such as play field, playground, pool, and recreation center or any other area or facility in the Village, and devoted to active or passive recreation.
- (F)            **"Trustees"** of the Village by which all policy matters are established pertaining to the Village.
- (G)            **"Village"** is the Village of Fisher of Champaign County, Illinois including its parks, properties, facilities, buildings, trustees, employees and its agents.
- (H)            **"Person"** is any person, firm, partnership, association, corporation, governmental unit, company, entity or any organization of any kind.
- (I)            **"Police Officer"** is a law enforcement officer who is a member of a duly authorized police department and is employed full-time by a unit of local government.
- (J)            **"Pollution"** is the contamination or other alteration of the physical, chemical, or biological properties of park waters or land, including changes in the temperatures, taste, color, turbidity or odor of park waters or any discharge of any liquid, gas, solid, or other substance into or onto park waters or park property that will or is likely to create a public nuisance or render such waters or property harmful or detrimental to the public health, safety or welfare, or to domestic, recreational or other beneficial uses, or to wild animals, birds, fish or other aquatic life.
- (K)            **"Department Head"** is the person immediately in charge of any park area or department and its activities and to whom all employees of such area or department are responsible.

(L) **"Vehicle"** is any wheeled conveyance, whether motor powered or self-propelled. The term shall include any trailer in tow of any size, kind or description, except for baby carriages, children's wagon or bicycle and vehicles in the service of the Village.

(M) **"Area(s)"** where used means a specified place within a park.

(N) **"Overnight"** wherever used means the time when the park or facility is officially closed until it opens the following day.

(O) **"Parking Area"** wherever used means any designated park or any park road or drive, or special area contiguous thereto that is set apart for the standing or stationing of vehicles as deemed by the Village.

(P) **"Permit"** wherever used means the written permission of the District that must be obtained and possessed to engage in a specific activity.

(Q) **"Posted"** wherever used means any notice which is displayed whether by a sign in a park, Village building, entrance to a park, or is available to the Administrative Office, the location being at the discretion of the Village.

(R) **"Park Property"** wherever used means any park lands, waters, facilities or possessions of the Village, whether in fee, as a leasehold or by management agreement.

(S) **"Watercraft"** wherever used means any device or conveyance utilized on water whether propelled by motor, engine, wind or human power. The terms include, but is not limited to, any boat, canoe or raft.

(T) **"Waters"** where used means waters within the jurisdiction of the Village.

**ARTICLE II – PUBLIC USE**

**28-2-1      PUBLIC USE AND MISSION.** Parks are for use by the general public. This Chapter is intended to further that function, as well as regulate the use of the parks maintained by the Village, and protect the rights of those owning property adjacent to such parks.

**28-2-2      HOURS OF USE.**

(A)            All parks of the Village shall be closed to the public at **10:00 P.M. CST** until sunrise (the moment when the leading edge of the sun itself appears above the horizon) unless otherwise posted.

(B)            All persons, except employees of the Village whose duties require their presence, shall not remain in a park when a park is not open to the public without a permit from the Village.

(C)            Park hours shall be posted.

**ARTICLE III**

**PROTECTION OF PARK PROPERTY, STRUCTURES AND NATURAL RESOURCES**

**28-3-1      DESTRUCTION OR MISUSE OF PARK PROPERTY AND STRUCTURES.** No person shall upon or in connection with any park property of the Village:

(A)            Destroy, deface, paint, alter, or remove any monument, stone, marker, benchmark, stake, post or blaze marking or designation of any boundary line, survey line or reference point.

(B)            Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, picnic table, bench, grill, railing, bridge, pier, drain, well, foundation, pump, telephone, lamp post, fence, gate, refuse container, exhibit, display, tool or equipment, paving or paving materials, storage box, utility outlet, movie screen, flagpole, water line or Village park property without written permission from the Village.

(C)            Deface, destroy, cover, damage or remove any placard notice, or sign, or parts thereof, posted or exhibited by the District to announce the rules, regulations and warnings, or any other information to the public necessary or desirable to the proper use of the park or park property.

(D)            Construct or erect any building or structure of any kind or character whatsoever, whether permanently or temporarily, or run or string any public utility into, upon or across a park without the written permission from the Village.

(E)            Take, appropriate, excavate, injure, destroy, or remove any historic or prehistoric ruin or parts thereof, or any object of antiquity, without written permission from the Village.

