

ORDINANCE NO. 2838

**AN ORDINANCE AMENDING CHAPTER 12.32 (CITY PARKS)
OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES)
OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA,
ILLINOIS TO PROTECT THE PUBLIC HEALTH, SAFETY AND
WELFARE BY PROVIDING POLICY AND PROCEDURE FOR
PARK USAGE WITHIN THE CITY OF COLUMBIA**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 7th day of February, 2011**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 7th day
of February, 2011**

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FEB 07 2011


City Clerk

AN ORDINANCE AMENDING CHAPTER 12.32 (CITY PARKS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROVIDING POLICY AND PROCEDURE FOR PARK USAGE WITHIN THE CITY OF COLUMBIA

WHEREAS, there is a need to adopt and periodically update a set of rules to clarify and communicate the mutual considerations and concerns that are an integral part of the community; and,

WHEREAS, the Corporate Authorities of the City have found and determined and do hereby declare that it is in the public interest, health, safety and welfare of the citizens of the City that Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City's Municipal Code regarding park rules be revised to adopt, enact and incorporate the latest version of the park rules.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

CITY PARKS

Sections:	
12.32.010	Reservation of pavilions.
12.32.020	Hours of operation.
12.32.030	Trespassing.
12.32.040	Restricted parking.
12.23.050	Reservation of fields/courts
12.23.060	Speed limit.
12.23.070	Vehicles.
12.32.080	Animals.
12.32.090	Fires.
12.32.100	Plants.
12.32.110	Littering.
12.32.120	Intoxication.

- 12.32.130 Firearms, missiles, fireworks.
- 12.32.140 Damaging or defacing park property.
- 12.32.150 Skateboards and non-motorized vehicles.
- 12.32.160 Peace disturbance; interference with others.
- 12.32.170 Violation and enforcement.
- 12.32.180 City laws.

12.32.010 RESERVATION OF PAVILIONS.

Pavilions can be reserved in advance through the City Clerk's Office under the following conditions:

- 1) No person or group shall disregard any reservation posted by the City of Columbia at any time;
- 2) The subleasing or transfer of a permit is prohibited;
- 3) There shall be no exemption of payment of the nonrefundable fee granted to charitable or nonprofit organizations;
- 4) All applications for reservations of pavilions shall be accompanied by a nonrefundable fee in an amount to be set by city ordinance from time to time for each pavilion being reserved prior to a permit being issued for the use of said pavilion;
- 5) The reservation may be revoked or terminated at any time by the City if the applicant or guest breaches any of these rules, violates any other laws, ordinances, rules, or regulations, or if the City, 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;
- 6) The City 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. Use of the pavilion is primarily for City of Columbia residents or groups which are based in the City of Columbia. The City reserves the right:
 - a. To deny a permit to anyone if it finds that the event is likely to be of an inappropriate character;
 - b. 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

- c. To deny a permit to anyone if it finds that the use is likely to damage the park, the pavilion, or other public property.
- 7) The City will deny the issuance of a permit to any applicant or organization which discriminates against any person due to race, religion, sex, age, national origin, or disability;
 - 8) No painting of any type will be permitted. Only wax based or mechanical waxed based candles will be allowed. No decorations and/or banners will be placed on the pavilion prior to the day and time of use as outlined in the Application form. All decorations will be removed from the pavilion at the end of rental hours;
 - 9) Permission will be required for any person or group to bring onto the pavilion and use an electrical device with special power requirements;
 - 10) 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 city; and
 - 11) A refundable security deposit may be required and, if required, 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.

(Amended during 1997 codification; Ord. 1203 § 1, 11/15/1993)

Section 3. Section 12.32.20 (Hours of operation) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

12.32.020 HOURS OF OPERATION.

The City park commonly known as:

- 1) Bolm-Schuhkraft Memorial Park and the public streets located therein shall be open to the public from 6 A.M. – 11 P.M., unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained;
- 2) Albert C. Metter Memorial Park and the public sidewalks and right-of-way located therein shall be open to the public from sunrise to sunset, unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained;

- 3) Meadowridge Park and the public sidewalks and right-of-way located therein shall be open to the public from sunrise to sunset, unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained; and
- 4) Stone Arch Park and the public sidewalks and right-of-way located therein shall be open to the public from 6 A.M. – 11 P.M., unless different hours are posted by the City, except in the case of special City-sponsored events and when prior approval by the Columbia City Council has been obtained.

