

## CHAPTER 90: PARKS

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### ***Cross-reference:***

*Park Board, see §§ 31.01 et seq.*

### **§ 90.01 DEFINITION.**

The term **PARK**, when used in this chapter, shall be construed to include all public ground maintained as pleasure grounds in the city.  
(Ord. 412, passed 9-25-96)

**Byron - General Regulations****§ 90.02 REGULATION OF TRAFFIC.**

No horses or other animals used for riding or driving, or vehicle of any description, will be allowed upon any part of the parks, nor will any vehicle drawn by any animal or any automobile be allowed upon any footwalk, nor will any vehicle used for driving or riding be allowed to stand or go upon any drive, except at such places as the city shall designate for such purpose to the obstruction of the way or inconvenience of persons riding or driving in the parks; and no person shall solicit or invite passengers for hire in said park.

(Ord. 412, passed 9-25-96)

**§ 90.03 SPEED LIMITS.**

No person shall ride or drive a bicycle, automobile or other road machine or vehicle within the parks faster than reasonable under the circumstances. The city may, at its discretion, make such rules and regulations governing the speed of the said vehicles while traveling upon any of the park roads or pathways of said city and may impose such other conditions or rules governing the use of such vehicles while traveling upon any of such park roads or park pathways as may be deemed by the city necessary to the protection and safety of the public.

(Ord. 412, passed 9-25-96)

**§ 90.04 SNOWMOBILES AND UNLICENSED VEHICLE USE.**

Snowmobiles, motorcycles, dirt bikes and all other all-terrain vehicles are prohibited in city parks.

(Ord. 412, passed 9-25-96)

**§ 90.05 COMMERCIAL AND USER PARKING AND DELIVERY.**

Parking and delivery is prohibited on grassy areas and shall be limited to hard-surfaced areas only. Vehicles illegally parked are subject to tow at the owner's expense.

(Ord. 412, passed 9-25-96)

**§ 90.06 RESTRICTED AREAS.**

The parks and every part thereof are for the use and enjoyment of the public, subject to such restrictions as may be lawfully made for their orderly government, and therefore all visitors are free to go upon the grass, lawn or turf of any park except in any space indicated by visible lines of enclosures on which is posted a sign or placard bearing the words, "Keep out of this enclosure."

(Ord. 412, passed 9-25-96)

**§ 90.07 PROTECTION OF TREES, PLANTS AND STRUCTURES.**

No person shall climb any trees, pluck any flowers or fruit, whether wild or cultivated, break, cut down or trample upon or remove or in any manner injure or deface any statue, ornament, tree, plant, shrub, flower bed, curb or any of the buildings, fences, bridges or other construction within city parks; nor shall any person write on any building, structure, statue, fence, bench, rock or stone within such parks.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.08 PROTECTION OF ANIMALS.**

No person shall send or throw any animal or thing in or upon the waters of any park or kill, injure, molest or unnecessarily disturb any fish, any water fowl or other birds or any animal properly within any park.

(Ord. 412, passed 9-25-96; Am. Ord. 412, passed 2-11-04) Penalty, see § 90.99

**§ 90.09 HOURS.**

No person, except a law enforcement official and the employees and servants of the city, shall be allowed in any park between the hours of one half hour after sunset and one half hour before sunrise each day, except any Park Board or Park Board Representative approved activities.

(Ord. 412, passed 9-25-96; Am. Ord. 412, passed 2-11-04) Penalty, see § 90.99

**§ 90.10 MISCELLANEOUS ACTIVITIES.**

No person shall play any music, keep or offer for sale or post or display any sign or placard, flag, target, transparency, advertisement or device of business within any park, building or place under the jurisdiction of the city, unless by the permission of the city and subject to such rules and regulations as the city shall prescribe, and no person shall in any such park beg or publicly solicit subscription, tell fortunes, play any game of cards or other games of chance or any game with table or instruments of gaming, utter loud, threatening or abusive or indecent language or any language tending to cause a breach of the peace or be guilty of any indecent, obscene or disorderly conduct. No person shall make any oration or harangue in such park without the written permission of the city.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.11 ALCOHOLIC BEVERAGES IN PARKS.**

It is unlawful for any person to bring upon or possess in a park a container of an alcoholic beverage which contains or has a capacity of more than eight gallons. This section shall not apply to a person

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licensed to sell alcoholic beverages on park land, to an employee or agent acting on behalf of such licensee, nor to a person delivering an alcoholic beverage to such licensee. No alcoholic beverages, or beverages of any kind, in glass containers are allowed in the parks.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

***Cross-reference:***

*Alcoholic beverages, see Ch. 112*

**§ 90.12 DANGEROUS GAMES.**

No person shall play or engage in any game or exercise which shall be liable to injure travelers or endanger the passage of vehicles on any adjoining street or within the limits of any park.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.13 FIREARMS AND FIREWORKS.**

No person shall fire or discharge any gun, pistol, BB/pellet gun, bow and arrow, sling shot or other firearm or any rocket, torpedo or other fireworks of any description or throw any stones or missiles within city parks, nor carry any of the above in any park.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.14 EXCLUSIVE PARK USE.**

Athletic games, sports, picnics and other forms of recreation or amusement sanctioned by the city may be held or practiced in such parts of the parks as shall be designated for such use, subject to such regulations as may be made by the city and subject to the orders of any law enforcement official or other officer connected with the park on duty enforcing the rules of the city. Permits for the exclusive use of any picnic area or playground for any specified date or time may be granted at the discretion of the city, and no person shall in any manner disturb or interfere with any club or party occupying the ground under such permit without their consent.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.15 RUBBISH.**

