

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

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Chapter 12.04

STREETS AND SIDEWALKS GENERALLY

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Section 12.04.010 Permit required.

It is unlawful to dig, excavate or trench in any street, avenue, alley, or public ground in the City for any sewer, drain, water, gas or phone pipe or for any other purpose not otherwise provided for without a permit issued by the City Clerk. (Ord. 76-24 § 3; prior code § 99.01)

Section 12.04.020 Deposits and fees required.

Before any permit is issued to dig up or open any paved street, avenue, alley or public place, the applicant shall deposit with the City Clerk a nonrefundable sum of forty dollars (\$40.00) in advance of the issuance of a permit. In addition to the preceding sum, the applicant shall deposit with the City Clerk a sum of money sufficient to cover the expense of repairing or replacing the same in as good condition as before the same was dug up or opened. The amount of the deposit shall be ascertained by the City Engineer or his or her designee for the lowest sum for which replacing or repairing can be properly done and which shall, in all cases, be done by the applicant under the supervision and direction of the City Engineer. In the event the applicant does not repair or replace the same in as good condition as before the same was dug up or opened, the City may use the deposit or any portion thereof to make any necessary repairs. In the alternative to depositing with the City Clerk a sum of money sufficient to cover the expenses of replacing or repairing the street, avenue, alley or public place, the applicant may furnish to the City a written irrevocable financial commitment from a bank or lending institution, which shall be approved by the City Manager or City Attorney, insuring that the work will be accomplished in a good and satisfactory manner. All public utilities having a franchise from the City shall be exempt from the permit and deposit requirements stated herein. (Ord. 06-08A, Sec. 12: Ord. 03-9, Sec. 3: Ord. 97-15 § 1: Ord. 78-57 § 1; Ord. 76-24 § 4; prior code § 99.02)

Section 12.04.030 Notice of refilling and repairing.

When any trench or excavation is ready to be refilled or repaired the applicant shall give the City

Engineer not less than twenty-four (24) hours' notice. It shall then be the duty of the City Engineer to inspect, supervise and direct the repair of the street by the applicant. All backfilling of trenches and excavations shall be made with sand or such other material and methods as approved by the City Engineer. (Ord. 76-24 § 5: prior code § 99.03)

Section 12.04.035 Specifications for street repairs.

A. Until December 1, 2020, repairs to Main Street from Illinois Route 130 east to U. S. Route 50 shall be made in the manner set forth below:

1. After the necessary utility work is completed, the street shall be cut back at least twelve (12) inches on each side of the hole with a straight edge on all four sides of the excavation.
2. Sewer and water lines shall be covered with four (4) inches of sand from the top of the pipe.
3. The trench shall be filled with flowable fill up to three (3) inches below street surface.
4. The remaining three (3) inches shall be filled with plant mix bituminous concrete and compacted with vibration to street level. (Ord. 07-15 § 1)

Section 12.04.040 Refund of deposit.

Upon completion of and restoration of said street, avenue, alley or public ground to its original condition to the satisfaction and approval by the City Engineer in accordance with the ordinances, regulations, and in a good workmanlike manner, the City Engineer shall endorse the permit or attach his or her approval to such permit and return such permit with such endorsement to the City Clerk, who shall then return the amount so deposited with him or her by the applicant except for the funds specified as expenses of the City. (Ord. 76-24 § 6: prior code § 99.04)

Section 12.04.050 Liability of excavator.

Any applicant for an excavation permit, contractor, developer, plumber or other individual who digs or excavates in the streets or alleys of the City, either with or without such permit, shall be liable for all damage to persons or property and for all expenses incurred by the City because of such excavation. The applicant, contractor, developer, plumber or other individual shall be responsible for the placing and maintaining of all warning fencing, barricading and protective devices necessary to protect the public from injury as a result of the excavation or digging. (Ord. 82-6 § 3; Ord. 76-24 § 7: prior code § 99.05)

Section 12.04.060 Street Department Supervisor to supervise construction, maintenance and repairs.

All construction, maintenance and repairs of public streets, alleys, sidewalks and other public ways shall be under the supervision of the Street Department Supervisor. (Ord. 98-135 § 1: prior code § 99.10)

Section 12.04.070 Barriers denoting closed streets.

Whenever any public street, alley, sidewalk or way, including any bridge or culvert thereon, is being constructed, oiled or repaired, the Street Department Supervisor shall, when he or she deems it necessary, erect or cause to be erected at such points as he or she deems desirable, suitable barriers, with signs thereon, stating that the public street, alley, sidewalk or way is closed. (Ord. 98-135 § 2: prior code § 99.11)

Section 12.04.080 Removing warning barriers--Driving on closed street.

Whenever any public street, alley, sidewalk or way has been closed, as provided in Section 12.04.070, no person, firm or corporation shall remove the barriers or signs, or deface or injure the same, or walk, ride or drive any vehicle upon any part of the public street, alley, sidewalk or way so closed, except persons duly authorized to do so. (Prior code § 99.12)

Section 12.04.090 Applying oil, etc., to streets--Permission required.

No person, company, firm or corporation shall be permitted to apply any oil or similar substance, or any other material whatsoever to any street, alley, parking lot or any private property, when the application may affect public streets, alleys or highways, within the City, without the written permission of the Street Department Supervisor to do so. (Ord. 98-135 § 3: prior code § 99.13)

Section 12.04.100 Specifications for improving, extending or opening streets.

The City will neither extend an existing street, nor open a street acquired by the City at some prior date, nor will the City improve a street heretofore unimproved, nor will the City improve a new street, unless the specifications contained in the subdivision control ordinance (Ord. No. 76-12, as amended) have been met by the property owners or subdividers. (Ord. 98-135 § 4: prior code § 99.20)

Section 12.04.110 Barriers to be erected.

Whenever any street, alley or other thoroughfare within the limits of the City is being oiled, paved, repaired or whenever any work is being done thereon for the purpose of improving the street, alley or thoroughfare, the Street Department Supervisor shall, when deemed necessary, erect or cause to be erected at such points as may be deemed desirable, suitable barriers with signs thereon stating that such street, alley or thoroughfare is closed, and by whose orders such street, alley or thoroughfare is closed. The Street Department Supervisor shall also erect, or cause to be erected, at such places as he or she may deem best, detour signs directing travel around such construction or repair work. (Ord. 98-135 § 5: prior code § 99.30)

Section 12.04.120 Removing barriers unlawful.

A. Whenever a street, alley or other thoroughfare has been closed as provided in the preceding section, it shall be unlawful for any person to remove such barriers or signs or to deface or injure the signs, or to walk, ride or drive on any part of the street so closed, except such persons as are duly authorized to do so. In addition to the penalty set out in Section 12.04.150, any person convicted of violating this section shall be liable to any person aggrieved by his or her unlawful act, or to the City, or both, for any and all damages caused to the street, alley or thoroughfare by reason of the violation of this section.

B. Any person who shall, without proper authority, injure or extinguish or in any way interfere with any light, flare, sign or signal, placed on any street, avenue, alley, sidewalk or other public place in the City to indicate danger, shall be guilty of a misdemeanor.

C. Any person who shall, in any street or alley or ditch adjacent to a street or alley, throw, place, deposit or leave any brush, tree limbs, ashes or any trash or rubbish of any kind, shall be guilty of a misdemeanor. (Prior code § 99.31)

Section 12.04.130 Obstructing water.

A. No person shall obstruct the flow of water in the ditches adjacent to the streets and alleys within the corporate limits of the City, whether such obstruction occurs from the installation of culverts or other tiles, or by filling any such ditches with dirt or other material, including the plowing into ditches with farm equipment or other machinery.

B. It is unlawful for any person to stop or obstruct the passage of water in any street, gutter or public sewer, culvert or watercourse within the corporate limits of the City. Prior to the installation of any culverts or tiles underneath driveways or service entrances, a permit for such construction shall be obtained from the Street Department Supervisor. Such permit shall set forth the required size of tile or culvert so as to conform to the existing drainage system upstream so as not to create any obstruction to drainage.

C. The City of Olney will, when necessary to maintain an unobstructed flow of water in a ditch or at

the request of the property owner, install or replace a culvert at a driveway entrance to a property at a cost of \$8.00 per foot of culvert plus the cost of all materials necessary for the installation or replacement of the culvert. The total cost of the installation or replacement shall be the responsibility of the owner. (Ord. 14-14 § 1: Ord. 06-08A § 13: Ord. 03-9 § 4: Ord. 99-15 § 6: Ord. 98-135 § 6: prior code § 99.32)

Section 12.04.140 Installation of concrete.

In the event concrete driveways are installed in areas where it is necessary to install a culvert in the ditch adjacent to the street, the concrete shall be installed so as not to cover the culvert and shall stop at the inside of the culvert on the property line side. Gravel, blacktop or other material may be used to cover the culvert itself from the end of the concrete to the street surface. All driveways installed on streets with curb and gutter shall be constructed so that the end of the driveway enters the street at the level of the gutter and shall not be brought out to the street at curb height. (Prior code § 99.33)

Section 12.04.145 Erection of structures in public ways and places.

A. No person shall erect or place any building, or other structure, including fence, wall or other obstruction, in whole or in part, upon any street, alley, sidewalk, easement, or other public ground within the City, except by written permission from the City Manager.

B. The owner of any building, fence or other obstruction erected or placed upon any street, alley, sidewalk, easement, or other public ground shall remove the same within thirty (30) days after he shall be required so do to by a notice in writing signed by the City Manager or his designee.

C. Whenever the owner of any building, fence or other obstruction upon any street, alley, sidewalk, easement or public ground in this City shall refuse or neglect to remove the same after notice as provided in this section, the same shall be deemed a nuisance, and the City Manger may cause the same to be removed, or taken down, at his discretion, and the expense thereof shall be recovered from the owner. (Ord. 06-31, § 1)

Section 12.04.150 Violation--Penalty.

Whoever violates any provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day during which a violation continues or occurs shall be considered a separate offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 98-135 § 7: prior code § 99.99(B))

Chapter 12.08

STREET TREES

Sections:

12.08.010	Definitions.
12.08.020	Creation and establishment of a City Tree Board.
12.08.030	Term of office.
12.08.040	Compensation.
12.08.050	Duties and responsibilities.
12.08.060	Operation.
12.08.070	Street tree species to be planted.
12.08.080	Spacing.
12.08.090	Distance from curb and sidewalks.
12.08.100	Distance from street corners and fireplugs.
12.08.110	Utilities.
12.08.120	Public tree care.
12.08.130	Tree topping.
12.08.140	Pruning--Corner clearance.
12.08.150	Dead or diseased tree removal on private property.
12.08.160	Removal of stumps.
12.08.170	Interference with City Tree Board.
12.08.180	Arborists--License and bond.
12.08.190	Review by City Council.
12.08.200	Violation--Penalty.

Section 12.08.010 Definitions.

As used in this chapter:

"Park trees" means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

"Street trees" means trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City. (Ord. 96-19 § 1)

Section 12.08.020 Creation and establishment of a City Tree Board.

There is created and established a City Tree Board for the City, which shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the Council. Members shall be citizens and residents of the City of Olney. The establishment of a City Tree Board is for the purpose of assisting the City Council with respect to its general authority concerning the protection and maintenance of its public space greenery, and educating the public on such protection and maintenance of trees, shrubs and other plants. (Ord. 2016-38 § 1: Ord. 01-7, § 1: Ord. 96-19 § 2)

Section 12.08.030 Term of office.

The term of all members of the City Tree Board appointed by the Mayor shall be three years, except that the term of members appointed to the first Board and whenever the number of members of the Board is increased or decreased shall be for such number of years necessary to stagger the terms of all members over three years as equally as possible. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. (Ord. 01-7, Sec. 2: Ord. 96-19 § 3)

Section 12.08.040 Compensation.

Members of the Board shall serve without compensation. (Ord. 96-19 § 4)

Section 12.08.050 Duties and responsibilities.

The City Park Supervisor, or other City staff as assigned by the City Manager, shall act as support staff for the Tree Board to assist it in carrying out its various responsibilities. The Board shall study, investigate, counsel and develop and/or update annually, and administer a written plan for the arboricultural specifications and standards of practice for the City of Olney, including the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council, and upon their acceptance and approval, shall constitute the official Urban Forestry Plan for the City. The Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work. (Ord. 2016-38 § 1: Ord. 96-19 § 5)

Section 12.08.060 Operation.

The board shall choose its own officers, make its own rules and regulations pertaining to its meetings, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. 96-19 § 6)

Section 12.08.070 Street tree species to be planted.

The following list constitutes the official street tree species for Olney, Illinois. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board:

Small Trees

- Allegheny Serviceberry
- Apple Serviceberry
- Armstrong Red Maple
- Blackhawk Virburnum
- Crape Myrtle
- Dogwood
- European Hornbeam
- Flowering Crab
- Fox Valley River Birch
- Flowering Crab
- Goldenrain Tree
- Hawthorn Cultivars
(thornless disease-resistant)
- Hophornbeam
- Redbud
- Shadblow
- Sweetbay Magnolia
- White Fringetree

Medium Trees

- American Hophornbeam
- American Hornbeam
- American Linden
(Basswood)
- American Smoketree
- Amur Corktree
- Black Gum
- Carolina Silverbell
- Crimean Linden
- European Linden Var.
- Frontier Elm
- Ginkgo (male sex only)
- Lacebark Elm
- Little Leaf Linden
- Red Maple
- Sargent Cherry
- Turkish Filbert

Large Trees

- American Basswood
- Bald Cypress
- Bur Oak
- Chinkapin Oak
- Cucumber Tree
- English Oak
- Ginkgo (male sex only)
- Hackberry
- Hickory
- Kentucky Coffee (male sex only)
- London Plane
- Red Oak
- Sugar Maple
- Triumph Elm
- Tulip Tree
- Zelkova

(Ord. 2016-38 § 2: Ord. 2016-29 § 1: Ord. 2016-12 § 1: Ord. 96-19 § 7)

Section 12.08.080 Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in Section 12.08.070, and no trees may be planted closer together than the following: small trees--twenty-five (25) feet; medium trees--thirty-five (35) feet; and large trees--forty (40) feet; except in special plantings, which shall be subject to the approval of the City Tree Board. (Ord. 96-19 § 8)

Section 12.08.090 Distance from curb and sidewalks.

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 12.08.070, and no trees may be planted closer to any curb or sidewalk than the following: small trees--two feet; medium trees--three feet; and large trees--four feet. (Ord. 96-19 § 9)

Section 12.08.100 Distance from street corners and fireplugs.

No street tree shall be planted closer than thirty-five (35) feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet to any fireplug. (Ord. 96-19 § 10)

Section 12.08.110 Utilities.

No street trees other than those species listed as small trees in Section 12.08.070 may be planted under or within ten lateral feet of any overhead utility wire pole or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility. No street tree may be planted within ten lateral feet of any utility pole. (Ord. 96-19 § 11)

Section 12.08.120 Public tree care.

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, square and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may request the Public Works Department to remove any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners provided that the selection and location of said trees is in accordance with Section 12.08.070--12.08.110. (Ord. 96-19 § 12)

Section 12.08.130 Tree topping.

It is unlawful as a normal practice for any person, firm or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where pruning practices are impractical shall be removed and replanted with healthy, site appropriate species at the determination of the Tree Board. (Ord. 2016-38 § 3: Ord. 96-19 § 13)

Section 12.08.140 Pruning--Corner clearance.

Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign. (Ord. 96-19 § 14)

Section 12.08.150 Dead or diseased tree removal on private property.

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board or designated City department will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and place a lien on the owner's property to recover all costs incurred. (Ord. 96-19 § 15)

Section 12.08.160 Removal of stumps.

All stumps of street and park trees shall be cut to at least six inches below the surface of the ground. The soil cavity shall be filled with soil and the area leveled. (Ord. 96-19 § 16)

Section 12.08.170 Interference with City Tree Board.

It is unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street tree, park trees, or trees on private grounds, as authorized by this chapter. (Ord. 96-19 § 17)

Section 12.08.180 Arborists--License and bond.

It is unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be twenty-five dollars (\$25.00) annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of not less than three hundred thousand dollars (\$300,000.00) per person, seven hundred fifty thousand dollars (\$750,000.00) aggregate, for liability due to personal injury claims and three hundred thousand dollars (\$300,000.00) property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. (Ord. 2016-38 § 4: Ord. 96-19 § 18)

Section 12.08.190 Review by City Council.

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make the final decision. (Ord. 96-19 § 19)

Section 12.08.200 Violation--Penalty.

Any person who violates any provisions of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter, upon being found guilty of violation, shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each separate violation offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 96-19 § 20)

Chapter 12.12

PARK AND RECREATION AREAS GENERALLY

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12.12.040	Reservations available.
12.12.050	Use of facilities by nonprofit organizations and corporations.
12.12.060	Traffic.
12.12.070	Sale of merchandise.
12.12.075	Closing Hours at Olney City Park.
12.12.080	Closing hours at Bird Haven.
12.12.090	Closing hours at Rotary Park.
12.12.100	Pets prohibited at Musgrove Park ball diamonds.
12.12.110	Camping permitted; fees.
12.12.120	Swimming pool fees.
12.12.130	Summer recreation fees.
12.12.140	Smoking prohibited in Alvin Musgrove Park; exceptions.
12.12.150	Riding bicycles and skateboards prohibited.
12.12.160	Driving and parking regulations at Alvin Musgrove Park.
12.12.170	Driving motorized vehicles on East Fork Lake Trails prohibited.
12.12.180	Parks and Recreation Advisory Board.

Section 12.12.010 Purpose.

The purpose of this chapter is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the City. (Ord. 84-2 § 1)

Section 12.12.020 Applicability.

This chapter shall apply in all parks and recreation areas under the jurisdiction of the City, unless otherwise provided herein. The said parks and recreation areas include Olney City Park, Bower Park, Gassman Park, Rotary Park, Miller's Grove, Musgrove Park, picnic area at Vernor Lake, and public beach at M.D. Borah Lake. (Ord. 10--12 § 1: Ord. 05-9 § 1: Ord. 84-2 § 2)

Section 12.12.030 Definitions.

