

ORDINANCE # 17-03

An ordinance superseding ordinance 06-04, providing amendments and additions for the Regulations and Restrictions governing the use of the Park System of the Braidwood Park District

BE IT ORDAINED by the Board of Commissioners of the Braidwood Park District:

Section 1. Purpose. The parks of this city are established and maintained as areas of recreation, relaxation, and enjoyment for the public. It is intended that they shall be regulated and used to permit enjoyment by a maximum number of people engaged in widely diverse interests and activities as may be practical within the limits of space, design, and accommodations available in each park unit. Limitations may be required to insure the use of park areas in safety and to protect the rights of others in surrounding areas.

Section 2. Definitions. As used in this ordinance:

- (a) The term "**park**" means any area of land owned or controlled by the public, set aside and maintained by the public for the recreation and relaxation of the public (which includes undeveloped greenways).
- (b) The term "**city park**" includes areas such as Old Smokey City Park and similar areas which are or may later be planned and developed for numerous types of family or group uses.
- (c) The term "**Authorized Party**" means the person(s), group(s) or entity(s) that are seeking, granted and/or approved to perform, host, coordinate, or take part in any function or event located on any Braidwood Park District ground or property.
- (d) The term "**Park Official**" means any person who is dually elected by the qualified voters within the Braidwood Park District to hold the office of park commissioner and is seated on the Braidwood Park District Board of Commissioners.
- (e) The term "**Park System**" means any area, ground, property, land, building, facility, open space or greenway that is maintained, owned or operated by the Braidwood Park District.
- (f) The term "**Skate Park**" means the area in which a purpose-built recreational environment for skateboarders and rollerbladers to ride and develop their techniques has been created and established.

Section 3. Motorized Vehicles.

(a) No person shall bring or use any vehicle upon any portion of the Park System were such vehicles are prohibited from being brought or used by the direction of Park Staff or park officials.

(b) No person shall use, ride, drive or cause to be present upon any area of the Park System, any snowmobile, motorized go cart, motorized bicycle, or motorized dirt bike including those commonly referred to as three wheelers or four wheelers unless such a vehicle is being operated by a park employee, park official or authorized party.

(c) No person shall drive or park any motor vehicle anywhere in the Park System, except upon designated roadways and parking areas. Driving on any grass areas or anywhere planted vegetation exists upon park property is specifically prohibited, unless done or authorized by a park district employee or park official in the regular course of park district business or unless such grass area is specifically posted as a parking area by park employees or park officials.

(d) No person shall park or abandon any motor vehicle in any area of the Park System during hours of park closure as prescribed in section 20 of this ordinance, unless permission has been granted by the Braidwood Park District Board of Commissioners or special arrangements have been made with a park official. If a vehicle becomes disabled while present upon any area of the Park System, the registered owner must make arrangements to have the vehicle removed within twenty-four (24) hours of the vehicle becoming disabled. The Braidwood Park District assumes no liability for damage, loss of property or destruction to any vehicle which is left upon any area of the Park System due to any vehicle becoming disabled.

Section 4. Horses and Ponies. No person shall ride or lead any horse or pony on any area of the Park System unless specific authorization is granted by the Braidwood Park District Board of Commissioners.

(a) Persons who receive granted authorization from the Braidwood Park District board of Commissioners must adhere to the following requirements:

(I) All waste/feces/droppings from said animal(s) must be picked up by the authorized party and disposed of off park property at the conclusion of the event or designated time.

(II) The authorized party must limit the number of users or riders to any designated guests or attendants of the authorized event.

(III) All horses or ponies must remain under the control of the authorized party or designated and certified handler. No horse or pony will be allowed to roam freely upon any area of the Park System.

(IV) The authorized party shall assume any and all liabilities, damages, injuries or death caused to any designated or non-designated guest or attendant; or any private properties of any designated or non-designated guests or attendants, by any horse or pony under the authorized parties care, operation or while in use or presence at any authorized event.

Section 5. Fire. No person shall build or maintain any fire in any area of the Park System without prior approval or authorization from the Braidwood Park District Board of Commissioners or a park official, except in a designated barbecue unit where picnic areas are provided and the fire is being used for the sole purpose of food item preparation or when authorized is granted by a park official. No person shall take firewood from any area of the Park System for his or her own personal use unless authorized by a park official.

