

CHAPTER 28

PARKS AND RECREATION

ARTICLE I – DEPARTMENT OF PARKS AND RECREATION

28-1-1 **ORGANIZATION.** The Department of Parks and Recreation shall be a subordinate department of the Department of Accounts and Finances. The Department of Parks and Recreation shall consist of a Park Foreman and such other subordinate employees as may be appointed to the Department of Parks and Recreation from time to time by the Commissioner of the Department of Accounts and Finances.

28-1-2 **APPOINTMENT, COMPENSATION.** Whenever a vacancy occurs in the position of Park Foreman, such position shall be filled by appointment by the Commissioner of the Department of Accounts and Finances, subject to the approval of the Council. The Park Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council.

28-1-3 **DUTIES.** Under the direction of the Public Works Director, subject to the general supervision of the Commissioner of Accounts and Finance, the Park Foreman shall have the power to make purchases and supplies, to recommend the employ and discharge of subordinate employees, to generally supervise all operations for the maintenance, improvement and care of all City parks, and to have charge of all machinery, tools and implements used by said City in connection with the operation of the City parks. The Park Foreman shall be responsible for any injury or loss of any such machinery, tools and implements caused by his negligence, and shall keep an accurate list of such property of the City as he may, from time to time, have in his custody, which list shall be open to inspection of any member of the Council at any time. In addition to the duties involved in the care and upkeep of the City Parks, the Park Foreman shall have the care and custody of any birds or animals owned by the City and housed or kept in a City park. He shall also supervise any arrangements for picnics and public gatherings of the City parks and may require that advance arrangements be made for such gatherings as might interfere with the normal operation of such parks, or might require any special arrangements on the part of such Park Foreman. The Park Foreman shall have the authority, in the interests of the City, to direct the work of all subordinate employees in the Department of Parks and Recreation and to effectively recommend to the Commissioner of the Department of Accounts and Finances the suspension, layoff, recall, discharge, reward or discipline of any such subordinate employee, including the adjustment of their grievances.

28-1-4 **POLICE POWER.** The Park Foreman shall have the authority to issue a "notice to appear" as defined in Section 117.1(c) of the Code of Criminal Procedure of 1963 (**705 ILCS 1107-1(c)**) for any violation of the rules and regulations established for any City park by City ordinance and for such limited purpose the Park Foreman is hereby designated as a "peace officer" within the meaning of Section 2-3 of the Criminal Code of 1961 (**720 ILCS 5/2-13**).

(Ord. No. 12-20; 10-23-12)

ARTICLE II – PARK BOARD

28-2-1 **MEMBERS, APPOINTMENT, TERM.** The Park Board for the City shall consist of **five (5) persons**, chosen from the citizens at large who shall be appointed by the Mayor with the approval of the City Council. Said members shall hold office for a term of **five (5) years**, or until their successors are appointed and have qualified, except that the members of the Board first appointed shall be appointed for such terms that the term of **one (1) member** shall expire annually thereafter on the **thirtieth (30th) day of April**, whereupon the Mayor shall appoint a successor. If a vacancy occurs in the office of any Board member, the Mayor shall appoint a successor to serve for the unexpired term.

28-2-2 **CONSIDERATION.** The members of the Park Board shall serve without compensation.

28-2-3 **POWERS AND DUTIES OF BOARD.** The Park Board shall have the power to establish, conduct and maintain the recreation system and program in Wyman Park. It shall maintain, equip and operate the playgrounds and recreational facilities of said park, and may employ recreation leaders, supervisors or such other officers or employees as they may deem proper.

28-2-4 **GRANTS OR DONATIONS OF MONEY OR PROPERTY.** The Park Board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation, the principal or income of which is to be applied for either temporary or permanent use for recreation purposes. But if the acceptance thereof for recreation purposes will subject the City to expense for improvements, maintenance, or renewal, the acceptance shall be subject to the approval of the City Council. Money received for recreation purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the City Treasurer to the account of the Park Board. This money may be withdrawn and paid out in the same manner as money appropriated for recreation purposes.

28-2-5 **CONTROL OF PUBLIC PARKS.** All parks within the City shall be under the supervision and control of the Commissioner of the Department of Accounts and Finances.

ARTICLE III – PARK REGULATIONS

28-3-1 **DESTRUCTION OF PARK PROPERTY.** Within the municipal parks, no person except park personnel on official business shall:

- (A) cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;
- (B) kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the City has authorized hunting;
- (C) willfully mutilate, injure or destroy any buildings bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

28-3-2 **LITTERING - WATER POLLUTION.**

(A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided.

Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.

(B) No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters any substance or thing, liquid or solid which will or may result in the pollution of the waters.

28-3-3 **FIRES IN PARKS.**

(A) No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

(B) In camping areas, no person shall leave any campfire unattended by a competent person.