(F)            Throw, carry, cat, drag, push or deposit any refuse container, picnic table, barricade or any other movable or non-movable property into a lake, pond, wetland, stream or lagoon or upon the frozen waters thereof, or to otherwise move, stack, or hide such property in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such property.

(G)            Occupy or inhabit, or cause to be occupied or inhabited, any barn, shed, or other structure, or use for storage or cause to be used for the storage of any goods, any barn, shed or other structure without written permission from the Village.

(H)            Enter into or upon any park area or structure closed or posted against trespass, without written permission from the Village. Such structures or areas may be, but are not limited to, constructed areas, work safety zones, equipment or material storage structures or area, workshops or stations, or areas undergoing reforestation or other soil or vegetative treatment, or areas, hazardous to the public safety or health.

(I)            Tamper with in any manner, enter or climb upon, weaken, destroy, damage, or remove anything from any park vehicle, watercraft, machine or implement.

(J)            Misuse any refuse container or receptacle by depositing into it any hot coals or other hot or burning substances, or by depositing into it any garbage, trash, refuse or other unwanted material that was not gathered on the site in the course of normal, lawful use of park facilities.

(K)            Bring into, leave behind or dump any material of any kind, whether waste or otherwise, in the park, except refuse, ashes, garbage and other material arising from the normal use and employment of a picnic or other permitted activity, provided such material is properly deposited in receptacles designed for such purposes. Where receptacles are not

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. Any material of any kind shall not be left or deposited within or near the parks so as to pollute Village land, waters, or air coursing through or over the parks or otherwise interfere with proper use and enjoyment of the park. Bottles, cans, refuse or foreign material of any description shall not be deposited or thrown in any streams, wetlands, ponds or lakes located in the parks.

**28-3-2      DESTRUCTION OR MISUSE OF NATURAL RESOURCES.** No person shall upon or in connection with an park property of the Village:

(A)            Cut, remove, uproot, pick, saw, chop, carve, injure or wantonly destroy any tree, bush, shrub, flower or plant, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise efface or injure any tree, shrub or bud, or break or remove any branch or foliage thereof or pick or gather any seed of any tree or other plant unless necessitated by the performance of restorative maintenance, or construction work pursuant to contract with the Village or by its written permission.

(B)            Drive any nail, staple or attach or fasten any wire, rope, or device to any tree or plant, or tie or hitch any animal to any tree, plant or bush without written permission from the Village.

(C)            Climb any young tree, or walk, stand or sit upon any monument, vase, fountain, railing, fence or any other park property not designated or normally used for such purposes.

(D)            Remove or cause to be removed any sod, earth, downed timber, rock, sand or gravel, or remove or cause to be removed any other natural material from Village park property unless necessitated by the performance of restorative maintenance, or construction work pursuant to contact with the Village or by its written permission.

(E)            Hunt, trap, molest, wound, poison, kill, feed or attempt to hunt, trap, molest, poison, kill or feed any animal, bird, or reptile, or disturb any nest, den or burrow of any animal bird or reptile, without written permission from the Village.

(F)            Fish in any waters of the Village, except in waters designated by the Village for fishing, and then under such laws, or regulations as may be promulgated by the State of Illinois.

(G)            Engage in fishing for profit in park waters, or buy or sell fish caught in park waters.

(H)            Release or cause to be released any wild, or domestic animal, bird, fish or reptile, or distribute the seed or spores of any flowering or non-flowering plant into or upon park lands or waters, without written permission from the Village.

(I)            Ride, lead or allow to be loose upon park premises, any horse, pony or other riding animal, except in areas designated for riding by posted signs and with written permission from the Village.

(J)            Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designated to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, without written permission from the Village or authorized its agent and then only in compliance with all applicable laws, regulations or as may be promulgated by the State of Illinois.

**28-3-3      CONTRABAND.** All animals, plants, birds, fish or reptiles, or parts thereof, killed, captured, trapped or taken or bought, sold or bartered or had in possession contrary to any provisions of this Chapter or applicable laws or regulations of the State of Illinois or the United States of America, shall be and are hereby declared contraband and, as such, shall be subject to seizure by any police officer or employee of the Village.

**28-3-4      DESTRUCTION BY MISUSE OF FIRE.** No person shall upon or in connection with any park property of the Village:

(A)            Set fire, or cause to be set on fire, any tree, brush, grassland, meadow, prairie, slash, refuse container or structure unless necessitated by the performance of park maintenance, or pursuant to authorized conduct within the Village.