For the purposes of this chapter, the following terms, words, and their derivations shall have the meaning given herein:

"Park" means a park, playground, recreation center or any other area in the City, owned or used by the City, and devoted to active or passive recreation.

"Vehicle" means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City parks. (Ord. 82-33 § 1)

Section 12.12.040 Reservations available.

Any person, family, organization, corporation, company or association may reserve picnic areas, shelters and recreational facilities at the Olney City Park, Rotary Park and Miller's Grove and the

community building at the Olney City Park. Reservations may be made through the office of the City Clerk at Olney City Hall, subject to the following conditions: (1) the reservation cannot be made more than one year in advance of the date; and (2) the person, family, organization, corporation, company or association cannot make more than one reservation per month. No charge shall be made for any reservation under this section, except the following fees for the use of the community building in the Olney City Park:

	4 hours or less	More than 4 hours
City Non-Profit Organization	\$ 10.00	\$ 25.00
Individual (resident & non-city resident)	\$ 60.00	\$ 85.00
City Business	\$ 60.00	\$ 85.00
Non-City Business	\$150.00	\$300.00

(Ord. 12-14 § 2: Ord. 10-17 § 1: Ord. 10-12 § 2: Ord. 06-08A § 14: Ord. 05-9 § 1: Ord. 84-2 § 3)

Section 12.12.050 Use of facilities by nonprofit organizations and corporations.

Any nonprofit organization or nonprofit corporation may use facilities in any of the parks and recreation areas more than once per month on a reserved basis if the following conditions are met: (A) proof of nonprofit status satisfactory to the City Manager, such as Certificate of Incorporation as a not-for-profit corporation; and (B) submission of the dates, times and facilities desired to be reserved not less than forty-five (45) days in advance. (Ord. 84-2 § 4)

Section 12.12.060 Traffic.

No person in a park shall:

- A. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property;
- B. Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may by occasion be specifically designated as temporary parking areas by the City;
- C. Ride a bicycle on other than a paved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use. (Ord. 82-33 § 2)

Section 12.12.070 Sale of merchandise.

No person, organization, corporation, company or association may expose or offer for sale any merchandise or food in any park or recreation area without a permit granted by the City Council.

A. Procedure. A permit to sell merchandise in any City park or recreation area must be obtained by submitting an application for a permit on a form obtained from the office of the City Clerk of the City. The application must be submitted at least thirty (30) days prior to the sale of any merchandise or food in any City park or recreation area. The application must be submitted with an application fee of fifty dollars (\$50.00). Said application fee shall be charged only once per year for applications submitted by the same person or entity. An organization requesting the permit and sponsoring the sale of merchandise or food shall be responsible for the payment of the application fee rather than individual vendors participating in the sale. All applications for permits to sell merchandise in any City park or recreation area must be approved by the City Council.

B. Exemption. This section shall not apply to nonprofit organizations and nonprofit corporations which sell merchandise or food when the nonprofit organization or corporation receives the proceeds from the sale. This section shall also not apply to the Richland County Farm and Fair Association during the County Fair week.

C. Penalties. Any person, organization, corporation, company or association which shall violate this section or fail to comply therewith shall be fined no less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Editorially amended pursuant to Ord. 2014-20 &

§ 1.08.030: Editorially amended during 1999 codification; Ord. 84-2 §§ 5, 6)

Section 12.12.075 Closing Hours at Olney City Park.

A. The Olney City Park shall be closed from 11:00 p.m. to 6:00 a.m., daily, and at any other time as determined by the Park Department Supervisor when barricades are placed at the entrances to the Olney City Park indicating that the Olney City Park is closed. No person shall be in the Olney City Park during the hours the Olney City Park is closed, except authorized campers or with special permission granted by the Mayor or City Manager of the City for special events.

B. Any person violating any provisions of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 12-56 § 1)

Section 12.12.080 Closing hours at Bird Haven.

A. The area designated as Bird Haven shall be closed from sundown to sunrise. No person shall be in Bird Haven during the hours Bird Haven is closed.

B. Any person violating any provision of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 92-28 §§ 1, 2)

Section 12.12.090 Closing hours at Rotary Park.

A. The area designated as Rotary Park shall be closed from 9:00 p.m. to 7:00 a.m. during the months of April through October and from 6:00 p.m. to 7:00 a.m. during the months of November through March. No person shall be in Rotary Park during the hours Rotary Park is closed, except with special permission granted by the Mayor or City Manager of the City for special events including, but not limited to, class reunions and fishing tournaments.

B. Any person violating any provisions of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 10-12 § 3: Ord. 05-9 § 1)

Section 12.12.100 Pets prohibited at Musgrove Park ball diamonds.

A. It shall be unlawful for any person at any time to bring or permit any pet upon the grounds of the Musgrove Park Ball Diamond Complex, including the concession stand and all sidewalks adjoining the ball diamonds.

B. This Section shall not apply to animals which are a part of an organized event approved by the City Council or to dogs being used by the blind.

C. Any person violating any provision of this Chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 12-26 § 1, Ord. 05-17 § 1)

Section 12.12.110 Camping permitted; fees.

Camping in the following parks shall be permitted upon the payment of the designated fee:

Olney City Park	\$15.00 per night
Gassmann Park	\$10.00 per night

(Ord. 06-08A, Sec. 15)

Section 12.12.120 Swimming pool fees.

The swimming pool fees at the Dr. Monte Musgrove Aquatic Center in the Alvin Musgrove Park are as follows:

Daily Admission

3 Years of Age & Under	Free
17 Years of Age & Under	\$ 3.00
18 Years of Age & Over	\$ 3.50

Punch Card

20 punches (children only)	\$ 50.00
20 punches (adult/children)	\$ 60.00

Swimming Pool Rental \$125.00 per hour
for a minimum of two (2) hours

(Ord. 2018-24 § 1: Ord. 12-15 § 1: Ord. 11-20 § 1: Ord. 10-19 § 1: Ord. 06-08A § 16)

Section 12.12.130 Summer recreation fees.

The fees for the City of Olney summer recreation classes are as follows: \$30.00 for the first child and \$25.00 for each additional child for classes taken in each session for youth residing in the City of Olney; \$55.00 for the first child and \$50.00 for each additional child for classes taken in each session for youth residing outside the City of Olney; \$50.00 for classes taken in each session for adults residing in the City of Olney; and \$70.00 for classes taken in each session for adults residing outside the City of Olney. The fees for City of Olney summer recreation classes that are held for less than 3 days per week shall be one-half of the applicable rates set forth above. (Ord. 14-12 § 1: Ord. 07-14 § 1: Ord. 06-08A § 17)

Section 12.12.140 Smoking prohibited in Alvin Musgrove Park; exceptions.

A. It shall be unlawful for any person at any time to smoke any tobacco products in any form in Alvin Musgrove Park, except in the designated areas consisting of the parking lots within Alvin Musgrove Park for the ball diamond complex, skateboard park, and Dr. Monte Musgrove Aquatic Center.

B. Any person violating any provision of this Section shall be fined not less than sixty dollar (\$60.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

C. This Section shall not apply to any violation under the Illinois Smoke Free Act. Any person violating any provision of the Illinois Smoke Free Act shall be subject to the fines set forth in the Illinois Smoke Free Act (410 ILCS 82/1 et seq.). (Ord. 12-28 § 1)

Section 12.12.150 Riding bicycles and skateboards prohibited.

A. It shall be unlawful for any person to ride any bicycle, skateboard, or other recreational vehicle on the sidewalks of the Musgrove Park Ball Diamond Complex when ball game are being played.

B. Any person violating any provision of this Section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 12-34 § 1)

Section 12.12.160 Driving and parking regulations at Alvin Musgrove Park.

A. It shall be unlawful for any person to drive any vehicle on any area in the Alvin Musgrove Park, except on paved park roads or designated parking area, or such other areas as may be designated by the City for special events.

B. It shall be unlawful for any person to park any vehicle on grass or other vegetation in the Alvin Musgrove Park, except when specifically designated for temporary parking by the City.

C. Any person violating any provision of this Section shall be fined not less than fifty dollars

(\$50.00) nor more than two hundred dollars (\$200.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 13-23 § 1)

Section 12.12.170 Driving motorized vehicles on East Fork Lake Trails prohibited.

A. It shall be unlawful for any person to drive any motorized vehicle on any portion of the East Fork Lake Trails located north of the East Fork Lake Dam, except as specifically authorized by the City.

B. Any person violating any provision of this Section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 13-32 § 1)

Section 12.12.180 Parks and Recreation Advisory Board.

A. Board Created; Membership; Appointment; Term: There is hereby created a Parks and Recreation Advisory Board consisting of seven (7) members to be appointed by the Mayor, with the advice and consent of the City Council. The term of office of each member shall be three (3) years except that the seven members first appointed shall serve terms as follows: three (3) members shall serve three (3) years; two (2) members shall serve four (4) years; and two (2) members shall serve five (5) years. Thereafter, as each term expires, the appointment shall be for three (3) years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant.

B. Organization: The members of the Park and Recreation Advisory Board shall organize by election of one of its members as chairperson. The Board shall meet at least quarterly.

C. Powers and Duties: The Parks and Recreation Advisory Board shall serve as an advisory board, making recommendations to the City Council for the following items:

1. Park master planning.
2. Budget and financial planning.
3. Policies related to the use of the parks and recreational facilities.
4. Fee structures.
5. Capital improvements.
6. Other matters as directed by the City Council.

(Ord. 14-04 § 1)

Chapter 12.16

EAST FORK LAKE

Sections:

12.16.010	Definitions.
12.16.020	Applicability.
12.16.030	Regulations for East Fork Lake incorporated by reference.
12.16.040	Swimming, bathing and wading.
12.16.050	Water skiing and surfboard riding.
12.16.060	Boating regulations generally.
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12.16.080	Fishing.
12.16.090	Picnicking and camping.
12.16.100	Hunting.
12.16.101	Notice of Violation.
12.16.102	Abatement.
12.16.103	Judgment.
12.16.110	Firearms.
12.16.120	Fires.
12.16.130	Destruction of property.
12.16.140	Prohibited areas.
12.16.150	Boat ramps, piers and docks.
12.16.155	Private sewage disposal systems.
12.16.160	Garbage and refuse in lake.
12.16.170	Aquatic habitat enhancement.
12.16.180	Alteration of Shoreline.
12.16.900	Violation-Penalty.

Section 12.16.010 Definitions.

The following words and terms used in this chapter shall have the meaning respectively ascribed to them in this section unless otherwise indicated:

"City" means the City of Olney, Richland County, Illinois.

"Craft" means and includes any boat, raft, canoe, barge or vessel not permanently attached to the shore.

"Custodian" means any lessee of any marginal land for residence, business, recreational or other purposes.

"Dam" means the earth, concrete, rock, and steel structure built by the City on and across the East Fork Lake located in Section 22, Township 4 North, Range 10 East of the 3rd Principal Meridian, Richland County, Illinois.

"Distance" means the shortest distance between two points in question and where one of the designated points is in an involved line (such as the shoreline, dam, et cetera), then distance shall be determined as measured at right angles to such line to the other point in question.

"East Fork Lake" means all the lands and appurtenances thereto surrounding the reservoir, both below and above the water impounded therein, and including the lands and appurtenances in possession of the City.

"Intake" means the place where the water supply of the City of Olney is taken from the reservoir.

"Marginal land" means the land owned and/or controlled by the City, including privately owned

property, which is adjacent to the shoreline and not flooded by waters of the reservoir.

"Reservoir" means the artificial lake and the waters impounded therein by means of a public water supply dam as described in the definition of "dam" above, and including any structure thereof or hereafter constructed within the topographical contours of four hundred eighty (480) feet above sea level as determined by the City from its engineering survey, which is five feet above the normal pool of water so impounded therein.

"Zone A" comprises all that portion of the reservoir lying within a distance of fifty (50) feet from the intake.

"Zone B" comprises that portion of the reservoir within two hundred (200) feet of the shoreline.

"Zone C" comprises any areas designated by City as fishing areas and marked appropriately with buoys.

"Zone D" comprises that portion of the reservoir especially designated by the City as boat harbors, boat moorings and boat launching areas operated by the City either directly or indirectly.

"Zone E" comprises the remainder of the reservoir nor otherwise zoned. (Ord. 80-23 § 1; Ord. 75-9 § 1)

Section 12.16.020 Applicability.

All provisions of this chapter shall apply to Zones A, B, C, D and E, as defined in the preceding section, except where otherwise indicated. (Ord. 75-9 § 2)

Section 12.16.030 Regulations for East Fork Lake incorporated by reference.

The regulations for the East Fork Lake, Ordinance 68-22, passed December 12, 1968, and Ordinance 70-29, passed November 12, 1970, and all amendments thereto, are adopted by reference and incorporated as if fully set out in this chapter. Three copies of said ordinance shall be found on file in the office of the Clerk. (Prior code § 50.165)

Section 12.16.040 Swimming, bathing and wading.

A. Swimming, bathing and wading is prohibited in Zones A, B, C, D and E, except:

1. At public bathing beach areas to be designated by the City and marked by appropriate buoys to be placed in the reservoir and surrounding beach area;

2. Under the supervision of one or more experienced lifeguards at such areas on the reservoir designated by the City as swimming areas and which are provided with adequate bathhouses and toilet facilities;

3. By the respective custodians and property owners on the marginal land, their families and guests, within Zone B, not exceeding one hundred fifty (150) feet off the shore of their respective tracts of marginal land, provided such custodians or property owners have provided and maintained a private swimming area to the satisfaction of the City.

B. No person having any communicable disease or skin infection shall swim, bathe or wade in the reservoir.

C. All persons using the reservoir for swimming, bathing or wading shall use the same so as not to create any unsanitary condition in or about the reservoir or so not to pollute the water thereof or make such waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof.

D. Swimming out of boats in any portion of the reservoir is prohibited; provided, however, that swimming out of boats is permitted in the "No Wake" area immediately adjacent to and west of the St. Marie Road under the following conditions:

1. All boats must be anchored;

2. All swimmers must stay clear of the main channel entrance by a minimum distance of one hundred (100) feet; and

3. All swimmers must wear approved life jackets and remain within twenty-five (25) feet of the boat.

E. Skin diving is prohibited in all portions of the reservoir, except areas posted as skin-diving areas. (Ord. 88-14 § 1; Ord. 75-9 § 3)

Section 12.16.050 Water skiing and surfboard riding.

A. No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplanes, or similar contrivances during the period from one-half hour after sunset and one-half hour prior to sunrise.

B. All water skiers or surfboard riders must wear Coast Guard-approved life jackets or ski belt. All persons, except skiers and swimmers, must wear reflective or high-visibility head gear or caps.

C. All skiers shall hold one ski aloft after falling into the water and awaiting pickup, whereby to caution all other users of the said reservoir of their presence. In the event that more than one skier is being towed by a boat, all skiers must drop immediately after one of the skiers is no longer being towed.

D. No motorboat which has in tow or is otherwise assisting a person on water skis, aquaplanes or similar contrivance shall be operated or propelled in or upon the reservoir unless such motorboat is occupied by at least two competent persons. All such motorboats, while being so used, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property of any person. No person shall operate or manipulate motorboat, tow rope or other device by which the direction or location of water skis, aquaplane or similar contrivance may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar contrivance or any person thereon to collide with or strike against any person or object except authorized ski jumps, buoys and like objects customarily used in competitive or recreational skiing. The tow rope shall not exceed one hundred (100) feet in length.

E. Water skiing and surfboard riding are prohibited in Zones A, B, C and D and in areas posted as a bathing beach, except authorized ski lanes within Zone B, which ski lanes shall be limited in use to the purpose of ingress and egress only.

F. Water skiers and surfboard riders shall at all times conduct their activities in a prudent and cautious manner so as not to endanger the life and safety of themselves and other users of the reservoir.

G. No skier shall be left unattended after he or she has fallen. When a skier falls, the boat must stop and retrieve the fallen skier.

H. Kite skiing is expressly prohibited. (Ord. 88-14 § 2; Ord. 75-9 § 4)

Section 12.16.060 Boating regulations generally.

A. Boating of any kind or character is prohibited in that portion of the reservoir designated as Zone A to protect the public water supply.

B. Boating in Zones B, C, D and E is subject to the following restrictions:

1. No person shall use on any boat or craft on the waters of the reservoir a muffler cut-out or any device whatsoever that operates to discharge exhaust gases of any motor or engine without such gases passing through an efficient muffler except as may be permitted by the City for racing boats at times to be fixed and in zones to be specified for such purpose.

2. Nothing herein shall be construed as permitting any boat or craft to be operated at a speed greater than is safe and prudent under the circumstances, and the operator shall observe and comply with all signs and other regulations placed by the City on or near the reservoir. Speed limits are established at not to exceed five miles per hour under bridges or within fifty (50) feet thereof, in or on any established boat harbor, boat mooring area or boat launching area or within fifty (50) feet thereof, or within any of the inlets of the lake that are designated as "No Wake Areas," and in any particular area designated or posted by the City or in Zone C.

3. No boat or craft of any kind or character shall be operated on the reservoir unless it carries for each occupant an approved life preserver in good condition especially designed for that purpose. Preservers shall be readily accessible to each passenger occupying the boat. Any boat sixteen (16) feet or over in length shall carry, in addition to approved life preservers, one Type IV flotation device (flotation cushion or ring buoy).

