



**Park and Facility Use Ordinance**  
*Revised and Approved December 2015*

**(Revised 10/17)**

# PARK AND FACILITY USE ORDINANCE (O-14-15)

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**ELMHURST PARK DISTRICT  
ORDINANCE NO. O-14-15**

**AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS FOR THE GOVERNMENT AND PROTECTION OF ALL PARK DISTRICT PROPERTIES AND PATRONS, AND TO PROMOTE OPTIMUM USAGE AND ENJOYMENT UNDER THE CONTROL OF THE BOARD OF PARK COMMISSIONERS OF THE ELMHURST PARK DISTRICT.**

**WHEREAS**, the Elmhurst Park District, DuPage and Cook Counties, Illinois (the "District"), is a duly organized and existing Park District created under the provision of the laws of the State of Illinois, and is now operating under the provisions of the Park District Code of the State of Illinois, and all laws amendatory thereof and supplementary thereto (the "Park Code"); and,

**WHEREAS**, the District finds it necessary to amend the rules and regulations for the government and protection of all Park District properties and patrons under the control of the Board of Park Commissioners of the Elmhurst Park District; and,

**WHEREAS**, the District is desirous of providing functional, safe, and aesthetic parks, facilities, and programs for patrons such that optimum levels of usage and enjoyment are maintained; and,

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF PARK COMMISSIONERS OF THE ELMHURST PARK DISTRICT, DUPAGE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section 1:** The foregoing preamble to this Ordinance and the contents of the Park and Facility Use Ordinance is hereby incorporated in its entirety in the Ordinance.

**Section 2:** Except as otherwise provided herein, this Ordinance shall be in full force and effective forthwith upon its adoption and approval as provided by law.

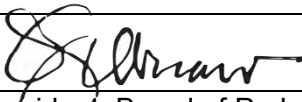
**Section 3:** Park and Facility Use Ordinance (attached)

Adopted by roll call vote this 16th day of December 2015.

Ayes: Commissioners Ennis, Graf, Kies, Morissette-Moll, Pelosi, Spaeth, and Ubriaco

Nayes: None

Absent: None

  
\_\_\_\_\_  
President, Board of Park Commissioners  
of the Elmhurst Park District

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Park Commissioners of  
the Elmhurst Park District

**(S E A L)**

## **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 (Amended on August 28, 2017)**

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

- **"Aircraft"** means any device that is used, intended or designed to be used for human flight in the air or is capable of flight in the air, or to navigate 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.
- **"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.
- **"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.
- **"Child Sex Offender"** has the meaning ascribed to it in subsection (d) of Section 11-9.4 of the Illinois Criminal Code (720 ILCS 5), but does not include as a sex offense under paragraph (2) of subsection (d) of Section 11-9.4, the offenses under subsections (b) and (c) of Section 12-15 of the Code.
- **"City"** shall mean, excepted as otherwise specified, either the City of Elmhurst, DuPage and Cook Counties, Illinois or the Village of Villa Park, DuPage County, Illinois, depending on which municipality has jurisdiction over the respective District Property.
- **"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"** or **"Park 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 a person to live and breed in a tame condition or any animal which is commonly kept as a household pet, including but not limited to cats and dogs, small aquatic animals, reptiles and birds which are kept in a small tank or cage, and potbellied pigs.
- **"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.
- **“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 Parent, 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 720 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 this Use 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.
- **“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 County, Illinois Sheriffs’ Police; State of Illinois Treasurer Police; Illinois Secretary of State Police; the Village of Villa Park, DuPage 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.
- **“Pollute”** 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, or as otherwise defined by state or federal law, 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 (with less than a 20 pound tank) that is 22.5 inches or less in diameter 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.