(B)            Build a fire anywhere, for any purpose, except in provided grills, or in appropriate receptacles. Fires shall be limited to cooking fires or fires in a fire pit as authorized by the Village. Fuels used in fires shall not produce any noxious fumes or smoke.

(C)            Build any fire whatsoever, for any purpose in or out of a receptacle or grill or leave it unattended, unless such fire is properly extinguished. For the purpose of this Chapter, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance is cold to the human touch.

(D)            Cause, suffer, or allow the burning of garbage, refuse, waste material, trash, or other combustibles within or adjacent to the parks so as to cause smoke, haze, odor, sparks, dust, dirt, or other type of matter or gaseous substance to come upon, or pass over the park which would cause an air pollution nuisance or damage or injury to person or property.

**ARTICLE IV – REGULATIONS OF RECREATIONAL ACTIVITIES**

**28-4-1**        **SWIMMING.** No person shall upon or in connection with any park property of the Village:

(A)            Swim, wade, or bathe at any time in any of the ponds, lakes, pools, streams or watercourses, except at such place or places as may be designated by the Village and then only in accordance with the rules, regulations, and restrictions promulgated and posted.

(B)            Change into or from bathing attire, except in those places designated for such use.

(C)            Fail to wear bathing attire at all times while engaged in any permitted swimming activity.

**28-4-2**        **BICYCLING, SKATEBOARDING, AND SKATING.** No person shall upon or in connection with any park property of the Village:

(A)            Ride a bicycle except on the right-hand side of the road paving as close as conditions permit. Bicycles shall be kept in a single file when **two (2)** or more are operating as a group, and bicyclists shall at all times operate their bicycles with reasonable regard for the safety of others; signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicle they may be meeting.

(B)            Ride with any other person on a bicycle, except for a tandem bicycle which has seats for more than **one (1) person.**

(C)            Leave unattended his/her bicycle, except in a bicycle rack when such is provided and there is space available.

(D)            Ride a bicycle on any path, trail, roadway or other area designated and posted as prohibiting bicycles.

(E)            Bicyclists shall yield the right of way to pedestrians on paths, trails and other areas where vehicles are prohibited.

(F)            No person shall operate a bicycle in a reckless manner so as to endanger pedestrians or other bicyclists.

(G)            Skateboard, roller skate or in-line skate on Village park property where it is posted as prohibited. All skateboarders, roller skaters and in-line skaters shall yield the right-of-way to pedestrians, bicyclists or other skaters.

**28-4-3**        **SOUND OR ENERGY AMPLIFICATION.** No person shall upon or in connection with any park property of the Village play or operate any sound or energy amplification devices (including without limitation, radios, hand held radio devices, compact disc or cassette tape players, iPods, mp3 players, automobile radio type devices, television sets, public address systems and musical instruments) or operate any other sound or energy amplification device in such a manner that the sound emanating therefrom can be heard at a distance of **fifty (50) feet** from the device during its use or operation.

**28-4-4**        **WINTER SPORTS.** No person shall upon or in connection with any park property of the Village:

(A) Sled, toboggan, ski or slide on any area posted by the Village as being "unsafe" or "hazardous" or as being "closed" due to inadequate snow cover or other environmental conditions, or upon being duly notified of such by the Village.

(B) Enter on or upon any frozen water to skate, fish, slide or walk on for any purpose whatsoever other than areas designated or such use and then only in compliance with the rules and regulations posted for such use.

(C) Fish through the ice on any frozen waters or parts thereof except as designated by the Village as ice fishing areas.

(D) Bring onto or upon the frozen waters of any lake, pond or watercourse any iceboat or wind-driven-lie device or other vehicle.

(E) Ice skate on any area posted by the Village as being "closed" or "no skating" or "unsafe ice." Ice skating shall be allowed in designated areas only.

**28-4-5 SNOWMOBILES.**

(A) **Definitions.**

(1) "Snowmobile" is any self-propelled vehicle designated for travel on snow or ice in a natural terrain, steered by wheels, skis or runners.

(2) "Operate" means to control the operation of a snowmobile.

(3) "Operator" is any person who operates or is in actual physical control of a snowmobile.

(B) **Regulations.** It shall be unlawful for any person to operate a snowmobile under the following conditions:

(1) On Village park property without express provision or permission to do so by the proper Village authority.