4. Lighting Equipment for Boats and Craft at Night.

a. No boat or craft of any kind or character shall be used, propelled or operated between the hours of sunset and sunrise unless such boat or craft plainly displays an adequate light which can be clearly observed from any quarter by an approaching boat.

b. Sailboats shall be equipped with one or more red lights and shall be of such brilliance that they may be easily seen by an approaching boat or craft for a distance of at least eight hundred (800) feet, said lights to be visible from all quarters at all times during darkness.

c. Rowboats and canoes not equipped with outboard motors shall carry white lights mounted on a suitable standard not less than one foot in height, said light to be of such brilliancy that it may be easily seen by an approaching boat or craft for a distance of eight hundred (800) feet, said light to be visible from all quarters at all times during darkness.

d. No boat or craft that may be operated or propelled by means of any motor or engines which may be temporarily or permanently attached thereto may be operated on the waters of the reservoir between the hours of sunset and sunrise unless it plainly displays a bright white light in the aft (rear) port of the boat or craft visible from all quarters and twin lights or a combined lantern in the fore (forward) part of the boat showing a green light to the port (left) side of the boat or craft, each such colored light to be so shielded as to not be visible from across the beam of the boat or craft.

e. No boat or craft of any kind or character shall be anchored between sunset and sunrise, except in the established boat harbors, docks and piers, more than seventy-five (75) feet from the shore of the lake unless it displays an adequate light clearly visible from any quarter by an approaching boat.

5. Signaling devices and fire extinguishers (a type approved by Underwriters Laboratories) shall be installed on any boat or craft that is operated or propelled by means of any motor or engine of ten horsepower or greater. All inboard motorboats shall also be equipped with an adequate horn or approved signaling device. Sirens are prohibited on all boats and crafts except police, fire boats, or boats owned by the City, the state of Illinois or the federal government.

6. No boat or other watercraft propelled by a gasoline motor shall be placed or operated in that portion of East Fork Lake lying east of St. Marie Road. (Ord. 86-30 § 1: Ord. 75-9 § 5 (part))

Section 12.16.070 Steering and sailing rules.

The following steering and sailing rules shall govern the use and operation of the boats and craft on the reservoir:

A. Rule 1. When two sailing boats are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows, namely:

1. A sailboat which is running free shall keep out of the way of a sailboat which is close-hauled.

2. A boat which is close-hauled on the port (left) tack shall keep out of the way of a boat which is close-hauled on the starboard (right) tack.

3. When both are running free, with the wind on different sides, the boat which has the wind on the port (left) side shall keep out of the way of the other.

4. When both are running free with the wind on the same side, the boat which is to windward shall keep out of the way of the boat or craft which is to leeward.

B. Rule 2. All motor-powered boats must travel in a counter-clockwise direction.

C. Rule 3. When two motor- or engine-driven boats are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter its course to starboard (right) so that each shall pass on the port (left) side of the other.

D. Rule 4. When two motor- or engine-driven boats are crossing so as to involve risk of collision, the boat which has the other on its starboard (right) side shall keep out of the way of the other.

E. Rule 5. When a motor- or engine-driven boat and a sailing boat are proceeding in such directions as to involve risk of collision the motor- or engine-driven boat shall keep out of the way of the sailing boat.

F. Rule 6. The meeting or crossing of two boats propelled by oars or muscular power shall be

governed in like manner as two motorboats under Rule 3 and Rule 4 above.

G. Rule 7. When a sailing boat or motor- or engine-driven boat meets, crosses the course of or overtakes a boat propelled by oars or muscular power, the sailing or motor- or engine-driven boats shall keep out of the way of the other.

H. Rule 8. Where, by any of the rules herein prescribed, one of two boats shall keep out of the way, the other shall keep its course and speed.

I. Rule 9. Every motor- or engine-driven boat which is directed by these rules to keep out of the way of another boat shall, on approaching the other boat, if necessary, slacken its speed or stop or reverse.

J. Rule 10. Notwithstanding anything contained in these rules, every boat or craft overtaking any other shall keep out of the way of the overtaken boat or craft.

K. Rule 11. In obeying and construing these rules, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

L. Rule 12. Nothing in these rules shall exonerate any boat or craft or the owner or the operator thereof from the consequences of any neglect to keep a proper lookout, or of a neglect of any precaution which may be required by the exercise of due care and caution or by the special circumstances of the case.

M. Rule 13. No boat or craft shall collide with, run against, strike, injure, deface or damage any buoy, stake, sign, piling, ramp, dock, pier, or other structure installed by the City or with the City's consent, or be anchored or moored so as to obstruct the view of any buoy or navigation sign or signal. Any person causing or permitting any injury or damage, directly or indirectly, shall be liable to the City for such damage as may be caused by such boat or craft.

N. Rule 14. The operation of a boat or craft at a speed greater than is safe and prudent under the circumstances is prohibited. All boats and crafts must operate at a safe distance from other boats and crafts. Racing or circling around other boats is prohibited.

O. Rule 14A. Jet skis or water scooters--Any-one operating a jet ski or water scooter must be sixteen (16) years of age and must wear a U.S. Coast Guard-approved life preserver. Jet skis and water scooters may not tow skiers or any other type of apparatus or contrivance.

P. Rule 15. No bottles, cans or other refuse shall be dumped, thrown, cast, placed or deposited into the water of the reservoir or on the adjacent shores from any boat or craft.

Q. Rule 16. Houseboats--No boat or craft commonly known as a houseboat on which the occupants have sleeping quarters shall be permitted on the reservoir.

R. Rule 16A. Personal watercraft, including jet skis and waterscooters--"Personal watercraft" means a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller-driven motor.

1. No person under sixteen (16) years of age may operate a personal watercraft. Persons at least sixteen (16) years of age and less than eighteen (18) years of age may operate a personal watercraft only if they are accompanied on the personal watercraft and under the direct control of a parent or guardian or a person at least eighteen (18) years of age designated by a parent or guardian, or such personal watercraft operator is in possession of a boating safety certificate issued by the Department of Natural Resources, Division of Education, or a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron, authorizing the holder to operate motorboats.

2. No person may operate a personal watercraft unless each person aboard is wearing a Type I, Type II, Type III or Type V personal floatation device approved by the United States Coast Guard.

3. Personal watercraft may not tow skiers or any other type of apparatus or contrivance.

S. Rule 17. No person in an intoxicated condition or under the influence of narcotic drugs shall operate any boat or craft on the waters of the reservoir.

T. Rule 18. Persons using or operating any boat or craft on the waters of the reservoir shall do so in such manner as not to create an unsanitary condition in or about such waters and shall not pollute such

waters by the discharge, in any material amount, of oil or other pollution, liquid or solid, tending to make such waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof. No boat or craft having a flow-through device or discharge-type toilet shall be licensed or permitted. Boats or crafts having a holding tank, incinerator, or other nondischarge type of device are permitted. Portable toilets are also permitted.

U. Rule 19. No boat or craft shall be used, or operated, nor any horn or sound device sounded so as to create a nuisance or disturb the peace or quiet of any neighborhood or any properly occupied area.

V. Rule 20. The City shall at all times have power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any and all boats and crafts on the water of the reservoir should it become necessary to do so in the interest of the public health or safety, or for the protection or improvement of the reservoir or other cause.

W. Rule 21. Any boat or craft found abandoned or adrift in the reservoir, or any unlicensed boat or craft thereon, shall be taken up by the City, and the City shall have a lien thereon for all license fees therefor and the expenses of the same, and for all damages caused by such boat or craft to the property of the City and the City may enforce such lien by advertisement and sale of such boat or craft in like manner as the foreclosure and sale of personal property liens or chattel mortgages under the law of the state of Illinois. Nothing herein shall be construed as exonerating the owner or operator of any boat or craft from personal liability to the City, or any other person, for any damage or injury caused by such boat or craft.

X. Rule 22.

1. No person under ten years of age may operate a motorboat.

2. Persons at least ten years of age and less than twelve (12) years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least eighteen (18) years of age designated by parent or guardian.

3. Persons at least twelve (12) years of age and less than eighteen (18) years of age may operate a motorboat only if:

a. They are accompanied on the motorboat and under the direct control of a parent or a guardian or a person at least eighteen (18) years of age designated by parent or guardian; or

b. Such motorboat operator is in possession of a boating safety certificate issued by the Department of Conservation, Division of Law Enforcement, authorizing the holder to operate motorboats. (Ord. 96-34 § 1; Ord. 78-44 § 2; Ord. 77-27 § 1; Ord. 75-9 § 5 (part))

Section 12.16.080 Fishing.

A. Fishing is prohibited in Zone A unless a special permit is issued therefor by the City for such purpose. The City is authorized and vested with full power and authority to make, promulgate and enforce such rules and regulations as may be deemed necessary and proper for regulating fishing as permitted or prohibited by this chapter, or the rules and regulations established by the state Department of Conservation applicable to the waters in the reservoir.

B. State License Required--Obedience to State Law. No person required to be licensed by the laws of the state of Illinois, now or hereafter, shall take, catch, or attempt to take or catch any species of fish, frogs or turtles without a state fishing license in full force and effect, issued to such person and in his or her possession. All persons shall strictly adhere to the Fish Code of the state of Illinois and the amendments thereto.

C. Method of Fishing. No person shall take, catch, or attempt to take or catch any fish in the reservoir by any method whatsoever except by no more than two hooks or plug attached to a single line. Jug fishing or the use of any trot line, seine, dip net, hoop net, basket net, throw line, or any trap for the taking of aquatic life is prohibited. The City shall have the reserved right to issue special commercial fishing permits at its discretion.

D. The privilege of fishing in the reservoir or any part thereof may be suspended by the City at any time, whenever such suspension shall be deemed proper to conserve aquatic life or to prevent any tendency to pollute the waters of the reservoir, or to promote the improvement or convenient maintenance

or control of all or any part thereof. The posting of any authorized sign in any part of the respective zones shall suspend the privilege of fishing in such zone or at such posted location.

E. Exemption of City and State. Nothing herein enumerated in subsections (A) to (D) of this section, shall apply to or be construed to prevent or penalize anything done or caused by the City or by its agents or employees of the Department of Conservation of the state of Illinois in protecting or caring for the reservoir or the aquatic life therein.

F. All persons using the waters of the reservoir for fishing purposes shall so use the same as not to create an unsanitary condition in or about the water of any part of Zone C or so as to pollute or make any part of the water unwholesome or unfit for use.

G. All fish taken from East Fork Lake shall be in conformance in size and number as that established by the state of Illinois Department of Conservation or any subsequent amendment thereto, except that no largemouth black bass shall be taken less than twelve (12) inches in length. (Ord. 76-14 § 1; Ord. 75-9 § 6)

Section 12.16.090 Picnicking and camping.

A. Picnicking and camping are prohibited in or on all lands around or in possession of the City, except:

1. Upon such portions of the land as may be designated by the City and so marked by appropriate signs;
2. By custodians of marginal land, their families, guests, upon such portions of such marginal land as may have been leased to such custodians by the City.

B. Any person picnicking, camping or making use of the picnic and camping areas to be designated by the City, or any custodian, their family and guest, shall keep the premises neat and clean, pick up and remove in a sanitary manner all paper, garbage, rubbish, cans, bottles and debris, and before leaving the premises put out any fire made or controlled by such person. (Ord. 75-9 § 7)

Section 12.16.100 Hunting.

A. Hunting during regular hunting season will be permitted on that portion of the marginal land that belongs to private land owners. No hunting will be permitted on any marginal land belonging to the City.

B. The following regulations will apply specifically to the hunting of waterfowl:

1. No permanent hunting blinds shall be constructed either on the lake or any marginal land within fifty (50) feet of the lake.
2. Duck blinds may be left overnight on the lake and on portions of marginal land that belong to private land owners within fifty (50) feet of the lake or within fifty (50) feet of any City-owned property only between September 1 and April 1.
3. All duck blinds will be properly identified with owner's name, owner's address, and owner's phone number. Identification will be posted in a conspicuous place on the inside of the duck blind.
4. Owners of such duck blinds will notify the City Clerk of the location of the placed duck blind(s), owner name, owner address, and valid owner phone number.
5. No part or portion (including but not limited to stakes and supports) of the duck blind will remain on any City-owned lake or within fifty (50) feet of any City-owned property after April 1, unless said duck blind is being stored by the owner on or directly tethered to owner's private property. A "duck blind" shall include but not be limited to any anchored, portable, supported, or floating structure and any watercraft (whether stationary, floating, or powered manually or mechanically) that is camouflaged, disguised, or altered in appearance to offer a place of concealment for one or more persons. (Ord. 2017-12 § 1: Ord. 2006-30 § 1: Ord. 1975-9 § 8)

Section 12.16.101 Notice of Violation.

The City shall serve, or cause to be served, a Notice upon the owner of any duck blind(s) that is in violation of Subsection B of this Ordinance and demand removal of the offending material within ten

days. If the material is not removed, the owner of the blind will be issued an Ordinance violation ticket with a fine in the amount of no less than \$75.00 and no more than \$750.00, to be determined by the enforcing officer. (2017-12 § 1)

Section 12.16.102 Abatement.

A. If the person so served and ticketed does not correct the violation within ten days from issuance of the ticket, the City may proceed to remove the material, keeping an account of the expense of abatement, and such expense shall be charged and paid by such owner. The expense of abatement shall include an administrative fee of seventy-five dollars (\$75.00). The total expense shall be added to the fine amount to be pursued in Richland County Circuit Court as restitution.

B. If a duck blind is located, at any time (including but not limited to between September 1 and April 1), without the identifying information required by this Code, then the City may proceed to immediately remove the material without further Notice to any individual whatsoever. The City shall have no duty whatsoever to attempt to identify or locate any owner of such an unidentified blind. (2017-12 § 1)

Section 12.16.103 Judgment.

In addition to any other remedy, the City may seek Judgment against the owner of the duck blind and said Judgment shall attach to any real estate owned by said owner. (2017-12 § 1)

Section 12.16.110 Firearms.

No person shall fire or discharge any firearm of any description within the limits of the reservoir or the marginal lands, except the Police Officer or the Lake Officer in the performance of their duty. The only exception would be as specified in Section 12.16.100. (Ord. 75-9 § 9)

Section 12.16.120 Fires.

No fires shall be lighted or used on the marginal lands except at such places and purposes as may be designated by the City. (Ord. 75-9 § 10)

Section 12.16.130 Destruction of property.

No person shall wilfully, maliciously or negligently cut, break, climb on, carry away, conceal, transfer, tamper with, mark upon or in any way injure, damage or deface any tree, shrub, plant, turf, grass, statue, bust, monument, lamppost, hydrant, regulation device, transformer, meter, switch, wiring, pole, electrical fixture, curbstone, coping, rip rap, flag, stone, fence, wall, bridge, balustrade, railing, bench, building, pier, ramp, buoy, dock, wharf, sign, marker, or other structure of any kind or property or take down, alter, mar, move, injure or destroy any sign, trail marker, placard, notice, pile or buoy posted or placed by the City or authorized to be posted or placed by the City in any of the zones of the reservoir or the marginal lands; or drive any motor car, vehicle, boat or craft in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure or deface or damage any such property, without first being authorized by the City for some specific purpose which might conflict herewith. No person shall injure, deface, damage or destroy any roads, walks, parking areas, boat facilities or any other property belonging to the City or in the care of the City. (Ord. 75-9 § 11)

Section 12.16.140 Prohibited areas.

No person shall go upon any prohibited area when so designated or posted by the City. The spillway, intake, pump house and all areas prohibited for boating are herein designated areas. (Ord. 75-9 § 12)

Section 12.16.150 Boat ramps, piers and docks.

A. All boat ramps for loading and launching boats from boat trailers shall be built and maintained by

the City with not over two boat ramps permitted on said lake, one on the northwest part of the lake at the dam and the other to be on the northeast end of the lake, near the swimming and picnic area. All boats are to be loaded and unloaded from these two ramps.

B. All private boat docks must not be over three hundred seventy-five (375) square feet in deck area and not extend more than twenty-five (25) feet from the shoreline at elevation four hundred seventy-five (475) feet above mean sea level. Docks may be stationary or on approved flotation material which will not become waterlogged or sink when punctured. Before any dock is constructed, a building permit must be obtained and proposed plan submitted to and approved by the Building Official of the City. There is a fee of fifty dollars (\$50.00) for City residents and two hundred fifty dollars (\$250.00) for non-City residents payable at the time of the issuance of the permit.

C. All private docks must be maintained in a safe and acceptable manner. All private docks shall be subject to an annual inspection by the Lake Patrol Officer. Any owner who has allowed his or her dock to deteriorate into an unsafe condition may have his or her permit revoked and be subject to the penalties listed in Section 12.16.900. (Ord. 10-14 § 1: Ord. 03-9 § 5: Ord. 98-37 § 6: Ord. 84-13 § 2)

Section 12.16.155 Private sewage disposal systems.

A. No person shall construct or maintain any private sewage disposal system located within one thousand (1,000) feet of the shoreline of East Fork Lake at normal pool elevation which does not comply with the Private Sewage Disposal Licensing Act (225 ILCS 225), the Private Sewage Disposal Code as adopted by the Illinois Department of Public Health (77 Ill. Adm. Code, Chapter I, Part 905), and Sections 13.08.070 through 13.08.170 of the City of Olney Municipal Code.

B. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the City at the time the application is filed for the construction of a private sewage disposal system. The fee for each additional inspection required by the City shall be thirty dollars (\$30.00). (Ord. 06-08A, Sec. 18: Ord. 03-9, Sec. 6)

Section 12.16.160 Garbage and refuse in lake.

It shall be unlawful for any person to place, or cause to be placed, any garbage or refuse, as defined in Section 8.16.010 of the City of Olney Municipal Code, on, in, or under the waters of East Fork Lake, provided, however, this Section does not prohibit the placement of certain approved solid refuse within the lake for the expressed purpose of creating or enhancing aquatic fish habitat. (Ord. 05-03, Sec. 1)

Section 12.16.170 Aquatic habitat enhancement.

A. Permit required. It is unlawful for any person to place, or cause to be placed, any garbage or refuse, as defined in Section 8.16.010 of the City of Olney Municipal Code, on, in, or under the waters of East Fork Lake for the expressed purpose of creating or enhancing aquatic fish habitat without first having obtained a permit from the City Manager.