(Ord. No. 467 § 1, 09/08/1980)

(Ord. No. 512 § 1, 09/07/1982)

(Ord. No. 2582, Amended, 08/06/2007, Amends section 12.32.020 Hours of Operation)

(Ord. No. 2677, Amended, 08/18/2008, Special Events Permission by City Council)

Section 4. Section 12.32.30 (Entry after hours unlawful. SECTION 12.32.030 REPEALED PER ORDINANCE NO. 2677 ON AUGUST 18, 2008) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

12.32.030 TRESPASSING.

No person shall remain in the park when not open to the public, except by permit from or contract with the City. It shall be a trespass to enter upon the park premises or city streets located in the park during hours when the park is closed, in violation of a notice which shall be posted by the City at the location where all city streets enter or exit the park, excepting that the public may travel the public streets located in the park after closing hours, but shall not park vehicles, cruise, loiter, or congregate on the streets after park closing hours.

(Ord. No. 467 § 1, 1980)

(Ord. No. 2677, Amended, 08/18/2008, Repealed section 12.32.030)

Section 5. Section 12.32.40 (Restricted parking) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby changed and amended to read as follows:

12.32.040 RESTRICTED PARKING.

Parking is permitted in designated spaces only. A driver of a motor vehicle shall not park in designated spaces unless the driver is utilizing the park, or playground recreational facilities for park purposes.

(Ord. No. 2287, Amended 08/16/2004, Added restricted parking in the Bolm-Schuhkraft Memorial Park)

Section 6. Section 12.32.50 (Reservations of fields/courts) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.050 RESERVATION OF FIELDS/COURTS.

Fields and/or courts can be reserved in advance through the City Clerk's Office under the following conditions:

- 1) No person or group shall disregard any reservation posted by the City of Columbia at any time;
- 2) All applications for reservations of the fields and/or courts shall be accompanied by a nonrefundable fee in an amount to be set by city ordinance from time to time for each field and/or court being reserved prior to a permit being issued for the use of said field and/or court;
- 3) The reservation may be revoked or terminated at any time by the City if the applicant or guest breaches any of these rules, violates any other laws, ordinances, rules, or regulations, or if the City, 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;
- 4) There shall be no exemption of payment of the nonrefundable fee granted to charitable or nonprofit organizations, excepting that the City Council may approve other consideration in lieu of this fee; and
- 5) The acceptance of applications and granting of permits for the reservation and use of the fields and/or courts shall be open to nonresidents as well as residents of the city.

(Amended during 1997 codification; Ord. 1203 § 1, 1993)

Section 7. Section 12.32.60 (Speed limit) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.060 SPEED LIMIT.

Park speed limit is 20 miles per hour for all vehicles.

(Ord. No. 300, Amended 12/05/1966)
(Ord. No. 374, Amended 03/17/1975)
(Ord. No. 873, Amended, 12/03/1990)
(Ord. No. 1789, Amended, 09/20/1999)

Section 8. Section 12.32.70 (Vehicles) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.070 VEHICLES.

- 1) All vehicles must remain on pavement;
- 2) Motorized vehicles are not allowed on trails and unpaved park areas;
and
- 3) Off-highway vehicles are prohibited.

(Ord. No. 2567, Amended, 06/19/2007)

Section 9. Section 12.32.80 (Animals) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.080 ANIMALS.

- 1) No person shall ride, lead, walk or otherwise bring any horse, mule, donkey or other animal for riding into any park;
- 2) No owner or person having control of any animal shall cause or permit such animal to be on any City property without being leashed, except in connection with City-sponsored activities, programs, or events where it is specifically allowed by the City that animals may be unleashed;
- 3) No leash shall be longer than eight (8) feet, and retractable leashes shall not be extended more than eight (8) feet. Unless otherwise specified, animals are permitted at park programs and events, and in park facilities, excepting the walking trail at Bolm-Schuhkraft Park;
- 4) The owner or person having control of any animal shall remove and dispose of, off City property or in designated receptacle, any excreta deposited by his/her animal anywhere on park property;

- 5) Any animal found on City property in violation of Paragraph (2) may be apprehended, turned over to police, removed to an animal shelter, public pound or other place provided for that purpose. Police will be given possession of the animal(s) or the animal(s) will be turned over to Monroe County Animal Control; and
- 6) The provisions of sub-sections (1) through (5) above, shall not apply to a blind person or a seeing-eye dog, which is under the control of a blind person, or any recognized assisting animal for the disabled.