(2) In a manner so as to create a loud, unnecessary or unusual noise that disturbs or interferes with the peace and quiet of other persons.

(3) In a careless, reckless or negligent manner so as to endanger the safety of any person or property.

(C) **Unattended Vehicles.** It is unlawful for the owner or operator to leave or allow a snowmobile to be abandoned or remain unattended on park property while the motor is running or with the keys for starting the vehicle left in the ignition.

**28-4-6 FIELD AND TEAM SPORTS.** No person shall upon or in connection with any park property of the Village play or engage in any team sport or game such as, but not limited to, baseball, football, soccer, field hockey, volleyball, lacrosse or horseshoes, except in those areas designated by the Village as athletic fields, or in such a manner as to interfere with other persons lawfully using said areas.

**28-4-7 AVIATION.** No person shall upon or in connection with any park property of the Village make any ascent in a balloon, aircraft, airplane, glider, hang glider, or any descent in or from any balloon, aircraft, airplane, glider, hang glider, parachute or similar device as an operator, occupant or passenger, nor shall any person fly, cause to be flown, or permit any balloon, aircraft, airplane, glider, hang glider, parachute or similar device to be flown over any park premises at any time at an elevation less than is reasonable and proper so as to endanger the safety of any person or park property.



**28-4-8**      **GAMBLING.** No person shall upon or in connection with any park property of the Village:

(A)            Manage, operate, organize, participate or engage in gambling or participate in or abet any games of chance as defined in **720 ILCS 5/28-1 et seq.**

(B)            Have in their possession any clock, wheel, tape machine, slot machine, pinball machine or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money is staked, bet, hazarded, won or lost, without Village approval. Any such machine or device in violation of this Section shall be subject to seizure and confiscation.

**28-4-9**      **CAMPING.** No person shall upon or in connection with any park property of the Village take part in any camping or sleeping overnight in a park without a Village authorized permit, except in conjunction with a Village organized, authorized or supervised program approved by the Mayor.

**28-4-10**     **CELL PHONES AND OTHER RECORDING AND DUPLICATING DEVICES.** No person shall upon or in connection with any park property of the Village use (i) any electronic, mechanical, manual, electric, digital, voltaic or other device, instrument or means capable of recording, producing, duplicating, reproducing, storing, copying, transmitting or displaying any visual, video, photographic, electronic, digital recorded, or other visual image, picture, or representation, including without limitation, any camera, photographic camera, video camera, fiber optic camera, motion picture camera, television camera, camcorder, or videotaping device, or (ii) any cell phone of any type or kind capable of producing a visual image, in any restroom, locker room, lavatory, bathroom, shower facility, or dressing room, in any building owned, leased to, or under the control of the Village.

**ARTICLE V – REGULATIONS OF VEHICLES, TRAFFIC AND PARKING**

**28-5-1**        **VEHICLE OPERATION AND EQUIPMENT.** The Village hereby adopts the Illinois Vehicle Code, **625 ILCS 5/1-100 et seq.**, as from time to time amended, as the rules governing the operating, licensing and registering of motor vehicles, and the licensing of operators of motor vehicles in Village park property, except where Village ordinances specifically establish different rules. Enforcement shall be authorized by any law enforcement officer or authorized agent.

**28-5-2**        **VEHICLES TYPES AND ACCESS ALLOWED.** No person shall in connection with any park property of the Village:

(A)            Operate, or cause to be operated, any vehicle anywhere, except on designated roads, drives, and parking areas provided in compliance with the directions and restrictions of the police, or any authorized park employee. Nothing contained herein shall be construed to prevent police or emergency vehicles from free access to all areas of park property in the execution of their duties.

(B)            Operate a vehicle in such a way that traffic is obstructed.

(C)            Operate, or cause to be operated, any motor vehicle anywhere, that is not licensed or permitted to be operated on the roads, streets and highways of the State of Illinois without a permit from the Village and then only in those areas specified and in accordance with applicable rules and restrictions. Vehicles not so licensed and therefore, subject to the provisions of this subsection include, without limitation, snowmobiles, go-carts, trail bikes, mini-bikes, and such other all-terrain, off-the-road vehicles.

(D)            Operate or cause to be operated or moved without a permit or until such time as the park is officially opened, any vehicle closed in a park as a result of the closing of the park at the proper posted time.

