



At the Heart of Community

PARKS AND RECREATION DEPARTMENT

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AGENDATEM

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MEMORANDUM

Date: March 5, 2018
To: Ray Keller, Village Manager
From: Bonnie Caputo, Recreation Director
Subject: **Amending Breezewald Park Regulations**

Issue: Due to the recent changes to the operations at Breezewald Park and renovation at Paulus Park Beach, staff has reviewed the Village of Lake Zurich Municipal Code and are recommending the following for update:

- Title 7, Chapter 3, Section 1 – General Rules & Regulations
- Title 7, Chapter 3, Section 4 – Group Activities
- Title 7, Chapter 3, Section 5– Paulus Park & Breezewald Park Beaches

2014-2019 Strategic Plan: This agenda item is consistent with the following objectives under the Strategic Plan.

- **Goal #2 Development:** Revitalize downtown district.
- **Goal #2 Development:** Partner with the Business Community to Identify its Needs and Determine How They Can Be Met.

Analysis: Title 7, Chapter 3, Section 1- Due to the addition of the Breezewald Beverage Pavilion, the new amenity's hours of operation will exceed our currently posted public park hours (open dawn until dusk).

Title 7, Chapter 3, Section 4- The Village of Lake Zurich does allow alcohol at any of our public parks with prior approval once the applicant or organization qualifies for and has been issued the appropriate liquor license. This is not restricted to Breezewald and Paulus Park.

Title 7, Chapter 3, Section 5- As the Village of Lake Zurich moves forward on the Breezewald Beverage Pavilion project, it has caused staff to relook at the park and program operations. The Breezewald Beach in years past has been a free, residents only beach that served families of all ages with over 5,000 visits in 2017 from June 10th- August 13th. The beach has been open and supervised by lifeguards during designated hours of operation (from 11am-6pm daily).

After some discussion, staff is recommending to transition Breezewald Beach from a lifeguarded beach to a swim at your own risk amenity for Lake Zurich residents and guests. The expenses associated with the transition would be the purchase of appropriate signage that communicates the transition. In addition, the Village has allowed nonresidents beach pass holders the opportunity to purchase guest passes for beach usage (nonresident guest pass fees are higher than the resident guest pass fees).

Recommendation: Approve the attached ordinance updating Title 7, Chapter 3, Section 1, Section 4 and Section 5.

VILLAGE OF LAKE ZURICH



ORDINANCE NO. 2018-2-____

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 3 OF THE VILLAGE OF
LAKE ZURICH MUNICIPAL CODE REGARDING BREEZEWALD PARK
HOURS OF OPERATION AND OTHER REGULATIONS**

WHEREAS, the Village of Lake Zurich (“the Village”) is a full-service municipality with a Parks and Recreation Department that operates 32 public parks, including two beaches, 22 playgrounds, walking pathways, pre-school facilities, athletic fields, and rental facilities; and

WHEREAS, the two public beaches at Paulus Park and Breezewald Park have been popular community destinations for decades; and

WHEREAS, the Village is nearing completion of an expansion project of the Paulus Park beach, which is nearly doubling the size of the beach area and in future years will facilitate a larger swim area; and

WHEREAS, the Village is also in the process of building a beer garden pavilion at Breezewald Park in an effort to create a low-impact downtown destination; and

WHEREAS, Breezewald Park beach has traditionally been a free, residents-only beach that is supervised by life guards from 11:00 am to 6:00 pm; and

WHEREAS, the Village shall transition all public swimming to the expanded beach at Paulus Park and no longer facilitate public swimming at the Breezewald Park beach where the beer garden pavilion shall operate; and

WHEREAS, the Breezewald Park beach shall no longer be staffed with lifeguards and will be a swim-at-your-own-risk amenity that does not require beach passes; and

WHEREAS, the hours of operation and public access to Breezewald Park shall no longer be limited to between 6:00 AM and dusk.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Lake County and the State of Illinois, as follows:

Section 1. The foregoing recitals are hereby incorporated into this Ordinance as findings of the President and Board of Trustees.

Section 2. The provisions of Title 7, Chapter 3 of the Village of Lake Zurich Municipal Code entitled "Public Parks" are hereby amended to delete those Code provisions of said Chapter 3, Title 7 shown in red as stricken through and to add those new provisions shown in red and underscored, as such changes are specifically shown in those Code revisions attached hereto as **Exhibit "A."** which is hereby incorporated into this Ordinance as if set forth fully herein.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall become effective upon its passage and approval, and shall be published in pamphlet form as required by law.

PASSED this ___ day of March, 2018.

AYES:
NAYS:
ABSENT:

APPROVED this ____ day of March, 2018.