(C) Every person who has lighted or used any fire in a municipal park shall extinguish such fire before leaving the park.

28-3-3.1 **FIREWORKS.** It shall be unlawful for any person to have in their possession or set off any fireworks in the municipal parks, except at a public exhibition held pursuant to permits issued in the forms provided hereinafter as **Appendix "CC"** and **"DD"**. (Ord. No. 02-01; 02-25-02)

28-3-4 **GENERAL REGULATIONS.** The following regulations and restrictions shall apply to the park.

(A) **Swimming or Boating.** There shall be no boating or swimming in Wyman Lake.

(B) **Metal Detectors.** It shall be unlawful to use metal detectors in Wyman Park.

(C) **Speed Limit.** The speed limits established in **Chapter 24** of the City Code shall be under control of the Street Department and enforced by the Police Department. No vehicle shall be driven in Wyman Park at a speed greater than **fifteen (15) miles per hour.**

28-3-5 **PICNICS.** No person shall picnic in the municipal parks except in areas designated for that purpose. Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.

28-3-6 **ERECTION OF STRUCTURES.** No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained a permit to do so from the City.

28-3-7 **SIGNS.** No person shall place within any municipal park or affix to any object therein any sign or device designated to advertise any business, profession, exhibition, event or thing unless he has obtained a permit to do so from the City.

28-3-8 **ANIMALS.** No person shall:
(A) bring any dangerous animal into any municipal park; or
(B) permit any dog to be in any park unless such dog is on a leash; or
(C) ride or lead any horse in any municipal park or recreational area except upon paths or other ways expressly provided and posted for that purpose.

28-3-9 **MOTOR VEHICLES PROHIBITED.** No person other than municipal personnel on official business shall drive or park any motor vehicle, including snowmobiles, in any municipal park except on a roadway or parking lot.

28-3-10 **SALES; AMUSEMENTS FOR GAIN.** Within the parks of this Municipality, no person shall, without having first obtained a permit from the City:
(A) sell or offer for sale any goods or services; or
(B) conduct any amusement for gain or for which a charge is made.

28-3-11 **NO ADMISSION FEES TO BE CHARGES; GAMBLING AND LIQUOR PROHIBITED.** No circus, sideshow, menagerie, or other tent show shall exhibit in said park. No amusement shall be conducted within said park for which an admission or entrance fee is charged or collected to gain admission; that horse racing and all kinds of gambling and the sale, possession, and consumption of alcoholic liquor shall be prohibited in said park.

28-3-12 **APPLICATION FOR PERMIT.** Applications for all permits required by this Chapter shall be made in writing to the Commissioner not less than **seven (7) days** before the proposed date of the activity for which the permit is sought. Each application shall include the following information:

- (A) A statement briefly describing the nature of the proposed activity;
- (B) name, address and telephone number of the person or organization wishing to conduct such activity;
- (C) the date when such activity is to be conducted;
- (D) the hour when such activity will start and terminate;
- (E) the park or portion thereof for which such permit is desired; and
- (F) an estimate of the anticipated attendance.

28-3-13 **DECISION ON PERMIT APPLICATION.** If a permit is issued to an applicant, the Commissioner of the Park will issue the permit with Council approval.

28-3-14 **ISSUANCE OR DENIAL OF PERMIT.**

- (A) Notification by regular mail or by telephone shall be made promptly by the Commissioner to every permit applicant of the decision on his application.
- (B) If such decision is favorable, the Commissioner shall issue the permit. As a condition of the issuance of any permit, the Commissioner may require that an indemnity bond be obtained if, in their opinion, such bond is necessary to protect this Municipality from liability or to protect municipal property from damage.
- (C) The Commissioner shall inform each applicant who has been denied a permit regarding the reasons for the denial and the procedure for appeals.

28-3-15 **HOURS.** The City Council does hereby establish the hours of operation of the municipal park from **5:00 A.M.** to **11:00 P.M.** every day of the week. No one shall be in the park without the Commissioner's permission after the established hours.

28-3-16 **TERRITORY OUTSIDE OF CORPORATE LIMITS TO BE GOVERNED BY PARK ORDINANCE.** All ordinances of the City now in force or that may hereafter be passed by the City Council, pertaining in any way thereto or that may be applicable herein shall extend to and cover all of the territory constituting City parks, not only that lying within the corporate limits of the City, but also that portion of the parks lying adjoining the said corporate limits and not included within the corporate limits of the City.

28-3-17 **RESTRICTIONS ON USE OF PUBLIC PARKS.**

- (A) It shall be unlawful as a trespass for any person to:
 - (1) Enter or remain in any portion of a public park in the City during the hours of **11:00 P.M.** to **5:00 A.M.** These hours of closure of the City-owned public parks shall not apply to those persons in attendance at an event by way of a City issued permit or by invitation from the City.