(E)            Operate a vehicle on any road, drive or parking area posted, gated or barricaded and closed to public traffic.

**28-5-3**        **RIGHT-OF-WAY.** No person shall in connection with any park property of the Village operate a motor vehicle in such a manner as to fail to yield the right-of-way to pedestrians or to deprive or unreasonably interfere with the equal rights or opportunity of any other person to use the property of the Village.

**28-5-4**        **PARKING.** No person shall in connection with any park property of the Village:

(A)            Park a vehicle on any park property other than in areas designated for parking that type of vehicle, unless there is an emergency or unless directed to do otherwise by a law enforcement officer or an authorized park employee.

(B)            Leave a vehicle parked on park property after park closing hours without obtaining permission from the Village, or after the closing of a function for which the Village has authorized a later closing hour.

(C)            Park a vehicle in such a way as to block another parked vehicle.

(D) Park a vehicle in such a way as to block, restrict or impede the normal flow of traffic.

(E) Permit a motor vehicle which he is operating, or in charge of, to stand unattended without first stopping the engine, locking the ignition, and removing the keys, and when standing upon any perceptible grade, without setting the brake thereon and turning the front wheel so as to inhibit the accidental movement of said motor vehicle.

(F) Park any vehicle in any parking place designated as reserved for handicapped persons, unless proper registration plates, decals or devices are exhibited indicating that the vehicle is operated by or for a handicapped person. Any vehicle in violation of this subsection is subject to removal at owner's or operator's expense.

(G) Double-park any vehicle on any driveway unless directed by a park official or temporarily for discharging passengers.

(H) Leave any vehicle in the park more than **twenty-four (24) hours** due to a mechanical failure. At the end of such period the vehicle shall be towed away at the owner's or operator's expense.

(I) Change oil, grease, wash or polish vehicles and leave debris from such action, or change any parts or make repairs of any kind to any vehicle in any park area, except such emergency repairs necessary to remove such vehicle therefrom.

**ARTICLE VI – REGULATION OF PERSONAL CONDUCT AND BEHAVIOR**

The Village hereby adopts the Illinois Criminal Code Chapters 705 and 720, Illinois Criminal Law and Procedures, as amended from time to time, as the rules governing criminal offenses on Village park property, except where Village ordinances specifically establish different rules. Enforcement shall be authorized by any law enforcement officer or authorized agent.

**28-6-1 VENDING AND ADVERTISING.** No person shall upon or in connection with any park property of the Village:

(A) Expose or offer for sale or hire any articles or things, or conduct or solicit any business, trade or occupation or profession without the approval of the Village or its authorized agent, and then only in accordance with the terms and conditions thereof, it being the intention of the Village to control commercial enterprises or sales on its park property. The advertising or promotion of any business, production, service or profit making event is not allowed in any park or publication of the Village, except when authorized by the Village Trustees.

(B) Display, distribute, post or fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or objects containing advertising matter or announcements of any kind or character whatsoever without permission from the Village or its authorized agent, except the groups holding a valid Park Use Permit, may display signs to identify their location or direct others to it, provided that such signs are temporary and are removed by permittee at the termination of the activity.

(C) Beg or solicit contributions or donations in any manner in any park, unless authorized by the Village.

**28-6-2 UNLAWFUL OBSTRUCTIONS.** No person shall upon or in connection with any park property of the Village:

(A) Set or place or cause to be set or placed any goods, wares, or merchandise or any stand, cart or vehicle for the transportation or vending of any such goods, wares, or merchandise or any other article upon any park property of the Village which obstructs the use of any park.

(B) By force, threat, intimidation or by any unlawful fencing or enclosing or any other unlawful means, prevent or obstruct or combine with others to prevent or obstruct any person from peacefully entering upon any park property of the Village or obstruct the entrance into any enclosure within the Village, excepting that nothing in this Section shall be construed to deny lawful enforcement of a valid permit granting a certain person or persons use to the exclusion of others as defined and provided for in this Chapter.

(C) Enter, without appropriate invitation or without having appropriate admission fee, any Village area, facility or program which has been rented or otherwise reserved for any purpose; nor shall anyone enter any concession in any of the parks of the village without the consent of the concessionaire or duly authorized agent or employee; nor shall any person disturb any patron of such concession, any participant in any dance, game, picnic, or a public assemblage; nor shall any person loiter in the immediate area of any such concession so as to impede free access to such concession by other park patrons or the flow of pedestrian traffic in and about the area of such concession.

