

USER POLICIES FOR PARKS AND FACILITIES

(O-01-10)

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Chapter 1: Construction of Words and Definitions

1.1 - Short Title

This Ordinance regulating the use of the Parks and Property owned, operated, maintained or controlled by the Elmhurst Park District shall be known and may be cited as the “User Policies for Parks and Facilities of the Elmhurst Park District.”

1.2 - Definition of Terms

The following terms are defined to assist in the interpretation of succeeding sections:

- **“Aircraft”** means any device that is used or intended to be used for human flight in the air or is capable of flight in the air, including without limitation powerless flight.
- **“Alcoholic Liquor”** is defined as provided in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.05) from time to time hereafter amended.
- **“Area(s)”** where used means a specified place within a Park.
- **“Amusement Contraption”** where used means any device, machine or structure designed to test the skill or strength of the user or provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball-throwing contest devices, pinball-type devices, electronic games, animal ride devices, ball and hammer devices, trampoline devices, and the like.
- **“Authorization”** is defined as overt written or oral consent to an act.
- **“Board”** means the elected Board of Park Commissioners.
- **“Camping”** shall include the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag, hammock, or other bedding material for use, setting up any temporary or permanent camping equipment including, without limitation, food preparation equipment and parking of a motor Vehicle, motor home or trailer for the apparent purpose of overnight occupancy.
- **“Cannabis”** is defined as provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a)) from time to time hereafter amended.
- **“Carry”** means to wear, bear, or have on or about the Person.
- **“City”** wherever used, means the City of Elmhurst and Village of Villa Park, DuPage County, Illinois.
- **“Controlled Substance”** is defined as provided in the Illinois Controlled Substance Act (720 ILCS 570/102(f), 204, 206, 208, 210, and 212) as amended from time to time hereafter.
- **“District”** refers to the Elmhurst Park District, DuPage and Cook Counties, Illinois.
- **“District Property”** is all the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District, including, without limitation, every building, shelter, street, sidewalk, trail, path, Park, playground, wilderness or open space or other public place or facility and all District Waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by, otherwise in the possession or under the control of the District.
- **“District Waters”** shall include all water located on or adjacent to or flowing over land owned, leased or generally administered or operated by the District, including without limitation all natural or man-made lakes, rivers, creeks, streams, ponds, lagoons, bays and drainage ways. This definition includes such District Waters whether in a frozen or liquid state.
- **“Domesticated Animal”** refers to any animal which has been domesticated by man to live and breed in a tame condition or any animal which is commonly kept as a household pet, including cats and dogs, small aquatic animals, reptiles and birds which are kept in a small tank or cage, and potbellied pigs, as defined herein.

- **“Drive,” “Road” or “Roadway”** is any area designated by the District as open to the public for the purpose of vehicular travel.
- **“Employee”** where used means any employee of the Elmhurst Park District.
- The **“Executive Director”** is the Executive Director of the Elmhurst Park District as appointed by the Board and as defined by State statute.
- **“Fish” or “Fishing”** means taking or attempting to take aquatic life in or from any District Waters by any method, and all other acts such as placing, setting, drawing or using any device commonly used for the taking of aquatic life whether resulting in such taking or not.
- **“Gambling”** is defined as the payment of money or other tangible goods for a chance to win a prize.
- **“ILCS”** is the Illinois Compiled Statutes.
- **“Incite a Riot”** means, but is not limited to, urging or instigating other Persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.
- **“Leash”** is defined as a device used to restrain an animal such as a rope, leather strap, or light chain.
- **“Legal Guardian”** means any foster parent, person appointed guardian or given custody of a minor by a circuit court of this state, or person appointed guardian or given custody of a minor under the Illinois Juvenile Court Act, but shall not include any person appointed guardian only to the estate of a minor.
- **“Obscene”** is defined as set forth in 70 ILCS 5/11-20.
- **“Operator”** means a Person who operates, drives, controls, otherwise has charge of, or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.
- **“Ordinance”** means the User Policy Ordinance of the District.
- **“Parent”** shall include the father and/or the mother of a minor child, whether by birth or adoption, or shall be deemed to be the parent having legal custody of the minor in the event the parents are divorced or separated. The term “parent” shall also be deemed to mean “legal guardian.”
- **“Park”** refers to any part of an athletic field, play area, golf course, trail, swimming pool, building, or any other recreational facility; or any property or equipment owned, leased, used, or controlled by the Elmhurst Park District.
- **“Parking Lot”** is any area designated by the Elmhurst Park District as open to the public for the purpose of parking motor Vehicles.
- **“Permission of the Director”** wherever used means written permission being granted by the Executive Director.
- **“Permit”** is the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorization to a Person to do or engage in a particular act or acts on District Property, subject to the terms and conditions specified in the permit as well as all applicable federal, state, local, and District laws, ordinances, rules and regulations.
- **“Person”** is any individual, firm, partnership, group, association, corporation, governmental unit, company, or organization of any kind or any employee, agent or officer thereof. This definition shall not include the District or any authorized officer, employee (full or part-time or short-term), or agent of the District when acting within the scope of his authority.
- **“Police”** wherever used, means members of the City of Elmhurst, DuPage County, Illinois Police Department; DuPage and Cook County, Illinois Sheriffs’ Police; State of Illinois Treasurer Police; Illinois Secretary of State Police; the Village of Villa Park DuPage County, Illinois Police Department, Village of Hillside, DuPage County, Illinois Police Department; City of Berkeley, Cook County, Illinois Police Department; State of Illinois Conservation Police Department; or any other police officers qualified in accordance with applicable Illinois

Law (certified by the Illinois Law Enforcement Standards Training Board) and given authority to maintain peace, safety and order.

- **“Pollution”** means the contamination or other alteration of the physical, chemical, or biological properties of District Waters or land, including changes in the temperature, taste, color, turbidity or odor of District Waters or any discharge of any liquid, gas, solid, or other substance into or onto District Waters or Property that will or is likely to create a public nuisance or render such Waters or Property harmful or detrimental to the public health, safety or welfare, or to recreational or other beneficial uses, or to wild and domesticated animals, birds, fish or other aquatic life.
- **“Portable Grill”** is defined as a non-wood burning, charcoal, or gas grill that is or less than 22.5 inches in diameter, run off a gas cylinder that is or less than 1.6 ounces, and can be carried or moved easily by hand by one person
- **“Possess” or “Possession”** means exercising direct physical control or dominion, with or without ownership, over any kind or property, or archeological, cultural or natural resource.
- **“Posted”** wherever used means any notice which is displayed either by a sign in a Park, or a District building, or at the entrance to a Park, or is available at the Administrative Office, the location being at the discretion of the Executive Director or as defined in State statute.
- **“Refuse”** includes without limitation trash, garbage, rubbish, waste, papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded material whether solid or liquid.
- **“Riot”** shall mean a public disturbance involving (1) an act or acts of violence by one or more Persons part of an assemblage of three or more Persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other Person or to the Person or any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more Persons part of an assemblage of three or more Persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other Person or to the Person of any other individual.
- **“Services”** shall include but not be limited to labor, professional services, transportation, leasing, licensing or renting any article object, privilege, or service, giving of instructions or lessons, admission to events, use of telephone or other utilities, or any act for which payment is received.
- **“Smoking”** means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.
- **“Sound Amplification”** where used means music, speech, or any sound or noise transmitted by artificial means including, but not limited to, amplifiers.
- **“Vehicle”** means every device in, upon, or by which a person or property is transported or drawn on land, whether motor powered or self-propelled, except baby carriages or strollers, child wagons, bicycles when properly used on walks or trails, and vehicles in the service of the District.
- **“Watercraft”** means any vehicle, vessel or craft designed to move across (or through) water, including saltwater and freshwater, for pleasure, recreation, physical exercise, or commerce including, but not limited to, boats, canoes, kayaks, rafts, catamarans, windsurfers, surfboards, and jet skis.
- **“Wildlife”** shall include any waterfowl, mammal, animal, amphibian, reptile or bird or the young or eggs thereof. Wildlife does not include any animal that is specifically permitted to be on District Property by a section of this Ordinance, but such presence shall be in strict accordance with any conditions or restrictions provided in such section or as defined by any Federal or State statute.