(Ord. No. 484, Amended, 12/21/1981)

(Ord. No. 1984, Amended, 09/17/2001)

Section 10. Section 12.32.90 (Fires) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.090 FIRES.

- 1) No open fires allowed outside of designated fire areas;
- 2) No person shall light, kindle or otherwise start any fire, except in cooking grills or other structures designed and provided for such use, and then only under such rules as may be prescribed by the City;
- 3) Every such fire shall be under the continuous care and direction of an adult from the time it is kindled until the time it is completely extinguished; and
- 4) All fires must be extinguished before leaving the park.

(Ord. No. 1775, Amended, 08/02/1999)

Section 11. Section 12.32.100 (Plants) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.100 PLANTS.

No plant, tree, sapling, seeding, bush, shrub, turf, grass, flower, plant or plant material or other material within the boundaries of any park whether dead or alive may be:

- 1) Taken, damaged, removed, destroyed or otherwise disturbed without proper authority; or

- 2) Planted, released or otherwise introduced within the boundaries of any park without proper authority.

Section 12. Section 12.32.110 (Littering) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.110 LITTERING.

- 1) No person shall have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash in a park;
- 2) 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 these are provided; or
- 3) Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

Section 13. Section 12.32.120 (Alcohol) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.120 INTOXICATION.

- 1) No person in a public place shall conduct himself/herself so as to be:
 - a. A danger to themselves or others;
 - b. A public nuisance; or
 - c. Intoxicated or incapacitated by alcohol or a controlled substance

(Ord. No. 466, Amended 09/08/1979)

Section 14. Section 12.32.130 (Firearms, missiles, fireworks) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.130 FIREARMS, MISSILES, FIREWORKS.

No person or entity in any park shall use or have in his or her possession, custody, or control any firearms, or other instrument for the propelling of missiles of any kind whatsoever, including fireworks, excepting such public displays as may be permitted by the City.

(Ord. No. 453, Amended, 11/05/1979)
(Ord. No. 1485, Amended, 08/05/1996)

Section 15. Section 12.32.140 (Damaging or defacing park property) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.140 DAMAGING OR DEFACING PARK PROPERTY.

Unless a permit or contract therefore has first been obtained from the City, no person shall:

- 1) Willfully, maliciously or negligently injure, damage, deface, disfigure, mark upon, paint, carve, bend, cut, break, breakdown, destroy, damage, alter, mar, change, take-down, carry away, uproot, transfer, excavate or otherwise remove, attach, suspend, tamper with or displace from any City property including without limitation any:
 - a. table, fireplace, refuse container, exhibit, display, tools or equipment, water line or other public utility or parts or appurtenance thereof, statue, monument, lamp post, hydrant, meter, rope, wire, wiring, pole, coping, paving or paving materials, fence, wall, bridge, railing, bench, building, shelter or other structure or equipment, facility or park building or part thereof or appurtenance whatsoever, either real or personal, located in a park;
 - b. sign, trail marker, placard, notice, stake, post or other boundary marker whether temporarily or permanently placed by the City;
- 2) Drive any motorcar, vehicle or craft in such a manner as to cause such to collide with, run against, strike or cause to strike, injure, deface or damage any such property;
- 3) Climb upon, hang from, stand or sit on, any fence, structure or other city property of any kind, except such benches or other property designated or customarily used for such purposes, or recreational equipment as may be installed by the city for such purposes;
- 4) Open any city fire hydrant, except by a duly authorized firefighter or city agent; or
- 5) Bring or possess glass bottles.

Section 16. Section 12.32.150 (Skateboards and non-motorized vehicles) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.150 SKATEBOARDS AND NON-MOTORIZED VEHICLES.