**28-6-3      UNLAWFUL CONSTRUCTION OR MAINTENANCE.** No person shall upon or in connection with any park property of the Village erect, construct, install, or perform any maintenance on, below, over or across a park, except by proper authorization of the Village authorizing such activity, and then only in accordance with written permission of the Park Director specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such authorization.

**28-6-4      DRUG OR ALCOHOL ABUSE.** No person shall upon or in connection with any park property of the Village possess, give away, sell, serve, dispense or drink any alcoholic beverage, or possess, sell, deliver, smoke, inhale, inject, eat, chew, swallow, or otherwise ingest in any manner whatsoever any beer, wine, other alcoholic beverage, narcotic drug, or controlled substance; provided however, that the sale, delivery, possession and consumption of alcoholic beverages to or by any person not under the age of **twenty-one (21) years** in any specified building or within a specified area owned by the Village, as authorized by the Village from time to time, shall be permitted. Any person found to be in violation of this Section shall be subject to arrest or ejected from the park premises.

**28-6-5      WEAPONS AND HARMFUL SUBSTANCES.** No person shall upon or in connection with any park property of the Village:

(A)            At any time have in their possession or on or about their person, any firearm, knife, pistol, revolver, rifle, shotgun, ammunition, bow and arrow, crossbow, slingshot, blackjack, billy club, any device capable of discharging a projectile by air, spirit, gas or explosive, any explosive substance or harmful solid, liquid or gaseous substance, any tear gas or any disabling chemical agent or any other dangerous weapon of any kind or character whatsoever. Nothing contained herein shall be construed to prevent any duly sworn police officer from carrying such weapons as may be authorized and necessary in the discharge of their duties; nor shall it apply to any person summoned by any such officer to assist in making arrests or preserving the peace while such person is engaged in such assistance.

(B)            Bring onto park property any trapping device, any incendiary bomb or material, any smoke or stink bomb, any acid or caustic substance, or any flammable liquid, except charcoal lighter or fuel contained in the fuel tank of a motor vehicle, for the usual and ordinary purposes thereof.

(C)            Discharge any of the weapons or instruments, listed in paragraph (A) above, into or over any park from outside a park.

**28-6-6      HINDERING OR BRIBING EMPLOYEES.** No person shall upon or in connection with any park property of the Village:

(A)            Interfere with, unreasonably disrupt or delay or in any manner hinder any Village employee or distract him/her from the performance of his/her duties.

(B)            Give or offer to give an employee any money, gift, privilege, or article of value on or off Village park property so as to violate the provisions of this Chapter, contract, or permit or statute of the State of Illinois or the United States or in order to gain or receive special consideration in applying for any use or privilege or to gain special consideration and treatment in the use of any Village park property or facility.

**28-6-7**      **USE OF FACILITIES RESTRICTED AS TO GENDER.** No person shall upon or in connection with any park property of the Village enter into or remain in any toilet, restroom, bathhouse, pavilion or structure or section thereof, which has been reserved and designated for use of the opposite gender, except for minor children of such age and ability so as to need to be and when accompanied and supervised by an adult. Nor shall any person loiter in or around any restroom, bathhouse or dressing room for the purpose of soliciting another to engage in sexual behavior.

**28-6-8**      **DISORDERLY CONDUCT.** No person shall upon or in connection with any park property of the Village engage in conduct that is disorderly, and a person shall be deemed to have engaged in disorderly conduct when he knowingly:

(A)            Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace.

(B)            Does or undertakes an unreasonable offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of peace or imminent threat of violence.

(C)            Refuses or fails to cease and desist any conduct or activity likely to produce a breach of peace where there is imminent threat of violence; and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, have requested that said conduct and activity be stopped, and have explained the request if there be time.

(D)            Fails to obey a lawful order of dispersal by a person known by him to be a police officer under circumstances where persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.

(E)            Assembles persons for the purpose of using force or violence to disturb the public peace.

(F)            Contributes to the delinquency of a minor while within a park area.

**28-6-9**      **PUBLIC INDECENCY.** No person shall upon or in connection with any park property of the Village engage in conduct that is publicly indecent, and a person shall be deemed to have committed an act of public indecency when any person performs any of the following acts:

(A)            An act of sexual intercourse.

(B)            An act of deviant sexual conduct.