B. Application for permit. Written application for such permit shall be made on a form approved by the City to the City Manager's office and must include an itemized list of materials that will be placed in the lake, the exact location and water depth where the materials will be placed, and a detailed description of how the materials will be secured. (Ord. 05-03, Sec. 1)

Section 12.16.180 Alteration of Shoreline.

A. No person shall excavate the shoreline of East Fork Lake so as to allow water retained by the dam or the lake to flow upon or stand on real estate adjoining the lake without a permit issued by the City Council of the City.

B. No person shall alter the shoreline of East Fork Lake without a written permit issued by the City Manager of the City. Alterations of the shoreline are hereby defined as the cutting of trees, addition of

earth or rip-rap, change in the topography or elevation, or the installation of any permanent structure or object. No person shall excavate silt from East Fork Lake without a written permit issued by the City Manager of the City.

C. Application for any permit required by paragraphs A and B above shall be accompanied by complete plans and specifications. There shall be a \$25.00 fee for City residents and a \$100.00 fee for non-City residents for said permits.

D. The City Council or the City Manager, as the case may be, may deny the granting of any application for shoreline alteration where such alteration will cause harm to the environment, pollution of the lake or interfere with the public or private use of the lake or its shoreline.

E. Any person violating any provision in this section shall become liable for all damages and expenses caused thereby to the City, including the restoration of any property to its condition prior to the violation, in addition to any fines and penalties provided in this chapter. (Ord. 10-15 § 1: Ord. 08-27 § 1)

Section 12.16.900 Violation-Penalty.

A. Any person violating any of the provisions of this Chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. Any person violating any of the provisions of Sections 12.16.160 or 12.16.170 shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day during or on which materials are placed in the lake and for each specific location materials are placed in the lake. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 05-03, Sec. 1)

Chapter 12.20

M.D. BORAH LAKE

Sections:

12.20.010	Alcoholic beverages prohibited on City property.
12.20.020	General swimming, bathing and wading regulations.
12.20.030	Borah Lake beach regulations.
12.20.040	Closing hours.
12.20.050	Private sewage disposal systems.
12.20.060	Garbage and refuse in lake.
12.20.070	Aquatic habitat enhancement.
12.20.080	Alteration of Shoreline.
12.20.900	Violation-Penalty.

Section 12.20.010 Alcoholic beverages prohibited on City property.

No person shall possess or consume alcoholic beverages on the City-owned public beach and parking area at M.D. Borah Lake or on any adjacent City-owned property except the lake itself. (Ord. 98-106 § 1 (part): prior code § 50.48)

Section 12.20.020 General swimming, bathing and wading regulations.

A. Swimming, bathing and wading in M.D. Borah Lake is prohibited except as specifically authorized by the City. Swimming, bathing and wading is permitted in M.D. Borah Lake by the respective custodians and property owners on the marginal land, their families and guests, not exceeding one hundred fifty (150) feet off the shore of their respective tracts of marginal land, provided such custodians or property owners have provided and maintained a private swimming area.

B. No person having any communicable disease or skin infection shall swim, bathe or wade in the reservoir.

C. All persons using the reservoir for swimming, bathing or wading shall use the same so as not to create any unsanitary condition in or about the reservoir or so as not to pollute the water thereof or make such waters unwholesome or unfit for water supply purposes or injurious to the aquatic life thereof. (Ord. 98-106 § 1 (part): prior code § 50.49)

Section 12.20.030 Borah Lake beach regulations.

A. No person shall swim after sunset or when lightning is present.

B. No person shall bring, permit, or allow his or her pets in the beach area.

C. No person under the influence of alcohol or exhibiting erratic behavior shall remain in the beach area.

D. No person shall litter in the beach area. No person shall cause or allow to be placed in the water any food, drink, gum or tobacco. No person shall bring or allow to remain in the beach area any glass containers.

E. No person under the age of seventeen (17) shall be present in the beach area, or swim, bathe or wade, unless accompanied by a responsible person seventeen (17) years of age or older.

F. No person shall dive from any City-owned property, including the public boat dock.

G. No person shall sunbathe on the public boat dock at M.D. Borah Lake.

H. No person shall wilfully fail or refuse to comply with any lawful order or direction of any City Police Officer or City employee regarding the enforcement of any posted rules and regulations or the prevention of any dangerous or harmful conduct. (Ord. 98-106 § 1 (part): prior code § 50.50)

Section 12.20.040 Closing hours.

The beach, parking lot, and boat ramp located at M.D. Borah Lake shall be closed between the hours of nine p.m. and four a.m. No person shall be on the premises when closed. (Ord. 98-106 § 1 (part): prior code § 50.51)

Section 12.20.050 Private sewage disposal systems.

A. No person shall construct or maintain any private sewage disposal system located within five hundred (500) feet of the shoreline of M.D. Borah Lake at normal pool elevation which does not comply with the Private Sewage Disposal Licensing Act (225 ILCS 225), the Private Sewage Disposal Code as adopted by the Illinois Department of Public Health (77 Ill. Adm. Code, Chapter I, Part 905), and Sections 13.08.070 through 13.08.170 of the City of Olney Municipal Code.

B. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the City at the time the application is filed for the construction of a private sewage disposal system. The fee for each additional inspection required by the City shall be fifty dollars (\$50.00). (Ord. 06-08A § 19: Ord. 03-9 § 7: Ord. 90-29 § 1; Ord. 89-24 §§ 1--3)

Section 12.20.060 Garbage and refuse in lake.

It shall be unlawful for any person to place, or cause to be placed, any garbage or refuse, as defined in Section 8.16.010 of the City of Olney Municipal Code, on, in, or under the waters of M.D. Borah Lake, provided, however, this Section does not prohibit the placement of certain approved solid refuse within the lake for the expressed purpose of creating or enhancing aquatic fish habitat. (Ord. 05-3 § 2)

Section 12.20.070 Aquatic habitat enhancement.

A. Permit Required. It is unlawful for any person to place, or cause to be placed, any garbage or refuse, as defined in Section 8.16.010 of the City of Olney Municipal Code, on, in, or under the waters of M.D. Borah Lake for the express purpose of creating or enhancing aquatic fish habitat without first having obtained a permit from the City Manager.

B. Application for permit. Written application for such permit shall be made on a form approved by the City to the City Manager's office and must include an itemized list of materials that will be placed in the lake, the exact location and water depth where the materials will be placed, and a detailed description of how the materials will be secured. (Ord. 05-3 § 2)

Section 12.20.080 Alteration of Shoreline.

A. No person shall excavate the shoreline of M. D. Borah Lake so as to allow water retained by the dam or the lake to flow upon or stand on real estate adjoining the lake without a permit issued by the City Council of the City.

B. No person shall alter the shoreline of M. D. Borah Lake without a written permit issued by the City Manager of the City. Alterations of the shoreline are hereby defined as the cutting of trees, addition of earth or rip-rap, change in the topography or elevation, or the installation of any permanent structure or object. No person shall excavate silt from M.D. Borah Lake without a written permit issued by the City Manager of the City.

C. Application for any permit required by paragraphs A and B above shall be accompanied by complete plans and specifications. There shall be a \$25.00 fee for City residents and a \$100.00 fee for non-City residents for said permits.

D. The City Council or the City Manager, as the case may be, may deny the granting of any application for shoreline alteration where such alteration will cause harm to the environment, pollution of the lake or interfere with the public or private use of the lake or its shoreline.

E. Any person violating any provision in this section shall become liable for all damages and expenses caused thereby to the City, including the restoration of any property to its condition prior to the violation, in addition to any fines and penalties provided in this chapter. (Ord. 10-15 § 2: Ord. 08-27 § 2)

Section 12.20.900 Violation-Penalty.

A. Any person violating any of the provisions of this Chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. Any person violating any of the provisions of Sections 12.20.060 or 12.20.070 shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day during or on which materials are placed in the lake and for each specific location materials are placed in the lake. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 05-3 § 2)

Chapter 12.24

OLNEY LAKE

Sections:

Article I.	General Provisions
12.24.010	Definitions.
12.24.020	Lake Police Officers.
12.24.030	Public nuisance--Civil liability.
12.24.040	Rules and regulations established by Public Property Department.
Article II.	Sanitation Rules
12.24.050	Depositing sewage and waste.
12.24.060	Privies and septic tanks.
12.24.070	Toilet facilities--Water waste disposal above high water line.
12.24.080	Repealed by 03-9, Sec. 8
12.24.090	Repealed by 03-9, Sec. 8
12.24.100	Repealed by 03-9, Sec. 8
12.24.110	Repealed by 03-9, Sec. 8
12.24.120	City's authority--Notification of violation--Liability to City.
Article III.	Boating Regulations
12.24.130	Boat dimensions--Prohibited boats and rafts--Boats with toilet facilities.
12.24.140	Special events permit--Use of lake.
12.24.150	Boat inspections--Safety equipment required.
12.24.160	Rules for operating motorboats.
12.24.170	Passing, crossing and overtaking by boats.
12.24.180	Boat traffic lanes.
12.24.190	Disturbing the peace while boating.
12.24.200	Boats discharging polluting substances.
12.24.210	Abandoned boats--Expense made a lien--Owner's liability.
12.24.220	Personal watercraft, including jet skis and water scooters.
Article IV.	Docks and Piers
12.24.230	Construction of docks and piers--Permit, fee and inspections.
12.24.240	Extension of dock or pier--Maintenance.
Article V.	Miscellaneous Regulations
12.24.250	Fishing--State officials to enforce regulations.
12.24.260	Using firearms.
12.24.270	Trespassing.
Article VI.	Violation--Penalty
12.24.280	Violation--Penalty.

Article I. General Provisions

Section 12.24.010 Definitions.

Whenever these terms or phrases are used in this chapter they shall have the meaning respectively ascribed to them:

"City" means the City of Olney, Illinois.

"High water line" means the contour known as 472, referred to in United States Government Elevations as being a contour line four hundred seventy-two (472) feet above sea level.

"Intake" means the place where the water supply for the City is taken from the reservoir.

"Marginal land" means the land owned or controlled by the City adjacent to the shoreline, and not flooded by the waters of the reservoirs.

"Person" means the feminine as well as the masculine when applicable, and the plural as well as the singular where applicable; it also includes a firm, corporation, association, club, organization or other entity.

"Reservoir" means the artificial lake and water known as Olney Lake, impounded therein by means of the dam and spillway constructed across the valley of Goose Creek in Preston Township, Richland County, Illinois.

"Shoreline" means the extended point where the plane surface of the waters of the reservoir borders the land.

"Subdivision" means a tract of land jointly owned by one or more persons whereon five or more dwellings or business establishments of any kind or character are proposed to be located.

"Watercourse" means any stream, natural or artificial channel, spring or depression of any kind, in which water flows continuously or intermittently over any part of the drainage area, directly or indirectly, into any part of the reservoir. (Prior code § 50.01)

Section 12.24.020 Lake Police Officers.

The City shall appoint five persons as Lake Police Officers to enforce the provisions of this chapter as the circumstances may from time to time require. In each instance, when such Officer is detailed to enforce the terms of this chapter, such officer shall apply to the Sheriff of Richland County for permission to act for and on behalf as Deputy as well as Officer of the City in the enforcement of the provisions of this chapter. (Prior code § 50.02)

Section 12.24.030 Public nuisance--Civil liability.

A. Public Nuisance. The violation of any provision of this chapter, whereby any unsanitary condition is created, is declared a public nuisance.

B. Civil Liability. Any person violating any provision of this chapter shall become liable for all damage and expense thereby caused to the City or any other person or persons, by reason of such violation, in addition to the criminal penalties provided in Section 12.24.280. (Prior code § 50.03)

Section 12.24.040 Rules and regulations established by Public Property Department.

The Commissioner of Public Property of the City shall have the power to establish general rules and regulations for the administration of this chapter, and such other rules and regulations as may be deemed advisable or necessary to make, in giving full force and effect to carrying out the provisions of this chapter, and may amend and repeal any such rules and regulations. (Prior code § 50.04)

Article II. Sanitation Rules

Section 12.24.050 Depositing sewage and waste.

No person shall place, deposit or permit to be deposited any sewage, garbage, waste or waste paper in any unsanitary manner upon public or private property below the high water line. (Prior code § 50.10)

Section 12.24.060 Privies and septic tanks.

No person shall construct or maintain any privy, privy vault, septic tank or septic system, seepage pit, or other facility intended or used for the disposal of sewage or waste in any area which will contaminate the watercourse, which continuously or intermittently flows directly or indirectly into the reservoir. (Prior code § 50.11)

Section 12.24.070 Toilet facilities--Water waste disposal above high water line.

The owner of all houses, buildings or property used for human occupancy, employment, business, recreation or other purposes situated above the high water line shall be required, at their own expense, to install suitable toilet facilities and facilities for the disposition of waste water thereon, which will not contaminate the reservoir or any watercourse. (Prior code § 50.12)

Section 12.24.120 City's authority--Notification of violation--Liability to City.

A. City's Authority. The City shall at all times have power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any or all boats and crafts on the waters of Olney Lake, should it become necessary to do so, in the interest of the public health or safety or for the protection or improvement of Olney Lake.

B. Notification. Any person found to be violating any provision of this chapter shall be notified by the City, in writing, stating the nature of the violation and providing a time limit not to exceed two weeks for the satisfactory correction thereof. The offender shall, within the period of two weeks stated in such notice, permanently cease any violation or correct the same, at his or her own expense, in any manner approved by the City Commission.

C. Liability. Any person violating any other provisions of this chapter shall become liable to the City for the expense, loss or damage occasioned by reason of such violation, and such violation shall be deemed a nuisance subject to injunction. (Prior code § 50.17)

Article III. Boating Regulations

Section 12.24.130 Boat dimensions--Prohibited boats and rafts--Boats with toilet facilities.

A. Dimensions. No boat or craft shall be permitted on the reservoir that is more than eighteen (18) feet long from bow to stern and no floating or stationary raft or houseboat shall be permitted on Olney Lake.

B. Houseboats--Boats with Toilet Facilities. No boat or craft, commonly known as a houseboat, on which the occupants have sleeping accommodations, or remain for more than a few hours, shall be permitted on the reservoir, and no boat operated on the reservoir shall have toilet facilities. (Prior code § 50.24)

Section 12.24.140 Special events permit--Use of lake.

The City may, at the discretion of Council and upon written application, issue a special permit for boats or crafts for any properly sponsored special event. In the event of a special event, all other boats, with the exception of those granted a special permit, shall not have the use of the reservoir during the special event. (Prior code § 50.27)

Section 12.24.150 Boat inspections--Safety equipment required.

A. Inspections. All boats being used upon the waters of the reservoir shall be subject, at any time, to inspection and certification in respect to condition, seaworthiness and any factors relating to safety.

B. Safety Equipment. Unsafe boats shall not be used upon the water of the reservoir. All boats operated upon the reservoir must be equipped for safe operation and shall be equipped with oars and paddles. The boat shall be equipped with a sufficient number of an approved type of life jacket or buoyant cushion plainly marked "adult" or "child," as the size of the jacket or cushion indicates, and they shall be in place and available at all times to each passenger in the boat when such boat is being used and operated upon the reservoir. (Prior code § 50.28)

Section 12.24.160 Rules for operating motorboats.

A. Where Motorboats are Permitted. No person shall operate any mechanically propelled boat within

three hundred (300) feet from the dam.

B. Hours of Operation. No person shall operate any mechanically propelled boat except from daylight to dusk.

C. Due Care--Speed. Every operator of a motorboat shall, at all times, navigate the same in a careful and prudent manner, and at such rate of speed as not to endanger the life, limb or property of any person.

No person shall operate any motorboat at a rate of speed greater than will permit him or her, in the exercise of reasonable care, to bring the motorboat to a stop within the assured clear distance ahead.

D. Reckless Navigation. Reckless navigation of a motorboat shall include operating the same in a manner which unnecessarily interferes with the free and proper use of the reservoir, or which unnecessarily endangers other boats therein, or the life and limb of any person.

E. Regatta, other Racing Excepted. Nothing in the provisions of this chapter should be construed to mean that the operator of a motorboat, actually competing in a race or regatta which is sanctioned by the City, shall not attempt to attain high speeds on a marked racing course.

F. Age Limit.

1. No person under ten years of age may operate a motorboat.

2. Persons at least ten years of age and less than twelve (12) years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian, or a person at least eighteen (18) years of age designated by a parent or guardian.

3. Persons at least twelve (12) years of age and less than eighteen (18) years of age may operate a motorboat only if:

a. They are accompanied on the motorboat and under the direct control of a parent or guardian, or a person at least eighteen (18) years of age designated by a parent or guardian; or

b. Such motorboat operator is in possession of a boating safety certificate issued by the Department of Natural Resources, Division of Education, or a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron. (Ord. 96-35 § 1; prior code § 50.29)

Section 12.24.170 Passing, crossing and overtaking by boats.

A. Passing. When two boats are approaching each other "head on" or nearly so, as to involve risk of collision, it shall be the duty of each boat to bear to the right and pass the other boat on its left side.

B. Crossing. When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right-of-way.

C. Overtaking. One boat may overtake another on either side but must grant right-of-way to the overtaken boat. (Prior code § 50.30)

Section 12.24.180 Boat traffic lanes.

Rules pertaining to traffic lanes shall be as follows:

A. No person shall so anchor a boat, for fishing or other purposes on the lake, in such a position as to obstruct a passageway ordinarily used by other boats.

B. No person shall operate a boat within a water area which is clearly marked as a boating or swimming area, by buoys or some other distinguishing device. (Prior code § 50.31)

Section 12.24.190 Disturbing the peace while boating.

No boat or craft shall be used or operated, nor shall any horn or sound device be sounded, so as to create a nuisance or to disturb the peace or quiet of any neighborhood. (Prior code § 50.32)

Section 12.24.200 Boats discharging polluting substances.