- **“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.
- **“Sexual Predator”** has the meaning ascribed to it in subsection (E) of Section 2 of the Sex Offender Registration Act (730 ILCS 150/1 *et seq.*).
- **“Smoking”** definition “Intentionally Omitted”
- **“Tobacco”** is defined to include any lighted or unlighted cigarette, including but not limited to clove, bidis, or kreteks, electronic or e-cigarettes, cigars, cigarillos, pipes, hookah products, and any other smoking products; and any smokeless, spit or spit-less, dissolvable or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form; and all nicotine delivery devices that are not FDA-approved as cessation products.
- **“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 Domesticated Animal or other 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 in accordance with 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 in order 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 2.2, 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 Ordinance for the list of these 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 or his/her designee 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 as deemed reasonably necessary, or for the public's health, safety or welfare, or as otherwise deemed is in the best interest of the public and/or 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, without written authorization 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, and 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. Property so impounded shall not be returned to the owner(s) thereof until such Person(s) provides the District with acceptable proof or evidence of ownership and until such Person(s) has reimbursed the District in full for all costs and expenses associated with the impounding, removal, storage, or other disposal of the property.
3. Any motor Vehicles towed and/or impounded shall be disposed of in accordance with applicable Illinois law.
4. 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/she shall report the discovery to his/her supervisor. The District will attempt to make every reasonable effort to locate the owner(s) of the property.
5. All items lost or misplaced that are not impounded in accordance with subsections 2 and 3 above, and found on outdoor District Property or at facilities that do not have a staffed reception desk shall be kept at the Wagner Community Center, The Hub or Courts Plus for no more than thirty (30) days. Items that are not impounded in accordance with subsections 2 and 3 above, and are found in indoor District facilities with a staffed reception desk will be kept at that location for thirty (30) days. After thirty (30) days, 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 as determined by the District in its sole discretion.
6. 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 - Use of District Property**

No Person shall use any District Property 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 Property 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.*); Chapter 44 of the City of Elmhurst Municipal Code; and Chapter 14 of the Village of Villa Park Municipal Code, which provisions are specifically incorporated by Ordinance by reference. A complete copy of the Vehicle Codes available for review at the District's Administrative Office.

2. No Person operating a Vehicle shall violate regulatory and speed restrictions, which may from time to time, be adopted by the Executive Director and posted.
3. No Person shall drive or otherwise operate a Vehicle on District Property negligently, recklessly or without due caution, or in any manner so as to endanger any Person or property. All Vehicles shall be driven or otherwise operated on the right side of any roadway open to travel, except when passing other Vehicles.

### **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. 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 - 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, saddle, or footboard 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, motorized 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**

1. 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.
2. The Executive Director or his/her designee 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 or his/her designee.
3. 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. No Person shall drive or otherwise operate a Vehicle on District Property at a speed which endangers the safety of any other Person or property.

### **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, crosswalk, intersection or any other designated area.

### **3.7 - Parking**

1. No Person shall park a Vehicle on District Property in other than established or designated parking areas, and such shall be in accordance with the posted directions and markings or with the directions of any attendant who may be present.

2. No Person shall park a Vehicle on District Property beyond the normal closing time of the Park system, except when the District has designated a different closing hour for that area or with written or verbal authorization of 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 written or verbal authorization of the Executive Director or his/her designee; said approval shall automatically be deemed given in connection with activities conducted, sponsored, licensed or otherwise permitted by the District.
3. No Person shall park a Vehicle on District Property unless: a) 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; or 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.
4. No Person shall stop, park, or place any Vehicle on District Property so as to obstruct or interfere with traffic or travel or endanger the public safety.
5. No Person shall stop, park, or place any Vehicle on District Property, except when otherwise designated or to avoid conflict with other traffic or when in compliance with the direction of the Police at the following locations:
  - a) in violation of posted parking restrictions, directions or markings;
  - b) when occupying more than one marked space in a Parking Lot with one Vehicle;
  - c) upon any grass area or sport field;
  - d) in an entrance or exit of a public driveway;
  - e) within an intersection or on any sidewalk;
  - f) 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;
  - g) in violation of any posted directions and markings or with the directions of any attendant who may be present;
  - h) on the left side of any Roadway;
  - i) in front of a public or private driveway;
  - j) within any crosswalk;
  - k) within 20 feet of any intersection or crosswalk;
  - l) within 30 feet of any stop sign or traffic control signal other than in parking;
  - m) in a position to block another Vehicle lawfully parked;
  - n) within 15 feet of a fire hydrant;
  - o) in a fire lane or within 8 feet of the entrance to a fire lane;
  - p) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - q) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  - r) upon any bridge or other elevated structure upon a roadway, or within a roadway tunnel;
  - s) on any railroad tracks or within 50 feet of the nearest rail of a railroad crossing;
  - t) on a controlled-access roadway;
  - u) in the area between roadways of a divided highway, including without limitation crossovers; and
  - v) in any other area as prohibited by the City/Village.
6. 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 without written authorization from the Executive Director or his/her designee.