(C)            A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person.

(D)            A lewd fondling or caress of self or the body of another person of either sex.

**28-6-10**     **OBSCENE BOOKS AND PAMPHLETS.** No person shall upon or in connection with any park property of the Village knowingly exhibit, sell, give away, or offer to sell or give away in the Village any obscene book, pamphlet, paper, drawing, movie film, picture, photograph, or any other article of any kind of an obscene nature.

**28-6-11      CONTROL AND TREATMENT OF DOGS AND DOMESTIC ANIMALS.**

No person shall upon or in connection with any park property of the Village:

(A)            This Chapter shall not be construed to prohibit the controlled use of certain animals approved by the Director or purposes of public safety, such as but not limited to, the protection of Village park property or the protection of employees in the performance of their duties or search and rescue.

(B)            Bring in, lead or carry any dog or domestic animal that is unleashed or on a leash longer than **six (6) feet**, except to those areas designated by the Village for use by such animals and then only in accordance with the rules and regulations promulgated for the control of such area or areas.

(C)            Bring a dog or other domestic animal into a park area where dogs or domestic animals are prohibited. Dogs and domestic animals are prohibited from within **twenty-five (25) feet** of a playground, picnic shelter, swimming pool, fountain, athletic field or any sites of recreation activity, such as but not limited to recreation programs and special events which may be designated by the Village. All dogs in those areas where such domestic animals are not prohibited shall be restrained at all times on adequate leashes not greater than **six (6) feet** in length and shall be accompanied by a person capable of controlling them.

(1)            Any dog or other domestic animal found to be running at large and not under the control of any person while on Village park property may be apprehended and removed to an animal shelter, public pound or any other place provided for such purpose, all at the expense of the owner.

(2)            Any person who brings a dog or other domestic animal onto Village park property shall cleanup and properly dispose of defecation left by the dog or other domestic animal under the control or ownership of such person.

(D)            Bring in, drive, ride or lead in any animal, except in accordance with the provisions of this Chapter and the rules and restrictions promulgated for the control of such animals, except that horses, beasts of burden and draft animals may be ridden or driven ahead of vehicles attached thereto on such portions of the park as may be designated by the Village.

**28-6-12      HONORING PERMITS.** No person shall upon or in connection with any park property of the Village by act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity, or unreasonably or willfully intrude upon any areas or into any structures designated for the use of a certain person or persons to the exclusion of others.

**28-6-13      PYROTECHNICS.** No person shall upon or in connection with any park property of the Village possess, set off or attempt to set off or ignite any firecrackers, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without Village approval, and then only under such rules and regulations as may be promulgated by the Village Trustees and subject to all local, State and Federal laws.

**28-6-14**     **SMOKING IN VILLAGE BUILDINGS.** No person shall upon or in connection with any park property of the Village smoke in any part of the Village's buildings unless in a specifically designated and posted smoking area or in a permitted smoking area under the Illinois Clean Indoor Air Act.

**28-6-15**     **LURK OR LIE IN WAIT.** No person shall lurk, lie in wait, or be concealed in any place with intent to do mischief or commit any crime or other illegal act.

**28-6-16**     **LOITERING.** No person shall loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a park facility in such a manner to:

- (A)           Obstruct or hinder the use of a park or facility by other.'
- (B)           Obstruct or interfere in the carrying out of duties of a Village employee or City, County or State employee performing duties in the park or park facility.

**28-6-17**     **LITTERING.** No person shall throw, toss, place or deposit or cause to be thrown, placed or deposited litter or offensive substances in or upon any public place in the parks or park facilities, except in the receptacles provided thereof.



**ARTICLE VII – ENFORCEMENT**

State laws for Villages apply. This Chapter is enacted pursuant to the Village’s authority under the Illinois Village Code, **70 ILCS 1205/1-1 et seq.** All persons coming upon Village park property shall abide by this Chapter. The Illinois Village Code states that the members of the Village Trustees and all police officers appointed by them shall be conservators of the peace within and upon such parks, boulevards, driveways and property controlled by such Village, and shall have power to make arrests in view of the offense, or upon warrants for violation as for breach of peace, in the same manner as the police in cities organized and existing under the general laws of the Village of Fisher, County of Champaign and the State of Illinois.