By: _____
Thomas Poynton, Village President

SEAL

ATTEST:

Kathleen Johnson, Village Clerk

Chapter 3 PUBLIC PARKS

7-3-1: GENERAL RULES AND REGULATIONS:

7-3-2: SPECIFIED PROHIBITED ACTS:

7-3-3: LAUNCHING OF WATERCRAFT:

7-3-4: GROUP ACTIVITIES:

7-3-5: PAULUS PARK AND BREEZEWALD PARK BEACHES:

7-3-6: SPECIAL REGULATIONS FOR LION'S PARK PARKING LOT:

7-3-7: VIOLATIONS; PENALTIES:

7-3-1: GENERAL RULES AND REGULATIONS:

The following rules and regulations shall apply to all persons using any village park:

- A. Hours Of Operation: Unless otherwise specifically authorized by permit issued by the village for ~~Breezewald or~~ Paulus Parks, following proper application for a private event and approval therefor by the village (provided however that no permit shall authorize park use beyond 12:00 midnight on any day), village parks shall be open daily to the public as provided by the village from time to time, generally during the hours between six o'clock (6:00) A.M. and dusk. It shall be unlawful for any person, other than village employees conducting village business, to occupy or be present in any village park at any time when such park is not open to the public. (Ord. 2013-09-909, 9-3-2013)
- B. Cleanliness: It shall be unlawful for any person to litter or otherwise deposit trash or debris of any kind in any village park. Every person shall leave the premises used by that person in a neat and clean condition, free from all litter, trash, and debris.
- C. Use Of Vehicles: It shall be unlawful for any person other than an authorized village employee to operate any automobile or other motor driven vehicle in any area of any park other than designated roadways, driveways, and parking lots. (Ord. 99-12-1004, 12-6-1999)
- D. Pets And Other Animals: All pets and other animals are prohibited in all village parks except only guide dogs for visually disabled persons or animals specifically authorized by the village to perform activities in a park that are beneficial to the public health, benefit, and welfare. (Ord. 2003-03-222, 3-3-2003)

- E. Restricted Areas: It shall be unlawful for any person to enter into any part of any village park or building where entry is forbidden as indicated by sign or notice.
- F. Closings: The village may close any village park at any time for any reason. It shall be unlawful for any person, other than village employees conducting village business, to occupy or be present in any village park at any time when such park has been closed by the village.
- G. Prohibited Activities: The following activities are prohibited in all village parks unless specifically authorized by the village in a specifically designated area: skating, sledding, tobogganing, skiing, sliding, golf, and skateboarding.
- H. Swimming: It shall be unlawful for any person to swim except only in swimming areas designated by the village, and only at the times and in the manner set forth in the rules and regulations of the village.
- I. Vendors And Peddlers: All vendors and peddlers are prohibited in all village parks at all times except only with the specific prior written approval of an authorized village officer.
- J. Signs: It shall be unlawful for any person to place or maintain any signs in any village park at any time.
- K. Weapons: It shall be unlawful for any person to bring or possess any gun, firearm, knife, explosive device, or any other weapons of any kind in any village park at any time. It shall be unlawful for any person to throw, cast, or shoot any stone, arrows, or other projectile or missile in any village park at any time. (Ord. 99-12-1004, 12-6-1999)

7-3-2: SPECIFIED PROHIBITED ACTS:

It shall be unlawful for any person to perform or permit to be performed any of the following acts in any village park at any time:

- A. To operate any aircraft of any type and kind in any village park at any time.
- B. To ~~wilfully~~willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, bridge, table, bench, fireplace, railing, sign, notice, placard, or other village property.

- C. To throw, discharge, or otherwise place or cause to be placed in the water of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park, any substance, matter, or thing, liquid or solid, that will or may result in the pollution of said water.

- D. To bring in or to dump, deposit, or leave any rubbish, waste, garbage, trash, or refuse of any kind, except only in designated waste containers.

- E. To disturb the peace or use any profane, obscene, or blasphemous language.

- F. To endanger, by any conduct or act, the safety of any person.

- G. To commit any assault or battery or to engage in fighting.

- H. To violate any village rule or regulation regarding the use of the village park.

- I. To prevent or interfere with the use of park facilities by any person.

- J. To swim, bathe, or wade in any water except as specifically authorized by the village.

- K. To dress or undress, whether at the beach or in a vehicle, toilet, or any other place except only in a bathing house or structure provided by the village for changing clothes.

- L. To dig into, damage, or remove any soil, landscaping, or any other property of the village.

- M. To camp and to erect or use any tent, shelter, motor home, trailer, or other such equipment or device.

- N. To light or maintain any fire except only as specifically authorized by the village in a place specifically designated for that purpose by the village.

- O. To use or operate a metal detector, or any other similar sensing device, for the purpose of locating or removing objects from below the grass or the surface of the soil or sand. (Ord. 99-12-1004, 12-6-1999)

7-3-3: LAUNCHING OF WATERCRAFT:

- A. Motorized Watercraft Prohibited: No motorized watercraft may be launched into the lake of Lake Zurich from any village park.