1.3 - Construction and Scope

1. In the interpretation of this Ordinance, its provisions shall be construed as follows: (a) Where the context permits, words used in the present tense include the future, words in the plural

number include the singular number, words in the singular number include the plural number, words importing the masculine gender shall include the feminine, and words importing the feminine gender shall include the masculine. (b) The word “shall” is always mandatory and not merely directory. (c) The word “may” is always permissive and upon the discretion of the District. (d) This Ordinance is in addition to and supplemental to all applicable state, federal, local and District laws, ordinances, rules and regulations including without limitation the Park District Code (70 ILCS 1205/1-1 *et seq.*); (e) The meaning of any term, phrase, or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase, or word is otherwise defined, construed or interpreted in such applicable federal, state, local, or District laws, ordinances rules, or regulations; (f) The meaning of any term, phrase, or word not otherwise defined in this Ordinance or in such applicable federal state, local, or District laws, ordinances, rules or regulations shall retain its ordinary and properly understood meaning; (g) The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning or construction, nor be used in the interpretation of any provision of this Ordinance; and (h) An attempt to commit an act or engage in an activity prohibited under this Ordinance shall likewise be deemed prohibited in the same manner as the commission of such act or the engaging in such activity and subject to the same penalties.

2. This Ordinance shall apply to and be enforceable within and upon all District Property and shall regulate the use thereof by all Persons. However, no provision hereof shall make unlawful any act necessarily performed by any officer, employee or agent of the District.

Chapter 2: Public Use

2.1 - Public Use and Purpose of User Policies

Parks are for use by the general public as guaranteed by Federal and State law. One of the functions of the District is to acquire, protect, restore, develop and maintain a well-balanced park system with scenic, ecological, recreational and historic values for the inspiration, education, and use by the public. This Ordinance is intended to help carry out this function, as well as to regulate the use of the Parks and Property maintained by the District to provide for the safety and enjoyment of Park, facility, and program users.

2.2 - Hours of Use

1. Except as otherwise provided in this Section 2, District Property shall be open from sunrise in the morning until sunset in the evening that same day shall be closed to the public from sunset each day until sunrise the following day, except under the following circumstances:
 - a. when District staff are conducting or have issued a permit for a program, meeting, activity or providing a service; or
 - b. in any outdoor Park facility that is equipped with either functioning general area or athletic lighting (excluding security lighting) the closing time shall be extended to 11:00 p.m. when in actual use (see Appendix A in this Chapter for list of facilities).
2. The Executive Director may establish and periodically revise other hours during which District Property or any parts thereof shall be open or closed to the public.

2.3 - Special Closings

The Executive Director may close District Property or any part or parts thereof to the public at any time and for any interval of time, either temporarily or at regular intervals and either entirely

or merely to certain uses as deemed reasonably necessary and in the best interest and safety of the public and the District.

2.4 - Use of Closed Property

No Person shall trespass, use, occupy, be in, or remain upon District Property or leave any personal property in or upon District Property that is closed to the public, or after closing hours, unless permission has first been obtained from the Executive Director or his/her designee.

2.5 - Schedules, Fees, Rules, and Regulations

Time schedules for the operation of the activities to be conducted on District Property and the amount of facility and Permit and program fees may be reviewed and approved periodically by the Executive Director. As permitted by law, fees charged nonresidents of the District need not be the same as fees charged residents of the District. The Board may otherwise establish policies, rules, and regulations for the proper conduct by Persons using District Property. Specific policies, rules and regulations pertaining to District Property and programs may be posted at or on the applicable District Property and/or published in District print and electronic media or otherwise made available to the users of District Property, who shall be charged with actual knowledge thereof. All Persons shall abide by all District policies, rules and regulations and with the direct orders or requests of employees and agents of the District when using District Property.

2.6 - Admission/Identification

1. Every Person shall produce or display a Permit, pass, admission identification or membership card when requested or required to do so by an authorized person for the purpose of enforcing compliance with any federal, state, local, or District law or ordinance, rule or regulation and/or when such Permit or pass is required to engage in an activity on District Property.
2. All admission identification cards, papers and tickets are nontransferable and must be individually registered, unless otherwise specifically noted thereon.
3. Permits, passes, tickets, or membership cards may be revoked for cause at any time.
4. No Person shall use or attempt to use a revoked permit, pass, ticket, membership card, or gift certificate, and no Person shall create, use or attempt to use a forged permit, pass, ticket, membership card or gift certificate.
5. All persons shall comply with registration requirements that are established by the District.

2.7 - Lost, Found, Abandoned Property

1. No Person shall abandon any property on District Property.
2. Property left unattended for longer than twenty-four (24) hours or unattended property that interferes with any Park visitor's safety or the orderly management of the Park area, or presents a threat to Park resources may be impounded or removed by the District or the Police at any time. The owner of such property shall be responsible and liable for all costs and expenses associated with the impounding, removal, storage, or other disposal of the property.
3. Any Person finding lost or unattended property on District Property shall report the discovery to the District as soon as is practicable. Whenever a District employee or agent finds lost or unattended property on District Property, he shall report the discovery to his supervisor. The District will attempt to make every reasonable effort to locate the owner(s) of the property.
4. All items lost or misplaced that are not impounded and are found on outdoor District Property or at facilities that do not have a staffed reception desk shall be kept at the Wagner Community Center for no more than one month. Items that are not impounded and are found in indoor facilities with a staffed reception desk are kept at that location for the same period of time. After one month, any items with a retail value of over \$100 are turned over to

the Elmhurst Police Department and any other unclaimed items are disposed of or donated to a local charity.

5. If \$20 or over \$20 is found on District Property, it will be turned immediately over to the Elmhurst Police Department. If less than \$20 is found on District Property, it will be donated to the People for Elmhurst Parks Foundation.

2.8 - Building Use

No Person shall use any District building or facility for an event or activity that is not conducted or sponsored by the District unless a Permit has first been obtained from the District in accordance with Chapter 8 of this Ordinance and/or a license agreement had been executed with the District. All Persons using District buildings or facilities shall comply with the provisions of this Ordinance and with the provisions and conditions of the Permit and/or license agreement and with all other applicable policies, rules, and regulations of the District or any other agency that has regulatory authority over the District regarding the use of District Property.

Chapter 3: Regulation of Vehicles, Traffic, and Parking

3.1 - Vehicle Operation

1. In addition to the provisions of this Chapter, and to the extent not inconsistent therewith, no Person shall drive or otherwise operate a Vehicle or perform any act in any manner on District Property in violation of Chapters 11 and 12 of the Illinois Vehicle Code (625 ILCS 5/11-100 *et seq.* and 625 ILCS 5/12-100 *et seq.*) and Chapter 44 of the City of Elmhurst Municipal Code, which provisions are specifically incorporated by Ordinance by reference and a complete copy of both Vehicle Codes available for review at the District's Administrative Office.
2. No Person operating a Vehicle shall violate regulatory and speed restrictions that may be from time to time adopted by the Executive Director and posted.

3.2 - Commercial Vehicles

1. The term "commercial Vehicles" as used in this section shall include, but not be limited to, trucks, station wagons, vans, pickups, passenger cars, or other Vehicles when used in transporting Persons or movable property for a fee or profit, either as a direct charge to another Person or otherwise, or used as incidental to providing services to another Person, or used in connection with any business.
2. All Roadways on District Property shall be used for pleasure driving only. No Person other than District employees shall drive any truck, tractor or other commercial Vehicle of any kind on District Property without first obtaining a Permit, license or contract from the District.
3. This section shall not apply to commercial Vehicles making authorized deliveries to or performing authorized services for the District.

