

Council Bill/General Ordinance No. 3017-2022

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 23, "PARKS AND RECREATION," of the Moline Code of Ordinances, by repealing Chapter 23 in its entirety and enacting in lieu thereof one new Chapter 23 dealing with the same subject matter.

WHEREAS, the City is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, City staff has decided to do a complete review of all chapters of the Moline Code of Ordinances to correct those items that are merely housekeeping in nature; and

WHEREAS, the City Council finds that housekeeping changes are necessary in Chapter 23 of the Moline Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

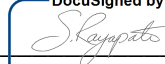
Section 1 – That Chapter 23, "PARKS AND RECREATION," of the Moline Code of Ordinances, is hereby amended by repealing Chapter 23 in its entirety and enacting in lieu thereof one new Chapter 23 dealing with the same subject matter, which shall read as attached (additions in underline; deletions in strikethrough):

Section 2 – All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 3 – This ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 4 – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS

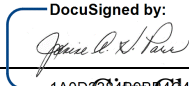
DocuSigned by:


Mayor 8916AB8EFE254D4...

July 26, 2022
Date

Passed: July 26, 2022

Approved: August 2, 2022

Attest: 

1A0D3348B8411e
City Clerk

CHAPTER 23

PARKS AND RECREATION

Note: See end of Chapter for list of Chapter amendments

Art. I. Park and Recreation Board, §23-1100 - §23-1107

Art. II. Operation of Park and Recreational Facilities, §23-2100 - §23-2103

Art. III. Watercraft, Docks and Waterways

Div. 1. In General, §23-3100 - §23-3102

Div. 2. Operation of Watercraft, §23-3200 - §23-3210

Art. IV. Cemetery Operation, §23-4100 - §23-4107

Appendix 1. Restricted Areas of Parking/Boat Ramps

ARTICLE I. PARK AND RECREATION BOARD

SEC. 23-1100. CREATED; COMPOSITION; APPOINTMENT OF MEMBERS.

There is hereby created and established a park and recreation board for the City which shall be composed of seven (7) ~~members~~ residents who shall be appointed by the mayor with the advice and consent of the City Council. Members must remain residents of the City during their tenure on the board. Not more than one (1) member of the board shall be a member of the City Council.

SEC. 23-1101. TERM OF OFFICE; VACANCIES.

The park and recreation board is a continuation of the playground and recreation board and the staggered terms of office of the members of said playground and recreation board shall be continued for their full term. Subsequent appointments shall be made for five-year terms, and members shall serve until their successors are appointed and qualified. In the case of vacancy, the mayor shall, with the advice and consent of the City Council, appoint a successor for the unexpired term.

SEC. 23-1102. COMPENSATION OF MEMBERS.

The members of the park and recreation board shall serve without compensation.

SEC. 23-1103. QUORUM.

A majority of the members of the park and recreation board shall constitute a quorum for the transaction of business.

SEC. 23-1104. ORGANIZATION.

The park and recreation board shall elect necessary officers and adopt such rules, bylaws and regulations as it may deem proper for the conduct of its work; however, said rules, bylaws and regulations shall be in writing and shall be on file with the city clerk for at least ten (10) days before same or any amendment thereto becomes effective.

SEC. 23-1105. POWERS.

The park and recreation board shall have the following powers and duties:

(1) To take charge of and operate all parks, playgrounds, cemeteries, park and recreational facilities, and any other property entrusted to it by resolution or ordinance and to have the care, custody, and supervision thereof.

(2) To acquire, in the name of the City and in accordance with the general ordinances of the City relating to purchasing, either within or beyond the corporate limits of the City, real or personal property, which is necessary, advisable, or useful for the purposes of said board by purchase, gift, exchange, or condemnation when authorized by law; provided said acquisition of real property is first approved by the City Council.

(3) To sell or dispose of real and personal property no longer needed or useful; provided, such sale or disposition shall be either with the express approval of the City Council or in accordance with the terms of any general ordinance enacted by the City Council relating to the sale or disposal of property.

(4) To adopt rules and regulations for the control and government of the facilities, properties and institutions entrusted to said board; penal rules and regulations, when approved by the City Council, shall have the force and effect of ordinances and may be enforced as ordinances when published.

(5) To appoint and employ, subject to the personnel Code of the City, such employees as may be necessary to direct and operate such facilities, properties, and institutions entrusted to and fix the compensation thereof in accordance with general compensation plans adopted by the City Council; and as may be permitted under the budget as submitted to City Council and approved each year. The director of the department of park and recreation shall be appointed by the board. The director shall be assisted by the municipal services general manager, who will coordinate park maintenance activities with the board and other municipal services.