7. Every Person in whose name a Vehicle is registered pursuant to law and who leases such Vehicle to others, after receiving written notice of a violation of this Ordinance involving such Vehicle, shall upon request provide the District with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such Vehicle.
8. No Person who is the lessor of a Vehicle pursuant to a written lease agreement shall be liable for the violation of any parking or standing regulation of this Ordinance involving such Vehicle during the period of the lease provided that upon the District's request received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The driver's license number may also be requested by the District if needed for enforcement of this Ordinance.
9. No Person shall move a Vehicle not lawfully under his/her control into any such prohibited area or away from a curb such distance as is unlawful.
10. Except as otherwise provided, every Vehicle stopped or parked upon a two-way Roadway on District Property shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
11. Except as otherwise provided, every Vehicle stopped or parked upon a one-way Roadway on District Property shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
12. Penalty Provisions for Parking Violations
  - (a) Whenever any Vehicle shall have been parked in violation of any section of this Ordinance prohibiting or restricting vehicular standing or parking, the Person in whose name the Vehicle is registered with the Secretary of State of Illinois shall be prima facie responsible for the violation and subject to the penalty therefor.
  - (b) Whenever any Vehicle is parked in violation of any parking provision of this Ordinance, any law enforcement officer observing such violation may issue a parking violation notice, and serve the notice on the owner of the Vehicle by handing it to the Operator of the Vehicle, if he/she is present, or by affixing it to the Vehicle in a conspicuous place. The issuer of the notice shall specify on the notice his identification number, the particular parking regulation allegedly violated, the make and state registration number of the cited Vehicle, and the place, date, time, and nature of the alleged violation and shall certify the correctness of the specified information by signing his name to the notice.
  - (c) A parking violation notice issued, signed, and served in accordance with this section, or a copy of such notice, shall be deemed prima facie correct and shall be prima facie evidence of the correctness of the facts shown therein. The notice or copy thereof shall be admissible in any subsequent administrative or legal proceeding.
  - (d) Any violation of the parking provisions of this Ordinance or any provision of the Illinois Motor Vehicle Code prohibiting or restricting vehicular standing or parking shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in this Ordinance, shall be imposed.
  - (e) Any Person who violates or fails to comply with any provision of this section shall be fined in accordance with the fines established by the respective City's municipal code. Any Person on whom a parking violation notice has been served shall either pay the indicated fine or, in the manner indicated on the notice, request a hearing to contest the charge, violation, or violations.

- (f) In the event that the Person to who said citation is issued fails to settle and pay said violation claim within the prescribed time, the Person shall be prosecuted in accordance with the respective City's Municipal Code.

### **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 and when standing upon any perceptible grade, without effectively setting the brake and turning the front wheels to the curb or side of the highway.

### **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.

### **3.12 - Duty of Operator in Accidents**

No Person shall leave the scene of a Vehicle collision with another Vehicle, Person or property occurring on District Property, without giving his/her true name and residence address to the injured Person or any other Person or member of the Police requesting same, and in the event no Police is present, he/she must immediately report the occurrence to the nearest Police station or Police headquarters.