No glass containers, filth, dirt, stone, wood, ashes, dead carcass, garbage matter, substance or rubbish, including household garbage of any kind, shall be placed or deposited in any park.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.16 ANIMALS.**

No quadrupeds or other animals, except those placed in the parks by the authority of the city, and excepting dogs and cats accompanying their owners or other person having charge thereof and controlled by a line, chain or strap, shall be conducted into the parks or to be allowed to remain therein. It is unlawful for any person who owns or has custody of a dog or cat to cause or permit such animal to defecate on any public property, unless such person immediately removes the excrement and places it in a proper receptacle.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.17 SIGNS RESTRICTED.**

No person shall post or affix any printed or written bill or placard, notice or other paper or any sign upon any tree, structure or thing within the parks or upon any gate, fence or enclosure within the limits thereof, except park notices and other authorized bulletins or signs put up by direction of the city.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.18 PARADES RESTRICTED.**

No military target, fire, hook-and-ladder or hose company or civic or other procession shall parade, march, drive or perform any military or other evolution or movement within the parks without the written permission of the city.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.19 THEATRICAL ENTERTAINMENT AND THE LIKE.**

No person or persons shall have or give any theatrical entertainment in any park, nor shall any parade, procession, public gathering or public meeting of any kind take place in any public park; nor shall any person march in columns on any parkway; but this shall not exclude social or other picnics in such portion of the various parks as may be designated by the city for that purpose. This section may be temporarily suspended on special or extraordinary occasions by formal resolutions of the City Council, duly passed and entered on record in their minutes.

(Ord. 412, passed 9-25-96) Penalty, see § 90.99

**§ 90.20 VETERAN'S MEMORIAL.**

(A) *Findings and purpose.* The City Council finds that there should be an area within the city's park and open space system set aside exclusively as a memorial to and to honor our nation's, state's and city's men and women currently serving in or who have served in the Armed Forces of the United States. The

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Veterans Memorial located within Byron Roundabout area and described below herein is hereby so designated. The Veterans Memorial is hereby set aside for purposes of the public honoring and remembering the service and sacrifice of our Nation's veterans and that certain other activities inconsistent with such purpose, when the same may freely occur in the city's other extensive public park and open space areas, inherently contravene, interfere with and are injurious to such purpose. Accordingly, the city has a compelling interest in imposing time, place and manner restrictions on those activities inconsistent with the purpose for which the Veteran's Memorial is designated on a content neutral basis and in a manner that does not unreasonably infringe upon the rights of the city's inhabitants and visitors to engage in free speech or the free exercise of religion. Therefore, the rules of this section define the standards of conduct required of all the city's inhabitants and visitors to the Veterans Memorial, which is a shrine to honor present and past members of the Armed Forces of the United States and contains monuments for the Civil War, World War I, World War II, Korea, Vietnam, Desert Storm and an All Wars Monument. In addition, POWs, MIAs, Gold Star Spouses and Parents, and Purple Heart holders are also honored.

(B) *Definitions.* When used in this section:

(1) Veterans Memorial or Memorial means the area located between 10th Avenue and westerly line of the round about/Byron monument sign and between Canadian Pacific Railroad property and Frontage Road NE.

(2) Military memorial service or ceremony means a formal group activity conducted by an established military service group intended to honor the active service or memory of members of the Armed Forces.

(C) *Conduct within Veteran's Memorial.* Because the Veteran's Memorial is a shrine, certain acts, appropriate elsewhere in Byron, are not appropriate within the Veteran's Memorial. All visitors, including those attending or taking part in memorial services, shall observe proper standards of conduct, decorum and decency. Specifically, no person shall:

(1) Deface, climb on, sit on, stand on or otherwise damage any monuments located within the Memorial;

(2) Use the memorial grounds for playing sports or participating in athletics;

(3) Use the memorial grounds for grilling or other cooking activities;

(4) Erect a tent, hammock or other structure unless the use of the same is part of a military memorial service or ceremony authorized by this section;

(5) Ride a bicycle or skateboard or use rollerblades within the memorial; unless going through the area on the bike path.

- (6) Deposit or throw litter on/in memorial grounds;
- (7) Drive any motor vehicle within the memorial other than in the parking lot;
- (8) Engage in any disorderly conduct as defined in statute or city code within the memorial;
- (9) Display or distribute commercial advertising for the purpose of soliciting business or otherwise solicit business while within the memorial; or
- (10) Be within the boundaries of the memorial between the hours of 10:00 p.m. and 4:00 a.m. of the following day.

(D) *Exceptions.* This section shall not apply to the following:

(1) *Public safety.* The operations of authorized public safety or other city personnel or emergency or city vehicles, including without limitation police vehicles, fire vehicles, ambulances and city, county or state snowplowing vehicles, the use of sirens, warning devices, sound amplification devices or other equipment by public safety personnel or other city personnel in emergency situations or otherwise.

(2) *Emergency or other city work.* Activities or work by city personnel in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard or such other work as the City Administrator or City Council deems necessary or appropriate in the public interest.

(3) *Government sponsored or permitted or licensed activities.* Those certain government, and/or government permitted or licensed activities shall be exempt from the provisions of this section.

(E) Any person convicted of violating any provision of this section is guilty of a misdemeanor. (Ord. passed 7-25-17)

**§ 90.99 PENALTY.**

Any person found guilty of violating this chapter shall be guilty of a petty misdemeanor and may be sentenced up to a \$200.00 fine. (Ord. 412, passed 9-25-96; Am. Ord. 412, passed 2-11-04)