3.3 - Mini-bikes, Snowmobile, Trail Bikes, Scooters, Motorized Skateboard and Other Recreational and All-terrain Vehicles

No Person shall drive, ride, or otherwise operate any snowmobile, mini-bike, go-ped, go-cart, trail bike, Segway, scooter or any other wheeled recreational or all-terrain Vehicle on District Property. For purposes of this section, every motor Vehicle which is self-propelled by power obtained by the combustion of gasoline or by battery which is designed with a seat, footboard or a saddle for the use of the rider or to be standing on shall be deemed to be a mini-bike, go-ped, go-cart, trail bike, scooter, skateboard or any other wheeled recreational or all-terrain Vehicle. For purposes of this subsection, a snowmobile shall be defined as any self-propelled Vehicle

intended for travel primarily on snow, driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

3.4 - Vehicle Access

- A. With the exception of Police and emergency Vehicles, District Vehicles or authorized maintenance Vehicles, no motor Vehicle shall be driven or otherwise operated upon District Property except over and upon such Roadways, Drives, or Parking Lots or other areas designated or marked by the District for use by motor Vehicles. A bicycle path shall not be deemed a Roadway for the use of motor Vehicles.
- B. The Executive Director shall have authority to order Roads, Drives, or Parking Lots closed to Vehicle use during the process of construction, reconstruction or repair or for any other reason that is in the best interest of the District. No Person shall operate a Vehicle upon or in any Area, Road or Drive which has been closed unless authorized by the Executive Director.
- C. No Person shall obstruct or cause the obstruction of or interfere with travel in any Park including entrance to or egress from any building, Park, or the normal flow of traffic.

3.5 - Speed limit

No Person shall operate any bicycle, motor Vehicle, or any conveyance faster than ten (10) miles per hour on any Drive, Parking Lot, or Roadway in any Park.

3.6 - Right-of-way

All Persons operating a Vehicle shall yield the right-of-way to pedestrians in a Park or on any Park Drive, Roadway, walkway, Parking Lot, or any other designated area.

3.7 - Parking

1. No Person shall park a motor Vehicle on District Property:
 - a) other than in established or designated Parking Lots or any other designated area;
 - b) beyond the normal closing time of the Park system, except when the District has designated a different closing hour for that Area or unless permission has first been obtained from the Executive Director or his/her designee. In no event shall any motor Vehicle except District Vehicles be parked on District Property later than 11:00 p.m., except with the approval of the Executive Director or his/her designee and approval shall automatically be deemed given in connection with activities conducted, sponsored, licensed or otherwise permitted by the District;
 - c) unless the Person parking and leaving the Vehicle or a passenger in such Vehicle is a participant or spectator in a District program or activity on the premises where the Vehicle is parked;
 - d) unless the Person parking and leaving the Vehicle or a passenger in such Vehicle is permitted to park in that Parking Area through a written license agreement approved by the Board;
 - e) in violation of posted parking restrictions, directions or markings;
 - f) when occupying more than one marked space in a Parking Lot with one Vehicle;
 - g) upon any grass area or sport field;
 - h) in an entrance or exit of a public driveway;
 - i) within an intersection or on any sidewalk;
 - j) at any place or time where a permit or sticker is required for parking unless the required permit or sticker has been obtained and is displayed on the Vehicle; or
 - k) in violation of any posted directions and markings or with the directions of any attendant who may be present.
2. No Person shall park a Vehicle upon District Property for any of the following purposes:
 - a) To display such Vehicle for sale;

- b) To perform maintenance or repair of such Vehicle, except for repairs necessitated by an emergency; or,
- c) To sell goods or services from such Vehicle unless written permission has been granted by the Executive Director or his/her designee.

3.8 - Gas and Smoke

No Person shall drive or otherwise operate a Vehicle on District Property that emits excessively noxious fumes or dense smoke.

3.9 - Hitchhiking

No Person shall solicit a ride nor stand in or near a Roadway on District Property for the purpose of soliciting a ride from the operator of any Vehicle.

3.10 - Unattended Vehicles

No Person shall permit a motor Vehicle that he/she is driving or is in charge of to stand unattended without first stopping the engine and locking the ignition.

3.11 - Excessive Idling

To protect public health and the environment by reducing emissions while conserving fuel, no Person shall cause or allow a motor vehicle, when it is not in motion, to idle for more than a total of ten (10) minutes within any sixty (60) minute period.

Chapter 4: Protection of Property, Structures, and Natural Resources

4.1 - Destruction or Misuse of Property, Structures, or Natural Resources

Unless a Permit, contract or another type of formal authorization has first been obtained from the Executive Director or his/her designee, no Person shall:

1. Mark, deface, injure, damage, carve upon, break, bend, destroy, remove, cut, pluck, change, move, excavate, or attempt to injure any District plants, trees, flowers, shrubs, or Property of any kind, or any property of any other Person while such property is in any Park;
2. Climb upon, hang from, stand or sit on, any plant, tree, shrub, pole, fence, structure, except for structures designed for seating, recreational equipment or other Property of any kind designated by the District or customarily used for such purposes;
3. Drive any nail, staple, or attach or suspend any rope, wire or other material or contrivance to or from any District Property except in areas authorized for this purpose (See Section 4.5 of this Chapter);
4. Deface, destroy, cover, paint, alter, damage or remove any placard notice, or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the District to announce the rules, regulations and warnings, or any other information to the public necessary or desirable to the proper use of the Park or Park Property;
5. Tamper with, or in any way weaken, destroy, damage, or remove anything from any District owned Vehicles, machines, equipment, or facilities; or
6. Perform any maintenance or construction on, below, over or across a Park.

4.2 - Dumping, Polluting, and Littering

Unless a Permit, contract or another type of formal authorization has first been obtained from the Executive Director or his/her designee, no Person shall:

1. Discharge, litter, cast, drop, scatter, place, pile, throw, carry, drag, push, leave or deposit any:

- a. coal, ashes, placard, handbill, pamphlet, circular, book, notice, paper of any kind, ashes, snow, ice, dust, manure, rubbish, garbage, food wrappers, human or animal excrement, bottles, broken glass, containers, cans, sticks, grass clippings, landscape waste of any kind, or foreign matter in any Park except in trash or recycling receptacles provided for that purpose if the waste was generated in the Park and it is a reasonable size that would be generated from one-time general Park use. Where receptacles are not provided, are missing or are full to capacity, all such garbage, refuse or other material shall be carried away from the area of use by the Person(s) responsible for its presence and creation and properly disposed of elsewhere;
 - b. garbage, rubbish, leaves, grass clippings, brush, or miscellaneous waste from property other than District property;
 - c. injurious substances or materials into or near District Waters, air, or upon the ground or Property of any kind in any Park so as to pollute the District land, Waters, or air coursing through or over the Parks or otherwise to interfere with the proper use and enjoyment of the Park; or
 - d. refuse container, picnic table, barricade or any other movable or non-movable Property into or upon District Waters.
2. Urinate or defecate on District Property other than in toilets in restroom facilities expressly provided for such purposes;
 3. Bathe or wash oneself or another person or food, clothing, dishes, or other property at water outlets, fixtures or pools on District Property, except at those areas designated by the District for such use.
 4. Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designated to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations; or
 5. Bury the remains of any human or animal on District Property in accordance with Illinois State statutes.

Any Person violating this section may be assessed the cost of removing any such improperly deposited substance or material and such charge shall be in addition to and not in lieu of any other penalties provided for in this Ordinance or applicable federal, state, local, and/or District laws, ordinances, rules, and regulations.

4.3 - Encroachment

No Person shall:

1. Place, build, construct, or erect any scaffold, stand, private fence, drain line, tent, building, structure, platform, or any other structure or improvement of whatever kind whether stationary or moveable and whether permanent or temporary in character, or construct, run, string, or otherwise place any electrical wire, conduit or pipe or any other public service or private utility into, upon, above, across, onto, or beneath District Property, unless a Permit, license, or contract therefore has first been obtained from the District;
2. Establish a garden, plant any kind of vegetation, or distribute the seeds or spores of any flowering or non-flowering plant into or on District Property except in areas approved by the Executive Director. All such planting material shall become the property of the District; or
3. Use for storage or cause to be used for the storage of any goods, shed or other structure without written permission of the Executive Director or his/her designee.

Prior to proceeding with legal action under this section, the District shall notify the Person of the encroachment and request removal within ten (10) calendar days.

4.4 – Fires

1. No Person shall upon or in connection with any Property of the District set fire, or cause to be set on fire, any tree, brush land, grassland, meadow, prairie, slash, refuse container or

structure except as provided in subsection 2 below or with permission from the Executive Director or his/her designee.