- (2) Camp, pitch a tent, or sleep in or on any public park, street, sidewalk, public right-of-way, or public parking lot, located within the City.

(B) It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in or on any public park, street, sidewalk, public right-of-way, or public parking lot, located within the City.

(C) The following definitions are applicable in this Section unless the context otherwise requires:

- (1) "Camp" means to pitch, use or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- (2) "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles if said vehicle is being used as a temporary living quarters.
- (3) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks or cooking facilities or equipment.
- (4) "Park" means and includes any and all public land that have been established as City parks, including the streets and parking lots therein.
- (5) "Parking Lot" means an open, permanently surfaced, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public.
- (6) "Right-of-Way" means land dedicated to or controlled by the City, or another unit of government, typically used for streets, alleys, utilities, or any other public uses or improvements.
- (7) "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- (8) "Store" means to put aside or accumulate for use, when needed, to put for safekeeping, to place or leave in a location.
- (9) "Street" means any highway, lane, road, street, right-of-way, and every way or place in the City open as a matter of right to public vehicular travel.

(D) Prior to using any citation pursuant to this Chapter, the investigating officer shall inquire as to whether the camping is due to homelessness. If the officer learns that such is the case, the officer shall determine, in accordance with relevant department policy, whether any known homeless shelters within Moultrie County have adequate space and facilities available to accommodate the subject of the investigation.

- (1) If the officer determines that all such shelter space is full, the officer shall not issue a citation.
- (2) If the officer determines that there is a shelter space available, the officer may, within their discretion, issue a citation pursuant to the Sullivan Code of Ordinances, and/or:
 - (a) provide directions to the shelter;
 - (b) officer one-time transport to the shelter.

(E) The penalty for the violation of any provision of this Section shall be as provided for in **Section 1-1-20** of the Sullivan Code of Ordinances.

(Ord. No. 23-34; 10-09-23)

ARTICLE IV – SULLIVAN CIVIC CENTER

28-4-1 ORGANIZATION. The Sullivan Civic Center shall be a subordinate facility of the Department of Accounts and Finances. The Sullivan Civic Center shall consist of a Director and such other subordinate employees as may be appointed to the facility from time to time by the Commissioner of the Department of Accounts and Finances. **(Ord. No. 12-20; 10-23-12)**

28-4-2 DIRECTOR, APPOINTMENT, SALARY. Whenever a vacancy occurs in the position of Director of the Sullivan Civic Center, such position shall be filled by appointment by the Commissioner of the Department of Accounts and Finances, subject to the approval of the Council. The Director of the Sullivan Civic Center shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council. **(Ord. No. 12-20; 10-23-12)**

28-4-3 DIRECTOR, DUTIES. The Director of the Sullivan Civic Center shall have the supervision of all operations for the maintenance, improvement and care of the Sullivan Civic Center, and as such Director, shall be responsible for the safety, scheduling, programming and control of all activities at said Civic Center. He shall keep an accurate list of such property of the City as he may, from time to time, have in his custody, which list shall be open to inspection of any member of the City Council at any time. The Director of the Sullivan Civic Center shall have the authority, subject to the approval of the Commissioner of the Department of Accounts and Finances, to hire a sufficient number of suitable and qualified subordinate employees to perform the duties of maintaining, improving and caring for the Sullivan Civic Center, to direct the work of any such subordinate employees and to effectively recommend to the Commissioner of the Department of Accounts and Finances the suspension, layoff, discharge, reward or discipline of any such personnel, including the adjustment of grievances. **(Ord. No. 12-20; 10-23-12)**

28-4-4 POLICE POWER. The Director of the Sullivan Civic Center shall have the authority to issue a "notice to appear" as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 **(705 ILCS 5/107-1(c))** for any violation of the rules and regulations established for the Civic Center by City Ordinance and for such limited purpose the Director of the Sullivan Civic Center is hereby designed as a "peace officer" within the meaning of Section 2-13 of the Criminal Code of 1961 **(720 ILCS 5/2-13)**. **(Ord. No. 12-20; 10-23-12)**

28-4-5 OATH AND BOND. The Director of the Sullivan Civic Center, before entering upon his duties, shall take and subscribe an official oath and shall execute and deliver a bond to the City in the penal sum of **Two Thousand Dollars (\$2,000.00)**, to be approved by the City Council, conditioned that he will account for all moneys that may come into his hands as such Director belonging to said City, and that at the expiration of his term of office, he will deliver to his successor in office, or to such person as shall be designated by the Commissioner of the Department of Accounts and Finances, all books and property of every kind or description belonging to said City, which he shall have in his possession by virtue of his said office, and that he will fulfill the duties of his office to the best of his knowledge and ability.