No person in a park shall do any of the following:

- 1) Operate a skateboard in any City park;
- 2) Operate a skateboard or non-motorized vehicle on or against any publicly owned tables, benches, structures, courts, parking stop, retaining walls, fountains, statues, steps, railings or other improvements which may suffer damage by such use; or
- 3) Use or place a ramp, jump, or any other device used to force a skateboard or non-motorized vehicle off the pavement on the grounds of any public street, parking lot, or sidewalk.

(Ord. No. 1696, Amended, 09/08/1998)

(Ord. No. 1697, Amended, 09/08/1998)

Section 17. Section 12.32.160 (Peace disturbance; interference with others) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.160 PEACE DISTURBANCE; INTERFERENCE WITH OTHERS.

No person in a park shall do any of the following:

- 1) Disturb the peace;
- 2) Violate any regulation for the use of the park approved by the City Council;
- 3) Commit any assault or battery or engage in any speech, gesture, fighting or any offensive act that provokes, disrupts, alarms, disturbs, intimidates, or unreasonably interferes with others in the normal, safe use of the park or any facility thereof;
- 4) Make, countenance or assist in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace or be guilty of any disorderly conduct therein or collect with other persons in bodies or crowds for unlawful purposes or for any

purpose to the annoyance or obstruction or disturbance of other persons; or

- 5) Prevent any person from using any park or any of its facilities, or interfere with such use in compliance with this chapter and the rules applicable to such use.

Section 18. Section 12.32.170 (Violation and enforcement) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.170 VIOLATION AND ENFORCEMENT.

No person shall violate any regulation governing conduct, which has been approved by the council, in the city parks or other public areas under the jurisdiction of the City. Law enforcement officers of the City shall have full power to enforce City laws.

Section 19. Section 12.32.180 (City laws) of Chapter 12.32 (CITY PARKS) of Title 12 (Streets, Sidewalks and Public Places) of the City of Columbia, Illinois Municipal Code is hereby added to read as follows:

12.32.180 CITY LAWS.

City laws extend to and cover all City parks.

Section 20. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 21. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form, as provided by law.

Alderman Niemietz moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Agne, Niemietz, Row, Hejna, Oberkfell, Stumpf and Roessler.

NAYS: None.

ABSENT: None.

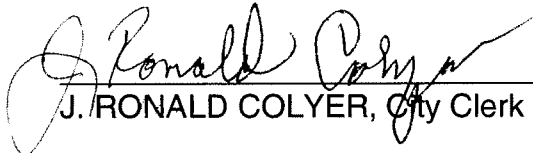
ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 7th day of February, 2011.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, J. Ronald Colyer, certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois.

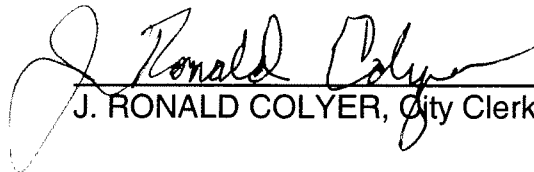
I further certify that on the 7th day of February, 2011, the Corporate Authorities of the City of Columbia, Illinois, passed and approved Ordinance No. 2838 entitled:

“AN ORDINANCE AMENDING CHAPTER 12.32 (CITY PARKS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROVIDING POLICY AND PROCEDURE FOR PARK USAGE WITHIN THE CITY OF COLUMBIA”

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2838 including the ordinance and a cover sheet thereof, was prepared, and a copy of such ordinance was posted in the Columbia City Hall, commencing on February 8, 2011 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also made available for public inspection upon request in the office of the City Clerk.

DATED at Columbia, Illinois this 7th day of February, 2011.



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

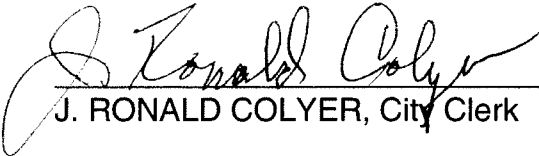
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2838, entitled:

“AN ORDINANCE AMENDING CHAPTER 12.32 (CITY PARKS) OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES) OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA, ILLINOIS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE BY PROVIDING POLICY AND PROCEDURE FOR PARK USAGE WITHIN THE CITY OF COLUMBIA”

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois, City Council held on the 7th day of February, 2011.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 7th day of February, 2011.



J. RONALD COLYER, City Clerk

(SEAL)