(6) To procure such material, supplies, and equipment as is needed for the operation of the facilities, properties, and institutions entrusted to it; provided, said procurement is in accordance with the general ordinances of the City relating to purchasing.

(7) To provide for the maintenance and improvement of the facilities, properties, and institutions.

(8) To establish additional facilities and properties or branches of existing facilities, institutions, or properties; provided, said establishment is first submitted to the Moline Plan Commission for review as to locational conformance to master plans and the official map.

(9) To enter into operating, exchange of property, or sharing of property and facilities agreements with other public or private organizations for the purpose of furthering public recreational, open space and burial needs.

(10) To plat, lay out, survey, and ornament City cemetery grounds.

(11) To establish fees and charges for use of properties, facilities, and institutions entrusted to it and to assess the value of interment rights which are offered for sale and to sell and dispose of, in the name of the City, said interment rights on such terms and with such conditions for the permanent care and preservation of the cemeteries and all their parts as it may deem proper.

(12) To have such other powers as may be necessary to carry out the purposes and powers hereinabove set forth or that may be granted by law or ordinance.

SEC. 23-1106. PARK AND RECREATION FUND.

(a) There is hereby created a park and recreation fund, which shall consist of the "Park Fund," "Park and Cemetery Gift Fund," and "Perpetual Care Fund." All taxes now levied or to be hereafter levied for park, recreational, and cemetery purposes, and all moneys hereafter received from the collection of such taxes or from other sources shall be deposited in said park and recreation fund.

(b) The park and recreation board shall maintain at least four (4) accounts within said fund so that park and recreational moneys, cemetery moneys, cemetery perpetual care moneys, and trust moneys may be accounted for separately to the extent practicable, in keeping with good management practices, and as required by terms of gift, bequest, or trust.

(c) Money received for park, recreational, and cemetery purposes shall be deposited with the officer charged with control of the City's finances to the account of the park and recreation board, and the money may be withdrawn and paid out by said officer upon receipt of warrants drawn on the City treasury by said board.

(d) The board may direct the officer charged with control of the City's finances to invest money in its account in any security or instrument permitted by statute; said officer shall then determine the appropriate term and investment.

~~SEC. 23-1107. ANNUAL AND MONTHLY REPORTS.~~

~~—(a) Within thirty (30) days after the expiration of the fiscal year of the City, the park and recreation board shall make a report, as of the last day of the fiscal year, to the City Council. The report shall be in writing and shall be verified by the chairman and secretary of the board. The report shall contain the following:~~

~~—(1) An itemized statement of the various sums of money received from taxes and from other sources;~~

~~—(2) An itemized statement of the objects and purposes for which such sums of money have been expended;~~

~~—(3) A description of and statement of purpose for acquisition of real and personal property acquired by devise, bequest, purchase, or otherwise;~~

~~—(4) A statement of the character of any new, extended, or modified service that has been or is planned to be undertaken;~~

~~—(5) A statement of the financial requirements of the park and recreation board for the ensuing fiscal year and the rate of tax which will be necessary to levy for board purposes; and~~

~~—(6) Any other information and recommendations that may be of interest or which are required by the officer charged with control of the City's finances.~~

~~—(b) The park and recreation board shall make, in addition to said annual report, monthly reports to the City Council showing receipts and expenditures during the preceding month and the condition of its trust at the end of the month.~~

SEC. 23-1107. ANNUAL AND MONTHLY REPORTS.

By June 30, following the end of each calendar year, the City's Audited Financial Statements will be presented separately to the Park Board & City Council. The Audit will include the following schedules for each of the Park Funds:

- (a) Balance Sheet –Assets & Liabilities
- (b) Schedule of Revenues, Expenditures & Changes in Fund Balance - Budget & Actual
- (c) Fixed Asset Schedule – additions & deletions

Following the release of the City's previous year audit and in preparation for the upcoming fiscal year budget, the Park Director will prepare a budget request of the financial requirements for all Park Divisions for inclusion in the annual appropriation of the corporate authority, and of the amount of money which, in the judgment of the Park Board, is necessary to levy for park purposes in the next annual tax levy ordinance. The final levy distribution will be adopted by Council resolution.

ARTICLE II. OPERATION OF PARK AND RECREATIONAL FACILITIES

SEC. 23-2100. PARK AND RECREATION SYSTEM CREATED; ORGANIZATION.

