

CHAPTER 28

PARKS

ARTICLE I - REGULATIONS

**28-1-1**            **PARK HOURS.**

(A)            The City Park, shall be open to the public daily from **7:00 A.M.** in the morning until **10:00 P.M.** in the evening.

(B)            No person, except City personnel on official business shall remain in the park at any other time unless he has obtained a permit from the City Council or is engaged in a City sanctioned activity.

**28-1-2**            **DESTRUCTION OF PARK PROPERTY.** Within the municipal park, 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;

(C)            Willfully mutilate, injure, or destroy any building, table, bench, monument, or other park property or appurtenances.

**28-1-3**            **LITTERING, WATER POLLUTION.**

(A)            No person shall deposit any trash within the municipal park 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 be properly disposed of elsewhere.

(B)            No person shall discharge, or otherwise place or cause to be placed in the storm sewer or drain, any substance or thing, liquid or solid, which will or may result in the pollution of the storm sewers.

**28-1-4**            **FIRES IN PARK.** No person shall light or use any unenclosed picnic fire within the municipal parks.

**28-1-5**            **PICNICS.** No person shall picnic in the municipal park, except in areas designated for that purpose, if any. 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.

**28-1-6**            **ERECTION OF STRUCTURES.** No person shall build or place any tent, building, booth, stand, or other structure in the municipal park unless he has obtained written permission to do so from the City Council.

**28-1-7**            **SIGNS.** No person shall place within any municipal park or affix to any object therein any sign or device designed to advertise any business, profession, exhibition, event, or thing unless he has obtained a permit to do so from the City Council.

- 28-1-8**            **ANIMALS.** No person shall:
- (A)            Bring any dangerous animal into the municipal park;
  - (B)            Permit any dog to be in the park unless such dog is on a leash; or
  - (C)            Allow any dog to defecate in the park without cleaning-up after the dog.

**28-1-9**            **MOTOR VEHICLES.** No person, other than municipal personnel on official business, shall drive or park any motor vehicle in any municipal park except on a roadway or parking lot.

**28-1-10**          **SALES, AMUSEMENTS FOR GAIN.** Within the park, no person shall, without first having obtained a permit from the City Council:

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

**28-1-11**          **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 obtain a permit for such activity from the City Council.

**28-1-12**          **APPLICATION FOR PERMIT.** Applications for all permits required by Chapter shall be made in writing to the City Council 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)            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.

**28-1-13**          **DECISION ON PERMIT APPLICATION.** After due consideration of the information contained in the permit application, but no later than **four (4) days** after the application has been filed, the City Council shall determine whether the application is 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 police 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.

**28-1-14**          **ISSUANCE - DENIAL OF PERMIT.** By regular mail or by telephone, the City Clerk shall promptly notify every permit applicant of the decision on his application.

- (A)            If such decision is favorable, the City Clerk shall issue the permit. As a condition of the issuance of any permit, the City Council 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.

(B) The City Council shall inform each applicant who has been denied a license regarding the reasons for the denial, and the procedure for appeals.

**28-1-15** **MOTOR VEHICLE PROHIBITED.** No person shall operate or cause or permit any of his or its agents or employees to operate any motor vehicle or motor bicycle on or upon certain real estate owned by the City and described as follows:

(A) All of Block 39 of the Original Town, now City of Nokomis, situated in the City of Nokomis, Montgomery County, Illinois, commonly referred to as the "City Park".

(B) That tract of land owned by the City, the tract being that real estate owned by the City, being bounded on the North by the South Line of South Street and being bounded on the East by the West line of Blocks 54 and 55 in P.C. Huggins and Trustees of J.R. Stanford's Addition and Outlots to Nokomis and being bounded on the South by a line which is parallel to the South line of Block 54 in P.C. Huggins and Trustees of J.R. Stanford's Addition and Outlots to the City and the westerly extension thereof, the parallel line being at all points **ninety (90) feet** North of the Westerly extension of the South line of the Block 54 in P.C. Huggins and Trustees of J.R. Stanford's Addition and Outlots to Nokomis, and being bounded on the West by the East line of South Union Street, all being situated in the City of Nokomis, County of Montgomery and State of Illinois, being commonly known as the "Old City Dump" in the City of Nokomis, Montgomery County, Illinois. **(Ord. No. 675; 03-28-77)**

## **ARTICLE II - NOKOMIS COMMUNITY MEMORIAL PARK**

**28-2-1** **INTERGOVERNMENTAL AGREEMENT.** An intergovernmental agreement as found in **Exhibit "A"** is entered into between the City of Nokomis and the Nokomis Community Memorial Park District to enable the City's police officers to enforce ordinances of the aforesaid Park District. **(Ord. No. 902; 01-13-03)**

**EXHIBIT "A"**

**INTERGOVERNMENTAL AGREEMENT**

This Intergovernmental Agreement, entered into this 13<sup>th</sup> day of January, 2003, by and between the City of Nokomis, a Municipal Corporation (hereinafter "City") and the Board of Commissioners of Nokomis Community Memorial Park District, (hereinafter "Board of Commissioners" or "Park District");

**WITNESSETH:**

**WHEREAS**, the Park district is a body politic.

**WHEREAS**, the Park District has been annexed into the Nokomis City limits, but believes it is in the best interests of the Park District to enable the police officers of the City to enforce ordinances of the Park District also.

**WHEREAS**, both the City of Nokomis and the Park District are units of local government or school district within the meaning of Article VII of the Constitution of the State of Illinois and are authorized to enter into intergovernmental agreements pursuant to Article VII, §10 of said Constitution and the provisions of the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq.; and

**WHEREAS**, the parties deem it in their respective best interests, and in the best interests of the youth and residents of the City and of the Park District, to reach mutually agreeable terms and conditions to reduce the same to writing, as herein below set forth.

**NOW, THEREFORE**, for and in consideration of valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, and in further consideration of the promises and covenants set forth herein, it is agreed by and between the parties as follows:

1. **Recitals.** The recitals set forth hereinabove are incorporated in this Section as if set forth in *haec verba*.
2. The police officers of the City of Nokomis, Montgomery County, Illinois, are hereby authorized to enforce all ordinances of the Nokomis Community Memorial Park District as fully and completely as if they were the ordinances of the City. Said officers shall likewise enforce all ordinances of the City of Nokomis and Illinois statutes within the NCMPSD.
3. **Notices.** Any notices which the parties may desire or be required to serve upon the other shall be deemed served upon the date indicated by postmark of the U.S. Mail, which shall be certified, return receipt requested, postage prepaid, addressed as follows:

Pamela Burdzilauskas, City Clerk  
City of Nokomis  
22 S. Cedar  
Nokomis, IL 62075

Mr. Michael O'Malley, President  
Nokomis Community Memorial Park District  
619 E. Union  
Nokomis, IL 62075

Both Park district and City of Nokomis reserve the right to change their respective addresses for notice purposes by so advising the other party in writing.