2. Fires are permitted only:
 - a. in the picnic grills provided by the District in each group picnic area or in Portable Grills provided by the user. Charcoal grills are only permitted in locations with coal bins. To prevent fires and damage to Property, wood fires and fire pits are prohibited on District Property and Portable Grills cannot be placed onto picnic tables;
 - b. under the continuous care and direction of an adult from the time it is kindled until the time it is completely extinguished; and
 - c. when completely extinguished before leaving the site, and the coals placed in the coal bins provided by the District. A fire shall be deemed properly extinguished when its ashes, residue, coals, and unburned substances are cold to the human touch.
3. Campfires, barrel grills and grills with 20 pound or larger tanks are prohibited on all District Property without written permission of the Executive Director or his/her designee.
4. No Person shall throw or otherwise discard lighted or smoldering material in any manner that threatens, causes damage to, or results in the burning of District Property or Park resources, or creates a safety hazard.

4.5 - Posting Printed or Written Material on Public Places and Objects

1. No Person shall paint, write on, stencil, or in any way mark or deface or post or otherwise affix, any printed or written words, symbols, materials or other marks to or upon District Property or anything or object located on District Property without permission of the Executive Director or his/her designee (See Section 4.1 in this Chapter).
2. The District shall remove any printed or written word, symbol, material, or other mark found posted or otherwise affixed upon any District Property or anything or object located on District Property in violation of the provisions of this Section. The Person responsible for any such defacing, writing, or posting shall be liable for the cost incurred in the removal thereof. The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated in this Ordinance by reference and described in Chapter 9: Section 4.

Chapter 5: Specific Restrictions on Conduct and Behavior

5.1 - Weapons, Fireworks, Explosives, and Rockets

No Person, except for the Police, shall bring, attempt to bring onto, carry, have in his possession or on or about his person, concealed or otherwise use, fire, set off or otherwise cause to explode, discharge or burn or throw onto or while on District Property any bludgeon, black-jack, billy club, sand-club, sand-bag, metal knuckles, throwing star, switchblade knife, ballistic knife, any other dangerous knife (including without limitation a dirk, dagger, or stiletto), razor, broken bottle or other dangerous piece of glass, firearm, pistol, revolver, rifle, shotgun, automatic weapon, firearm silencer, air gun, pellet gun, stun gun or taser, bow and arrow, slingshot, any weapon capable of discharging a projectile by air, spirit, gas or explosive, any explosive substance, rocket, firecracker, or other firework, missile, bomb grenade, or other explosive device, liquid or gaseous substance, any other dangerous weapon, or any object whose intended use is as a weapon, not specifically named herein. All weapons named herein shall have the definitions, if any set forth in 720 ILCS 5/24-1.

5.2 - Smoking

1. The Smoke Free Illinois Act requires that all local agencies prohibit smoking in places of work or areas used by the public except in an area, if any, that has been designated as a smoking area (410 ILCS 82/1, *et seq.*). All of the Park District's indoor facilities and vehicles

have been designated as smoke free; therefore, smoking or any use of a tobacco product, including smokeless tobacco, is prohibited in all District buildings, facilities and Vehicles and within 20 feet of any entrance to a District building or facility. Each place where smoking is prohibited by this policy shall have posted at every entrance a sign clearly stating that smoking is prohibited.

2. Any person who smokes in an area where smoking is prohibited according to the Smoke Free Illinois Act shall be fined in an amount that is not less than \$100 and not more than \$250. If the District violates the Smoke Free Illinois Act, it can be fined not less than \$250 for the first violation; not less than \$500 for the second violation within one year after the first violation; and not less than \$2,500 for each additional violation within one year after the first violation (PA 95-17).
3. No Person shall possess a lighted cigarette, cigar, pipe or any other form of tobacco or similar substance used for smoking within 20 feet of a concession serving area that is part of a public facility.
4. No person shall possess a lighted cigarette, cigar, pipe or any other form of tobacco or similar substance used for smoking within 20 feet of a playground or within 20 feet of a participant in or spectator of an organized District or District affiliate group program or event occurring at an outdoor facility except at the Sugar Creek Golf Course.

5.3 - Temporary Lighting

No Person shall use temporary lighting unless permission is sought and granted by the Executive Director or his/her designee at least one month prior to the intended use and an agreement is reached on the specifications for the temporary lighting as well as the insurance coverage required.

5.4 - Noise

1. No Person shall make or cause to be made any excessively loud or unreasonable noise, which exceed the noise limits as defined in Chapter 12 of the City of Elmhurst Municipal Code. For purposes of this subsection, excessively loud or unreasonable noise is defined as noise inconsistent with or not attendant to appropriate and customary park and recreational activities, considering the nature and purpose of the Person's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonable and prudent Person under the circumstances.
2. This section shall apply, without limitation, to the loud or amplified playing of any type of audio equipment, noisemaker, public address system, amplified instrument, musical instrument, or sound equipment unless permission has been granted by the Executive Director or his/her designee in writing. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored or authorized by the District.

5.5 - Disorderly Conduct

A Person commits the offense of disorderly conduct when he knowingly:

1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb, or health;
2. Commits an act in a violent and tumultuous manner toward another whereby the property of any Person is placed in danger of being destroyed or damaged;
3. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
4. Interferes with another's pursuit of a lawful occupation by acts of violence;
5. Incites, attempts to incite, or is involved in attempting to incite a Riot;
6. Damages, befoils, or disturbs District Property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;

7. Does any act in such unreasonable manner as to alarm or disturb another and to provoke, make or aid in making a breach of the peace;
8. Uses obscene or abusive language or gestures, or threatens violence or injury to the person or property of others, in a manner intended and likely to incite or produce an immediate breach of the peace or violent or disorderly response;
9. Assembles with other Persons on District Property with the intent to restrict vehicular or pedestrian traffic or with the intent to restrict the free ingress to or egress from District Property and fails to comply with a lawful order of the Police to disperse;
10. Fails to obey a lawful order of dispersal by a Person known to him to be a peace officer or a member of the Police under circumstances where Persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm;
11. Transmits in any manner to the District or to any officer, employee or member thereof, a false alarm or report of fire, explosion, bomb, chemical or biological hazard, or act of terrorism, or a threat of a fire, explosion, bomb, chemical or biological hazard or act of terrorism, or a report of the commission or threat of a commission of any offense, knowing at the time of such transmission that there is no reasonable grounds for believing that such fire, explosion, bomb, chemical or biological hazard or act of terrorism exists or has been threatened, or that such offense has been committed or threatened; or
12. Engages in fighting, loud shouting, making threats of physical harm, or other tumultuous or disruptive behavior or refuses or fails after repeated requests to sit down or be quiet when asked to do so by the Board President or other presiding officer of the District, during any regularly or specially convened meeting of the Board or any committee, subcommittee or advisory body thereof.
13. Begs or panhandles in District buildings or facilities or on any District property.

5.6 - Aggravated Assault of a Sports Official or Coach

As defined in 720 ILCS 5/12-2, a Person commits aggravated assault when he or she knows that the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. This violation is a Class A misdemeanor.

5.7 - Aggravated Battery of a Government Official

As stated in 720 ILCS 5/12-4, a Person commits the crime of aggravated battery if, in committing a battery, the Person knows the individual harmed to be an officer or employee of a unit of local government engaged in the performance of his or her authorized duties.

5.8 - Interference with Other Uses

1. No Person shall walk, act, or conduct himself upon any portion of District Property designated for a particular game, sport, event, amusement, other use in such a way as to interfere with the use of such portion by other Persons who are properly using the same for the particular sport, event, game, amusement or other use for which it has been designated.
2. No Person shall unreasonably disturb or interfere with any Person occupying an area or participating in any activity on District Property under the authority of a Permit.
3. No Person shall engage in any activity on District Property in a manner calculated or which is reasonably likely to endanger, injure, or damage Persons or Property in any way.

5.9 - Public Indecency and Nudity

1. No Person shall wear clothing that creates a disruption of District programs and activities. The responsibility for assuring compliance with this requirement shall be on the participants themselves or, in the case of minor participants, on their legal guardian. Any Person who is

not attired in accordance with the requirements of this Section will be referred to the appropriate employee for necessary action, including, but not limited to, requiring the Person to change clothes on-site, to wear a District provided-shirt that must be returned at the end of the day, or return home and change clothes. The following shall be the dress requirements on District Property:

- a. No Person shall appear or be on any portion of District Property (other than in a shower or changing, locker or dressing rooms) in a state of nudity or undress.
 - b. Clothing worn for any District activity or program shall be suitable for the activity or program in which the Person will participate.
 - c. Clothing having slogans, pictures or emblems urging or inciting any illegal conduct or having obscene slogans, pictures, or emblems shall not be permitted.
 - d. Swimsuits worn in any District swim program shall be of modest fit and cut, as would be considered by a reasonable Person to be appropriate for a family activity.
2. No Person shall perform or commit any of the following acts on District Property:
 - a. An act of sexual conduct or sexual penetration as defined in 720 ILCS 5/12-12; or
 - b. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the Person.
 3. No Person shall knowingly exhibit, sell, offer to sell, give away, or offer to give away any Obscene book, pamphlet, movie film, paper, drawing, picture, photograph, model, cast, instrument or any other obscene or indecent article on District Property.

