

CHAPTER 28

PARKS AND RECREATION

ARTICLE I – ADMINISTRATION AND ENFORCEMENT

28-1-1 BOARD OF PARK COMMISSIONERS.

(A) **Board of Commissioners Created.** A Board of Park Commissioners is hereby created in and for the City.

(B) **Appointment of Members; Terms and Qualifications.**

- (1) The Mayor, with the advice and consent of the City Council, shall appoint persons to be members of the Board of Park Commissioners.
- (2) The members of the Board of Park Commissioners shall be initially appointed as follows: **Three (3)** for **one (1) year** terms; **three (3)** for **two (2) year** terms; and **three (3)** for **three (3) year** terms.
- (3) The members of the Board of Park Commissioners shall be electors and residents of the City.
- (4) Annually, after the first appointment, the Mayor, with the advice and consent of the City Council, shall appoint **three (3) members** of the Board to the Board who shall hold their office for **three (3) years** and until their successors are appointed. The President of the Du Quoin Swim Team shall serve as an ex-officio **tenth (10th) member** of the Board, and shall serve with the privilege of voting.
- (5) All members of the Board shall be residents of the City, except the President of the Du Quoin Swim Team, who, being an ex-officio member, need not be a resident of the City.

(C) **Removal; Filling of Vacancy.**

- (1) The Mayor, with the advice and consent of the City Council, may remove any member of the Board for misconduct, negligence of duty, or other cause.
- (2) The Mayor, with the advice and consent of the City Council, may fill any vacancy occasioned by resignation or otherwise.

(D) **Compensation of Members.** Members of the Board of Park Commissioners shall receive no compensation for their services.

(E) **Organization of Board.** The Board of Park Commissioners, immediately after their appointment, shall meet and organize, shall elect **one (1) person** as chairman, **one (1) person** as vice-chairman, **one (1) person** as secretary, **one (1) person** as assistant secretary, and shall name **one (1) person** as treasurer.

(F)

Authority and Responsibility of Board.

- (1) The Board of Park Commissioners shall have the authority to appoint and select all necessary personnel and employees and fix their compensation, subject to supervision of the Mayor and City Council.
- (2) The Board of Park Commissioners shall be responsible for the operation and maintenance of the parks, recreational areas, tennis courts, swimming pools, playgrounds, and all other facilities, shall have the authority to formulate rules and regulations pertaining to the use and enjoyment of the facilities, shall fix any and all fees and charges deemed expedient, make all necessary purchases and expenditures, but shall not enter into written contracts without authorization and approval of the City Council.
- (3) The Board of Park Commissioners shall have control, under the supervision of the Mayor and the City Council, of the expenditure of all monies set aside for the operation and maintenance of the park and other facilities. All monies received from the City from the general fund or from any other source shall be deposited in a separate fund to be known as the "Park Fund" and may be drawn upon by the proper members of the Board of Park Commissioners upon submission of authenticated vouchers.

28-1-2 SUBMISSION OF BUDGET REQUEST AND FINANCIAL REPORT.

(A) Annually, the Board of Park Commissioners shall submit to the City Council its budget request for the coming fiscal year itemizing in detail its statement of all expenditures required for the next ensuing year for the operation and maintenance of the park, playgrounds, swimming pool, and other facilities.

(B) Within **sixty (60) days** after the end of each fiscal year, the Board of Park Commissioners shall submit a financial report of the conditions of the Park Board, itemizing all receipts and expenditures for the preceding fiscal year and setting forth all other statistics and information that may be of assistance to the City Council in its supervisory capacity.

28-1-3 RECORDS OPEN TO PUBLIC INSPECTION AND SUBJECT TO AUDIT. All books, records, and financial statements of the Board of Park Commissioners shall be open to public inspection and shall be subject to audit at the pleasure of the City Council.

(Ord. No. 2008-007-03; 08-28-08)

ARTICLE II – CITY LAKE

28-2-1 **CITY LAKE NAMED.** The City reservoir or artificial lake was initially created for the purpose of supplying water for the City and its inhabitants and is now primarily used for recreation in the form of fishing and waterfowl hunting, and is situated north of the City is hereby named “Du Quoin City Lake”.

28-2-2 **USE OF LAKE FOR HUNTING AND FISHING AT OWN RISK.**
Any person fishing or hunting upon lake premises or using boats thereon shall use the same at their own peril, and the City shall not be responsible for any accidents upon the lake or lands adjacent thereto.

28-2-3 **LIMITS.**

(A) All persons fishing shall be limited to a daily possession of the following:

- (1) No more than **five (5)** largemouth bass below the length of **fourteen (14) inches** and **one (1)** bass longer than **eighteen (18) inches**; no possession of a largemouth bass shall be permitted in the protected slot length limit of **fourteen (14) inches to eighteen (18) inches**.
- (2) Panfish are divided into two regulations:
 - (a) Bluegill or Redear Sunfish - 25 Daily Creel limit
 - (b) White, Black or Hybrid Crappie - 25 Daily Creel limit
- (3) No more than **six (6)** channel catfish per person per day regardless of size.

(B) Fishing tournaments/competitions held at the Du Quoin City Lake per **Section 28-2-6** shall NOT be exempt from the limits as defined by (A)(1), (2), and (3). A tournament angler must follow the posted fishing regulations with no special exemptions.

(C) Fishing while wading is prohibited.

