

# **TITLE 12**

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## **Parks and Recreation**

### **Chapter 1 Parks and Navigable Waters**

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### **Parks and Navigable Waters**

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#### **Sec. 12-1-1 Park Regulations.**

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village of Fredonia from injury, damage or desecration, these regulations are enacted. The term “park” as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.
- (b) **Specific Regulations.**
  - (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in the park.
  - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Park Committee.
  - (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Director of Public Works.
  - (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
  - (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.

- (6) **Trapping.** “Trapping” when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person’s property are excluded. The trapping of wild animals is hereby prohibited within the Village limits of the Village of Fredonia.
- (7) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign, or other property within any park.
- (9) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicle of any nature may be used on the seeded areas except vehicles which have Village authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.
- (10) **Snowmobiles.** No person shall operate a snowmobile in a Village park except in designated areas. Snowmobiles shall only be operated on designated trails.
- (11) **Speed Limit.** No person shall operate any vehicle in a Village park in excess of ten (10) miles per hours unless otherwise posted.
- (12) **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
- (13) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (14) **Parking in Parks.** No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (15) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Director of Public Works is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven

vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped.

- (16) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (17) **Golfing and Sporting Activities.** No golfing or practicing golf in Village parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (18) **Arrows.** No person shall use or shoot any bow and arrow in any Village park, except in authorized areas.
- (19) **Fees and Charges.** The Village Board shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (20) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all Village parks.
- (21) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all Village parks.
- (22) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all Village parks.
- (23) **Alcoholic Beverage Use.** Alcoholic beverages may only be possessed, consumed, or dispensed in a Village park pursuant to a permit and regulations as prescribed in Section 11-4-1.

*Cross Reference:* Section 11-4-1.

## **Sec. 12-1-2 Operation of Remote or Airborne Radio-Controlled Toys or Devices Prohibited.**

It shall be unlawful for any person to fly, operate or make use of any remote or radio-controlled airborne model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public or private property except in areas specifically designated and posted for such purpose and with the consent of the property owner or lessee of the property.

## **Sec. 12-1-3 Turf Protection on Public Property.**

Except as authorized by the Director of Public Works, no person shall dig into the turf of any Village-owned park or recreational property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Director of Public Works, the use of metal detectors and digging for buried objects on Village parks or recreational property, except beaches where no vegetation is present, is prohibited.

## **Sec. 12-1-4 Park Hours.**

- (a) **Park Hours.** All village parks shall be closed from 9:00 p.m. to 6:00 a.m. the following day, except for Village-authorized activities.
- (b) **Park Closing and Opening Dates.** The Village Marshal, Director of Public Works, Fire Chief, Park Committee, or Village Board will have full authority to open and close any park, facility or area because of weather conditions, physical condition, construction or when, in the interest of public safety, it is deemed necessary.

## **Sec. 12-1-5 Reservation of Park Space.**

- (a) **Policy on Reservation.** The Village-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the Village. However, under proper circumstances, exclusive use of the same or part thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof, excluding camping areas, in the Village to the end that the general welfare of the Village is protected.
- (b) **Reservation of Park Space.** A person or group, firm, organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the Village Clerk-Treasurer for a permit for exclusive use of the same. The Village Clerk-Treasurer shall issue permits for exclusive use of a portion of a park or park shelter, while the Village Board shall issue permits for exclusive use of Village parks. Park facilities are reserved on a first-requested, first-reserved basis.
- (c) **Application.** Applications shall be filed with the Village Clerk-Treasurer at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
  - (1) The name, address and telephone number of the applicant.
  - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
  - (3) The name, address and telephone number of the person who will be responsible for the use of the said park area or facility.
  - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
  - (5) The anticipated number of persons to use the said park, area, or facility.
  - (6) Any additional information which the Village Board or Village Clerk-Treasurer finds reasonably necessary to a fair determination as to whether a permit should be issued.

- (d) **Deposit.** All applicants for reservation of park space or shelters for which a permit is required shall pay a non-refundable reservation fee for the Village's maintenance and cleanup expenses. The daily reservation fee shall be as follows:
- (1) Fireman's Park: Residents: \$75.00 / Non-residents: \$100.00. Plus an additional deposit of \$100.00. This deposit is refundable if the park is cleaned up and left in good condition.
  - (2) Stoney Creek Park: Residents: \$30.00 / Non-residents: \$40.00. Plus an additional deposit of \$50.00. This deposit is refundable if the park is cleaned up and left in good condition.
  - (3) For the Oak Park ballfields, a non-refundable deposit is required of Seventy-five Dollars (\$75.00) for non-profit groups and One Hundred Fifty Dollars (\$150.00) for profit groups.
  - (4) For all other village parks and/or shelters, a Fifty-Dollar (\$50.00) deposit is required with up to Twenty-five Dollars (\$25.00) refundable if premises are left clean and in good repair.
  - (5) All Civic-charitable, non-profit village based groups shall have the rental fees waived. The required refundable deposit will be returned in full if the premises are left clean and in good repair.
  - (6) Facilities in Stoney Creek Park and Fireman's Park may only be reserved by non-profit organizations for permitted events or for permitted private residential parties. Under this section, private residential parties shall be defined as those parties not organized by non-profit organizations that do not exceed 75 persons unless the Village Board approves.
  - (7) The Village Board or Clerk-Treasurer may impose conditions on park rentals/reservations.
- (e) **Action on Application.** The Village Board shall act on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (f) **Reasons for Denial.** Applicants may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of Federal or State law or any provisions of this Code.
  - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
  - (3) If the application does not contain the information required by Subsection (c) above.
  - (4) The application is made less than the required days in advance of the scheduled exclusive use.
  - (5) If it is for a use of park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park facility is expected and would be seriously adversely affected.
  - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the Village.
  - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.

- (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (g) **Indemnification.** Prior to granting any permit for exclusive use of the park, the Village may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the Village and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the Village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) **Permit Not Required For Village Activity.** A permit is not required for the exclusive use of the park or park facility sponsored by the Village.
- (i) **Permit Revocation.** The Village Board, Park Committee, Director of Public Works and/or Village Marshal, after granting a permit, may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (j) **Form of Permit.** Each permit shall be in a form prescribed by the Village and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name and person, group, firm, organization, partnership or corporation to which the permit is issued.
- (k) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be obtained and the provisions of Sections 7-2-11 and 11-5-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.
- (l) **Care of Facilities.** Persons reserving Village facilities shall be completely responsible for cleaning up the facilities after the event to the satisfaction of Village officials. Inadequate cleaning shall result in the permit holders being billed for such cleanup costs and/or non-refund of deposit.

***Cross Reference:*** Sections 7-2-11 and 11-4-1.