**28-7-1      POLICE.**

(A) All sworn officers of the Police Department shall have the power and the authority to issue citations and complaints or arrest any persons found in the act of violating any ordinance of the Village or rules or regulations thereof, ordinance of the Village or law of the State of Illinois, where applicable, and to eject said person from any park or any portion thereof for violation of any such ordinance, rule, regulation or statute.

**28-7-2      PENALTIES.**

(A) Any person violating or disobeying any provision of this Chapter may be arrested by the Police in the enforcement of this Chapter and may be fined upon conviction up to the sum of **One Thousand Dollars (\$1,000.00)**, which fine may be recovered by an action in the name of the Village in the Circuit Court of Champaign County, Illinois.

(B) **Payment of Violations Without Court Action.**

(1) In case of any violations of the provisions hereof, if in the opinion of the police officer detecting such violation, it is of such a nature or kind that it does not tend to immediately endanger the public safety, and Village properly has not been damaged, such police officer may issue a “warning” complaint which indicates that payment of a lesser penalty may be paid to resolve such obligation.

(2) The Village shall designate the location to which such compromise payments shall be made. In case of failure to make payments as herein provided, the officer issuing the complaint shall transmit the complaint to the Clerk of the Circuit of Champaign County, as in other cases.

(C) The Village may also seek, in addition to or instead of fines and penalties, an order that the offender be required to make restitution for damage resulting from violations of this Chapter.

**28-7-3 RULES AND REGULATIONS.** The Village Trustees shall from time to time promulgate and make reasonable rules, practices, procedures and regulations governing the use of the various areas, facilities, devices and vehicles within the parks, and such rules and regulations shall become binding and effective upon their being posted at the entrance to the facility or areas governed by them and shall be enforced with the same force and effect as the other provisions of this Chapter.

**28-7-4**      **AUTHORITY OF OTHER AGENCIES.** This Chapter shall not be construed to prevent other law enforcement officers from carrying out their own duties within the territories of the Village as defined by applicable laws of the State of Illinois and United States or ordinances of Champaign County, Illinois and the Village of Fisher, or in accord with any other policing agreement approved by the Park Board.

**28-7-5**      **PERMITS AND DESIGNATED AREAS – AUTHORITY.** In order to carry out the terms of this Chapter, the Village shall have the authority to issue the permits, set fees, post notices or take the other action as called for herein, subject to the provisions set forth in **Article II**.

**28-7-6**      **CIVIL SUITS.** This Chapter shall not be construed to prevent or preclude the lawful use by the Village of a civil remedy at law or equity, as the case may be, to correct any abuse or loss suffered by the Village as a result of violation of this Chapter or any law of the Village, County or State.

**28-7-7**      **UNITED STATES, STATE AND LOCAL LAWS.** All persons within the parks of the Village are subject to all ordinances, rules and regulations of the Village, as well as all applicable laws of the United States, State of Illinois and local ordinances of Champaign County, Illinois and the Village, as amended and changed from time to time. These laws include, without limitation, the Illinois Vehicle Code, the Criminal Code of the State of Illinois and Game and Fish Codes of the State of Illinois, as amended and changed from time to time.

**ARTICLE VIII – MISCELLANEOUS**

**28-8-1**        **REPEAL.**    All Village ordinances and parts of ordinances and all resolutions, rules and orders, or any parts thereof, in conflict with this Chapter, or any parts hereof, are hereby repealed.

**28-8-2**        **ENACTMENT.**    This Chapter shall be in full force and effect from and after its passage and approval.

**28-8-3**        **CAPTIONS AND HEADINGS.**    The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

**28-8-4**        **SEVERABILITY.**    The provisions of this Chapter shall be deemed to be severable, and the invalidity or unenforceability of any provisions shall not affect the validity and enforceability of the other provisions hereof, which shall remain in full force and effect.

**28-8-5**        **INSPECTION OF RULES, REGULATIONS, DESIGNATIONS AND SCHEDULES OF FEES.**    Copies of all rules, regulations, designations and schedules of fees, established by the Village Director or Board of Commissioners, shall be kept in a single location and made available to the public for inspection during normal business hours at the Village Community Center in Fisher, Illinois.

**ARTICLE IX – AMENDMENTS**

**28-9-1**        **AMENDMENTS.**    This Chapter may be amended from time to time by the Village and such amendment may be shown by either marking the section amended, attaching the amendment to this Chapter, or filling in the schedule below.

**(Ord. No. 12-06; 04-23-12)**