(a) Fires which are authorized by the Braidwood Park District Board of Commissioners or a park official must adhere to the following requirements:

- (i). No fire shall be left unattended by the authorized party in which specific authorization was granted.
- (ii). Authorization will not be granted to any minor or individual less than eighteen (18) years of age.
- (iii). Wooden palates, planks, crates or other combustible materials which may contain nails, staples or other sharp metal or sharp non-metal items used to hold said materials together will not be permitted as part of the materials to be burned.
- (iv). At the conclusion of the event or authorized timeframe, all fires must be extinguished by the authorized party using water or dirt.
- (v). The authorized party shall assume any and all liabilities, damages, injuries or death caused to any designated or non-designated guest or attendant; or to any private properties of any designated or non-designated guests or attendants; by any fire or open flame under the authorized parties care, operation or while in use at any authorized event.

Section 6. Commercial Activity. No person shall sell or attempt to sell any merchandise or service or operate any concession in any area of the Park System without permission from the Braidwood Park District board of Commissioners. The President of the Braidwood Park District may issue a permit authorizing the selling of merchandise or services or the operating of a concession on park grounds by any community service organization or group or any non-profit organization or group if the President determines, in his or her reasonable discretion, that it is in the best interests of the Braidwood Park District and if all the requirements and regulations below are met by the authorized party. The President may include reasonable conditions in said permit, and he or she may revoke a permit if the terms of the permit are violated, or he or she may deny a permit to a person, persons or party who have violated the terms of a permit within the previous year.

(a) The person, persons or party who receives authorization to sell any merchandise or service or to operate any concession in any area of the Park System shall adhere to the following:

(i). The sale of firearms, tobacco products, illegal or controlled substances or drugs, weapons (i.e. knives, swords, switch blades, razor blades) or any other item which is prohibited from sale by law or controlled by law will not be allowed.

(ii). Authorized parties who are in operation of a concession must meet all requirements set forth by the Will County Health Department and the Illinois Department of Public Health.

(iii). Events which include a “flea market” or “farmers market” must be organized and coordinated by a community service organization or group; or non-profit organization or group where said organization or group would be the primary beneficiary of any monetary or non-monetary entry, participation or inclusion fees.

(b) No person who holds a valid permit issued by the President of the Braidwood Park District under this section shall sell merchandise or services within a park in violation of any conditions stated in that permit.

Section 7. Dogs. Dogs may be taken into the Park System provided that the following requirements are met:

(a) All dogs must be held by a suitable line, chain or strap by a person which has the physical capabilities of remaining in constant physical control of said dog(s) at all times.

(b) Any person in control of any dog(s) will, upon creation, pick up and remove from the Park System any and all waste or droppings from said animal.

(c) No person shall walk, be in possession of, or allow to be present, any dog within any designated playground area where the sole purpose of said area is for the use and enjoyment of children. Such areas include:

(i) Lions Kiddie Park (161 North Lincoln Street. Braidwood, IL.)

(ii) Luke H. Goodrich Park (145 South Maple Street. Braidwood, IL.)

(iii) Inside areas designated as baseball or softball playing fields

(iv) Inside area designated as a skate park

(v) In any area which signs are posted prohibiting said animals.

Section 8. Garbage, Dumping Articles and Other Refuse. No person shall discard or dispose of any garbage or other refuse in any are of the Park System, except in a receptacle provided and designated for such garbage and other refuse.

(a). No person shall take any garbage or other refuse into any area of the Park System for the purpose of disregarding or disposing of such garbage or other refuse.

(b). No person shall deposit, dump, throw or place any coal, ashes, dust, manure or rubbish in or upon any area of the Park System.

(c). No person shall remove from park grounds or cause damage to any trash receptacle that is the property of the Braidwood Park District or is maintained by the Braidwood Park District

Section 9. Motor Vehicle Speed. The designated speed for motor vehicles upon the roadways and designated parking areas within any park is 10 Miles Per Hour (M.P.H.) unless otherwise posted.

Section 10. Dangerous Equipment and Activities. No person shall use or engage in any activity that any park official determines, in his or her reasonable discretion, creates an unreasonable interference or danger to other persons. Such activity shall include, but not be limited to, the use of golf clubs, archery equipment, a discus, javelin or shot; or any aircraft, rocket or missile powered by fuel or mechanical means, or any firearm.

Section 11. Throwing Stones. No person shall throw or cast any stone or other missile, or cause any stationary object to become projectile within the Park System.

Section 12. Sound. No person shall disturb the peace in any area of the Park System between the designated hours of park closure as defined under section 20 of this ordinance. For purposes of this subsection, disturbing the peace is defined as including, but not being limited to, the following:

- (i) Playing of a musical instrument.
- (ii) Playing of a radio, tape recorder, television or stereo.
- (iii) Shouting.
- (iv) Engaging in any organized games.

(a). No person shall use any device to amplify sound in any area of the Park System unless a valid permit has been issued by the President of the Braidwood Park District Subsection (b) of this section.