### **3.13 - Emergency Vehicles**

1. For purposes of this section, emergency Vehicles shall include all ambulances, fire trucks, police, fire, and ranger cars, and other Vehicles used to protect the public health, safety, and welfare.
2. The provisions of this chapter regulating the movement or parking of Vehicles on District Property shall not apply to the Operator of any emergency Vehicle when responding to an emergency call or pursuing an actual or suspected violator of the law. However, such Operator shall exercise extreme caution when on or approaching District Property including without limitation slowing down as necessary for safety, cautiously proceeding through traffic lights or stop signs, and having the Vehicle's warning system signals operating (e.g. siren, lights).
3. When not responding to an emergency call or in the pursuit of an actual or suspected violator of the law, the Operator of an emergency Vehicle shall obey the provisions of this Chapter.
4. Every Person operating a Vehicle on District Property shall, at the immediate approach of an emergency Vehicle making use of its warning system signals, yield the right-of-way and shall stop, if possible, and pull to the side of the road and remain in such position until the emergency Vehicle has passed, unless otherwise directed by a member of the Police.

### **3.14 - Intoxicated Operators**

1. No Person shall drive or otherwise operate nor attempt to drive or otherwise operate a Vehicle on District Property while under the influence of Alcoholic Liquor, drugs, or a combination of Alcoholic Liquor and drugs.
2. Upon trial for such offense, in addition to other evidence, evidence of the amount of Alcoholic Liquor in the Person at the time of the act alleged, as shown by a chemical analysis of his breath, blood, urine, saliva, or other bodily substances, is admissible, and the result of such analysis shall give rise to the presumptions set forth in Section 11-501.2(b) of the Illinois Vehicle Code (625 ILCS 5/11-501.2(b)) which provision is specifically incorporated in this Ordinance by reference.

### **3.15 - Enforcement of Traffic Regulations**

No Person shall fail to obey a member of the Police or other District Employee who is directing traffic or enforcing sections of this Section on District Property.

### **3.16 - Fleeing or Attempting to Elude the Police**

No Person driving or otherwise operating a motor Vehicle on District Property shall willfully fail or refuse to obey a visible or audible signal by a member of the Police to bring his Vehicle to a stop. The signal given by a member of the Police may be by hand, voice, siren, or red or blue light. The member of the Police giving such signal shall be in uniform or driving a Vehicle appropriately marked showing it to be an official Police Vehicle.

### **3.17 - Riding Outside Vehicles**

1. No Person shall ride upon the fenders, running boards, bumpers, hood, trunk, or any other exterior part of any Vehicle on District Property.
2. No Person shall cling or attach him/herself, his/her Vehicle, or any other object, to any other Vehicle on District Property.

### **3.18 - Siren Devices**

No Person shall sound any siren or other type of signaling device which makes unusually loud or unnecessary noise on District Property unless that Person is driving or operating an authorized emergency Vehicle, responding to an emergency call, or pursuing an actual or suspected violator of the law.

### **3.19 - Traffic Signs and Signals**

1. No Person shall fail to observe and obey all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers, and any other sign posted by the District for safeguarding life and property.
2. No Person shall deface, injure, move, or otherwise interfere with any traffic sign or signal on District Property.

### **3.20 - Unauthorized Use of Parking Places Reserved for Handicapped Persons**

1. For purposes of this section, handicapped person means every Person who is unable to walk 200 feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device, or a wheelchair or without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs.
2. No Person shall park on District Property any motor Vehicle which is not bearing registration plates or decals issued to a handicapped person, pursuant to 625 ILCS 5/3-616, 11-1301.1, 11-1301.2, or to a disabled veteran pursuant to 625 ILCS 5/3-609 of the Illinois Vehicle Code which provisions are specifically incorporated in this Ordinance by reference, as evidence that the Vehicle is operated by or for a handicapped person or disabled veteran, in any Parking Lot, including without limitation any private or public off-street parking facility, specifically reserved by the District, by the posting of an official sign as designated under 625 ILCS 5/11-301, for motor Vehicles bearing such registration plates. Any motor Vehicle bearing a handicapped license plate or a handicapped parking decal or device containing the international symbol of access issued to handicapped persons by any local authority, state, district, territory or foreign country shall be recognized by the District as a valid license plate or device and receive the same parking privileges as handicapped residents of this State.
3. The District may remove or cause to be removed to the nearest garage or other place of safety any Vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plates or a special decal or device as required by this section.
4. Any Person found guilty of violating the provisions of this section shall be fined the amount specified in the respective City's municipal code in addition to any costs or charges connected with the removal or storage of any motor Vehicle authorized under this section.