5.10 - Use of Restrooms, Washrooms, and Locker Rooms

1. Every Person shall cooperate in maintaining restrooms, shower rooms, changing rooms, and washrooms on District Property in a neat and sanitary condition;
2. No Person shall deposit inappropriate objects of any kind in the toilets or plumbing fixtures of a restroom or washroom, shower room, changing room, or locker room facility on District Property;
3. Only Persons under the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex when accompanied by an appropriate adult caregiver on District Property except at Courts Plus where children only under the age of two (2) are permitted in locker rooms of the opposite sex when accompanied by an appropriate adult caregiver.
4. To protect the privacy of citizens, customers or visitors, no Person shall use any electronic, mechanical, manual, electric, digital voltaic or other device, instrument or means capable of recording, producing, duplicating, reproducing, storing, copying, transmitting or displaying any visual, video, photographic, electronic, digital, recorded, or other visual image, picture or representation, including but not limited to any camera, photographic camera, video camera, fiber optic camera, motion picture camera, television camera, camcorder, or videotaping device or any cell phone of any type or kind regardless of its capacity or lack thereof to produce a visual image in any restroom, locker room, shower facility, dressing room, and bathroom in any building owned, leased to, or under the control of the Park District. Signs shall be posted in or near these facilities to inform patrons of this prohibition.

5.11 - Alcoholic Liquor

1. No Person, other than the District or its agent, shall sell or deliver any Alcoholic Liquor on District Property, unless said Person has first obtained a Permit from the District in Accordance with Chapter 8 of this Ordinance.
2. No Person shall possess, bring into, drink, consume, take, use, transfer, or carry Alcoholic Liquor on District Property without having first obtained a Permit from the District unless he is in or on District Property where the possession, consumption, use or transfer of Alcoholic Liquor is permitted.
3. Every Person possessing, using, consuming, or transferring Alcoholic Liquor pursuant to this section shall be subject to and shall comply with all applicable federal, state, local, and

District laws, ordinances, rules and regulations regarding the possession, use, consumption, or transfer of Alcoholic Liquor.

5.12 - Controlled Substances and Cannabis

1. No Person under the influence of any Controlled Substance or Cannabis shall enter into, be or remain on District Property.
2. No Person shall bring into, possess, take, use, sell, or transfer any Controlled Substance (non-prescription) or Cannabis on District Property.

5.13 - Selling/Distribution of Materials or Soliciting Fees on District Property

- a) No peddler, vendor or any other Person involved in an endeavor for profit or nonprofit activities shall engage in the commercial sale, rental, exhibition, or distribution of goods or services including, without limitation, the giving of instruction or lessons for a fee, including without limitation, tennis, golf, swimming, personal training, or other athletic lessons, upon District Property unless he has received a Permit, license or contract from the District.
- b) No Person using District Property shall collect admission fees unless permission by the Executive Director or his/her designee has been received in writing.
- c) No Person engaged in the sale or distribution of goods or services under this section shall obstruct or impede pedestrians or Vehicles, harass Park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent whether the goods or services are available without cost or donation, or interfere, interrupt, or engage in conduct incompatible with the purpose of any program, activity, function, and/or special event conducted, sponsored, licensed or otherwise permitted by the District.

5.14 - Use of District Property for Commercial Purposes

No Person shall use District Property to generate income or profit in the production of a film, video, still photograph or other product or item which is intended to be marketed, sold, conveyed or distributed for consideration or which is intended to be used in connection with the sale of a product or for training employees of a commercial business, unless a Permit has first been obtained from the District in accordance with Section 8 and Appendix B of this Ordinance.

5.15 - Cooperation with Authorities

1. No Person shall represent or otherwise pretend to be a District officer or employee unless duly appointed or employed by the District.
2. No Person shall interfere with, harass, unreasonably disrupt or delay or in any manner hinder any District employee or distract him/her from the performance of his/her duties.
3. No Person shall knowingly give a false report or false information (including, without limitation, information requested in a Permit application) for the purpose of misleading the Board, a District employee or agent in the conduct of his official duties.

5.16 - Charitable, Religious, Political, Nonprofit/Profit Activities

For purposes of this section, charitable, religious, political, or nonprofit activities shall include, without limitation, solicitation of contributions, the sale or distribution of merchandise, solicitation of votes, or circulation of petitions for or against any candidate for election to public office or with respect to any referendum or other public question.

1. Soliciting contributions for charitable, religious, political, or nonprofit organizations is permitted on District Property provided that a Permit has first been obtained from the District in accordance with Chapter 8 of this Ordinance and the City of Elmhurst Municipal Code.
2. The sale or distribution of merchandise by charitable, religious, political, or nonprofit organizations is permitted on District Property provided that a Permit has first been obtained

from the District in accordance with Chapter 8 of this Ordinance and the City of Elmhurst Municipal Code.

3. Soliciting votes and circulating petitions for or against any candidate for election to public office or with respect to any referendum or other public question is permitted on District Property without a Permit in areas open to the general public, subject to the limitations set forth in subsection (5) and (6) of this Section 16.
4. No Person shall post political signage or endorsements on District Property or public rights of way or place election material on cars parked on District Property prior to Election Day. On Election Day, political signs must be at least 100 feet from the entrance of a polling place and no electioneering is allowed.
5. No Person shall engage in any activity described in subsections (1) through (4) of this Section 16 in any room of a District building or facility in which any program, activity, class, function or special event conducted, sponsored, licensed or otherwise permitted by the District is in progress.
6. No Person engaged in any activity described in subsections (1) through (5) of this Section 16 shall obstruct or impede pedestrians or Vehicles, harass Park visitors or employees with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent what solicited funds will be used for or whether merchandise offered for sale or distribution is available without cost or donation, or interfere, interrupt, or engage in conduct incompatible with the purpose of any program, activity, function and/or special event conducted, sponsored, licensed or otherwise permitted by the District.

5.17 - Loitering in District Buildings

No Person shall loiter or remain in any District building or facility in such a manner that:

1. Unreasonably obstructs the usual uses of entrances, hallways, corridors, stairways, or rooms designated for specific purposes;
2. Impedes or disrupts the performance of official duties by District employees; or
3. Prevents the general public from obtaining the administrative, recreational or other services provided in the building or facility in a timely manner, after being requested to leave by any member of the Police or authorized District staff person, or where the District has posted a sign or signs that prohibit loitering.

5.18 - Trespassing

According to State Statute (720 ILCS 5/21-3), no person shall:

1. Knowingly and without lawful authority enter or remain within or on District Property that has been closed to the public as defined in Chapter 2 of this Ordinance;
2. Enter District Property after receiving, prior to such entry, notice, orally or in writing, from the District or its agents that such entry is forbidden;
3. Remain on District Property after receiving notice, orally or in writing, from District staff or its agents to depart.

5.19 - Camping

No Person shall place, erect, or use any hammock, swing, tent, shelter or any other type of temporary or permanent camping equipment on District Property, or otherwise camp in any manner on District Property unless a Permit has first been obtained from the District in accordance with Chapter 8 of this Ordinance.

5.20 - Parades, Public Assemblies, or Meetings

No Person shall hold or give any public gatherings or activities designed to attract the public such as a concert, exhibition, rally, meeting, assembly, ceremony, exhibition, entertainment, contest, show, exhibit, dramatic performance, drills and maneuvers, picketing, political meeting, acrobatic feat, organized sporting event, radio or television broadcast, fair, circus, parade, procession or other similar activity, where the number of participants expected may reasonably

be assumed to exceed fifteen (15) or more Persons and/or Vehicles unless a Permit allowing such activities has first been obtained in accordance with Chapter 8 of this Ordinance.

