



**PARKS AND NAVIGABLE WATERS**

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## TITLE 12

### Parks and Navigable Waters

Chapter 1 Parks and Navigable Waters

#### CHAPTER 1

#### 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 Marathon City 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, playground, swimming pool or conservancy area in the Village.
- (b) **Specific Regulations.**
- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
  - (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Administrator.
  - (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 Village Board.

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- (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 private property are excluded. The trapping of wild animals is hereby prohibited in Village parks.
- (7) Making of Fires in Public Parks. 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.
  - a. 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.
  - b. No person shall deface any toilets, bubblers or other sanitary facilities located in any village park; or deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any Village park; or to deface the equipment by means of a sharp instrument.
- (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 vehicles of any nature may be used on the seeded areas except vehicles which have Village Board authorization for shows, rides or exhibits and then only for the purpose of loading and unloading.

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- (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 fifteen (15) miles per hour unless otherwise posted.
- (12) Glass Beverage Bottles in Parks Prohibited. No individual shall possess or consume any beverage in a glass bottle or glass container in any village park.
- (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 village board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a 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. Horses shall not be left unbridled or unattended.
- (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 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.  
pets. Pets, including animals of any species, shall not be permitted to run at large in any Village parks, except for village approved events.
- (20) Pets are temporarily prohibited in any village parks during any issued exclusive use permit except for trained service animals for the handicapped.
- (21) Firearms: Hunting. Possessing or discharging of any air gun, sling shot, explosive, firearm or weapon of any kind is prohibited in all village parks.

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- (22) Fish Cleaning. Cleaning fish in shelters, toilet facilities or picnic areas is prohibited in all village parks.
- (23) Vendors Restricted. No person shall sell, vend or give away any article of merchandise whatever, without a written permit from the village Administrator.
- (24) Alcohol Beverages. The consumption or possession of alcohol beverages in village parks shall be as regulated by Section 11.4.1.
- (25) Camping. No overnight camping shall be permitted in any park, except where written approval of the village Administrator or duly authorized agent is first obtained.

#### **SEC. 12.1.2 OPERATION OF REMOTE OR 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 model airplane, helicopter, vehicle or any other such device in, over or upon any street, park or other public property except in areas specifically designated and posted for such purpose.

#### **SEC. 12.1.3 TURF PROTECTION ON PUBLIC PROPERTY**

Except as authorized by the Chief of Police or village Administrator, 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 Chief of Police or village Administrator, the use of metal detectors and digging for buried objects on village parks or recreational property is prohibited.

#### **SEC. 12.1.4 PARK HOURS**

- (a) **Hours Established.** All village parks shall be closed to the public between the hours of 11:00 p.m. and 6:00 a.m. of the succeeding day. Any law enforcement officer of the village may clear all person from the village parks during closing hours.

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**(b) Exceptions.**

- (1) The regular closing hours of village parks do not apply to persons having permission from the village's Administrator or Police Department to be present in the village parks during closed hours on specific days and for specific purposes.
- (2) The regular closing hours of the village parks do not apply to persons in attendance at a regularly scheduled sporting event at the ball diamond located in the village, except that those persons shall vacate the park within fifteen (15) minutes after the ending of a regularly scheduled sporting event.

#### **SEC. 12.1.5 RESERVATION OF PARK SPACE.**

- (a) **Policy on Reservation.** Village owned parks 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 municipally-owned parks, park facilities, park shelters or parts thereof, may be permitted in the village.
- (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 Administrator for a permit for exclusive use of the same. The village Administrator shall issue permits for exclusive use of a portion of a park or park shelter, while the village board shall issue permits for the exclusive use of village Parks. All reservations shall be made on application forms in the office of the village Administrator and shall be on a first come, first served basis, provided however, that any village based church or civic group may make reservations for dates used by it in past years on a continuing basis, at any time. Reservation of a designated area shall give the party to who reserved the right to use such area to the exclusion of others for and during the period of reservation. Areas not reserved shall be open to use by all.
- (c) **Application.** Applications for exclusive use of an entire park shall be filed with the village board at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested. Application for exclusive of a park shelter or a portion of a park shall be filed with the village Administrator for at least three (3) days before the date on which a park shelter or a portion of a park is to be used. All applications for the use of the village parks or park shelter shall set forth the following information regarding the proposed exclusive use:

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- (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 Administrator or designee finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Action on Application.** The village board shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (e) **Reasons for Denial.** Applicants under this Section 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 provision 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 the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
  - (6) A large number of persons at the proposed event 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.

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- (f) **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 determined by the village sufficient to indemnify the village and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (g) **Permit Not Required for Village Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the village.
- (h) **Permit Revocation.** The village board, or Chief of Police 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.
- (i) **Form of Permit.** Each permit shall be in a form prescribed by the village board 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 of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) **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 11.4.1 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.
- (k) **Care of Facilities.** Persons reserving village facilities shall completely responsible for cleaning up the facilities after the event to the satisfaction of village officials. All reserved areas shall be left in a clean condition, with refuse placed in containers provided for such purpose. Any organization or corporation reserving any area in a village park shall agree to assume full responsibility for all damage to village property by any invitee of said organization or corporation and shall make full payment therefore upon billing by the village's duly authorized agent. Failure to do so shall deny future use of park facilities until such payment be made, in addition to any other remedy which the village may have.

Cross-Reference: Sections 7.2.11 and 11.4.1.