(D) No other limits in size or number of other species of fish shall be created without the consent of the City Council. Persons fishing on the Du Quoin City Lake are strongly encouraged to consider and apply good conservation practices such as “Catch and Release” in making decisions regarding keeping fish of all species.

(E) Anyone violating the provisions of this Section shall, upon conviction, be fined according to the State of Illinois penalty for each fish taken in excess of the size and/or possession limits.

28-2-4 **MOTOR LIMITS.**

(A) No boat, canoe, or other watercraft utilizing the Du Quoin City Lake for any reason shall be propelled by a motor exceeding **ten (10) horsepower** as originally rated by the manufacturer at the time of production of the motor. Operators of watercraft being propelled by motors of **ten (10) horsepower** or less, but which carry motors rated at greater than **ten (10) horsepower** shall prior to operation of the watercraft on the lake disconnect the large motor from its fuel sources.

(B) Owners of shoreline property at the Du Quoin City Lake with watercraft carrying motors in excess of **ten (10) horsepower** at time of passage of this Section shall be permitted to continue use of nonconforming motors for as long as they own the property. Furthermore, these property owners are granted the right to replace such motors with new or used motors provided the replacement motors do not exceed the horsepower of the original motor. The right to continue this nonconformance in the event of the sale of the property shall transfer to the new owner only if the boat and motor are made part of the sale. Owners of newly acquired property absent the boat and motor shall be held to the **ten (10) horsepower** standard.

(C) All boat motors of shoreline property owners must be registered with the City. Registrants shall keep a copy of the registration document aboard the boat at all times during operation.

(D) Permits issued under this Section do not authorize permit holders to operate their watercraft in an unsafe or reckless manner. The City reserves the right to revoke permits issued for this purpose should permit holders operate boats with nonconforming motors in an unsafe manner.

(E) Permits described in this Section issued to anyone convicted of violation this Section may be revoked upon conviction. Upon revocation, the previously-permitted nonconforming motor shall be withdrawn from service at Lake Du Quoin.

28-2-5 **WATERCRAFT OPERATION TO BE SAFE.** All watercraft operated upon Lake Du Quoin shall be driven safely, at reasonable speed, and with due regard for others using the lake. Racing of watercraft is prohibited.

28-2-6 **FISHING TOURNAMENTS/COMPETITIONS.**

(A) Tournaments and other competitions held at the Du Quoin City Lake shall be limited to no more than one competition per day and no more than **three (3) days** in any week. Officials of such competitions shall make reservations with the City Clerk on a first-come, first-served basis.

(B) A fee of **Twenty-Five Dollars (\$25.00)** per day of competition shall be payable to the City at the time of the reservation. Revenues generated from this fee shall be used for the purpose of Du Quoin City Lake fishery and/or facility improvement.

(C) Organizations and/or individuals sponsoring such competitions shall bear full responsibility for clean-up and maintenance. Clubs, groups, or organizations sponsoring fishing tournaments that violate City ordinances related to use of the lake may, at the discretion of the City Council, be banned from use of the lake for tournament purposes for a period of up to **three (3) years**.

(D) All tournament boats must be identifiable by the use of visible flagging or any other means so as to identify the boat as a tournament competitor.

28-2-7 **NO WAKE ZONES.** In order to reduce shoreline erosion and protect property in residential areas of the lake, bays and necks so designated with buoys shall be declared "No Wake Zones". Watercraft operating in these areas shall not generate any wakes or other surface disturbances.

28-2-8 **SWIMMING AND SKIING PROHIBITED.** Swimming in Lake Du Quoin is prohibited. Water skiing, boarding, or riding of inflatable devices towed by watercraft, is prohibited.

28-2-9 **REGULATION OF HUNTING.**

(A) No hunting shall be permitted from blinds built on the waters of Lake Du Quoin. No permanent blinds or other concealments shall be built upon Lake Du Quoin for any purpose.

(B) Waterfowl hunting during state-defined seasons shall be permitted upon the waters of Lake Du Quoin, and then only from boats that meet the limitations of this Chapter. Hunting from boats shall not occur within **one hundred (100) yards** of occupied residences. No stakes, pole, posts, pipes, or other permanent anchorages shall be placed into the lake for purposes of securing boat blinds.

(C) Decoys used for waterfowl hunting on the waters of Lake Du Quoin shall be retrieved at the conclusion of each hunt. Decoys shall not remain in the water overnight.

(D) All operators of motorized boats shall adhere to "No Wake".

28-2-10 **RELEASE OF LIABILITY TO CITY.** Any person utilizing Lake Du Quoin for any purpose under these sections by his use of the lake thereby consents to and releases the City and its duly authorized agents from any and all liability of any kind or character whatsoever.

28-2-11 ENFORCEMENT. Enforcement of this Article is herewith assigned to the Police Department under the supervision and discretion of the Chief of Police. Enforcement activities may include, but not be limited to, ramp checks and both uniformed and plain-clothes on-water inspections. Enforcement will also be allowed by personnel of the Illinois Department of Natural Resources through the enactment of an Intergovernmental Agreement between the City of Du Quoin and the State of Illinois.

28-2-12 PENALTY.
(A) Anyone violating any of the provisions of this Chapter for which no penalty is otherwise specifically provided shall be subject to a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day any violation of any provisions of this Chapter shall continue shall constitute a separate offense.

(Ord. No. 2008-007-03; 08-28-08)