5.21 – Weddings in Wilder Park

A person can reserve the Wilder Park Formal Garden for weddings during the months between May and October. The terms for reserving the Garden are outlined in the District's Administrative Policy and Procedure Manual.

Chapter 6: Control and Treatment of Animals and Pets

6.1 - Attracting, Trapping, Catching, or Releasing Animals

1. No Person shall enter or remain on District Property with any device or animal that may be used to hunt, catch or trap animals or birds.
2. No Person shall hunt, pursue, hurt, molest, wound, kill, trap, catch, poison, abuse, chase, shoot, touch, throw or propel objects at, endanger in any way, remove or cause to be removed, or have in his possession, any Wildlife on or upon District Property, except in designated areas with permission from the Executive Director or his/her designee.
3. No Person shall bring or release onto District Property any Wildlife including, without limitation, any animal the capture or killing of which is authorized by the fish and game laws of the State of Illinois, or any other animal, except for Domesticated Animals subject to the restrictions contained in this Chapter Six. Provided, however, that the District may bring or release or permit another Person to bring or release such proscribed animals onto District Property in conjunction with an activity or event conducted or sponsored by the District or in conjunction with a zoo, museum, nature center, or similar facility controlled, maintained, permitted or licensed by the District.
4. No Person shall feed, harbor, or otherwise attract into a Park any type of wild or undomesticated animal or waterfowl, including ducks and geese.
5. No Person shall give or offer to any Wildlife any harmful, poisonous, or noxious substance on or upon District Property.
6. No Person shall touch, tease, frighten, disturb, or otherwise intentionally interfere with any Wildlife while feeding, nesting, breeding, sleeping, resting, flying or engaging in any other activity on, upon, over or under District Property, except under the authorization and approval of the Executive Director or his/her designee, in designated areas.
7. No Person shall molest, touch, throw, or propel an object at, destroy, dig up, crush, shake, or in any way tamper with or damage the nest, lair, den, burrow, or home of any Wildlife found on, upon, over or under District Property.

6.2 - Fishing

1. No Person shall Fish or otherwise take aquatic life from District Waters except in areas specifically designated and posted for Fishing by the Executive Director.
2. Any Person Fishing in any of the designated bodies of water owned or controlled by the District must have first secured a state fishing license and must comply with applicable federal, state, local, and District laws, ordinances, rules and regulations including, without limitation, conservation laws and licensing requirements.
3. The District encourages the practice of catch and release fishing. No fish are to be taken that do not conform to size or species restrictions imposed by any applicable federal, state, local or District law, ordinance, rule or regulation or that the Person chooses not to retain. This provision does not apply to common carp species. When possible, such regulations will be posted at the designated sites. However, it is the responsibility of the individual fisherman to be aware of minimum size limits.

4. Fishing in District Waters shall be conducted by means of a hook and line with the rod or line being closely attended.
5. No Person shall dig, scratch, or otherwise disturb District Property in order to locate or take bait.
6. No Person shall ice Fish on any frozen Park District waters or parts thereof.

6.3 - Bringing Animals onto Park Property

1. Except in connection with District-sponsored activities, programs, or events where it is specifically allowed or has been authorized by the Executive Director, no Person shall:
 - a. bring any domesticated or non-domesticated animals or pets into or onto any District Property where the presence of animals is prohibited except for any recognized assisting animal for the disabled that is under the control of the disabled Person;
 - b. allow any domesticated animals or pets into or onto any District Property unless said animal is on a leash no longer than six (6) feet, in the control of a Person at all times, and such Person has in his immediate possession a device for removal, and a depository for the transportation of animal excrement from such Property.
 - c. bring or leave any domesticated or undomesticated animal on a District tennis, basketball or roller hockey court or a fenced athletic facility.
2. Any owner or Person having control of any animal shall remove and dispose of, off District Property, any excreta deposited by his animal anywhere on District Property or have properly disposed of it in a container for trash or litter provided for that purpose in a similar manner.
3. Any domesticated and non-domesticated animal found loose on District Property may be apprehended and removed to an animal shelter, public pound or any other place provided for that purpose and impounded or disposed of pursuant to the laws and ordinances of the City of Elmhurst and DuPage County. The owner or Person responsible for such animal shall be responsible for all costs and expenses incurred or encumbered in the removal and housing of such animal and such charge shall be in addition to, and not in lieu of, any other penalties provided for in this Ordinance and any other applicable federal, state, local, or District laws, ordinances, rules or regulations.

Chapter 7: Restrictions Applicable to Specific Recreational Activities

7.1 - Gambling

No Person shall play or engage in selling fortunes or futures, games of chance or in any other device or game of chance, hazard or skill, either as bookmaker, dealer, player or otherwise, for the purpose of gaming or gambling for money or other valuable things on District Property, except at a fair, or other organized event conducted, sponsored or authorized by the District and with the proper permits from the City of Elmhurst.

7.2 - Amusement Contraptions

No Person shall bring in, set up, construct, manage, or operate any amusement or entertainment device or gadget, without permission from the Executive Director and in compliance with the Elmhurst Municipal Code.

7.3 - Skateboard, Roller Skates, In-line Skates, and Other Similar Devices

1. No Person using a skateboard, roller-skates, in-line skates, roller skis, coasting Vehicles, BMX-style bicycles or similar devices on District Property shall interfere with pedestrian use of sidewalks or pedestrian or Vehicle use of parking lots or Roadways and can use them only at such places and at such times as the District may designate for that purpose.

2. In designated areas, no Person shall engage in such activities in a reckless manner or otherwise act negligently or without due caution, or in any manner so as to endanger any Person or Property or at a speed greater than is safe and proper under the circumstances.
3. No Person shall operate any skateboard, bicycle, in-line skates, or other wheeled recreational conveyance upon any athletic court (including, but not limited to tennis and basketball), bench, picnic table, handrail, shelter or other structure or piece of equipment not designated for such use.

7.4 - Winter Sports

1. No Person shall use a sled, toboggan, skate, and slide or engage in similar activities on District Property except at such places and at such times as the District may designate for that purpose.
2. No Person shall engage in any such activity in a reckless manner that endangers him or others or at a speed greater than is safe and proper under the circumstances.
3. No Person shall tow, push, pull, or otherwise propel another Person on skis, sled, or other sliding device by use of any Vehicle on District Property.
4. No Person shall use downhill skis on District Property.
5. No Person shall build or manipulate ramps, jumps, large bumps or moguls on District property.

7.5 - Golf

No Person shall play or practice golf on District Property, except when involved in an established golf class under the supervision and direction of the District, or in an area designated by the District for the playing or practicing of golf and the Person has satisfied all requisites before playing or practicing including, without limitation, the paying of any applicable fees.

7.6 - Model Airplanes and Rockets

No Person shall operate model airplanes or rockets in any Park without first receiving permission from the Executive Director or his/her designee.

7.7 - Hazardous Activities

No Person shall engage in any activity, sport, game, or amusement in any Park that constitutes a hazard to Persons or any property of any Persons not participating.

7.8 - Swimming

No Person shall bathe, swim, wade, float, splash, or otherwise enter District Waters or fountains except at such times and places and in compliance with all policies, rules, and regulations as the District may designate for such activities.

7.9 - Paint Guns and Bow or Arrows

No Person shall bring, attempt to bring, carry, have on his Person, or use in any way a paint gun, bow or arrow, or crossbow on District Property unless in a directly supervised District program.

7. 10 - Watercraft

No Person shall use a canoe, kayak, row boat, paddle boat or utilize any similar watercraft in District Waters except at such places and at such times as the District may designate for that purpose.