(a) There is hereby established a park, supervised playground, and recreation system in the City. Said system shall be maintained and operated for the use and benefit of the citizens of the City and shall be designed to meet the open space and passive recreational needs as well as the active recreational needs of said citizens.

(b) Said system and expenditures for said system constitute a legitimate public purpose in that the public health, safety, and welfare are serviced by developing within an urban setting activities that promote healthy minds and bodies. Physical exercise, quiet retreats, development of skill in the cultural arts, and promotion of the aesthetic quality of the City are such activities and are compatible in nature to rightfully be continued in one unified system.

(c) The management and supervision of the department, and of any and all property pertaining thereto, shall be under the direction of the park and recreation board and the parks recreation director, herein designated as the director, and it shall be the director's duty to protect the same from unnecessary damage or loss and keep the department in proper running order and repair.

(d) The director shall be assisted in the administration of the department by the municipal services general manager, herein designated as the general manager, and it shall be the general manager's duty to coordinate park maintenance activities with the director and the park and recreation board; the general manager shall further coordinate the use of park employees with other municipal functions and services so as to make best use of all municipal employees and equipment.

SEC. 23-2101. PARK AND RECREATIONAL AREAS DEFINED.

(a) The park and recreation system shall consist of such property, facilities and institutions either within or beyond the corporate limits as the park and recreation board, with the approval of the City Council, may from time to time determine. The City Council has approved by a special ordinance certain properties, facilities and institutions for inclusion in said system. The properties, facilities and institutions are described in the following special ordinances: Special Ordinance No. 161, Special Ordinance No. 179, Special Ordinance No. 227, Special Ordinance No. 294, and Special Ordinance No. 306.

(b) The city clerk is hereby authorized to include in subsection (a) above, special ordinances adopted hereafter which turn over real property for jurisdiction by the park and recreation board or to cause said listing to be done without further amendment of this section.

SEC. 23-2102. RULES OF CONDUCT APPLICABLE TO ALL PARKS.

(a) The rules contained in subsections (b) and (c) below have been adopted by the park and recreation board and have been approved by the City Council. Said rules are applicable to conduct of any person within any park, playground, recreational facility, or other premises under the jurisdiction of said board and are considered supplementary to, and not in exclusion of, any other rules, provisions of this Code, or other ordinances of the City applicable to such matters.

(1) Exception : The use of trails located within the City and under the jurisdiction of the park and recreation board shall be pursuant to the rules adopted by the park and recreation board and approved by the City Council as set forth in Sec. 23-2103 below.

(b) Large parks or those containing evening program activities (BBMP, Riverside, Green Valley, Prospect, Stephens) shall be open for public use from 6:00 a.m. to 11:00 p.m. daily. Neighborhood and small parks or those offering no evening activity schedule (Peterson, McCandless, Velie, Karstens, Kiwanis, Butterworth Playground, East End, Optimist, Millennium, Sylvan Island, Browning, Jefferson, Meersman and Stephen's Square) shall be open for public use from 6:00 a.m. until sunset.

(c) No person in any park, playground, recreational facility or other premises under the jurisdiction of the park and recreation board shall:

(1) Permit unleashed or unaccompanied animals on the premises, nor allow animals to enter fenced-in areas, except for special functions, as authorized by the director.

(2) Carry or discharge firearms, fireworks, spring-loaded guns, or bows and arrows, or other weapons not designated in Section 23-2102(c)(3), unless duly authorized by City officials.

(3) Carry or discharge slings, slingshots, air guns, or other weapons not designated in Section 23-2102(c)(2), unless duly authorized by City officials.

(4) Cut, mark, break, climb upon, or in any way injure or deface trees, shrubs, plants, buildings, fences, bridges, or other structures or property on the premises.

(5) Remove from the premises sod, trees or plants or other movable property, or to pick flowers of any kind on any such premises.

(6) Race with horses, bicycles, automobiles, minibikes, motorcycles or other vehicles, boats, or animals; or drive or ride on drives on any such premises at more than fifteen (15) miles per hour, unless otherwise designated.

(7) Sell, be in possession, or be under the influence of any intoxicating beverages, hallucinogenic drugs, or marijuana, except that the sale, possession and consumption of alcoholic beverages is permitted at Green Valley as long as such sale, possession and consumption is performed in compliance with Chapter 4 of this Code and all other applicable statutes, rules and regulations.

(8) Lie or sleep on tables or benches on the premises.