- B. Nonmotorized Watercraft: Nonmotorized watercraft may be launched into the lake of Lake Zurich only from Paulus Park, but only after a permit authorizing such launch has been issued by the village. Such a launching permit shall be issued by the park and recreation department after proper application therefor and compliance with all regulations applicable to operation of watercraft within the village. (Ord. 99-12-1004, 12-6-1999)

7-3-4: GROUP ACTIVITIES:

No organized group shall use any village park facility for an organized purpose, including, but not limited to, a picnic, a party, or a theatrical performance, unless such group shall first have obtained a permit therefor from the village and paid the fee established therefor from time to time by the board of trustees.

- A. Application for such permit shall be made to the village park and recreation director at least thirty (30) days prior to any such organized group use, providing such information as may be requested by the village.

- B. The issuance of any permit hereunder to allow the use of a village park facility shall remain subject to the termination of such permit, up to and including the day of use, if in the sole discretion of the chief of police of the village, or his or her designee, it is in the best interests of the village to further regulate, to designate or limit the area being used, or to terminate the permit and revoke the permission of the organized group to use the village park facility for their specified purpose.

- C. The hours of use for such permit shall be as provided (or approved) hereinabove at section [7-3-1](#) of this chapter.

D. An additional fee may apply to a request for a permit by an organized group to use a village park facility if such request exceeds a certain number of participants or involves extended hours of use.

E. The possession or service of any alcoholic beverages as part of any organized group activity authorized by permit in ~~Breezewald or Paulus Park Village parks~~ is strictly prohibited unless such group or organization first qualifies for and has been issued a liquor license by the local liquor commissioner, after proper application for and approval of such a request under the liquor control requirements set forth in this code.

F. No consumption or possession of alcohol is allowed in the water, on the beach or in the children's play or playlot areas. (Ord. 2013-09-909, 9-3-2013)

7-3-5: PAULUS PARK AND BREEZEWALD PARK BEACHES:

A. Paulus Park Beach Entry Requirement: No person shall use the beach at Paulus Park without first having obtained a season pass or having paid the daily entry fee in accordance with this section. (Ord. 2007-01-475, 1-15-2007)

B. Breezewald Park Beach:

~~Breezewald Beach is open to Lake Zurich residents and guests and will be a swim at your own risk beach. The facility is not protected by lifeguards. Any persons under the age of 16 must be accompanied by a parent, guardian or other responsible person at least 16 years of age. Swimming alone is not recommended. A resident of the village must provide proof of that residency to use the beach at Breezewald Park without a pass. No entrance pass or fee is required for residents to use the beach at Breezewald Park. No person who lives outside the corporate limits of the village may use the beach at Breezewald Park without first having obtained a nonresident beach season pass in accordance with this section. Breezewald Park does not accept a daily entry fee for use of the beach at Breezewald Park. (Ord. 2009-03-619, 3-16-2009)~~

C. Beach Season Passes For Residents: Residents may purchase either a beach season pass for a family or individual beach season passes by completing a form provided by the village and paying the required fee. The form provided by the village shall require identification of all family members living at the resident address. Individual identification passes will be issued to each such family member. Only one beach season pass form may be completed for each individual or family. (Ord. 2007-01-475, 1-15-2007)

D. ~~Resident~~-Daily Guests: A resident or nonresident who has purchased a beach season pass for the beach at Paulus Park may bring guests to the beach at Paulus Park by purchasing guest passes or by paying the daily fee therefor. ~~Resident daily guest passes are not available for~~

~~access to the beach at Breezewald Park; a nonresident beach season pass is required for nonresident access to the beach at Breezewald Park.~~ (Ord. 2009-03-619, 3-16-2009)

E. Entry Fees For Residents: The fees applicable to residents for: 1) beach season passes, 2) guest passes, and 3) daily admissions shall be as established from time to time by the board of trustees.

F. Beach Season Passes For Nonresidents: Persons who live outside the corporate limits of the village may secure nonresident beach season passes by registering on a form provided by the village and paying the required fee. Individual identification passes will be issued to each person living at the registered nonresident address. Only one nonresident beach season pass form may be completed for each nonresident individual or family.

~~G. Nonresident Daily Guests: All nonresidents who have purchased a nonresident beach season pass may bring guests to the beach by paying the daily fee therefor. Guest passes shall not be issued to nonresidents.~~

H. Entry Fees For Nonresidents: The fees applicable to nonresidents for: 1) beach season passes ~~, and 2) guest passes, and 3)~~ daily admissions shall be as established from time to time by the board of trustees. (Ord. 2007-01-475, 1-15-2007)

(\$2.00) and not more than twenty dollars (\$20.00) for each offense. (Ord. 99-12-1004, 12-6-