Chapter 8: Permits and Other Authorities

8.1— Special Use Permits

1. Special Use Permits may be granted upon proper application and approval where the applicable section of this Ordinance or any other District ordinance, policy, rule, or regulation requires a Permit in order to engage in a particular park or facility use.
2. Every Person requesting a Permit must complete and file a written application with the Executive Director or his/her designee, on forms provided by the District and submit applicable application fees at the Wilder Administration Building, Abbey Registration Office, Wagner Community Center and other appropriate locations. The application shall be dated and time stamped as received.
3. Except as provided in subsection 3 (a), applications for Permits must be submitted to the District at least thirty (30) business days prior to the activity for which a Permit is sought except for activities which involve the exercise of First Amendment rights in which applications to the District must be submitted at least forty-eight (48) hours prior to the activity for which a Permit is sought.
 - a. This application deadline shall not apply to applications for Permits under Chapter 5: Section 14 (Commercial Use of Park Property); Chapter 5: Section 13 (Selling and Distribution of Materials); and Section 1: Number 12 of this Chapter 8 (Picnic Permits).
 - b. For the purposes of this Section 8, the term “exercise of First Amendment rights” shall include, without limitation, parades, marches, demonstrations, rallies, religious services, speeches, solicitation of votes, petition signatures or contributions, picketing and leafleting or as defined by the United States Supreme Court.
4. The Executive Director or his/her designee approves all Special Use Permit applications. The District will respond to an application for a Permit within seven (7) business days from the time of the application’s receipt. However, for applications under Chapter 5: Section 11 (Alcoholic Liquor) and Chapter 5: Section 13 (Selling and Distribution of Materials), the District shall have at least fourteen (14) business days from the time of the application’s receipt to review the application. However, the District reserves the right to take additional time to review any application. If the District determines that it will exercise this right, it shall notify the applicant within forty-eight (48) hours after the District’s receipt of the application.
5. Except as provided in subsection 5(f), the District will issue the requested Permit without unreasonable delay subject to the necessity of an investigation of whether:
 - a) the proposed activity violates any federal, state, local, or District law, rule, or regulation; or,
 - b) a prior application for a Permit for the same date, time, and location has been or will be granted and the activities authorized by that Permit do not reasonably allow multiple occupancy of that particular area; or,
 - c) the proposed activity is of such a nature that it cannot reasonably be accommodated in the particular location applied for, considering, without limitation, the likelihood of such things as damage to Park resources or facilities, damage to an environmentally sensitive or protected area’s ecosystem, impairment of a protected area’s atmosphere of peace and tranquility, unreasonable interference with District functions, buildings, facilities, operations, programs or activities, or unreasonable interference with the District Property applied for; or,
 - d) the proposed activity would substantially impair the operation or use of facilities or services of District concessionaires or contractors; or,
 - e) the proposed activity would so dominate the use of District Property as to preclude other Persons from using and enjoying the Park.
 - f) This subsection 5 is not applicable to applications for commercial activity permitted under Chapter 5: Section 14 of this Ordinance or to Permits for the sale or delivery of

Alcoholic Liquor under Chapter 5: Section 11. The District reserves the right to exercise its discretion in issuing Permits under Chapter 5: Sections 11 and 14.

6. If the application is approved, the District will issue a written Permit to the applicant. If the application is denied, the District shall issue the applicant the reasons for denying the application in writing. If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration, or time of the activity, the District will make an effort to arrange an alternative that is acceptable to all parties. If an application is denied or the applicant is dissatisfied with such Permit as issued, he/she may appeal the decision to the Board at the next regularly scheduled Board meeting after the decision is rendered. If the Board rejects the appeal after full review, or if time for full review is not available, the applicant may appeal the decision to the appropriate state or federal court. All other decisions on the issuance of Permits by the District are final.
7. Any Permit granted by the District may contain lawful prerequisites prior to or after issuing of the Permit and restrictions on the conduct of the permitted use including without limitation: payment of a reasonable fee; provision of general liability insurance coverage; an agreement to fully indemnify and hold the District harmless from any liability or costs resulting from the use; a requirement that the Persons involved in the use observe all federal, state, local, and District laws, ordinances, rules, and regulations; time, duration, and location restrictions; restoration deposit; a written agreement by the applicant to fully restore any District Property soiled or damaged by the use; and, any reasonable restriction necessary for the efficient and orderly administration of the use, other uses with a Permit, and regular District uses, functions, programs, and activities.
8. No Permit shall be issued for a period of more than three (3) consecutive calendar days. A Permit may be extended for the same periods of time upon a new application, unless another Person has requested use of the same location and multiple use of that location is not reasonably possible. This subsection shall not apply to Permits granted under Chapter 5: Section 13 (Selling and Distribution of Materials) or Section 3(b) of this chapter. For Permits granted under those sections, the District shall determine the length of time that a Permit will be valid.
9. Violation of any of the terms and conditions of any Permit issued by the District and/or facility rules, by the applicant, or any agent, servant, employee, participant of the applicant, may result in closure of the event, loss of deposit, and/or additional fees.
10. For uses involving the exercise of First Amendment rights, the District may waive any application or permit fees if the applicant demonstrates that the cost of such fees are prohibitive. The District may also waive any application or permit fees for governmental units or community organizations within District boundaries. An applicant must request a waiver in writing.
11. The programs and activities of the District and permitted groups shall have priority over all other uses of District Parks and facilities. Any Person using any facility, or any portion thereof, which may be reserved by obtaining a Permit, but who has not obtained such a Permit, shall vacate said area when the holders of a valid Permit present themselves. When no Permit has been issued, then the use of such Areas shall be on a first come, first serve basis consistent and compatible with their intended use. The District further reserves the right to restrict use of all Areas when conflicts arise with scheduling, maintenance, public safety, or other reasons beyond or under the District's control.
12. Permits are required for picnic groups with over 100 attendees and large-scale events (i.e. craft fair, parade, run/walk, concerts, overnight camping, events with tents and structures, etc.) For groups under 100 people, the Executive Director or his/her designee may grant a Picnic Permit that allows any Person to reserve picnic areas and shelters as long as the applicant meets the conditions as set forth in District policies and pays all applicable fees. Some of the requirements for the application process including, but not limited to, the application deadline and fees, are different than the process for a Special Use Permit as described in this Section 1 of Chapter 8. Specific guidelines pertaining to Picnic Permits are found in Appendix B of this Chapter.

8.2 - Insurance and Hold Harmless Agreement

1. Except as provided in subsection 1(a), every applicant for a Special Use Permit shall acquire general liability insurance to protect himself and the District from liability resulting from his use of District Property and provide proof of such insurance to the District before the District will issue a Permit to an otherwise acceptable applicant in the coverage amounts recommended by the Park District Risk Management Agency. The District must be named on the general liability insurance as additionally insured. Where possible, an applicant may purchase a rider to the District's insurance policy.
 - a. For activities involving the exercise of First Amendment rights, the District may waive the requirement of insurance if the applicant demonstrates that he or his organization cannot procure general liability insurance or that the cost of procuring such insurance or acquiring a rider to the District's insurance policy is prohibitive. An applicant must request a waiver in writing.
2. Every applicant must execute and deliver to the Park District an agreement to indemnify and hold the District harmless from legal liability, property damage or injury to Persons caused by the negligent or unlawful acts of the applicant or any member, volunteer, employee, agent, participant, or other Person associated with the applicant or his group or organization, which will be provided by the District.

8.3 - Restoration Deposit

- 1) The District will require payment of a restoration deposit as a prerequisite to the issuance of certain types of Permits. The District shall refund the deposit if the Person responsible for the permitted use restores District Property to the condition it was in prior to use to the District's satisfaction. If the District is required to clean up or restore District Property after the permitted use, the Person responsible for the permitted use shall pay the District for all costs and expenses associated with the clean up and restoration. The cost of the cleanup and restoration shall be deducted from the restoration deposit. If there are any funds remaining after the cleanup and restoration costs have been paid, they shall be returned to the permittee. If the costs and expenses for the cleanup and restoration exceed the amount of the restoration deposit, the District reserves the right to bill the permittee and to pursue any and all legal options for the collection of any and all damages.
- 2) The District may accept a written agreement to clean up and restore District Property after the permitted use if the applicant can demonstrate that payment of a restoration deposit would create an undue financial hardship. If the permittee does not satisfactorily perform according to the agreement, the District reserves the right to bill the permittee, discontinue future use and pursue any and all legal options to remedy the situation.

8.4 - Other Authority

Activities otherwise prohibited under this Ordinance, or any other District ordinance, policy, rule, or regulation may be conducted or engaged in by a Person, his agents, and/or employees, if done in strict conformance with the provisions of an agreement with the District that has been duly authorized by the Board.

Chapter 9: Enforcement

9.1 - Police Enforcement

1. The Police shall be the conservators of the peace on District Property, and shall be responsible for the enforcement of all federal, state, local and District laws, ordinances, rules, and regulations on District Property.
2. The Police shall have the authority to eject from District Property, arrest, or issue citations to any Person who violates any applicable federal, state, local, or District law, ordinance, rule, or regulation on District Property.