(9) Distribute circulars or advertisements, or post notices, bills or other paper upon any structures or trees on any such premises, or to advertise by any other means.

(10) Take any bird eggs or bird nests; fish in the lagoons, unless permitted at such times as designated by the director or other authorities; or kill or disturb any waterfowl, birds or wildlife. Fishing is permitted at any time at designated park locations; see Sec. 23-2102(e) below.

(11) Light any fires on the property, other than in established fireplaces.

(12) Drive or park automobiles on the grassy areas.

(13) Swim in any but designated places for swimming, and only during the designated hours. Swimming is not permitted from or off of boat docks, launching areas, shorelines or any structure or item attached to park shoreline.

(14) Be on the premises, unless otherwise designated or authorized and under proper supervision, between the hours of 11:00 p.m. and 6:00 a.m. or additional hours, as set forth under Sec. 23-2102(b). The enclosed playground areas shall be opened and closed at the discretion of the park and recreation staff, and any person being found within such closed areas shall be in violation of this chapter.

(15) Be permitted to call or hold meetings or gatherings on park or recreational property without written consent by permit from the director or the City Council or refuse to vacate a property to allow use by a permit bearing group or interrupt a permitted activity in progress.

(16) Be permitted to bring into or upon park and recreational properties refuse of any kind, including undesirable plant life or discarded appliances.

(17) Enter any area or portion of any area designated as restricted by signs or notices without the consent of the director.

(18) Be allowed to display language or conduct deemed disorderly.

(19) Sell or offer to sell to any person food or refreshments, or be a vendor of any saleable products without the approval by written permit or contractual agreement with the park and recreation board or its authorized agents.

(20) Drive, operate or use any snowmobile, hover craft, minibike, motorcycle, go-cart or any other vehicle in any park of the City, except in areas specifically designated, if any, by the park and recreation board for such use.

(21) Be permitted to solicit for membership into, affiliation with, or support of, any subject, activity or organization other than park and recreation board services and activities.

(22) Provide and distribute food to any species of waterfowl within any City park.

(d) Penalty .

(1) Any person violating Section 23-2102(c)(1) shall be subject to a mandatory fine as follows: not less than twenty-five dollars (\$25.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs, and any other applicable penalty provisions of Chapter 7, "Animals and Fowl."

(2) Any person violating Section 23-2102(c)(2) shall be subject to a mandatory fine as follows: not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a first offense; not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a second offense; not more than three hundred dollars (\$300.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a third or subsequent offense.

(3) Any person violating Section 23-2102(c), subsections (3), (4), (5), (6), (10), (11), (12), (13), (14), (15), (16), (17), (19), (20), or (21) shall be subject to a mandatory fine as follows: not less than fifty dollars (\$50.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a first offense; not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a second offense; not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a third or subsequent offense.

(4) Any person violating Section 23-2102(c)(7) shall be subject to a mandatory fine as follows: not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a first offense; not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a second offense; not less than four hundred dollars (\$400.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a third or subsequent offense.

(5) Any person violating Section 23-2102(c)(8) or (c)(9) shall be subject to a mandatory fine as follows: not less than twenty-five dollars (\$25.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs.

(6) Any person violating Section 23-2102(c)(18) shall be subject to the mandatory fine and penalty provisions set forth in Section 22-2100, "Disorderly Conduct," subsection (e), "Penalty."

(7) Any person violating Section 23-2102(c)(22) shall be subject to a fine as follows: not less than twenty-five (\$25.00) plus court costs nor more than one hundred dollars (\$100.00) plus court costs.

(e) Fishing Permitted.

(1) A person may obtain a permit from the office of the park and recreation board, 3635 4th Avenue, Moline, to fish at any time at the following parks: Ben Butterworth Parkway, Sylvan Island, Green Valley Park, Sylvan Gateway Park, and Harold's Landing. Such permit is valid for the holder of the permit only.

a. The permit is good for the calendar year in which it is issued and must be carried at all times while fishing. Failure to carry a permit while in a designated park after hours shall be a violation of this Code as set forth in subsection (c)(14) and shall be punishable as provided in Section 1-1107 of this Code.

b. If a person fishing after park hours parks his motor vehicle in the parking lot of one of the above named parks, such vehicle must have a parking sticker issued by the office of the park and recreation board affixed to the left side of the rear window of the vehicle. An administrative fee will be imposed for the sticker.

c. A person fishing after park hours with a permit is required to abide by all other rules of conduct contained in this section.