### **3.21 - Bicycles**

1. When two (2) or more Persons in a group are operating bicycles on District Property, they shall not ride abreast, but shall ride in single file.
2. No Person operating a bicycle on District Property shall cling or attach him/herself or his/her bicycle to any other moving Vehicle.
3. The operator of a bicycle emerging from an alley, driveway or building on District Property shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all Vehicles approaching on said roadway.
4. No Person operating a bicycle on District Property shall carry another Person on the same bicycle. This restriction does not apply to tandem bicycles equipped with two or more seats or saddles or an ordinary bicycle equipped with a seat or saddle for an infant or small child if used properly. In that event, there shall be only the number of Persons on the bicycle as there are seats or saddles.
5. No Person shall operate a bicycle on District Property when it is closed; however, if a Person operates a bicycle on District Property that is open between 30 minutes after sunset and 11 p.m., he/she must have a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet and firmly attached to the bicycle, and a red reflector firmly attached to the bicycle, which is clearly visible in the headlight beam of an automobile for a distance of 500 feet to the rear of the bicycle.
6. No Person shall operate a bicycle on District playgrounds, ball fields, tennis courts, or sidewalks except that children under the age of four (4) years old riding three- or more-wheeled cycles may operate such cycles on sidewalks while under the supervision and control of an adult.
7. No Person shall ride a bicycle on any District Drive, Road, Roadway or path where signs are posted prohibiting riding bicycles.
8. Bicycles shall not, at any time, in any place, be indiscriminately parked on District Property in such manner as to interfere with pedestrian or vehicular traffic, or with Persons getting into or out of Vehicles. No Person shall leave a bicycle on District Property lying on the ground or pavement or set against trees or otherwise in a place other than a bicycle rack when such is provided and there is space available. No Person shall move or in any manner interfere with, any bicycle which is properly parked on District Property nor shall any Person interfere with, or, in any manner, hinder any Person from properly parking a bicycle.
9. All bicycles, when operated on District roadways, shall be kept to the right and shall be operated as nearly as practicable to the right-hand edge of the roadway.
10. No Person shall operate a bicycle on District Property at a speed faster than is reasonable and proper under the circumstances, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other Persons and property.
11. Every Person operating a bicycle on District Property shall obey all federal, state, local, and District traffic laws, rules, and regulations applicable to motor Vehicles, except those provisions which by their nature can have no application to the operation of a bicycle and except as otherwise provided by this section.

## **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 written authorization has been approved by the Executive Director or his/her designee, no Person shall:

1. Mark, deface, injure, damage, carve upon, break, bend, destroy, remove, cut, pluck, change, alter, sever, move, excavate, uproot, dig or attempt to injure any District Property or any thing or object on or upon District Property or otherwise take, damage or destroy such Property, things or object;
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 Sections 4.6 and 4.7 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 District Property;
5. Tamper with, or in any way weaken, destroy, damage, or remove anything from any District owned Vehicles, machines, equipment, or facilities;
6. Perform any maintenance or construction on, below, over or across a Park; and
7. Bring into, throw, cast, drop, and deposit or otherwise leave or lay down any smoke bomb, tear gas or other offensive smelling or disabling agent or compound on District Property.

#### ***4.2 - Dumping, Polluting, and Littering***

Unless a Permit, contract or another type of written authorization has first been approved by 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, snow, ice, dust, manure, rubbish, garbage, food wrappers, human or animal waste, 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. 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
  - c. 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;
5. Drain Refuse from a trailer or other Vehicle on District Property; or
6. 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 - Misappropriation of Property***

1. No Person shall knowingly obtain or exercise unauthorized control over the property of another.
2. No Person shall knowingly obtain by deception control over property of another.
3. No Person shall knowingly obtain by threat control over property of another.

4. No Person shall knowingly obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen, where he:
  - a. Intends to deprive the owner permanently of the use or benefit of the property; or,
  - b. Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or,
  - c. Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

#### **4.4 - 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;
3. Move or remove any of the District's identification markers that mark the property line of District Property; or
4. Use for storage or cause to be used for the storage of any goods, shed or other structure without written authorization from 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.