(b). The President of the Braidwood Park District may issue a permit authorizing the use of one or more designated devices to amplify sound by one or more designated persons in a designated area of the park system on a designated date between specific hours if he or she finds, in his or her reasonable discretion, that the number of persons to be entertained or served by the use of sound can be adequately and reasonably served only by the amplification of sound. The President of the Braidwood Park District may include conditions in such a permit which he or she deems reasonable, and the President of the Braidwood Park District may, at any time, revoke a permit if the terms of the permit are violated, or he or she may deny a permit to a person or group of persons who have violated the terms of a permit within the previous year.

(c). No person who holds a valid permit issued by the President of the Braidwood Park District, under this section shall amplify sound within any area of the Park System in violation of any conditions stated and set fourth in said permit.

Section 13. Begging. No person shall beg, panhandle or solicit donations in the Park System.

Section 14. Obstructing Travel. No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind so as to obstruct travel in the Park System.

Section 15. Advertisements. No person shall display any placard or advertisement of any kind in the Park System, nor shall any person distribute, cast, throw or place any hand bill, pamphlet, circular, advertisement or notice of any kind, nor post, stencil or otherwise affix any notice, or hand bills, advertisement or other papers, upon any structure, vehicle or thing in or about the Park System.

Section 16. Gambling. No person shall play at a game of chance, conduct a game of chance, operate any gambling device or use any gambling device in the Park System except in the following:

(a) Persons or organizations who wish to conduct any game of chance or use any gambling device in the Park System must request in writing, from the Braidwood Park District Board of Commissioners, permission to hold such activities.

(b) Persons or organizations who wish to conduct any game of chance or use any gambling device in the Park System must adhere to and abide by all Federal, State, County and Municipal regulations and requirements before any game of chance or use of any gambling device in the Park System can begin or take place.

Section 17. Games and Sports. No person shall engage in any organized sport, game or amusement in the Park System unless permission has been granted by the Braidwood Park District Board of Commissioner.

Section 18. Pavilions. No person or persons shall occupy or make use of any designated pavilion structure for any organized event, celebration, party or gathering unless authorization is granted by the Braidwood Park District Board of Commissioners or any park official except in the following:

- (a) Small picnic style outings not to exceed Fifteen (15) persons in attendance,

Section 19. Tables and Seating Structures. No person shall remove any wooden, metal and plastic table, bench seating structure from the Park System without authorization from the Braidwood Park District Board of Commissioner or a park official.

Section 20. Hours of Park Closure. No person shall enter any area of the Park System, be present upon any area of the Park System, or use any equipment within the Park System from dusk until dawn; without a permit or authorization to do so from the Braidwood Park District Board of Commissioners, or a park official, or in any case of the following:

- (a). Where any sign is posted advising of closure due to the spraying of pesticides or weed killing chemicals in a specific area of the Park System,

- (b). When at any time inclement weather (i.e. thunderstorm, snow, ice, flooding etc.) impacts the area encompassing the Park System.

- (c). Park officials are authorized to close, at any time, any park or portion of any grounds or properties within the Park System and operated by the Braidwood Park District in any of, but not limited to, the following situations:

- (i). Where any occurrence of illegal activity (i.e. damage, vandalism, destruction, use or consumption of illegal drugs or alcohol etc.) has taken place.

- (ii). When, in his or her reasonable discretion, a park official deems the closure of any ground or properties within the Park System, necessary in order to preserve the peace, health and safety of the public.

Section 21. Liability. All persons or parties to whom an exclusive use permit has been granted must agree in writing to hold the Braidwood Park District harmless and indemnify the Braidwood Park District from any and all liability for injury to persons or property occurring as a result of the activity sponsored by the permitted and authorized party. Said persons shall be liable to the Braidwood Park District for any and all damages to park equipment, facilities, and buildings owned or maintained by the Braidwood Park District which results from the activity of the permitted and authorized party or is caused by any who participate in said activity.

Section 22. Flora. No person other than a duly authorized Braidwood Park District employee in the performance of his duty or persons participating in Braidwood Park District approved activities shall dig, remove, destroy, injure, mutilate, or cut any trees, plants, shrubs, blooms, or flowers, or any portion thereof growing in any park.