(f) Smoking Prohibited. No person shall be permitted to smoke in any park and recreation area under the jurisdiction of the park and recreation board.

(1) Posting of Signs. A sign indicating "NO SMOKING" shall be conspicuously posted at every entrance of every park and recreation area where smoking is prohibited, and at all other locations within said park and recreation area as deemed necessary by the park and recreation board.

(2) Exemption. Smoking shall be permitted in all cemeteries and parking lots adjacent to all park and recreation areas under the jurisdiction of the park and recreation board.

(3) Penalty. Any person violating Section 23-2102(f) shall be subject to a mandatory fine as follows: not less than fifty dollars (\$50.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a first offense; not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a second offense; not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a third or subsequent offense.

SEC. 23-2103. TRAILS; RULES OF CONDUCT APPLICABLE TO TRAILS.

(a) Defined. For purposes of this chapter, a trail is a multi-use trail, side path, or shared use path as defined by the American Association of State Highway and Transportation Officials (AASHTO), specifically, a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or on other public property or within an easement dedicated for public use.

(b) Trails may be established for the purposes of recreation, transportation, fitness and other similar purposes. They are intended primarily for non-motorized/human-powered activities, including but not limited to, walking, running, bicycling, in-line skating, roller skating, skateboarding, skiing, and other similar activities; and for use of Americans with Disabilities Act (ADA) compliant, motorized or non-motorized devices intended for personal transport of individuals with disabilities.

(c) City Trails. Trails within the City under the jurisdiction of the park and recreation board include, but are not limited to, Ralph B. Birks Recreational Trail, Prospect Park Trails, Kiwanis Trail, Sylvan Island Trails, and Green Valley Sports Complex Trail.

(d) The rules contained in this subsection (d) have been adopted by the park and recreation board and have been approved by the City Council. Said rules are applicable to conduct of any person using any trail under the jurisdiction of said board and are considered supplementary to, and not in exclusion of, any other rules, provisions of this Code, other ordinances of the City applicable to such matters, or existing State of Illinois vehicle codes or other applicable federal, state, or local rules and regulations pertaining to trail use.

(1) No user of a trail shall:

- a. Travel at a rate of speed greater than reasonable and prudent.
 - b. Use the trail in a negligent manner that is likely to endanger persons or property. Trail users shall use common courtesy and respect the rights and safety of others. The applicable state regulations regarding the equipment required to allow the safe operation of bicycles or other wheeled vehicles during the times of day when natural light is diminished shall be applied to the trails subject to this ordinance.
 - c. Sell, be in possession, or be under the influence of any intoxicating beverages, hallucinogenic drugs, or marijuana.
 - d. Permit unleashed or unaccompanied animals on a trail; any animal present on a trail must be on a leash no longer than six (6) feet and with the owner in complete physical control at all times.
 - e. Litter, leave animal waste, or discard any other items along or near the trail.
 - f. Operate any vehicle other than a compliant vehicle, as defined as a human-powered device no wider than four (4) feet, with the exception of Americans with Disabilities Act (ADA) compliant, motorized or non-motorized devices intended for personal transport of individuals with disabilities, or equipment approved by the park and recreation board for use to maintain the trail, to provide for public safety, or specifically permitted for use by the park and recreation board.
- e. Penalty.

(1) Any person violating Section 23-2103(1)c. shall be subject to a mandatory fine as follows: not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a first offense; not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a second offense; not less than four hundred dollars (\$400.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a third or subsequent offense.

(2) Any person violating Section 23-2103(1) d. shall be subject to a mandatory fine as follows: not less than twenty-five dollars (\$25.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs, and any other applicable penalty provisions of Chapter 7, "Animals and Fowl."

(3) Any person violating Section 23-2103(1), subsections a., b., e., or f., shall be subject to a mandatory fine as follows: not less than fifty dollars (\$50.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a first offense; not less than one hundred dollars (\$100.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a second offense; not less than two hundred dollars (\$200.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs for a third or subsequent offense.

ARTICLE III. WATERCRAFT, DOCKS AND WATERWAYS

DIVISION 1. IN GENERAL

SEC. 23-3100. PURPOSE OF ARTICLE.

The intent and purpose of this article is to protect the life and safety of persons and property using navigable waters within the City, using watercraft harbors, launching ramps, piers and marinas owned or operated by the City.

SEC. 23-3101. CONDUCT OF PERSONS IN WATERCRAFT LAUNCHING OR PIER AREAS.