Persons using or operating any boat or craft on the waters of the reservoir shall do so in such manner as not to create any unsanitary condition in or about said waters, and said persons shall not pollute said

waters by their discharge, in any material amount, of oil or other polluting liquid or by solids tending to make said waters unwholesome, unfit for water supply purposes or injurious to the aquatic life thereof. (Prior code § 50.33)

Section 12.24.210 Abandoned boats--Expense made a lien--Owner's liability.

A. Any boat or craft found abandoned or adrift in the reservoir, or any unlicensed boat or craft thereon, shall be taken up by the City, and the City shall have a lien thereon for all license fees therefor. The expenses of taking, towing, keeping, advertising and selling of the boat or craft, and for all damages caused by such boat or craft to City property, shall be covered by said lien. The City may enforce the lien by advertisement and sale of the craft, in like manner, as chattel mortgages may be foreclosed under the laws of this state.

B. Nothing herein shall be construed as exonerating the owner or operator of any boat or craft from personal liability to the City, or any other person for any damage or injury caused by such boat or craft. (Prior code § 50.34)

Section 12.24.220 Personal watercraft, including jet skis and water scooters.

A. "Personal watercraft" means a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller-driven motor.

B. No person under sixteen (16) years of age may operate a personal watercraft. Persons at least sixteen (16) years of age and less than eighteen (18) years of age may operate a personal watercraft only if they are accompanied on the personal watercraft and under the direct control of a parent or guardian or a person at least eighteen (18) years of age designated by a parent or guardian, or such personal watercraft operator is in possession of a boating safety certificate issued by the Department of Natural Resources, Division of Education, or a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron, authorizing the holder to operate motorboats.

C. No person may operate a personal watercraft unless each person aboard is wearing a Type I, Type II, Type III or Type V personal floatation device approved by the United States Coast Guard.

D. Personal watercraft may not tow skiers or any other type of apparatus or contrivance. (Ord. 96-35 § 2: prior code § 50.35)

Article IV. Docks and Piers

Section 12.24.230 Construction of docks and piers--Permit, fee and inspections.

The city reiterates its policy of not limiting the use of privately owned property, but since usable docks and piers can only be constructed in the reservoir area owned or controlled by the City, the following regulations shall apply to said structures:

A. Permission to Build. No person shall construct a dock, pier, boathouse or structure of any type upon City-owned property without permission of the Building Official of the City.

B. Permit--Fee. Any person desiring to construct any type of structure that extends into the reservoir shall submit his or her plans and specifications for such structure to the Building Official of the City and pay a dock license fee of fifty (\$50.00) for City residents and two hundred fifty dollars (\$250.00) for non-City residents to the City Clerk.

C. Inspection. All docks and piers shall be subject to inspection at all times. Any owner who has allowed his or her dock to deteriorate into an unsafe condition may have his or her permit revoked and be subject to the penalties listed in Section 12.24.280. (Ord. 10-14, § 2: Ord. 03-9 § 9: Ord. 90-27 § 1

(part): prior code § 50.40)

Section 12.24.240 Extension of dock or pier--Maintenance.

A. Extension. No person shall be permitted to construct a pier, dock, boathouse or any structure that extends into the reservoir for a distance of more than fifty (50) feet. Docks may be stationary or on approved flotation material which will not become waterlogged or sink when punctured.

B. Maintenance. Any person constructing a dock in the reservoir area shall maintain said dock, and in the event that the dock is not properly maintained, the owner of the dock shall maintain it at his or her own expense, on request of the Building Official of the City. (Ord. 90-27 § 1 (part): prior code § 50.41)

Article V. Miscellaneous Regulations

Section 12.24.250 Fishing--State officials to enforce regulations.

A. No persons shall take, catch, or attempt to take or catch any species of fish from the reservoir area without a state fishing license, in full force and effect, issued to said person and in his or her possession. All officers of the state, with proper credentials, are permitted to enter upon the reservoir area for the purpose of enforcing state law.

B. No person shall take, catch, or attempt to take or catch any fish in the reservoir by any method whatsoever except by no more than two hooks or plug attached to a single line. Jug fishing or the use of any trot line, seine, dip net, hoop net, basket net, throw line, or any trap for the taking of aquatic life is prohibited. The use of snares, spears, gigs, firearms, or artificial light for the taking of aquatic life is prohibited. The City shall have the reserved right to issue special commercial fishing permits at its discretion. (Ord. 88-24 § 1: prior code § 50.45)

Section 12.24.260 Using firearms.

No person shall carry, fire or discharge any firearm of any description within the limits of the reservoir area, except the Police Officers of the City in the performance of their duties, and except during duck season when shotguns will be permitted. (Prior code § 50.46)

Section 12.24.270 Trespassing.

The City owns the land upon which the reservoir is constructed, and it is declared to be the policy of the City that any entrance upon the reservoir or lands owned by the City, without the permission and consent of the City as defined, is declared to be a trespass upon City lands, and as such, a violation of the law of the state of Illinois. (Prior code § 50.47)

Article VI. Violation--Penalty

Section 12.24.280 Violation--Penalty.

A. Whoever violates any provision of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). Each day that a condition or act continues shall be considered a separate offense.

B. Except as otherwise provided by law, all fines and penalties recovered or received for the violation of any provision of this chapter or any amendment hereof, shall be paid to the city and be used for the policing, care, supervision, maintenance and improvement of the lakes. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 50.999 (part))

Chapter 12.28

VERNOR LAKE

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Article I. General Provisions

Section 12.28.010 Definitions.

As used in this chapter:

"City" means the City of Olney, Illinois.

"Craft" means and includes any raft not permanently attached to the shore.

"Custodian" any lessee from the City of any marginal land for residence purposes.

"Drainage area" means that entire area of land and water that drains into the reservoir, or into Fox River or Vernor Lake, or any tributary or other stream above said public water supply dam.

"Intake" means the place where the water supply for the City is taken from the reservoir.

"Marginal land" means the land, owned or controlled by the City, which is adjacent to the shoreline and not flooded by the waters of the reservoir.

"Person" means the feminine as well as the masculine when applicable, and the plural as well as the singular when applicable; it also includes firm, corporation, association, club, organization or other entity.

"Reservoir" means the artificial lake and water impounded therein by means of the public water supply dam constructed across the valley of Fox River and Vernor Lake in Richland County, Illinois, and by any other structure or structures heretofore or hereafter constructed within the limits of the drainage area, as defined below, which are used or for use as a public supply for the City.

"Shoreline" means the extended point where the plane surface of the waters of the reservoir borders land.

"Watercourse" means any stream, natural or artificial channel, spring or depression of any kind in which water flows continuously or intermittently over any part of the drainage area, directly or indirectly into any part of the reservoir. (Prior code § 50.60)

Section 12.28.020 City's acts exempted.

Nothing herein shall apply to, or be construed to prevent or penalize anything done, or caused to be

done, by the City in constructing, operating, improving, repairing, maintaining, patrolling, policing, protecting or caring for the reservoir, the aquatic life therein, the shores thereof, the bird and natural life thereon or any part of the waterworks system of said City. (Prior code § 50.61)

Section 12.28.030 Rules and regulations established by Public Property Department.

The Commissioner of Public Property of the City shall have the power to establish general rules and regulations for the administration of this chapter, and such other rules and regulations as may be deemed advisable or necessary to make, in giving full force and effect to carrying out the provisions of this chapter, and may amend and repeal any such rules and regulations. (Prior code § 50.62)

Section 12.28.040 City's agent.

The City, unless otherwise indicated, may act through its Commissioner of Public Property, Department of Public Property or any duly authorized agent or employee of the Department. (Prior code § 50.63)

Section 12.28.050 City to inspect properties, make improvements, etc.

The City, through its authorized representatives, shall have the right to go upon and into every part of said lake at any and all reasonable times for the purpose of inspecting the same; also to gain access to other land; plant and care for trees and other vegetation; to construct, or cause to be constructed, and maintain sewer, water and gas pipes, electric and telephone lines and pipes, and lines for other services and their appurtenances; to improve and protect the shoreline; and to do any other work pertaining to the improvement, protection, sanitary control and regulation of the reservoir and its environs. (Prior code § 50.64)

Section 12.28.060 General regulations concerning licensing and permits.

A. All applications for permits and licenses herein provided for shall be directed to the Department of Public Property. All permits and licenses herein provided for that may be issued by the City shall not be transferable in any way, but all benefits which may be derived therefrom shall accrue only to the person or persons to whom the permit was originally issued by the City. Each permit or license, whether or not issued for a consideration, shall be subject to revocation by the City, unless otherwise expressly provided, whenever the licensee or holder of such permit in any way violates, or permits the violation of, any law, ordinance, rules or regulation for the care, protection or control of the reservoir, drainage area or water supply of the City. All such permits or licenses may be consecutively numbered.

B. Each custodian of marginal land, and each licensee or holder of any permit from the City herein provided for, shall at all times keep his or her past office address on file with the City, and any provision for written notice to any custodian, licensee or holder of any permit from the City herein provided for shall be deemed to have complied with when the same, in writing, shall have been deposited in the United States registered mail, postage prepaid and properly addressed to such designated address. The affidavit of the person so mailing such notice, together with the registry receipt shall be prima facie evidence of the mailing thereof. (Prior code § 50.65)

Section 12.28.070 Civil liability.

Any person violating any provision of this chapter shall become liable for all damages and expenses caused thereby to the City, or any person or persons by reason of such violation, in addition to the criminal penalties herein provided. (Prior code § 50.66)

Section 12.28.080 Garbage and refuse in lake.

It shall be unlawful for any person to place, or cause to be placed, any garbage or refuse, as defined in Section 8.16.010 of the City of Olney Municipal Code, on, in, or under the waters of Vernor

Lake, provided, however, this Section does not prohibit the placement of certain approved solid refuse within the lake for the expressed purpose of creating or enhancing aquatic fish habitat. (Ord. 05-3, Sec. 3)

Article II. Buildings and Sewage

Section 12.28.090 Aquatic habitat enhancement.

A. Permit required. It is unlawful for any person to place, or cause to be placed, any garbage or refuse, as defined in Section 8.16.010 of the City of Olney Municipal Code, on, in, or under the waters of Vernor Lake for the expressed purpose of creating or enhancing aquatic fish habitat without first having obtained a permit from the City Manager.

B. Application for permit. Written application for such permit shall be made on a form approved by the City to the City Manager's office and must include an itemized list of materials that will be placed in the lake, the exact location and water depth where the materials will be placed, and a detailed description of how the materials will be secured. (Ord. 05-3, Sec. 3)

Section 12.28.100 Encroachments--Permit required.

No building or structure or anything erected or constructed on the face thereof, or in any way connected therewith, shall extend into, upon or over any boulevard, road or parkway around the lake, unless a written permit for the same has been granted by the City, based upon a written application setting forth the location and specifications of the encroachment. (Prior code § 50.86)

Section 12.28.110 Sewage.

A. No person shall construct or maintain any private sewage disposal system located within three hundred (300) feet of the shoreline of Vernor Lake at normal pool elevation which does not comply with the Private Sewage Disposal Licensing Act (225 ILCS 225), the Private Sewage Disposal Code as adopted by the Illinois Department of Public Health (77 Ill. Adm. Code, Chapter I, Part 905), and Sections 13.08.070 through 13.08.170 of the City of Olney Municipal Code.

B. A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the City at the time the application is filed for the construction of a private sewage disposal system. The fee for each additional inspection by the City shall be fifty dollars (\$50.00). (Ord. 06-08A, Sec. 20: Ord. 03-9, Sec. 11: Prior code § 50.87)

Section 12.28.120 Pollution of waters and watercourses.

A. No person shall in any part of the drainage area place, throw, discharge or cause to be discharged any sewage, garbage, decayed or fermented fruit or vegetables, offal, dead body, manure, polluted, filthy, decaying, fermenting, putrescible or oily matter or liquid industrial water, oil, saltwater, bituminous substances, lime, refuse, industrial wastes or chemicals, into or so as to reach any natural or artificial watercourse or open or covered sewer, ditch, tile or drain flowing directly or indirectly, continuously or intermittently, into and so as to pollute or tend to pollute the reservoir or other waters from which the City obtains a water supply.

B. No person shall construct in any part of the drainage area, any open or covered sewer, ditch, tile or drain, or make any change therein or connection therewith so as to cause any pollution, or polluted or oily water to flow into or reach more quickly, said reservoir or water supply of the City; nor shall any person in any part of the drainage area construct, or cause to be constructed, or use any toilet, water closet, urinal, sink, cesspool, privy, garage, slaughterhouse, development of a natural resource or other structure, establishment or place, which is so situated that polluted or oily liquids therefrom may continuously or intermittently so flow, as to ultimately reach and pollute, or tend to pollute, the waters of said reservoir or other waters from which the City obtains or may obtain a water supply, unless there is

constructed, maintained and operated such sewage treatment and disposal units and facilities for the treatment or disposal thereof, approved by the City, whereby such polluted or oily liquids are treated, or caused to be treated, so as not to pollute, or tend to pollute, or threaten pollution of the waters of said reservoir or water supply of the City. (Prior code § 50.88)

Section 12.28.130 Wastes and fertilizers.

No house slop, sink waste, garbage, decayed or fermented fruit or vegetables, or other fruit or vegetable refuse, offal, swill, carcass, filth, decaying, fermenting or putrescible matter of any kind or unsanitary waste product, or polluted or oily liquid or solid, shall be thrown into the reservoir or placed, piled or discharged in any manner in said lake, but shall be kept in water-tight closed containers, approved by the City, and at regular intervals be buried under the ground and completely covered in level noneroding soil at least one hundred fifty (150) feet from the reservoir, or be destroyed by fire, or removed in time or manner as required by the City; provided, however, manure and commercial fertilizer may be used for horticultural purposes in certain areas, but no manure or commercial fertilizer shall be placed, spread or used on or in the ground in such quantities or in such a manner as to cause or threaten any pollution of the reservoir or bring about any public or private nuisance whatsoever. (Prior code § 50.89)

Section 12.28.140 Interment.

No interment of a human body shall be made near said lake. (Prior code § 50.90)

Section 12.28.150 Livestock and poultry.

No person shall cause or permit any domestic livestock or poultry to run at large in any area adjacent to any lake or reservoir of the City. Any livestock or poultry found at large in any area adjacent to any lake or reservoir of the City may be taken up by the City and sold to pay the expenses of taking, keeping, advertising and selling such livestock or poultry, and all damage caused to the City or its property by such livestock or poultry. No livestock or poultry shall be kept in any area adjacent to any lake or reservoir of the City, except in such places, and to such limited extent, as may be expressly authorized by the City, nor may livestock or poultry be kept in a manner tending to pollute any part of any lake or reservoir, or tending to be offensive or annoying to any custodian on any marginal land on any lake or reservoir of the City. No animal or poultry shall be allowed to stand, wallow, wade, swim or be washed or watered in any lake or reservoir of the City. No person shall bring, drive or lead any domestic livestock around any lake or reservoir, except in lawful use of the highway or roadway, and except horses and draft animals which are engaged in work or ridden on such portions as may be designated for riding or driving. No person shall cause or permit any horse or other animal to stand in any street, road or parkway unless securely hitched or in charge of some competent person. (Ord. 81-39 § 1: prior code § 50.91)

Section 12.28.160 Washing.

No clothing, bedding, carpet, vehicle, receptacle, utensil or article that tends to pollute water shall be washed in the reservoir. (Prior code § 50.92)

Section 12.28.170 Swimming, bathing and wading.

- A. Swimming, bathing and wading is prohibited in said lake, except:
1. At the municipal bathing beach;
 2. By the respective custodian or custodians of the marginal land, their families and guests, and at or off the shore of the respective tract or tracts of marginal land leased by the City to such custodian or custodians. If the use of the reservoir by the respective custodian or custodians, their families and guests, should in any way tend to create an unsanitary condition in any portion of the reservoir, or tend to create a public or private nuisance in any part of the reservoir, or should be deemed by the City as unusually

hazardous, such respective custodian or custodians, their families and guests may be prohibited from further swimming, bathing or wading in said reservoir, at or off the shore of such tract or tracts of marginal land by a written notice or notices to such custodian or custodians from the city.

B. No person having any communicable disease or skin infection shall swim, bathe or wade in the reservoir.

C. All persons using the reservoir for swimming, bathing or wading purposes shall use the same so as not to create any unsanitary condition in or about the reservoir, and so as not to pollute the waters thereof, or make the waters unwholesome or unfit for water supply purposes, or injurious to the aquatic life thereof.

D. The City shall, at all times, have the power and authority to prohibit swimming, bathing and wading in the waters of the reservoir for the purpose of preventing any pollution of, or other injury to, public health or human life. (Prior code § 50.93)

Section 12.28.180 Moving buildings--Excavations in roads.

A. No person shall move any building on, along or across, or obstruct or excavate in any boulevard, road or parkway around said lake unless a permit, in writing, has been procured from the City, based upon a written application setting forth the dimensions of the building to be moved and its contemplated route or the location or nature and specifications of the proposed excavations or obstructions.

The building mover or person excavating shall deposit with the City a sum of money the City estimates will cover all damages to the roadway, trees, shrubs, grass, lampposts and other property and improvements upon the boulevard, road or parkway, or said person shall file an appropriate bond to guarantee the complete restoration, as requested by the City.

B. After the work has been completed, the boulevard, road, parkway, grass, trees, shrubs, lampposts and other property and improvements shall be immediately restored to their former condition by the permit holder to the City's satisfaction, or by the City, as the City may elect. If restoration is made without expense to the City, and to its satisfaction, the sum deposited shall be refunded. If any of the work is done by the City, it shall certify the actual expense incurred and shall refund to the permit holder the difference, if any, between the amount deposited and the amount so certified by the City. In the event the amount certified by the City should be in excess of said amount deposited, the permit holder shall immediately pay the excess amount to the City. (Prior code § 50.94)

Article III. Street Obstructions

Section 12.28.190 Obstructions on roads--Removal.