Section 23. Restricted areas of Park. No person shall enter upon any portion of the Park System where persons are prohibited from going by direction of a park district employee or park official or as indicated by sign or notice

Section 24. Improper speech and conduct. No person shall use any abusive, threatening, insulting, indecent, profane, or obscene language, or language calculated to occasion or breach of peace, nor be guilty of any indecent act or behavior in the Park System

Section 25. Breach of Peace – Disorderly Conduct. No person shall make, countenance or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of peace, in the Park System, or be guilty of any disorderly conduct therein, or collect with other person, in bodies or crowds, for unlawful purposes, for any purpose to the annoyance or obstruction or disturbance of other

Section 26. Firearms and Fireworks. No person shall carry or discharge firearms, or discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of an explosive nature in the Park System. However, the Braidwood Park District Board of Commissioners may from time to time specifically authorize the use of fireworks at Fourth of July and/or other Park District sponsored celebrations, but only by specifically designated park district employees or other individuals contracted and authorized to set off said fireworks.

Section 27. Alcoholic Beverages. The following regulations shall apply to the consumption or possession of alcoholic beverages in the Park System.

- (a) No person or persons under Twenty One (21) years of age shall consume or be in possession of any alcoholic beverage or alcoholic beverage container.
- (b) No person or persons shall provide, sell or make to sell any alcoholic beverage to any person or persons under Twenty One (21) yeas of age.
- (c) No person shall consume or be in possession of any alcoholic beverage or any alcoholic beverage container in an area of the Park System where any sporting or athletic event is in progress or taking place.
- (d) No person shall consume or be in possession of any alcoholic beverage or any alcoholic beverage container in the following locations in the Park System:
 - (i) Area designated as a Skate Park
 - (ii) Areas designated as baseball or softball playing field.
 - (iii) Lions Kiddie Park located at 161 North Lincoln Street, Braidwood Illinois
 - (iv) Luke H. Goodrich Park located at 145 South Maple Street, Braidwood Illinois.

Section 27.1. Tobacco Free Zones.

(a) No person shall use any form of tobacco upon any Braidwood Park District-owned or operated outdoor recreational park areas, playgrounds, athletic fields, spectator or concession areas that are within a tobacco-free zone.

(b) Definitions.

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

“Tobacco-free zone” is defined as any playground, athletic field, restroom, spectator or concession area and all sidewalks leading to or from such areas and the area within 50 feet of any playground, athletic field, spectator seating area, concession area and any sidewalk leading to or from said areas. “Tobacco-free zone” is also defined as Luke H. Goodrich Park, Lion’s Kiddie Park and Old Smokey Park Skate Park.

(c) Enforcement.

(1) Appropriate signage shall be posted in the above specified areas.

(2) The community, park area users, and staff will be notified about this policy.

(3) Staff will make periodic observations to monitor for compliance.

(4) Athletic associations that utilize Braidwood Park District-owned park areas or recreational facilities must commit to enforcing this policy as it relates to their members, participants and spectators during all scheduled activities.

(5) Any person found violating this policy may be subject to immediate ejection from the parks at the given time and/or for the remainder of the event. If needed, assistance from the Braidwood Police Department may be required.

Section 28. Public Meetings. No person shall call or hold any public meeting or give any concert of public entertainment of any kind in the Park System without expressed consent of the Braidwood Park District Board of Commissioners.

Section 29. Protection of Birds and Animals. No person shall trap, catch, wound or kill, or treat cruelly, or attempt to trap, catch, wound or kill any bird or animal, or molest or rob any nest of any bird or animal, in the Park System.

Section 30. Marking, Injuring, or Disturbing Any Structure or Park Property.

No person other than a duly authorized Braidwood Park District employee, park official or designee, in the performance of his or her duties shall:

- (a) Cut, break, climb on, or in any way injure or deface any tree, shrub, plant, turf or any of the buildings, fences, bridges, lamps or posts, or other structure or property within the Park System.
- (b) Mark or place thereon any mark, writing or printing.
- (c) Attach thereto any sign, card, display or other similar device, except as authorized by the Braidwood Park District Board of Commissioners

Section 31. Skate Park. All persons who enter the area of the Park System which is designated as a “Skate Park” shall obey all rules and regulations set forth in this ordinance and within this section:

- (a) Skate Park hours: 8:00a.m. to Sunset. Trespassers are subject to arrest and fine.
- (b) This skating area is unsupervised. Participants skate at their own risks.
- (c) Caution: Inline skating and skateboarding are high risk recreational activities, with risk or serious injuries. Know your own abilities - Skate at your own risk.
- (d) It is recommended that proper protective equipment such as helmets, elbow pads, knee pads and wrist pads be used during skating activities.
- (e) Skaters are responsible for inspecting equipment prior to use to ensure that it has not been vandalized and is safe for skating. Do not use equipment if broken or wet. Contact the Park District if equipment is damaged. Call (815)458-3896.
- (f) Profanity, dangerous skating, improper use of equipment, loud noise and loud music is prohibited.
- (g) Bicycles, scooters or persons not skating are prohibited from using the skate park structures.
- (h) Braidwood Park District programs have priority use of this facility.
- (i) Please be courteous of other skaters.
- (j) The Park District reserves the right to limit the number of users.
- (k) No personally owned ramps, boxes or other devices may be brought into the facility.
- (l) Glass objects and containers are not allowed in the skating area. Keep area clean, use trash cans.

