

CHAPTER 28

PARKS

ARTICLE I – REGULATIONS

28-1-1 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 Village 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.

28-1-2 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.

28-1-3 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.

28-1-4 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.

28-1-5 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 Village.

28-1-6 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 Village.

28-1-7 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.

28-1-8 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.

28-1-9 SALES; AMUSEMENTS FOR GAIN. Within the parks of this municipality, no person shall, without having first obtained a permit from the Village:

- (A) sell or offer for sale any goods or services; or
- (B) conduct any amusement for gain or for which a charge is made.

28-1-10 GROUP ACTIVITIES. Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics, parties, exhibitions or performances, a representative of the group shall first apply for and obtain a permit for such activity from the Mayor. The approved group or organization's application for the use of the park and the designated portion thereof shall be allowed to use the approved area of the park as a priority over those utilizing the park on a "first come, first served" basis, without an application approved by the Mayor. (Ord. No. 01-135; 10-16-01)

28-1-11 APPLICATION FOR PERMIT. Applications for all permits required by this Chapter shall be made in writing to the Mayor 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.

28-1-12 DECISION ON PERMIT APPLICATION. After due consideration of the information contained in the permit application, but not later than **seven (7) days** after the application has been filed, the Mayor shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:

- (A) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) the facilities desired have not been reserved for other use at the day and hour requested in the application;
- (C) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (D) the proper policing of such activity will not require the diversion of so great a number of police officers as to prevent normal protection to the remainder of this municipality;
- (E) the conduct of such activity is not reasonably likely to cause injury to persons or property or to incite violence, crime or disorderly conduct; and
- (F) such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

28-1-13 ISSUANCE OR DENIAL OF PERMIT.

(A) Notification by regular mail or by telephone shall be made promptly by the Mayor to every permit applicant of the decision on his application.

(B) If such decision is favorable, the Mayor shall issue the permit. As a condition of the issuance of any permit, the Mayor 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 Mayor shall inform each applicant who has been denied a permit regarding the reasons for the denial and the procedure for appeals.

28-1-14 HOURS. Municipal parks shall be open to the public every day of the year from dawn to dusk. It shall be unlawful for any person other than Village personnel conducting Village business therein to occupy or be present in a municipal park during any hours in which the municipal parks are not open to the public, unless such person is present as the applicant (or the applicant's invitee) of a permit duly issued by the Mayor or the Mayor's designee pursuant to **Section 28-1-13** and such person is in compliance with the terms stated in such permit. (Ord. No. 09-10; 06-15-09)

28-1-15 GLASS BOTTLES PROHIBITED. No person shall possess or bring on to park property of the Village of Valmeyer any glass bottles or glass containers. (Ord. No. 01-134; 10-16-01)

28-1-16 AMPLIFIED SOUND PROHIBITED. No person shall cause or permit any amplified sound to be produced in a municipal park, unless and until such person has obtained a permit duly issued by the Mayor or the Mayor's designee pursuant to **Section 28-1-13**, in which case amplified sound may be produced by the applicant (or the applicant's invitee) only during the time and within the conditions stated in such permit. "Amplified sound" shall include both live and pre-recorded musical performances transmitted through an electronic sound amplification system, but shall not include sound produced by a vehicle, portable or personal electronic device that is not plainly audible at a distance of **fifty (50) feet** from the source. "Plainly audible" shall mean that a sound can clearly be heard by unaided auditory senses, however, words or phrases need not be discernible and the term sound shall include bass reverberation. Nothing contained herein shall authorize any person, with or without a permit, to produce amplified sound at such level or in such manner that would violate **Section 27-2-5 (Disturbing the Peace)** of the Revised Code of Ordinances. (Ord. No. 09-10; 06-15-09)

28-1-17 RESERVATION OF PAVILIONS. Pavilions can be reserved in advance through the Village Clerk's Office under the following conditions:

(A) The Village reserves the right to deny a permit to anyone, so it or another public agency can use the pavilion or so the pavilion can remain open to the general public. Due to the limited number of pavilions, only a limited number of people may use the pavilions at the same time. Use of the pavilions is primarily for Village residents or groups which are based in the Village. Subject to the foregoing, the acceptance of applications and granting of permits for the reservation and use of the pavilions shall be open to nonresidents as well as residents of the Village.

(B) The Village reserves the right:

- (1) To deny a permit to anyone if it finds that the event is likely to be of an inappropriate character;
- (2) To deny a permit to anyone if it finds that the event is likely to be contrary to the public health, safety and welfare of the community; or
- (3) To deny a permit to anyone if it finds that the use is likely to damage the park, the pavilion, or other public property.

(C) All applications for reservations of pavilions shall be accompanied by a nonrefundable fee and a refundable security deposit in the following amounts, which amounts may from time to time be revised by action of the corporate authorities of the Village without the necessity of a further ordinance:

	<u>Large Pavilion</u>		<u>Small Pavilion</u>		<u>Lions Pavilion</u>	
	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident</u>
Fee	\$100.00	\$125.00	\$50.00	\$75.00	\$25.00	\$50.00
Deposit	\$100.00	\$125.00	\$50.00	\$75.00	\$25.00	\$50.00

(Ord. No. 22-01; 05-03-22)

(D) In the event that the Village shall deem it appropriate to do so, the security deposit will be used to pay for damages to property and equipment, and any damages in excess of the security deposit shall be billed to the applicant and shall be paid by said applicant upon receipt of such bill.

(E) No person or group shall disregard any reservation posted by the Village. On any date that a pavilion is not reserved, it shall be available to the public on a first-come, first-serve basis at no charge.

(F) The subleasing or transfer of a permit is prohibited.

(G) The reservation may be revoked or terminated at any time by the Village if the applicant or guest breaches any of these rules, violates any other laws, ordinances, rules, or regulations, or if the Village, in the exercise of its sole and absolute discretion, deems it necessary to revoke the reservation to ensure the public's health, safety, welfare, or enjoyment of the public property.

(Ord. No. 15-02; 01-06-15)