A. Temporary Deposits of Substances. No building material, fuel, manure or other produce may be deposited on any boulevard, road or parkway around the lake. Such products may be temporarily deposited in such location, provided a written permit is secured from the City, based upon an application setting forth the location and approximate time such obstruction will exist, and the amount of the boulevard, road or parkway the same will obstruct.

B. Any walk, opening, excavation, projection or obstruction, which shall be constructed, erected, placed or maintained in or upon any boulevard, road or parkway contrary to any City code or ordinance provisions governing and controlling the lake, may be filled up, removed or abated by the City at the expense and risk of the person constructing, erecting, placing or maintaining the same. (Prior code § 50.97)

Section 12.28.200 Danger signals on obstructions.

Every person using or obstructing any portion of any boulevard, road or parkway for any purpose shall cause warning lights to be placed and properly maintained in a conspicuous place or places, from

sunset until sunrise, during the time such obstruction remains, and shall also construct such other and proper safeguards as may be necessary to properly protect the public from injury, or, if necessary, the person using or obstructing said area shall maintain a watchman at the obstruction. (Prior code § 50.98)

Section 12.28.210 Constructing walk, private drive--Permit.

No walk or private drive shall be constructed or laid about the lake without a written permit from the City to construct or lay the same, based upon a written application setting forth the location and the specifications for its construction. (Prior code § 50.99)

Article IV. Boating Rules

Section 12.28.220 City's authority.

The City shall, at all times, have the power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any or all boats and crafts on the waters of the reservoir, should it become necessary to do so in the interest of public health or safety, or for the protection or improvement of the reservoir, or other cause. Pursuant to this section, the City Manager is instructed to cause "No Wake" signs to be erected at appropriate locations at Vernor Lake. (Ord. 82-43 § 3; prior code § 50.105)

Section 12.28.230 Gasoline motorboats.

Gasoline motorboats with up to and including ten horsepower gasoline motors may be operated upon Vernor Lake. All other gasoline motorboats are prohibited on Vernor Lake. (Ord. 82-43 § 2; prior code § 50.107)

Section 12.28.240 Boat rentals--Passenger carriers.

The business of renting boats for hire, or carrying passengers for hire on the reservoir, is prohibited, except as may be authorized by special concession granted by the City. (Prior code § 50.108)

Section 12.28.250 Disturbing peace, loud horns, etc.

No boat or craft shall be used or operated, nor any horn or sound device sounded, as to create a nuisance or disturb the peace or quiet of any neighborhood. (Prior code § 50.109)

Section 12.28.260 Boats discharging polluting substances.

Persons using or operating any boat or craft on the waters of the reservoir shall do so in a manner as not to create any unsanitary condition in or about the waters of Lake Vernor, and shall not pollute the waters by the discharge, in any material amount, of oil or other polluting liquid or solid, tending to make said waters unwholesome or unfit for water supply purposes, or injurious to the aquatic life thereof. (Prior code § 50.110)

Section 12.28.270 Abandoned boats--Expenses made a lien.

A. Any boat or craft found abandoned or adrift in the reservoir, or any unlicensed boat or craft thereon, shall be taken up by the City, and the City shall have a lien thereon for all license fees therefor, and the expenses of taking, towing, keeping, advertising and selling of the same, and for all damages caused by City property by such craft.

B. Encouraging Lien. The City may enforce such lien by advertisement and sale of such craft in like manner as chattel mortgages may be foreclosed under the laws of this state. Nothing herein shall be construed as exonerating the owner or operator of any boat or craft from personal liability to the City, or any other person, for any damage or injury caused by the boat or craft. (Prior code § 50.111)

Section 12.28.280 Age limit.

A. No person under ten years of age may operate a motorboat.

B. Persons at least ten years of age and less than twelve (12) years of age may operate a motorboat only if they are accompanied on the motorboat and under the direct control of a parent or guardian, or a person at least eighteen (18) years of age designated by a parent or guardian.

C. Persons at least twelve (12) years of age and less than eighteen (18) years of age may operate a motorboat only if:

1. They are accompanied on the motorboat and under the direct control of a parent or guardian, or a person at least eighteen (18) years of age designated by a parent or guardian; or

2. Such motorboat operator is in possession of a boating safety certificate issued by the Department of Natural Resources, Division of Education, or a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron. (Ord. 96-35 § 3: prior code § 50.112)

Section 12.28.290 Personal watercraft, including jet skis and water scooters.

A. "Personal watercraft" means a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller-driven motor.

B. No person under sixteen (16) years of age may operate a personal watercraft. Persons at least sixteen (16) years of age and less than eighteen (18) years of age may operate a personal watercraft only if they are accompanied on the personal watercraft and under the direct control of a parent or guardian or a person at least eighteen (18) years of age designated by a parent or guardian, or such personal watercraft operator is in possession of a boating safety certificate issued by the Department of Natural Resources, Division of Education, or a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron, authorizing the holder to operate motorboats.

C. No person may operate a personal watercraft unless each person aboard is wearing a Type I, Type II, Type III or Type V personal floatation device approved by the United States Coast Guard.

D. Personal watercraft may not tow skiers or any other type of apparatus or contrivance. (Ord. 96-35 § 4: prior code § 50.113)

Article V. Fishing Rules

Section 12.28.300 Fishing license required.

No person over the age of twenty-one (21) years, or other person required to be licensed by state law, now or hereafter, shall take, catch or attempt to take or catch, any species of fish, frogs or turtles without an Illinois fishing license in full force and effect, issued to said person and in his or her possession. All persons shall strictly adhere to the Game and Fish Code of the state of Illinois, and the amendments thereto. (Prior code § 50.115)

Section 12.28.310 Fishing hooks--Prohibited equipment.

No person shall take, catch or attempt to take or catch, any fish in the reservoir by any method whatsoever, except that of a hook or hooks attached to a single line. The use of any trot line, throw line, hand line or any line with numerous independent hooks attached thereto, is hereby prohibited. The use of any seine of any character, of any dip, hook, fyke, gill net, pound or basket net, or of any trap for the taking or catching of aquatic life is prohibited. The use of snares, spears, gigs, firearms or artificial light for the taking or catching of aquatic life is prohibited. (Prior code § 50.116)

Section 12.28.320 Fishing privileges suspended.

The privilege of fishing in the reservoir, or any part thereof, may be suspended by the City at any time, whenever such suspension is deemed proper to conserve aquatic life, to prevent any tendency to pollute the waters of the reservoir, to promote the improvement or convenient maintenance, or to control any part thereof. The posting of any authorized sign on any part of the lake shall suspend the privilege of fishing at such location. (Prior code § 50.118)

Section 12.28.330 Fishermen to avoid polluting area.

All persons using the waters of the reservoir for fishing purposes shall use the same so as not to create an unsanitary condition in or about said water, or so as not to pollute or make any part of the waters unwholesome or unfit for use. (Prior code § 50.119)

Article VI. Traffic Rules

Section 12.28.340 Traffic signs and signals--Trespassing vehicles.

A. Signs and Signals. All persons shall obey all official signs and signals, and City Police Officers. The display of unauthorized traffic signs and signals is prohibited.

B. Trespassing Vehicles. No vehicle shall be driven upon any part of said lake except:

1. Upon roadways and parking places constructed or designated by the City for such use; and
2. By any custodian upon lands leased to him or her. (Prior code § 50.125)

Section 12.28.350 Parking.

No vehicle shall be permitted to stand in any of the following places around the lake, except when necessary to avoid conflict with other traffic, or to comply with the directions of any Police Officer:

A. Where parking or standing is indicated to be prohibited by any authorized sign;

B. In any intersection or crosswalk;

C. Upon the roadway of, or the approaches to any bridge, or the main impounding dam or dividing dam forming the reservoir;

D. At any place where the standing and parking of a vehicle will block the use of any walk or driveway; or

E. At any place where the standing or parking of a vehicle will tend to obstruct the flow of a single line of traffic in each direction, or cause either of such lines of traffic to veer from its course in the center of the roadway. (Prior code § 50.126)

Section 12.28.360 Speed limits--Signs posted.

A. Speed Limits. No person shall drive a motor vehicle upon any boulevard, road, driveway or parkway at a speed greater than is reasonable and proper, having regard for the traffic and the use of the way, and so as not to endanger the life, limb or injure the property of any person.

B. Signs. The City may, from time to time, designate the maximum rate of speed on all boulevards, roads and parkways, based on the location, nature and amount of traffic on the same, and shall erect suitable signs indicating such maximum rates of speed.

C. Exceeding Limit. If the rate of speed of any motor vehicle operating on any boulevard, road or parkway shall exceed the rate of speed designated for the location, the rate of speed shall be prima facie evidence that the person operating the motor vehicle was running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the highway. (Prior code § 50.127)

Section 12.28.370 Yielding right-of-way to equestrians.

The driver of any vehicle shall yield the right-of-way to an equestrian on any bridle path around the lake, where the bridle path crosses any boulevard, road or parkway, when signalled to do so by such rider.

The raising of the arm of the rider shall be considered a signal suitable for this action. (Prior code § 50.128)

Article VII. Miscellaneous Regulations

Section 12.28.380 Picnicking and camping.

- A. Picnicking and camping are prohibited on Vernor Lake except:
1. Upon such portions of the lake as may be designated by the City for such purpose or purposes;
 2. By any custodians of marginal land, their families and guests, upon such portions of the marginal lands as may have been leased to such custodians by the City. If the use of such portions of the lake by the respective custodians thereof, their families and guests, should in any way tend to create an unsanitary condition at any place in the reservoir, or tend to create a public or private nuisance on the lake, such custodians, their families and guests may be prohibited from further picnicking and camping on the lake, on their respective tract or tracts of marginal land, by a written notice to them from the City.
- B. Any person picnicking, camping or making other use of the lake shall keep the premises neat and clean, pick up and remove, in a sanitary manner, all paper, garbage, rubbish and debris, and put out any fire made by him or her before leaving the premises. (Prior code § 50.135)

Section 12.28.390 Cruelty to birds and animals--Vicious dogs--Animals at large.

- A. Cruelty to Animals. No person shall trap, catch, kill or wound, or attempt to trap, catch, kill or wound any bird or animal, take any bird egg or molest or rob any nest of any bird or any animal, or cruelly treat any bird or animal on the lake's premises.
- B. Vicious Dogs--Animals at Large. No vicious or dangerous dog shall be permitted on the lake's premises. Any dog or cat found running at large may be taken up by the City and, if not promptly called for, may be destroyed or otherwise disposed of, all without liability on the part of any officer performing such duty for the City. (Prior code § 50.136)

Section 12.28.400 Skating and ice boating.

No person shall skate, or use any ice boat or ice craft upon any ice of the reservoir, except upon such portion or portions designated by the City for such purposes, and except by any custodian, his or her family and guests on that part of the reservoir adjoining the marginal land leased to such custodian. Skating and ice boating shall not be conducted in a reckless manner or at a speed greater than is reasonable and proper, having regard for the number of persons upon such designated portion. Nothing herein shall be construed to prohibit any exhibition or contest of speed, or fancy skating or ice boat racing upon such portions of the ice of the reservoir as may be set aside by the City for that purpose. (Prior code § 50.137)

Section 12.28.410 Ice cutting.

No ice cutting shall be permitted in or upon the waters or ice of the reservoir. (Prior code § 50.138)

Section 12.28.420 Fires.

No fire shall be lighted or used around the lake, except at places designated by the City for such purposes, and except by any custodian, his or her family and guests on the parcel of marginal land leased to them by the City. (Prior code § 50.139)

Section 12.28.430 Fireworks and balloons.

No fireworks or balloons shall be lighted or set off on the lake's premises except: (A) under supervision of, or special permit from the City; or (B) by any custodian of leased land, within the confines of the leased premises, in such manner as to avoid causing any fire or endangering any person or property

on other premises. (Prior code § 50.140)

Section 12.28.440 Firearms.

No person shall fire or discharge any firearm of any description within the limits of the lake, except the Police Officers of the City, while in the performance of their duties. The City may license or authorize any person to use firearms, traps or other means to destroy any predatory or otherwise undesirable animal, bird or aquatic life. However, firearms may be discharged on the rifle range and that portion of the lake designated as a game preserve, subject to the regulation and control of the Department of Public Affairs. (Prior code § 50.141)

Section 12.28.450 Businesses--Permission to operate.

Unless duly authorized in writing by the City, no person shall maintain or operate any garage, restaurant, confectionery, refreshment parlor, dance hall, hotel, inn, place of amusement for hire or store or stand for the sale of merchandise. Any license issued therefor by the City shall be kept conspicuously posted in the place of business or establishment. (Prior code § 50.142)

Section 12.28.460 Advertising.

The erection or maintenance of any sign or bill, the posting of or placing of any advertising poster, placards or card, or the distribution of any advertising matter by handbills or otherwise, on said lake, except signs posted by the City, is prohibited. (Prior code § 50.143)

Section 12.28.470 Injuring lake property--Opening City fire hydrants.

A. No person shall wilfully, maliciously or negligently cut, break, climb on, carry away, conceal, transfer, tamper with, mark upon or in any way injure, damage or deface any tree, shrub, plant, turf, grass, statue, bust, lamppost, hydrant, regulating device, transformer, meter, wiring, pole, curbstone, coping, flagstone, fence, wall, bridge, balustrade, railing, bench, building, other structure of any kind or other property, or take down, alter, mar, move, injure or destroy any sign, trail marker, placard, notice, post, pile or buoy posted or placed by the City, or authorized to be posted or placed by the City, on said lake.

B. No person shall drive any motor car, vehicle, boat or craft in such a manner as to cause the same to deface or damage any such property, but custodians of the marginal land surrounding said reservoir may make changes and improvements, as permitted in their leases from the City.

C. No person shall open any fire hydrant of the City except a duly authorized firefighter or agent of the City. (Prior code § 50.144)

Section 12.28.480 Prohibited areas sign posted.

No person shall go upon any portion of the lake where persons are prohibited by a sign or notice which is posted, or authorized to be posted, by the City. (Prior code § 50.145)

Section 12.28.490 Hindering City employees.

No person shall interfere with, or in any manner hinder, any City employee or agent while engaged in any work, or the improvement, care or supervision of any portion of the lake. (Prior code § 50.146)

Section 12.28.500 Attempting to bribe City officer, employee or agent.

No person shall corruptly, directly or indirectly, give, offer or promise to give any money or other bribe, present or reward, promise, contract, obligation or security for the payment of any money, present, reward or any other thing of value to any City officer, agent, employee or representative, who is in charge of controlling, supervising, governing or inspecting said lake, or any part thereof or work thereon, either before or after his or her selection, appointment or qualifying, for the purpose of influencing his or her act, vote, opinion, decision or judgment on any matter, question, cause or proceeding which may then be

pending or may come or be brought before him or her in an official or other capacity for the City, or which may cause him or her to execute or perform any power vested in him or her or any duty of him or her required, with partiality or favor otherwise than required by law, or as a consideration for some act done or about to be done, contrary to the duty of such officer, agent, employee or representative. (Prior code § 50.147)

Section 12.28.510 Disorderly conduct--Breach of peace.

A. Disorderly Conduct, Indecent Conduct, etc. No person shall commit in public any indecent, lewd or filthy act, nor use any threatening or obscene language, or make any indecent gesture or movement, or make any indecent exposure of his or her person, solicit, pander or sell, or offer to sell, give away, or offer to give away, or have in his or her possession or display or exhibit in public, with or without any attempt to sell or give away, any obscene or indecent book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, model, cast, instrument or any article for indecent or immoral use around the lake.

B. Breach of Peace. No person shall make, aid or countenance, or assist in making any improper noise, racket, disturbance, breach of the peace or anything tending to a breach of the peace around the lake, or be guilty of any disorderly or offensive conduct, collect or assemble any body or group of persons for any unlawful purpose, or for the annoyance or disturbance of any other person, or the damage or destruction of property of the City, or of any other person around said lake. (Prior code § 50.148)

Section 12.28.520 Intoxication.

No intoxicated person shall enter or remain in or around the lake or its public grounds. (Prior code § 50.149)

Section 12.28.530 Peddling and begging.

No person shall beg, solicit alms or do anything pertaining to soliciting, peddling or hawking on said lake, or its premises. (Prior code § 50.150)

Section 12.28.540 Vagrancy.

No beggar, peddler, hawker, tramp, mendicant, common drunkard, pickpocket, criminal, dissolute person or person who wanders about and begs, or goes about from door to door, or person who habitually violates the provisions of this chapter, or any amendment hereto, or rules or regulations made pursuant hereto, shall enter, or be in or upon, any part of the lake. (Prior code § 50.151)

Section 12.28.550 Accumulation of junk prohibited.

A. It is unlawful for any lessee or resident of any property owned by the City known as Vernor Lake Estates, other than a person who is a licensed junk dealer, to permit to accumulate on such property any junk, as such term is herein defined, including any discarded, dismantled, wrecked, scraped, ruined or junk motor vehicles or parts thereof.

B. Definition. Junk is defined to be any old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass, bones; waste paper and other waste or discarded material which might be prepared to be used again in some form; old furniture, refrigerators, freezers, all other appliances, and parts thereof; old building materials, boards or other lumber, cement blocks, bricks, or other secondhand building materials; and motor vehicles apparatuses and contrivances, and parts thereof.

C. The keeping, storage or collection of junk shall not be deemed a nuisance if said junk is kept, stored or collected in completely enclosed buildings suitable for such storage and not otherwise in violation of this code.

D. The keeping or storage of any motor vehicle not having thereon a valid and unexpired state

license, as required by the laws of the state of Illinois, on property owned by the City known as Vernor Lake Estates by any person not specifically exempted herein shall be prima facie evidence of the violation of this section. (Ord. 83-20 § 1: prior code § 50.152)

Section 12.28.560 Weeds declared a nuisance.

A. Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing in any lot or tract of land in Vernor Lake Estates owned by the City, are declared to be a nuisance. It is unlawful to permit any such weeds to grow or remain in any such place.

B. Notice of Violation. The City shall serve, or cause to be served, a notice upon the lessee or occupant of any premises at Vernor Lake Estates on which weeds or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within ten days.

C. Abatement. If the person so served does not abate the nuisance within ten days the City may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such lessee or occupant. The lessee or occupant shall pay the cost of said abatement within sixty (60) days from the date of receipt of a bill for said cost. (Ord. 83-21 § 1: prior code § 50.153)

Section 12.28.570 Alteration of shoreline.

A. No person shall excavate the shoreline of Vernor Lake so as to allow water retained by the dam or the lake to flow upon or stand on real estate adjoining the lake without a permit issued by the City Council of the City.

B. No person shall alter the shoreline of Vernor Lake without a written permit issued by the City Manager of the City. Alterations of the shoreline are hereby defined as the cutting of trees, addition of earth or rip-rap, change in the topography or elevation, or the installation of any permanent structure or object. No person shall excavate silt from Vernor Lake without a written permit issued by the City Manager of the City.

C. Application for any permit required by paragraphs A and B above shall be accompanied by complete plans and specifications. There shall be a \$25.00 fee for City residents and a \$100.00 fee for non-City residents for said permits.

D. The City Council or the City Manager, as the case may be, may deny the granting of any application for shoreline alteration where such alteration will cause harm to the environment, pollution of the lake or interfere with the public or private use of the lake or its shoreline.

E. Any person violating any provision in this section shall become liable for all damages and expenses caused thereby to the City, including the restoration of any property to its condition prior to the violation, in addition to any fines and penalties provided in this chapter. (Ord. 10-15 § 3: Ord. 08-27 § 3)

Section 12.28.580 Boat ramps, piers and docks - Permit, fee and inspections.

A. Permission to Build. No person shall construct a dock, pier, boathouse or structure of any type upon City-owned property without permission of the Building Official of the City.

B. Permit - Fee. Any person desiring to construct any type of structure that extends into the reservoir shall submit his or her plans and specifications for such structure to the Building Official of the City and pay a dock license fee of fifty dollars (\$50.00) for City residents and two hundred fifty dollars (\$250.00) for non-City residents to the City Clerk.

C. Inspection. All docks and piers shall be subject to inspection at all times. Any owner who has allowed his or her dock to deteriorate into an unsafe condition may have his or her permit revoked and be subject to the penalties listed in Section 12.28.900. (Ord. 10-14 § 3)

Section 12.28.900 Violation-Penalty.

A. Any person violating any of the provisions of this Chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. Any person violating any of the provisions of Sections 12.28.080 or 12.28.090 shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day during or on which materials are placed in the lake and for each specific location materials are placed in the lake. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 05-3, Sec. 3)

Chapter 12.32

BOATS AND WATERCRAFT

Sections:

12.32.010	License required.
12.32.020	Repealed.
12.32.030	Annual license fees.
12.32.040	Daily boating license.
12.32.050	Statement of liability insurance.
12.32.060	Dealer's license.
12.32.070	Evidence of payment.
12.32.080	Horsepower classification.
12.32.090	Sale of boat--Transfer of license.
12.32.100	Application required to increase horsepower rating.
12.32.110	Prohibited boats.
12.32.120	Violation--Penalty.

Section 12.32.010 License required.

A. After January 1st of each year, no boat or watercraft of any kind may be propelled, kept, used in or on any reservoir of the City until the owner or person responsible therefor shall have registered such boat or watercraft and secured a written license and registration number from the City based upon a written approved application setting forth the make of boat or watercraft, and if propelled by motor or engine, the horsepower rating thereof, the state boat license number, and such other information as the City may from time to time require. Such license, when granted, shall be in writing and may be further evidenced by an official two-part sticker to be furnished by the City. One portion of the license sticker shall be uniformly placed on the right rear section of the boat or watercraft and such license shall be exhibited on request to any agent of the City. The other portion of the license sticker shall be uniformly placed on the right rear section of the watercraft trailer. Sailboats may display their plate or marker on both sides of their mainsail in lieu of the registration number on both sides of the bow.

B. Such license, unless issued for a special event, shall expire on December 31st of the year for which same is issued. Such license may be annually renewed by filing with the City Clerk a like application during the month of December immediately preceding the year for which the same is issued.

C. In order to provide a fund to be used to defray the expenses of inspection and supervision of boats or watercraft on the reservoirs of the City, to enforce the provisions of this chapter and all other applicable laws, rules and regulations for the improvement of navigation and the safety and pleasure of boating, and for the protection of the public water supply, such application for license for renewal or otherwise must be accompanied by the payment of the annual license fee to the City. The annual license fee shall be based upon the horsepower of the motor or engine, if any, used to propel the watercraft. In the case of multiple motors used simultaneously on one boat, the rated horsepower used in determining the annual license fee shall be that of the motor having the greatest horsepower. In determining the annual or daily license fee, a fraction of a horsepower below .5 shall be rounded down to the closest full horsepower and a fraction of .5 or more shall be rounded up to the next full horsepower.

D. No watercraft trailer of any kind may be driven or parked in any boat launch parking lot or area at any reservoir of the City without having a valid annual license sticker issued by the City displayed on the right rear section of the watercraft trailer or a valid daily license issued by the City displayed on the rear view mirror of the motor vehicle towing the watercraft trailer. (Ord. 02-10 § 1&2: Ord. 86-4 § 1 (part): Ord. 83-5 § 5)

Section 12.32.020 Repealed.

Repealed. (Ord. 07-1 § 1, Ord. 86-4 § 1 (part))

Section 12.32.030 Annual license fees.

A. The annual license fees for boats and other watercraft shall be as follows:

1. Rowboats, sailboats, canoes with manual propulsion; and other nonpowered watercraft--ten dollars (\$10.00) per year for residents and/or property owners in the City and twenty dollars (\$20.00) per year for non-residents;

2. Motorboats and other watercraft propelled by an electric motor or by a motor with a rating up to, but not including, twenty-five (25) horsepower--twenty dollars (\$20.00) per year for residents and/or property owners in the City and thirty dollars (\$30.00) per year for non-residents;

3. Motorboats and other watercraft propelled by a motor with a rating of twenty-five (25) horsepower up to, but not including, a rating of seventy-five (75) horsepower--thirty-five dollars (\$35.00) per year for residents and/or property owners in the City and forty-five dollars (\$45.00) per year for non-residents;

4. Motorboats and other watercraft propelled by a motor with a rating of seventy-five (75) horsepower or more--fifty dollars (\$50.00) per year for residents and/or property owners in the City and sixty dollars (\$60.00) per year for non-residents.

B. Authorized agents selling annual boating licenses may charge an additional amount not to exceed five dollars (\$5.00) for each license sold as a service charge or commission.

C. The fee for residents and/or property owners in the City shall apply to all licenses purchased at Olney City Hall by residents and/or property owners in the City. The fees for all licenses sold by authorized agents shall be as set forth for non-residents however, residents and/or property owners in the City will be reimbursed the difference in fees by the City upon proof of payment to an authorized agent of the non-resident fee. (Ord. 2015-43 § 1: Ord. 2014-17 § 1: Ord. 09-08 § 1: Ord. 99-21 § 1: Ord. 99-15 § 4: Ord. 94-52 § 1: Ord. 94-45 § 1 (part): Ord. 83-5 § 6)

Section 12.32.040 Daily boating license.

A. In lieu of the license evidenced by an official numbered sticker furnished by the City and the securing of an annual license, daily boating licenses may be issued by duly authorized agents of the City based upon a written application on a form approved by the City setting forth the make of boat or watercraft, and if propelled by motor or engine, the horsepower rating thereof, the state license number, the dates requested and such other information as the City may from time to time require. A portion of the daily license must be carried on the boat and exhibited upon request to any agent of the City. In lieu of an annual license sticker for the watercraft trailer required by Section 12.21.010, a portion of the daily boat license shall be hung on the rear view mirror of the motor vehicle towing the watercraft trailer. In the event of the loss or destruction of said daily license, the boat operator must pay the required daily license fee if unable to furnish evidence of the purchase of the daily license. Authorized agents selling daily boating licenses may charge an additional amount not to exceed three dollars (\$3.00) per license as a service charge or commission. Effective for calendar year 2017 and thereafter, authorized agents selling daily boating licenses may charge an additional amount not to exceed five dollars (\$5.00) per license as a charge or commission.

B. The daily license fees for boats and other watercraft shall be as follows:

1. Row boats, sailboats, canoes and other nonpowered watercraft--two dollars and fifty cents (\$2.50) per day;

2. Motorboats and other watercraft propelled by an electric motor or by a motor with a rating up to, but not including, twenty-five (25) horsepower--five dollars (\$5.00) per day;

3. Motorboats and other watercraft propelled by a motor with a rating of twenty--five (25) horsepower up to, but not including, a rating of seventy-five (75) horsepower--seven dollars and fifty cents (\$7.50) per day;

4. Motorboats and other watercraft propelled by a motor with a rating of seventy-five (75) horsepower or more--ten dollars (\$10.00) per day. (Ord. 2016-06 § 1: Ord. 09-08 § 2: Ord. 02-10 § 3: Ord. 02-3 § 1: Ord. 99-21 § 1: Ord. 99-15 § 4 (part): Ord. 94-45 § 1 (part): Ord. 86-4 § 1 (part): Ord. 83-5 § 7)

Section 12.32.050 Statement of liability insurance.

As a prerequisite to the issuance of an annual or daily boating license for a boat or a watercraft of any kind or size by the City, the applicant for said boating license shall sign a statement certifying that the applicant has in force liability insurance coverage on the craft named in the application in an amount not less than one hundred thousand dollars (\$100,000.00) and indicate the name of the insurance company through which the coverage was obtained, the name of the agent, if any, and address of the insurance company or agent, if any. (Ord. 07-01 § 2, Ord. 86-4 § 1 (part))

Section 12.32.060 Dealer's license.

A dealer's license shall be twenty dollars (\$20.00) for the first and five dollars (\$5.00) for each additional license. These licenses shall be used on boats and watercraft held, displayed, or used for sale only and shall not be used on boats for private use, service boats or any other boats for personal or company use. (Ord. 83-5 § 8)

Section 12.32.070 Evidence of payment.

The City or its authorized agents must furnish to the license holder a receipt or other evidence of payment indicating the amount of the annual or daily license fee paid by the license holder. Said receipt or evidence of payment must be presented to any agents of the City upon request in order to insure proper licensing of all watercraft. (Ord. 83-5 § 9)

Section 12.32.080 Horsepower classification.

All horsepower classification shall be O.B.C. rating. (Ord. 83-5 § 10)

Section 12.32.090 Sale of boat--Transfer of license.

Upon the sale of any boat or other watercraft, the license issued therefor shall cease to apply, but such license and the number may be transferred to any other qualified boat or watercraft owned by the vendor upon the written application and the payment of a transfer fee of one dollar (\$1.00). The boat or watercraft so sold shall be immediately removed from the reservoir or registered by the purchaser as in the case of an original registration. The application for the transfer of the license and number shall be accompanied by the statement and information required by Section 12.32.050. (Ord. 07-01 § 3: Ord. 86-4 § 1 (part): Ord. 83-5 § 11)

Section 12.32.100 Application required to increase horsepower rating.

No boat or watercraft shall be operated on any reservoir of the City with a motor or engine of greater rated horsepower than that which was designated for the boat or watercraft, and that which was stated in the application for license. If a greater rated horsepower motor is placed upon the boat or watercraft, then such owner shall make application accordingly and pay the differential fee plus the added fee of one dollar (\$1.00) for each record- changing cost. (Ord. 83-5 § 12)

Section 12.32.110 Prohibited boats.

No hydroplane type of boat or air boat is permitted. (Ord. 83-5 § 13)

Section 12.32.120 Violation--Penalty.

A. Any person violating any of the provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate event shall be deemed committed on each day during or on which a violation occurs or continues. The owner of the watercraft trailer shall be deemed the person violating Section 12.32.010(D) of this Chapter.

B. Any watercraft trailer in violation of Section 12.32.010(D) for a second or subsequent offense in the same calendar year is subject to being towed and impounded. The owner of the watercraft trailer shall pay the costs of towing and impoundment prior to release of the watercraft trailer. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 02-10 § 4: Editorially amended during 1999 codification; Ord. 83-5 § 14)

Chapter 12.36

FISHING GENERALLY

Sections:

12.36.010 Ice fishing restriction.

Section 12.36.010 Ice fishing restriction.

A. No person shall make or cut any hole which exceeds eight inches in diameter in the ice formed over any City-owned lake. For purposes of measurement of any hole cut in the ice in order to test whether it exceeds the eight-inch restriction noted above, the hole shall not exceed eight inches in diameter in any direction.

B. The Lake Patrol Officer or any employee of the City designated by the City Manager or Chief of Police is authorized to issue citations for violation of this chapter, citing the violator and commanding his or her appearance in court on a certain date to be indicated in said citation.

C. Any person violating the provisions of this section by cutting any hole exceeding eight inches in diameter in any ice formed over a City-owned lake shall be guilty of a petty offense and upon conviction such person shall be punished by a fine of not less than seventy-five dollars (\$75.00) for the first offense, not less than two hundred dollars (\$200.00) for a second offense, and by a fine of not less than four hundred dollars (\$400.00) for any third or subsequent offense. In no event may the fine per offense hereunder exceed seven hundred fifty dollars (\$750.00). (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 81-5 § 2; Ord. 80-6 §§ 2--4)

Chapter 12.40

FISHING TOURNAMENTS

Sections:

- 12.40.010** Consent required to hold tournament.
- 12.40.020** Tournament requirements.
- 12.40.025** Tournament report required.
- 12.40.030** Posting of signs.
- 12.40.040** Authority to issue citations.
- 12.40.050** This chapter additional to state regulations.
- 12.40.060** Violation--Penalty.

Section 12.40.010 Consent required to hold tournament.

No person, association, organization or corporation shall conduct a fishing tournament at any of the lakes over which the City exercises jurisdiction without first having obtained consent of the City Manager of the City. The consent of the City Manager of the City to hold a fishing tournament shall not be unreasonably withheld provided that the request for permission to hold a fishing tournament be filed with the City Manager at least ten days in advance of the date of the tournament. The consent shall be waived for the first tournament held by any person, association, organization or corporation after May 16, 1985. The request shall contain the following information and any other information deemed necessary by the City Manager:

- A. Name of the individual, association, organization or corporation making the request for a fishing tournament;
- B. If an individual, the address and phone number of said individual; if an association, organization or corporation, the name, address and telephone number of a member or officer responsible for the fishing tournament;
- C. The date and hours of the fishing tournament proposed;
- D. The approximate number of entries in the fishing tournament. (Ord. 86-43 § 1: Ord. 85-16 § 1)

Section 12.40.020 Tournament requirements.

- A. All fish caught in fishing tournaments must be released and returned to the lake from which it was taken immediately after the weigh-in. Weigh-ins shall take place as close to the lake as possible.
- B. All boats involved in a fishing tournament shall have and use an aerated live well.
- C. No more than ten (10) weigh bags shall be given out at one time. (Ord. 09-26, § 1: Ord. 85-16 § 3)

Section 12.40.025 Tournament report required.

- A. Every fishing tournament director shall submit to the City Clerk of the City a Tournament Report within forty-eight (48) hours after completion of the fishing tournament. The Tournament Report shall include the name of the tournament, the date, the time started, the time completed, the number of boats that participated, the number of fishermen, the weight and kind of fish caught, and the mortality count.
- B. Failure to complete and return the Tournament Report within forty-eight (48) hours after completion of the fishing tournament shall result in the cancellation of any remaining tournaments in the current year and a suspension for the following calendar year for the sponsoring club or organization. (Ord. 09-26 § 2)

Section 12.40.030 Posting of signs.

The City Manager of the City is authorized to determine at his or her discretion the locations for signs to be placed at the City-owned lakes summarizing this chapter. (Ord. 85-16 § 4)

Section 12.40.040 Authority to issue citations.

The Lake Patrol Officer or any employee of the City designated by the City Manager or Chief of Police is authorized to issue citations for violation of this chapter, citing the violator and commanding appearance in court on certain date to be indicated in said citation. (Ord. 85-16 § 5)

Section 12.40.050 This chapter additional to state regulations.

This chapter is in addition to the Fish Code of the state of Illinois and any and all rules and regulations promulgated by the state of Illinois. (Ord. 85-16 § 7)

Section 12.40.060 Violation--Penalty.

Any person, association, organization or corporation violating any provisions of this chapter shall be guilty of a petty offense and upon conviction such person, association, organization or corporation shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 85-16 § 7)

Chapter 12.44

OUTDOOR STORAGE OF MERCHANDISE

Sections:

- 12.44.010 Nuisance declared.**
- 12.44.020 Abatement.**
- 12.44.030 Violation--Penalty.**
- 12.44.040 Failure to abate nuisance--Liability.**

Section 12.44.010 Nuisance declared.

The storage of furniture, appliances, household goods, clothing and other personal items not ordinarily used outdoors which are displayed for sale other than in an enclosed building during the hours between sunset and sunrise is declared to be a nuisance and dangerous to the public safety. This does not prohibit the outdoor storage of the following merchandise: farm equipment, tires, motor vehicles, oilfield equipment, patio and lawn furniture, bicycles, landscape materials, plants and lawn mowers. (Ord. 92-38 § 1)

Section 12.44.020 Abatement.

The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of the City upon which such storage is made, and also the owner, owners and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the City, or otherwise to remove it to a location without said corporate limits. (Ord. 92-38 § 2)

Section 12.44.030 Violation--Penalty.

If said owners allow said nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 92-38 § 3)

Section 12.44.040 Failure to abate nuisance--Liability.

Whenever said owners fail to abate said nuisance after having received a notice to abate, then the City shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.