- (m) This is a smoke free area. Smoking is prohibited.
- (n) Alcoholic beverages are prohibited
- (o) Persons in violation of these rules or refusing to obey a Park District official or police officer are subject to arrest and fine.
- (p) Dogs are not allowed inside the skating area
- (q) No food or drink is allowed inside the skating area
- (r) No littering is allowed in and around the skating area.

Section 32. Hindering Employees. No person shall interfere with, or in any manner hinder any employee of the Braidwood Park District while engaging in construction, repairing or caring for any park property.

Section 33. Resisting or Interfering with Police Officer or Park Official. No person shall resist any park official or police officer in the discharge of his or her duty, or fail or refuse to obey any lawful command of any park official or police officer or in any way interfere or obstruct any such park official or police officer from discharging his or her duty while on park property.

Section 34. Impersonation of Officers or Park Officials. No person shall falsely represent or impersonate any police officer or park official or pretend to be a police officer or park official.

Section 35. Discretion of Park Officials. Whenever this ordinance makes a reference to the exercise of reasonable discretion by a park official, he or she shall take into account the use and enjoyment of the parks for the maximum number of people and the general purpose set forth in Section 1 of this ordinance.

Sec. 36. Temporary Dismissal

a) A person who violates any of these Regulations or any other law, ordinance or rule that threatens the safety of the District's patrons, staff and/or property, may be issued a "Notice of Temporary Dismissal," meaning that the person must leave District property immediately and may not enter into any District property for the length of time designated on the "Notice of Temporary Dismissal" which, depending on the seriousness of the violation may be from one (1) to six (6) days. Any such person issued a "Notice of Temporary Dismissal" who returns to any District property during the dismissal period may be arrested for trespassing.

b) The District's President of the Board of Commissioners, and other officers of the District are authorized to issue a "Notice of Temporary Dismissal" and to determine the length of the dismissal period.

Section 37. Exclusion.

a) A person who receives three (3) or more citations during any sixty (60)-day period for violation of these Regulations, or any other law, ordinance, or rule while on any District property is subject to “exclusion,” meaning that person must leave the District property immediately and shall not enter into any District property for a time-period ranging from one (1) week to one (1) year. A person who enters any District property during the period of exclusion may be arrested for trespassing.

b) The length of the exclusion depends on the number of violations committed previously and on the severity of the violations. Any official of the District has discretion to decide how long the exclusion should be, within the following guidelines:

Exclusion for up to sixty (60) days:

- Three (3) citations or one (1) temporary dismissal during a sixty (60)-day period before issuance of the current citations; or
- Four (4) citations during the twelve (12)-month period before issuance of the current citation.

Exclusion for up to one hundred eighty (180) days:

- Two (2) or more temporary dismissals during the sixty (60)-day period before issuance of the current citation; or
- Five (5) citations during the twelve (12)-month period before issuance of the current citation.

Exclusion for up to three hundred sixty-five (365) days:

- Three (3) or more temporary dismissals during the sixty (60)-day period before issuance of the current citation; or
- Six (6) citations during the twelve (12)-month period before issuance of the current citation.

c) Appeal of Notice of Exclusion. Exclusion for longer than seven (7) days may be appealed to the District’s Board of Commissioners. Promptly after receipt of a written request for an appeal, the Board of Commissioners will conduct an informal hearing where the person subject to exclusion and a District representative may present facts, circumstances, evidence and witnesses to support their respective positions and may cross-examine witnesses presented by the other side. After the conclusion of the hearing, the Board of Commissioners shall issue a written determination on the appeal.

Section 38. Penalty. Any person violating any clause or provision of any section of this ordinance shall be penalized:

(a) By fine of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1,000.00), for each offense upon conviction thereof,

and/or

(b) By issuance of a temporary dismissal from or an exclusion from a specific area within the Park System or to all areas of the Park System in accordance with Sections 36 and 37 herein, respectively.

Each day a violation continues shall be a separate offense.

Section 39. Severability.

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 40. Effective Date of Ordinance. This Ordinance shall be in force from and after its passage and approval.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2016.

Chris Earley, President
Board of Park Commissioners

ATTEST:

Joshua Bolatto, Secretary
Board of Park Commissioners