

PARKS

§ 174.30 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

BUILDING or **STRUCTURE.** Any facility or building of permanent or temporary construction used for the purpose of leisure activities, or storage, maintenance and other related usage in the operation of the area of parks and recreation.

PARK. A park, reservation, playfield, playground, tot lot, multipurpose area, ballfield, tennis court, basketball area and all other open space area in the village, owned or used by the village, and devoted to active or passive leisure.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

(Ord. 29-05, passed 11-21-05)

§ 174.31 PARK PROPERTY.

No person in the park shall perform any of the following acts:

(A) *Buildings and other property.* Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or part or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or appurtenances, either real or personal.

(B) *Trees, lawns and landscaping.* Injury and removal. Damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area.

(Ord. 29-05, passed 11-21-05) Penalty, see § 174.99

§ 174.32 SANITATION.

No person in a park shall perform any of the following acts.

(A) *Refuse and trash.* Have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where provided; where no receptacles available, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 29-05, passed 11-21-05) Penalty, see § 174.99

§ 174.33 BEHAVIOR.

No person in a park shall perform any of the following acts.

(A) *Intoxicating beverages and illegal drugs.*

(1) *Prohibition.* Have brought alcoholic beverages or illegal drugs, nor shall any person drink, use, consume or possess alcoholic beverages and/or illegal drugs at any time in the park.

(2) *Drunkenness.* Have entered or be under the influence of intoxicating liquor or drugs.

(B) *Fireworks and explosives.* Have brought or have in his or her possession, or set off or otherwise cause to explode, discharge, or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material, or discharge them or throw them into any such area from outside the park.

(C) *Domestic animals.* Have any dog or other domestic animal in any non-permitted area without restraint on adequate leash of not more than ten feet in length.

(D) *Fires.* Build or attempt to build a fire except in such areas and under such regulations as may be established by the village. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco, paper or other flammable material within any park.

(E) *Games of chance.* Gamble or participate in or abet any games of chance.

(F) *Interference with others.* Disturb or interfere unreasonably with any person or party properly occupying any area and/or participating in any activity in the park.

(Ord. 29-05, passed 11-21-05) Penalty, see § 174.99

§ 174.34 PARK OPERATING POLICY.

(A) *Hours.* Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.

(B) *Closed areas.* Any section or part of any park may be declared closed to the public by the village at any time and for any interval

of time, either temporarily or at regular and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as the village shall find reasonably necessary.

(Ord. 29-05, passed 11-21-05)

§ 174.35 ENFORCEMENT.

(A) *Officials.* The village employees, Recreation Board Members and police officers shall, in conjunction with their duties by law, diligently enforce the provisions of this chapter.

(B) *Ejection.* The village employees, Recreation Board Members and police officers shall have the authority to eject from any park or facility any person acting in violation of any rules, regulations and policies as established in its operation.

(C) *Seizure of property.* The village employees, Recreation Board Members and police officers shall have the authority to seize and confiscate any property, thing or device in any park or facility in violation of any park rules, regulations or policies as established in its operation.

(Ord. 29-05, passed 11-21-05)

§ 174.36 SMOKING, VAPING, OR CONSUMING TOBACCO PRODUCTS PROHIBITED AT VILLAGE PARKS.

(A) *Definitions.* As used in this section:

CONSUMING or CONSUMPTION. Ingesting or placing a tobacco product in one's mouth.

SMOKE or SMOKING. Inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other smoking device for burning tobacco or any other plant.

VAPE or VAPING. To inhale and/or exhale the vapor produced by an electronic cigarette or similar device.

VILLAGE PARKS. A park, reservation, playfield, playground, tot lot, multipurpose area, ballfield, tennis court, basketball area and all other open space area in the village, owned or used by the village, and devoted to active or passive leisure.

(B) No person shall smoke, vape, consume, or be smoking, vaping, or consuming tobacco at any of the village parks, including any ingress and egress access points (sidewalks, driveways, and parking lots) to the village parks.

(C) Whoever violates this section is guilty of a minor misdemeanor.

(D) Lack of intent to violate this section shall not be used as a defense to a violation of this section.

(Ord. 2018-15, passed 8-6-18)

§ 174.99 PENALTY.

(A) Whoever violates any provision of §§ 174.15 through 174.24 is guilty of a minor misdemeanor. Each day's continued violation shall be a separate offense.

(B) Any person who violates any of the provisions of §§ 174.30 through 174.35 shall be guilty of a misdemeanor of the fourth degree.

(C) Any person, firm or corporation who violates § 174.06 shall be subject to a fine of not less than \$5.00 or more than \$200.00 for such offense. Each 24-hour period that any violation of § 174.06 continues to exist shall constitute and be a separate offense under the terms thereof.

(Ord. 19-89, passed 7-3-89; Am. Ord. 28-05, passed 11-21-05; Am. Ord. 29-05, passed 11-21-05)