No person on or about any watercraft harbor, launching ramp or pier owned, operated or controlled by the City or any of its agents or agencies shall:

- (1) Deviate from the traffic pattern and priority system in attempting to launch or load watercraft.
- (2) Remain in the vehicle pulling trailer, other than a driver, during launching operations.
- (3) Fail to remove trailers and other vehicles from the launching zones and ramps as soon as watercraft is launched or removed from the water.
- (4) Park automobiles, trailers, or other vehicles within eighty (80) feet of launching ramps.
- (5) Park automobiles, trailers or other vehicles in areas other than those areas designated for parking.
- (6) Park heavy or large trucks.
- (7) Wash vehicles in parking or launching areas.
- (8) Swim in watercraft ramp or pier areas.
- (9) Light or permit fires in watercraft launching or pier areas.
- (10) Park or leave unattended any watercraft in the water within any launching zone and within twenty-five (25) feet of any launching zone.

SEC. 23-3101.1 RESTRICTED AREAS OF PARKING/BOAT RAMPS.

It shall be unlawful for any person to park any type of vehicle not actually being utilized to pull a trailer or boat in those areas specifically designated for the parking of vehicles pulling trailers and boats on the City's boat ramps, as described in Appendix 1, which is incorporated in this section as if set out fully herein. For purposes of this section, "actually being utilized" shall include the parking of said vehicle while the boat is being used, loaded or unloaded.

DIVISION 2. OPERATION OF WATERCRAFT

SEC. 23-3200. CARELESS AND RECKLESS OPERATION.

- (a) No person shall operate any watercraft in a careless or heedless manner so as to be grossly indifferent to the persons or property of other persons, or at a rate of speed greater than will permit said person in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.
- (b) No person shall operate any watercraft or manipulate any water skis, aquaplane or similar device in such a manner as to endanger the life or limb, or damage the property of any person.

SEC. 23-3201. INTERFERENCE WITH NAVIGATION.

No person shall operate any watercraft in a manner which unreasonably or unnecessarily interferes with other watercraft or with the free and proper navigation of the waterways of the state. Anchoring under bridges or in heavily traveled channels constitutes such interference, if unreasonable under the prevailing circumstances.

SEC. 23-3202. OVERLOADING.

No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other existing operating conditions.

SEC. 23-3203. INCAPACITY OF OPERATOR; INTOXICATION.

(a) The owner of any watercraft or any person having same in said person's charge or in said person's control, shall not authorize or knowingly permit the watercraft to be operated by any person who by reason of physical or mental disability is incapable of operating such watercraft under the prevailing circumstances.

(b) No person shall operate any watercraft or vessel, or manipulate any water skis, aquaplane, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.

(c) The owner of any watercraft or any person in charge or in control of such shall not authorize or knowingly permit the watercraft to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit forming drug.

SEC. 23-3204. OVERPOWERING.

No watercraft shall be equipped with any motor or other propulsion machinery beyond its safe power capacity, taking into consideration weather and other existing operating conditions.

SEC. 23-3205. OBSERVANCE OF RESTRICTED AREAS.

No person shall operate a watercraft within a water area which has been clearly marked by buoys or other distinguishing devices as a bathing, fishing, swimming or otherwise restricted area by the state, the City, or by an owner or lessee of property in accordance with said owner or lessee's rights to the use of the property; however, this section shall not apply in the case of an emergency, or to patrol or rescue craft.

SEC. 23-3206. RULES OF THE ROAD.

Watercraft shall comply with the following rules:

(1) Passing: when two (2) watercraft are approaching each other head on, or nearly so, so as to involve the risk of collision, each watercraft shall bear to the right and pass the other watercraft on its left side.

(2) Crossing: when watercraft approach each other obliquely or at right angles, the watercraft approaching on the right side has the right-of-way.

(3) Overtaking: one watercraft may overtake another on either side, but must grant right-of-way to the overtaken watercraft.

(4) Unpowered vessels: when a watercraft is approaching a watercraft propelled solely by sails or oars, the watercraft shall yield the right-of-way to the sail boat or rowboat.

SEC. 23-3207. WATER SKIING AND SIMILAR OPERATIONS.

Watercraft used for water skiing or similar operations shall comply with the following requirements:

(1) No watercraft which has in tow or is otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated or propelled in or upon any waterway, unless the watercraft is occupied by at least two (2) competent adults.

(2) No watercraft shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period one hour after sunset to one hour prior to sunrise. This subsection shall not apply to watercraft used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided.