9.2 - Rules to be Obeyed

No Person shall violate or disobey any provision of this Ordinance or any other District ordinance, policy, rule or regulation regulating conduct or activities on District Property even though the same may not have been posted. No Person shall violate or disobey the directions or instructions contained in any notice or sign posted by the District relating to the use of District Property, to the directions or instructions of any member of the Police, or any employee of the District seeking to enforce compliance with federal, state, local, or District laws, ordinances, rules or regulations. District staff have the right to eject from District Property any Person who violates federal, state, local, or District laws, ordinances, rules or regulations.

9.3 - Parties to Ordinance Violation

1. Every Person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act in violation of this Ordinance or other ordinance, rule, or regulation of the District, as principal, agent, or accessory, shall be guilty of such offense, and every Person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Ordinance is likewise guilty of such offense.
2. Any Person who is the owner, registered owner, or Person in control of any animal, Vehicle or other property of any kind brought, placed, parked or allowed to remain on District Property in violation of this Ordinance or other District ordinance, rule, or regulation, shall be deemed prima facie responsible for such violation and shall be subject to the penalties provided herein.
3. It is unlawful for the owner or any other Person employing or otherwise directing the operator of any Vehicle, to request or knowingly permit operation of any such Vehicle on District Property in any manner contrary to this Ordinance.

9.4 - Revocation of Privileges, Fines

Any Person violating or disobeying any section or part thereof of this Ordinance, or any other ordinance, rule or regulation of the District may be fined not less than \$25 nor more than \$1,000 for each offense, may be forthwith evicted from District Property, or may have his admission rights to District Property suspended, terminated or revoked. Fines may be recovered by an action in the name of the District in the Circuit Court for the 18th Judicial Circuit if not paid by the Person committing the offense after a judgment has been entered in Court of the issuance of the notice of the violation, specifying the amount of the fine. The procedure in such actions shall be the same as that provided by law for like actions for the violation of ordinances in cities organized under the general laws of the State of Illinois. The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated into the Ordinance by reference for purposes of this section including that actual damages may not exceed \$20,000 for the first act or occurrence of such willful or malicious acts by the minor causing the injury to a person or property and \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence, in addition to taxable court costs and attorney's fees. Reasonable attorney's fees may be awarded up to \$15,000 for a governmental unit.

9.5 - Restitution

In addition to or instead of, the fines and penalties provided for in Section 4, any Person violating or disobeying any section or part of this Ordinance, or any other federal, state, local, or District law, rule, or regulation, may be required to make restitution for damages resulting from such violation(s). The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated into the Ordinance by reference for purposes of this section.

9.6 - Non-Exclusivity of Penalties

The penalties provided for in this Chapter 9 are in addition to, and not exclusive of, any other remedies available to the District as provided by applicable law. Each of the penalties provided for in this Chapter is not exclusive of any of the other penalties provided in this Chapter and such penalties may be imposed singly or in any combination permitted by law.

Chapter 10: Publication and Effective Date

10.1 - Publication in Book Form

In lieu of other publications, this Ordinance shall be published in book or pamphlet form, and when so published, shall become effective with the same force and effect as if otherwise published. Such book or pamphlet shall be received as conclusive evidence of the passage and legal publication of this Ordinance in all courts and other places without further proof of the passage and publication of this Ordinance.

10.2 - Effective Date

This Ordinance shall take effect and be in force ten days after the date of its passage, approval and publication in book or pamphlet form as provided for herein.

Appendix A: List of Outdoor Facilities Open until 11:00 pm.

1. Norman P. Smalley Pool
2. East End Pool
3. Butterfield #1 ball diamond
4. Plunkett #1,2,3 ball diamonds
5. Berens #1,2,3,4,5 ball diamonds
6. Berens Synthetic Turf Fields C & D
7. Butterfield Tennis Courts
8. Berens Tennis Courts
9. Berens Sled Hill
10. Crestview Sled Hill
11. Eldridge Sled Hill
12. Berens Park Volleyball Courts

Appendix B: Guidelines for Picnic and Commercial Use Permits

B.1 - Picnic Area Rental

The District has designated group picnic sites at Butterfield, Berens, East End, Salt Creek and Wilder Parks that can be reserved from mid-May to mid-October. A group picnic site is defined as having at least five picnic tables in close proximity, adequate trash barrels, a grill and coal bin, and a restroom within walking distance. If a group wants exclusive use of a group picnic area, a permit is required regardless of the size of the requesting group. All picnics having over 100 attendees require a Special Use Permit (see Section 8: Permits and Other Authorities).

The number of individuals at a group picnic area cannot exceed the maximum carrying capacity of the group picnic area as determined by the District. The maximum carrying capacity is the approximate maximum number of picnickers that an area is able to accommodate. Refer to the summary of group picnic facilities in the District's Picnic Area Guide for group picnic area locations, capacity, amenities, regulations, etc. available at the Wagner Community Center.

A. Reservation Process

Requests for picnic reservations for resident groups are accepted starting on the first business day in January. All resident picnic requests received before 8:00 a.m. on the third Monday of

January will be processed at random. After this process is completed, resident picnic requests are processed on a daily basis. Non-resident picnic requests are accepted on the first business day in February.

B. Permits and Fees

Permit fees for resident groups are charged for Saturdays, Sundays, and holidays. To receive the resident rate for the permit, the person(s) applying must be a District resident and present at the picnic site. A District resident is an individual who resides within District boundaries.

Permit fees for non-resident groups (including non-resident school groups) are higher than for resident groups and are charged for all days of the week at non-resident rates.

The most current picnic rates are detailed on a rate schedule available at The Abbey Registration Office, Wagner Community Center, and District website. The District does not grant refunds for permits due to cancellation, inclement weather, etc.

B.2 - Commercial Use of Park Property

For purposes of this policy, "commercial use" is defined as the for-profit or non-profit production of a film, video, still photograph or other product or item which is intended to be marketed, sold, conveyed or distributed for consideration or which is intended to be used in connection with the sale of a product or for training employees of a commercial business.

All applicants must show clearly that the applicant has made satisfactory arrangement to meet the following concerns of the District:

1. Protection of the environment and the physical condition of park lands, vegetation and facilities, including restoration of the site if required;
2. Minimized disruption of public use and public enjoyment;
3. Avoidance of public safety hazards, public nuisance and public health problems, including engaging the services of park and public safety personnel during park use if necessary;
4. Limiting the Park District's potential liability exposure; and
5. Reimbursement to the Park District for damage to Park Property.

A. Application

Persons seeking to use Park property for commercial purpose apply on forms provided by the District. Applications must be completed in full, and all other documentary evidence required must be provided including a certificate of insurance as required by the District's insurance provider, The Park District Risk Management Agency. The Permit application shall include, but is not limited to, the number of people to be used in filming, equipment to be used, the areas requested, date and start and end time requested, hold harmless agreement, insurance requirements, and any additional requirements the permittee has for the use of the property.

B. Fees

It is the policy of the District to charge fees for commercial use of Park Property and the most current rate information can be requested at the Wilder Administration Office. These fees are determined by the Executive Director on a case-by-case basis depending on the nature of the use. The entire fee must be paid prior to use.

The District may, in its sole discretion, waive or reduce the required fee with respect to commercial use under the following circumstances; (a) where the use or product derived or made from such use is for educational or instructional purposes in Park District or local school programs; or (b) the use furthers (directly or indirectly) or the proceeds from the sale or

distribution of the product derived or made from such use are in support of a public purpose; or (c) the use or product of such use is made by a not-for-profit organization which is affiliated with the Park District or the majority of whose members are residents of the Park District; or (d) the use is for the production of a commercial film made by a local business or video for viewing exclusively on a local cable television station; or (e) the user donates/barters or contributes something of at least equal value to the Park District; or (f) the waiver or reduction of fee is otherwise determined by the Executive Director to be in the best interest of the Park District.

In addition to the foregoing fees, the Park District will charge for items as applicable, such as electricity, labor for clean-up, required security or supervision, and rental charges for any Park District equipment required by the permittee, at rates established by the Park District. Further, depending on the nature/duration of the proposed use, the Park District may require a security deposit.