

**ORDINANCE NO. 2023- **

**AN ORDINANCE OF THE CITY OF SILVIS CREATING A NEW ARTICLE 1,
SECTION 62-4 OF THE CITY OF SILVIS CODE OF ORDINANCES
REGULATING THE CITY PUMP TRACK PARK BY THE CITY COUNCIL OF
THE CITY OF SILVIS, ILLINOIS.**

WHEREAS, the City of Silvis (the "City") is a non-home rule municipal corporation located in Rock Island County, Illinois, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the City owns and maintains the Pump Track Park for the use and enjoyment of its residents and visitors; and

WHEREAS, the City has determined that the establishment of rules for the use of the Pump Track Park is in the best interest of the public;

WHEREAS, the City hereby amends Section 58-4 ("Smoking") of Chapter 58 ("Offenses and Miscellaneous Provisions"), Article I ("In General") of the City of Silvis Code of Ordinances to expand the definition of "smoking" to include certain uses of alternative nicotine products as set forth herein.

NOW THEREFORE, Be and it is ordained by the City Council of the City of Silvis, Rock Island County, Illinois as follows:

Section 1 – The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

Section 2 – Chapter 62 ("Parks and Recreation"), Article I ("In General") of the Silvis Code of Ordinances is hereby amended to establish a new Section 62-4 ("City Pump Track Park Regulations") as follows (additions in **bold and underlined** and deletions in **~~bold and strikethrough~~**):

Section 62-4. City Pump Track Park Regulations.

(a) Notwithstanding any other general provision set forth in this Article 1, the City of Silvis Pump Track Park shall be open daily to the public April 1 – October 31 from 8:00 a.m. to dusk unless otherwise posted. The Pump Track Park shall be closed November 1 – March 31 and, at the sole discretion of City staff, may be closed during inclement weather. It shall be unlawful for any person other than City personnel or other authorized person to be present within the Pump Track Park during any hours in which the Park is not open to the public.

(b) For purposes of this section, the following words will have the following meanings: "cannabis" means any substance so defined in the Cannabis Regulation and Tax Act; "controlled substance" means any substance so defined in the Illinois

Controlled Substances Act, 720 ILCS 570/100 et seq.; "intoxicating compounds" shall include all substances listed in the Use of Intoxicating Compounds Act, 720 ILCS 690/0.01 et seq.; "under the influence" means affected by cannabis, any controlled substance, or any intoxicating compound in any determinable manner. A determination of being "under the influence" can be established by a professional opinion, a scientifically valid test, a layperson's opinion or the statement of a witness or suspect.

(c) It shall be unlawful for any individual at the Pump Track Park to be in violation of any of the following rules:

1. Persons under the of 12 or who have not yet begun sixth grade may only be present within the Pump Track Park if accompanied by and under the direct control and supervision of a parent or guardian, or an individual at least 18 years of age designated by a parent or guardian.

2. No motorized or electric equipment is allowed on the pump track.

3. Secured helmets, closed-toe shoes, and shirts are required for all individuals using equipment with wheels on the pump track. Wrist guards, knee pads, and elbow pads are strongly recommended.

5. All guests must use the park in a manner that will not cause damage or create a hazard for themselves or other guests within the park

6. Waxing, metal pegs, or other items deemed inappropriate for the park use are prohibited

7. No person shall willfully deface, disfigure, tamper with, displace or remove any temporary or permanent equipment, facilities or park property or appurtenances whatsoever, either real or personal.

8. No person shall use any abusive, threatening, insulting, indecent, profane, obscene language or gestures, or engage in behavior, speech or gestures which disrupt, alarm, disturb, intimidate, or unreasonably interferes with others in the use of the pump track or creates a substantial likelihood of violence, provocation or disruption.

9. No person shall engage in behavior which unreasonably interferes with, or has the strong likelihood of interfering with, the use and enjoyment of the pump track park by another, including making ongoing noise or using personal electronic equipment at such a volume that interferes with park services or individual/s enjoyment.

10. Except in connection with a valid prescription, no person under the influence of intoxicating liquor, narcotic drug, controlled substance or cannabis shall enter, be or remain in the pump track park, nor shall any person bring within, possess, drink, sell or transfer any intoxicating liquors, narcotic drugs or controlled substances within the pump track park unless they are following the Illinois State Statutes regarding marijuana and/or cannabis.

11. Except in connection with a valid prescription, no person shall possess, bring into or use drug paraphernalia into the pump track park, except when legally permitted under the Illinois Cannabis Control Act, with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.

12. No person shall smoke, vape, or use electronic cigarettes within the pump track park.

13. No person shall carry, fire or discharge any gun, pistol or other firearm, nor have in their possession any firearm, switchblade, hunting knife, dagger, metal knuckles, club, chain, slingshot, blowgun, bow and arrow, stun gun, taser, sword, pneumatic gun, spring gun, paint ball gun, or B-B gun, or air soft gun or any device that either expels a projectile or projectiles of any kind, nor any potentially dangerous lethal instrument, harmful solid, liquid aqueous, effervescent, gaseous substance while within the pump track park. Nothing contained herein shall be construed to prevent any duly sworn peace officer, from carrying such weapons as may be authorized and necessary in the discharge of their duties. No person shall throw or cast any stones or other missiles, or any class of fireworks, sparkler, or smoke device in the pump track park.

(d) Penalties. Any person violating any provision of this Section may be penalized as follows:

- (1) Fined, unless otherwise noted, in an amount not less than \$100.00 and not more than \$750.00 for each offense.
- (2) Suspended from access to or use of the pump track park for the length of time specified in a written notice of suspension. Any person so suspended may appeal such suspension to the Playground and Recreation Board within five days after the person receives written notice of the suspension. The decision of the Playground and Recreation Board shall be final and binding.
- (3) Required to make restitution to the City for damage resulting from violation(s).

(4)The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 et seq.) are specifically incorporated in this Ordinance by reference for purposes of this section.

SECTION 3 – 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 4 – 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.

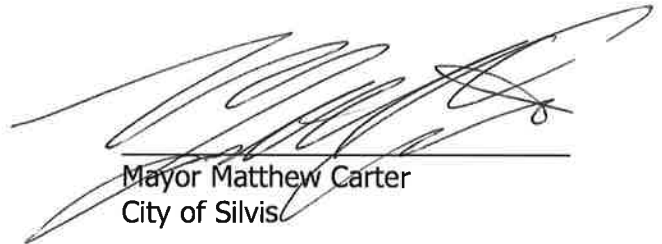
SECTION 5 – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.


Passed this 18 day of April 2023 by its Corporate Authorities

AYES 8

NAYS 0

Absent or Abstain 0


Mayor Matthew Carter
City of Silvis


Amy Malmstrom
City Clerk of City of Silvis