(3) All watercraft having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(4) No person shall operate or manipulate any vessel, tow-rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any person thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing.

SEC. 23-3208. BOAT HARBOR AREA DEFINED; CONDUCT WITHIN.

(a) The following described area is specifically designated as a boat harbor area: That part of the Mississippi River which is immediately adjacent to and extends from the shoreline out into the river three hundred (300) feet from the following described territory: Commencing at a point on the north edge of the north curb of River Drive, five hundred thirty (530) feet westerly along said north edge of said north curb from the intersection of an extension of the west right-of-way line of Thirty-Fourth Street and the north edge of said north curb; thence north, parallel to said extended right-of-way line of Thirty-Fourth Street to the Mississippi River shoreline; thence westerly along said shoreline a distance of approximately one thousand six hundred sixty (1,660) feet, more or less, to the intersection of said shoreline and the line of a fence running north and south between the shoreline and River Drive; thence southerly along said fence line to the intersection of said fence line and the north edge of the north curb of River Drive; thence easterly along the north curb of River Drive, a distance of approximately one thousand six hundred sixty (1,660) feet, more or less, to the point of beginning; all of which is situated in Township 18, Range 1 West of the Fourth Principal Meridian in the City.

(b) Within the harbor area described in subsection (a), all persons shall operate watercraft at a no-wake speed, and no swimming or water skiing shall be allowed in the harbor area.

SEC. 23-3209. NO-WAKE ZONE ESTABLISHED.

(a) A no-wake zone is hereby established for that part of Sylvan Slough between 14 Street and 17 Street extended.

(b) That a wake is defined as movement of water created by a boat underway great enough to disturb a boat at rest, and under no circumstances shall a watercraft underway exceed 5 (five) miles per hour while in a posted "No-Wake" area.

SEC. 23-3210. PENALTIES FOR VIOLATION OF ARTICLE.

(a) Any person who violates any of the provisions of Section 23-3203 is guilty of a misdemeanor which shall be punishable by imprisonment in a place other than a penitentiary for a term not to exceed three hundred sixty-four (364) days or be fined an amount not to exceed one thousand dollars (\$1,000.00) or both.

(b) Any person who violates any of the provisions of this article, other than as provided in subsection (a), is guilty of a petty offense and, upon conviction therefor, shall be punished as provided for in Section 1-1107 of this Code.

(c) Any person convicted of a violation of Division 2 of this article, in addition to other penalties authorized herein, may, in the discretion of the court, be refused the privilege of operating any watercraft on any waterways located within the City for a period of not more than one (1) year. Any person who operates any watercraft during the period which said person is denied the privilege to so operate, by virtue of the provisions of this article, shall be guilty of a misdemeanor which shall be punishable by imprisonment in a place other than a penitentiary for a period not to exceed six (6) months or be fined an amount not to exceed seven hundred fifty dollars (\$750.00) or both.

ARTICLE IV. CEMETERY OPERATION.

SEC. 23-4100. MUNICIPAL CEMETERIES ESTABLISHED.

There are hereby established the City cemeteries known as Riverside Cemetery and Moline Memorial Park. All ordinances of the City describing the boundaries of Riverside Cemetery and Moline Memorial Park are hereby expressly saved from repeal.

SEC. 23-4101. GOVERNING BOARD.

The park and recreation board shall have control over said cemeteries. Said board is the successor to the Moline City cemetery board of managers, and the rules and regulations adopted by said board of managers shall continue in full force and effect until repealed, amended, or modified by said successor board. In addition, the powers listed in Article I of this chapter are intended to be broad enough in scope to include and encompass the powers formerly held by the said board of managers.

SEC. 23-4102. BURIAL PERMIT REQUIRED.

It shall be the duty of the park and recreation board, or its designee, to require the presentation of a permit as provided for in 410 ILCS 535/21, before permitting interment of a dead body in said cemeteries.

SEC. 23-4103. PERPETUAL CARE.

The park and recreation board may, in its discretion, establish a charge for perpetual care and add such charge to the price of each lot or assess and collect from grantees of interment rights in the City cemeteries, at intervals it deems appropriate, a reasonable sum for each right so owned for the purpose of keeping and maintaining the lots in good order; however, no owner of an interment right who has paid a charge for perpetual care may be later assessed for said care.

SEC. 23-4104. REQUIRED RECORDS.