When said personalty has been removed and placed in storage by the City, as provided for herein, said personalty shall be sold by the City after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the City for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to said owners, or deposited in the City treasury for their use. (Ord. 92-38 § 4)

Chapter 12.48

CEMETERIES

Sections:

12.48.010	Management and supervision.
12.48.020	Superintendent of Municipal Cemeteries.
12.48.030	Purchase and conveyance of lots.
12.48.040	Rules for interment.
12.48.050	Restrictions on use.
12.48.060	Regulations in general.
12.48.070	Authority of the City to regulate.
12.48.080	Valuation of lots in the municipal cemeteries.
12.48.085	Perpetual care fund fee.
12.48.090	Fees and regulations on grave openings.
12.48.100	Purchase of lots--Deeds.
12.48.110	Violation--Penalty.

Section 12.48.010 Management and supervision.

The responsibility for the management, operation, maintenance, and general supervision of all municipal cemeteries shall be vested in the City Manager. (Ord. 79-24 (part): prior code § 97-101)

Section 12.48.020 Superintendent of Municipal Cemeteries.

A. Appointment. The City Manager shall appoint a Superintendent of Municipal Cemeteries, which officer shall be subject to removal at any time by the City Manager.

B. Duties. The Superintendent of Municipal Cemeteries shall have the following duties:

1. To look after and take proper care of all municipal cemeteries and see that no lot in any cemetery is used or occupied in violation of this chapter or of any rule or regulation promulgated by the Mayor and Council;

2. To keep full and detailed accounts of the receipts and expenditures on account of the municipal cemeteries and at least once a month to turn over to the City Treasurer all moneys collected on such accounts; and

3. To see to the digging of graves and to the proper entering of the dead when called upon to do so. (Ord. 79-24 (part): prior code § 97-102)

Section 12.48.030 Purchase and conveyance of lots.

A. Lot Valuation. The City Council by ordinance shall place a value upon all unsold lots in the municipal Cemeteries, and the Superintendent of Municipal Cemeteries shall record such valuations on an official map or plan of each cemetery, which maps shall be kept on file--open to public inspection--in the office of the Superintendent of Municipal Cemeteries.

B. Method of Purchase. Any person desiring to purchase an easement in a particular lot or lots, for the purpose for which it is intended, shall be permitted to do so upon payment of the price fixed for such lot or upon making arrangements, according to rules and regulations that may be established by the City Council for the purchase of such lot or lots on an installment plan.

C. There shall be no discrimination in the sale of lots on any basis.

D. Manner of Conveying. Conveyances of burial lots shall be executed in the name of the City by the Mayor and City Clerk and have affixed thereto the seal of the City. Such conveyances shall not convey fee simple title, but shall convey to the purchaser of each burial lot an easement for the exclusive

right of interment and sepulcher in such lot; shall state the maximum number of graves allowed on each such burial lot as shown by the plat; and, by reference therein made, shall convey each lot subject to all the provisions of this chapter as fully as if set out in each conveyance.

E. Records of Ownership. The sextant shall keep full and complete records of the ownership of all lot easements in the municipal cemeteries, of the burial capacity of each lot, of the location of each grave, of the names and ages of the persons buried in each grave that has been or shall hereafter be used, and of the date of burial of each.

F. Sale or Transfer by Owner. Owners of lots shall be permitted to sell or transfer lots upon written notice to the Superintendent of Municipal Cemeteries of said sale or transfer. (Ord. 88-25 § 2; Ord. 79-24 (part): prior code § 97-103)

Section 12.48.040 Rules for interment.

No deceased person shall be interred in any municipal cemetery until the Superintendent of Municipal Cemeteries has found:

- A. That the lot in which burial is to be made has been fully paid for;
- B. That the person arranging for such burial has the right to the use of such lot;
- C. That such lot is not used beyond its capacity; and
- D. That proper record is made of the name and age of the deceased person and of the exact location of the grave. (Ord. 79-24 (part): prior code § 97-104)

Section 12.48.050 Restrictions on use.

A. Enclosures. No curbing, fencing or enclosures of any sort shall be erected on, in or around any burial lot in the cemetery, but the City reserves the right to erect curbing along the walks and driveways if it so desires.

B. Plantings. The planting of flowers and shrubs or any other effort to improve or beautify any lot within a municipal cemetery shall be done only after the plans for such work shall have been submitted to the Superintendent of Municipal Cemeteries and is approved thereby.

Nothing herein contained shall be construed to prohibit the decoration or adornment of any grave site with potted or cut flowers or plants.

C. Stones and Monuments. Owners of cemetery lot easements shall have the right to proper stones or monuments marking the burial site, except that no slab shall be set other than in a horizontal position and flush with the ground.

1. Headstones shall not exceed two feet in height above the ground and eighteen (18) inches in width and shall be set in a solid concrete foundation.

2. Monuments of cut stone or marble shall not exceed ten feet in height and the erection of same must be authorized and supervised by the Superintendent of Municipal Cemeteries.

D. Mausoleums. Mausoleums may be placed on the burial lots by the holders thereof in areas designated by the City Council, subject to the following conditions:

1. Before erecting any mausoleum, the holder of such lot shall furnish complete plans and specifications to the City Clerk, for submission to the City Council, together with application for permission to construct; and no mausoleum shall be erected until such application is approved.

2. No bodies shall be placed in any such mausoleum except in sealed caskets or in hermetically sealed compartments. (Ord. 87-5 § 1; Ord. 79-24 (part): prior code § 97-105)

Section 12.48.060 Regulations in general.

A. Trees and Shrubs. No tree or shrub shall be planted, removed, cut down, or destroyed within the borders of any burial lot, walks, or lawn spaces, without the consent of the Superintendent of Municipal Cemeteries.

B. Injury to Monuments. It is unlawful for any person to remove, deface, or in any manner injure any monument, enclosure, mausoleum or ornament thereof within any municipal cemetery.

C. Discharging Firearms. It is unlawful for any person to shoot any gun, pistol, or other firearm within any municipal cemetery except at a funeral ceremony.

D. Depositing Offensive Matter. It is unlawful for any person to deposit on any part of any cemetery or any land adjoining it any dead carcass or any putrid or offensive matter whatever.

E. Disorderly Conduct. It is unlawful for any person to conduct himself or herself in any boisterous or disorderly manner within the perimeter of any municipal cemetery.

F. Entering Cemeteries at Night. It is unlawful for any person to enter any municipal cemetery or walk upon or across any such cemetery between sunset and sunrise without the written consent of the Superintendent of Municipal Cemeteries.

G. Advertisements. It is unlawful for any person to post any advertisement or sign, or to solicit any work in a municipal cemetery.

H. Unauthorized Interments. It is unlawful for any person to inter any dead body in any part of a municipal cemetery without the express authorization of the Superintendent of Municipal Cemeteries.

I. Disinterment. Disinterments shall be made only when authorized by the Mayor and Council or the County Board of Health. (Ord. 79-24 (part): prior code § 97-106)

Section 12.48.070 Authority of the City to regulate.

The Mayor and City Council of the City reserve to themselves and their successors in office the right to alter, amend, modify or add to the rules, regulations, conditions and restrictions herein set forth at any time it is deemed advisable so to do in order to carry out the purposes of this chapter. There shall be no liability whatsoever, either tort or contractual, on the part of the City, or its officials or officers (or their successors in office), or its agents or employees, to any purchasers of any lots in the cemetery, or to any person holding under them, or to the family or relatives of any person buried in the cemetery, or to any person or the family of such person who has erected any monument, marker or mausoleum therein, by reason of any act or acts, thing or things, omission, negligence, or otherwise relating to the cemetery. In accepting any conveyance of any burial lot, each purchaser agrees that all provisions of this chapter are valid and that he or she and his or her heirs and assigns shall hold such lot subject to all the provisions of this chapter and subject to all amendments hereto made by the Mayor and City Council. (Ord. 79-24 (part): prior code § 97-107)

Section 12.48.080 Valuation of lots in the municipal cemeteries.

A. Grave burial lots in three City-owned cemeteries will be made available for purchase by the general public at the following rates:

	Residents	Nonresidents
Memorial Gardens	\$275.00	\$375.00
Haven Hill	\$350.00	\$450.00
Maple Dale	\$350.00	\$450.00

B. Lots for mausoleums in areas designated by the City Council will be made available for purchase by the general public at the following rates:

Residents	Nonresidents
\$700.00	\$800.00

C. At such time as all available lots are sold off in any cemetery there is no obligation upon the City to provide additional lots or cemeteries. (Ord. 14-14 § 2: Ord. 06-08A § 21: Ord. 98-37 § 6: Ord. 88-8 § 1: Ord. 87-5 § 2: Ord. 79-24 (part): prior code § 97-108)

Section 12.48.085 Perpetual care fund fee.

Effective May 1, 2010, when a cemetery lot is purchased from the City, the purchaser shall pay, in addition to the purchase price of the lot as set forth in Section 12.48.080 above, a Perpetual Care Fund fee of one hundred dollars (\$100.00). The fee shall be placed in a separate Perpetual Care Fund established by the City. The income from Perpetual Care Fund shall be used for the perpetual care and maintenance of the cemeteries owned by the City. (Ord. 10-18 § 1)

Section 12.48.090 Fees and regulations on grave openings.

The following grave opening fees and regulations will apply on all City-owned cemeteries:

	Residents	Nonresidents
Weekday grave openings		
Funerals arriving at or before 1:00 p.m.	\$325.00	\$425.00
Funerals arriving after 1:00 p.m.	\$375.00	\$475.00
Sat. & holiday openings	\$450.00	\$550.00
Openings for cremated remains		
Weekdays	\$200.00	\$250.00
Sat. & holidays	\$250.00	\$300.00
Old & new mausoleum crypt openings		
Weekdays	\$250.00	\$350.00
Sat. & holidays	\$375.00	\$475.00
Upground vault openings		
Weekdays	\$375.00	\$475.00
Sat. & holidays	\$425.00	\$525.00
Disinterment and/or reinterment fee (in addition to the applicable grave opening fee)		
Sat. & holidays	\$100.00	\$100.00
	\$150.00	\$150.00
Grave openings, old age assistance (None on Sat. or holidays)	\$100.00	\$100.00

No Sunday interments (unless ordained by law)

No Saturday interments after 11:00 a.m.

(Ord. 14-14 § 3: Ord. 06-08A § 22: Ord. 98-37 § 7: Ord. 88-8 § 2: Ord. 86-17 § 1: Ord. 79-24 (part): prior code § 97-109)

Section 12.48.100 Purchase of lots--Deeds.

A. Lots shall be purchased from the City Treasurer of the City at the price established by the City Council and upon payment by the purchaser. The City Treasurer shall issue to the purchaser a receipt for the amount paid, which receipt shall state the number of the lot proposed to be purchased, and on presentation of such receipt to the City Clerk, it shall be the duty of said Clerk to prepare a deed for such lot, which shall be signed by the Mayor of the City and countersigned by said Clerk, and shall be executed under the seal of the City of Olney.

B. All deeds to cemetery lots may be in the following form:

The City of Olney, in consideration of _____dollars to the said City paid by _____, doth hereby, in conformity with the code of the city in such case made and provided, give, grant, bargain, sell, and convey to him, the said _____ lot numbered _____ in the plat of the cemetery, as laid out and recorded in the office of the City Clerk, and in the Office of the Recorder of the County of Richland. To have and to hold the same, with its appurtenances, unto the said _____, his heirs and assigns forever, for the purpose of burying therein his or their dead, and for no other use, intent, or purpose whatever; subject, nevertheless, to such general rules and regulations as the City Council of said City may from time to time hereafter establish.

and the said City of Olney hereby covenants with the said _____, his heirs, and assigns, that the premises designated as the cemetery aforesaid shall forever be kept and preserved as a place for the burial of the dead of said City.

In witness whereof the Mayor of said City has hereunto set his signature and caused the seal of the City of Olney to be affixed, this _____ day of _____, A.D. _____.

Countersigned: _____ Mayor
(Ord. 79-24 (part): prior code § 97-110)

Section 12.48.110 Violation--Penalty.

Any person who shall violate any of the provisions of this chapter or fail to comply therewith shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 79-24 (part): prior code § 97-111)

Chapter 12.52

SPECIAL EVENT PERMITS

Sections:

12.52.010	Special event defined.
12.52.020	Permit required.
12.52.030	Permit application.
12.52.040	Standards for denial of permit.
12.52.050	Insurance required.
12.52.060	Waiver or release of liability.
12.52.070	Limitation of liability.
12.52.080	Obligations of permittee.
12.52.090	Sanitation and clean-up.
12.52.100	Revocation of special event permit.
12.52.110	Appeal procedure.
12.52.120	Violation - Penalty.

Section 12.52.010 Special event defined.

“Special event,” as used in this Chapter, means any of the activities listed below which occur upon City property, including City parks, public streets, rights-of-way or sidewalks:

1. Block parties; street festivals and parties
2. Car shows and motorcycle shows
3. Circus
4. Concerts, except the Cummins Municipal Band
5. Fundraisers involving the sale of food and/or the use of equipment or electrical appliances which are not usually found at a home, or motor vehicles
6. Festivals, such as the Rotary Park Festival and OAC Fall Festival
7. Organized athletic events (walk, run, biking, baseball, football, basketball, soccer, softball, skateboarding) that are not sponsored by athletic organizations that have an Olney or Richland County affiliate, chapter, or league
8. Organized parades, except the Memorial Day parade, the ERHS Homecoming parade, the Veterans Day parade, the Halloween parade, and the Christmas parade
9. Vehicle cruises (such as the White Squirrel Car Cruisers Club); Vehicle races and derbies
10. Activities involving the sale, distribution, or consumption of alcoholic liquor. (Ord. 10-46 § 1)

Section 12.52.020 Permit required.

No person or organization shall conduct a special event on City property, including City parks, public streets, rights-of-way or sidewalks, without first having obtained a special event permit from the City of Olney. (Ord. 10-46 § 1)

Section 12.52.030 Permit application.

In order for the application to be properly considered, it is recommended that the application be submitted no later than thirty (30) days prior to the proposed event. Applicants may file applications as early as desired by the applicant. The following information shall be provided: name, address and telephone number of sponsoring organization or individual; if an organization, name, address and telephone number of chairman/president; purpose of the special event; proposed date, location and hours of operation; schedule of proposed events; proposed route, including areas where police assistance is

requested; estimated number of participants, floats, bands and cars/trucks; and such other information as the City Manager deems reasonably necessary to determine that the permit meets the requirements of this Chapter. (Ord. 10-46 § 1)

Section 12.52.040 Standards for denial of permit.

Reasons for denial of a special event permit include: the event will disrupt traffic within the City beyond practical solution; will interfere with access to fire stations and fire hydrants; the location of the special event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the City; the application contains incomplete or false information; the applicant fails to comply with all terms of this Chapter, including failure to provide proof of insurance to the City. (Ord. 10-46 § 1)

Section 12.52.050 Insurance required.

Permittee shall obtain and present evidence of comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of \$1,000,000 aggregate for personal injury, including death, and property damage against all claims arising from permits issued pursuant to this Chapter. If the event poses higher risks than covered by the insurance requirement (for example, circus or motorized races), the City Manager may require additional insurance coverage up to \$2,000,000.

Permittee shall obtain and present evidence of liquor liability insurance in the amount of \$300,000 combined single limit for any special event which includes the sale, distribution or consumption of alcoholic liquor. (Ord. 10-46 § 1)

Section 12.52.060 Waiver or release of liability.

If permittee requires participants to sign a waiver or release of liability, the waiver or release of liability shall also include language indemnifying and holding harmless the City of Olney, its officers and employees from any and all claims or lawsuits from personal injury, including death, or property damage arising from or in any way connected to the special event; excepting any claims arising solely out of the negligent acts of the City, its officers and employees. (Ord. 10-46 § 1)

Section 12.52.070 Limitation of liability.

This Chapter shall not be construed as imposing upon the City or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permits have been issued. The City and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of any City property. (Ord. 10-46 § 1)

Section 12.52.080 Obligations of permittee.

Permittee shall notify all participants of any laws or regulations which may apply to the event, including all relevant rules of the road. Permittee is also required to specifically inform private property and business owners, if any, who might be inconvenienced during the event. (Ord. 10-46 § 1)

Section 12.52.090 Sanitation and clean-up.

Permittee shall clean the City property of rubbish and debris, returning it to its pre-event condition, within 24 hours of the conclusion of the event. If the permittee fails to clean up such refuse, such clean up shall be arranged by the City and the costs charged to permittee. (Ord. 10-46 § 1)

Section 12.52.100 Revocation of special event permit.

All permits issued pursuant to this Chapter shall be temporary and do not vest any permanent rights

until the special event actually occurs. Reasons for revocation of a special event permit include: application contained incomplete or false information; applicant does not comply with all terms and conditions of permit; applicant fails to arrange for or submit proof of insurance to the City; and disaster, public calamity, or other emergency exists. Revocation of a special event permit may be appealed by the same process as an appeal which results from denial of a permit. (Ord. 10-46 § 1)

Section 12.52.110 Appeal procedure.

Any applicant whose special event permit application has been denied or revoked may request a review of this decision by the City Manager. This requests must be in writing and received by the City Manager within five (5) business days of the notice of permit denial or revocation. The City Manager shall review the decision and provide a written response within five (5) business days. Failure to provide a written response within five (5) business days shall constitute a denial which shall be automatically appealed to the City Council. Applicant may appeal the decision of the City Manager to the City Council by filing a written notice of such appeal with the City Clerk within five (5) business days of the notice of denial of permittee's appeal by the City Manager. The City Council shall set a hearing date within 15 days of receiving such appeal request. At such hearing, the applicant is entitled to be heard and present evidence in his/her behalf. The City Council shall determine whether the denial or revocation of the permit is justified. (Ord. 10-46 § 1)

Section 12.52.120 Violation - Penalty.

Any person who violates a provision of the Chapter shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 10-46 § 1)