The park and recreation board shall cause to be kept in books provided for that purpose a full and complete record of all of its meetings, proceedings, orders, rules and regulations; of all plats and surveys; of all purchases and sales of interment rights, with the names of grantees thereto, and a record of the title papers in full; and a complete register of all the burials in said cemeteries, with the date of burial, and names and ages of the dead, which records shall, at all proper times, be open to public inspection.

SEC. 23-4105. PLATTING.

In laying out City cemetery grounds, the park and recreation board shall cause the corners of the principal subdivisions to be indicated by substantial monuments to be fixed permanently in the ground as starting points for future measurements and surveys, and such monuments shall be plainly indicated on the plats aforesaid. The plats, when completed, shall be certified by the surveyor who made the plat; authenticated by the seal of the City; subscribed by the mayor and the city clerk; acknowledged before any officer authorized by law to take acknowledgments of deeds; and filed for record in the recorder's office of the county. The filing of such plats shall operate as a legal vacation of any former plats or subdivisions of ground and of any streets, roads, or avenues passing through said grounds. No change shall be made in the platting of lots sold, or in any laying out of the avenues or alleys adjacent thereto, without the consent of the owners thereof.

SEC. 23-4106. MANNER OF SALE OF INTERMENT RIGHTS; ASSIGNABILITY.

(a) The right of interment which may be sold, shall be vested in the grantee and grantee's heirs by a certificate of purchase, executed by and in the name of the City, subscribed and acknowledged by the mayor and city clerk, and countersigned by the secretary and treasurer of the board, and shall be recorded by the secretary or designee in a book kept for that purpose.

(b) Every transfer of interment rights in the City cemeteries shall be made by surrendering the certificate issued pursuant to subsection (a) to the secretary of the board, who shall cancel the certificate, note the cancellation on the records and issue a new certificate in lieu thereof.

(c) Interment rights in burial lots shall not be held and used for the purpose of speculation, and no grantee of interment rights shall permit interment in or upon any lot held by said grantee for compensation.

SEC. 23-4107. FINANCIAL DUTIES.

Other than the duties and powers listed in Article I of this chapter, the park and recreation board shall have the duty to maintain and report on its financial accounts as provided in 65 ILCS 5/11-52.1-1 et seq. and 65 ILCS 5/11 52.2-1 so long as there is no conflict with the provisions of this chapter.

APPENDIX 1. RESTRICTED AREAS OF PARKING/BOAT RAMPS.

It shall be unlawful for any person to park any type of vehicle not actually being utilized to pull a trailer or boat in those areas specifically designated for the parking of vehicles pulling trailers and boats on the following City boat ramp locations:

75 spots on 55th Street and River Drive.

Note: Chap. 23 repealed in its entirety; new Chap. 23 enacted; 10/21/14 – Ord. No. 3025-2014.

Said amendment, along with amendments effective prior to and following, are listed below sequentially by article, division or section number.

Code Section No. and Action	Ordinance No.	Adoption Date
Code Section No. and Action	Ordinance No.	Adoption Date
Chap. 23 repealed; new Chap. 23 enacted	3025-2014	10/21/14
Sec. 23-1100 repealed; new Sec. 23-1100 enacted	3012-2009	05/26/09
Sec. 23-1100 repealed; new Sec. 23-1100 enacted	3020-2016	06/21/16
Sec. 23-1105(5) repealed; new subsection(5) enacted	2000-01-04	01/18/00
Sec. 23-2100 repealed; new Sec. 23-2100 enacted	2000-01-04	01/18/00
Sec. 23-2102(b) repealed; new subsection(b) enacted	2000-05-12	05/23/00
Sec. 23-2102(c) repealed; new Sec. 23-2102(c) enacted	2002-08-11	09/10/02
Sec. 23-2102(c)(7) repealed; new Sec. 23-2102(c)(7) enacted	3043-2009	12/15/09
Sec. 23-2102(c)(13) repealed; new subsection (c)(13) enacted	2000-05-12	05/23/00
Sec. 23-2102(c)(22) enacted new	3054-2017	12/19/17
Sec. 23-2102(d)(7) enacted new	3054-2017	12/19/17
Sec. 23-2102(e) enacted	2003-08-03	08/19/03
Sec. 23-2103 repealed; new Sec. 23-2103 enacted	3037-2007	11/06/07
Sec. 23-3101.1 enacted	96-1-1	01/02/96
Sec. 23-3102(c) repealed; new Sec. 23-3102(c) enacted	98-10-1	10/06/98
Sec. 23-3209 enacted	97-8-5	08/12/97