#### **4.5 - 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 written authorization from the Executive Director or his/her designee.
2. Fires are permitted only:
  - a. in the group picnic areas in District or user-provided grills. Gas Portable Grills are permitted if they have less than a 20 pound tank and charcoal Portable Grills are permitted in locations with coal bins. Portable Grills 22.5 inches or less in diameter and can be carried or moved easily by hand by one person. 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. if completely extinguished before leaving the site with coals placed in the District-provided coal bins. A fire shall be deemed properly extinguished when its ashes, residue, coals, and unburned substances are cold to the human touch.
3. Unless a Person receives written authorization from the Executive Director or his/her designee, wood fires, fire pits, campfires, barrel grills, and grills with 20 pound or larger tanks are prohibited on all District Property.
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.

#### **4.6 - Posting Printed Material in Designated Areas**

1. The District shall designate areas at the Wagner Community Center, The Abbey or Courts Plus for the posting of printed public information material.
2. No Person shall post, place, display, or cause to be posted, placed, or displayed any printed material on one of the designated areas without submitting the material to the District. The District shall date the material as received and post the material, space permitting, on a designated area if it meets the requirements in Section 4.6(3) and (4) and is not Obscene. Approved material may remain posted for a period not to exceed four (4) weeks after which a Person may resubmit his/her printed material for posting, space permitting.
3. Space for printed materials in a designated area is allocated on a first-come, first-served basis for event/program postings which do not directly compete with District events or programs and are held by not-for-profit organizations or government agencies. Space for the District's own printed or written public information will be given priority.
4. The printed material shall have a professional image, nothing handwritten and be 11" x 17" or smaller (postings on smaller boards with limited space may be restricted to 8 ½" x 11"). The District will post only one copy of each printed material on an individual area.
5. The District may remove printed or written material that has not been posted in accordance with this Section. The Person responsible for said 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 for purposes of this Section.

#### **4.7 - 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 written authorization 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.

### **Chapter 5: Specific Restrictions on Conduct and Behavior**

#### **5.1 - Weapons, Fireworks, Explosives and Rockets**

(a) Except as provided by law and as set forth in Sections 5.1(b) and 5.1(c) of this Ordinance, no Person 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, crossbow, 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 the Illinois Criminal Code (720 ILCS 5/24-1 *et seq.*) and the Firearm Concealed Carry Act (430 ILCS 66/1 *et seq.*).

(b) No Person shall carry or have in his Possession any weapon or Firearm on District Property, except as otherwise preempted by the Firearm Owners Identification Card Act (430 ILCS 65/13.1) and the Firearm Concealed Carry Act (430 ILCS 66/1 *et seq.*) as set forth in Section 5.1(c) of this Ordinance.

(c) For the purposes of this Section 5.1(c), the following terms shall apply in accordance with the Firearm Owners Identification Card Act (430 ILCS 65/13.1) and the Firearm Concealed Carry Act (430 ILCS 66/1 *et seq.*).

"Concealed Firearm(s)" shall mean loaded or unloaded Handgun[s] carried on or about a Person completely or mostly concealed from view of the public or on or about a Person within a vehicle.

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, excluding however:

- (1) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels as single globular projectile not exceeding 0.18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;
- (2) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
- (3) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- (4) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and
- (5) An antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics, is primarily a collector's item and is not likely to be used as a weapon.

"Handgun" shall mean any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. A "Handgun" does not include a stun gun or taser, a machine gun, a short barreled rifle, or shotgun as these weapons are defined in the Illinois Criminal Code. A Handgun also does not include any pneumatic gun, spring gun, paint ball gun or B-B gun which expels a single projectile not exceeding 0.18 inch in diameter, or which has a maximum muzzle velocity of less than 700 feet per second, or which expels breakable paint balls containing washable marking colors. A Handgun is one type of Firearm.

"Licensee" shall mean a Person who has a valid license from the Illinois Department of State Police to carry a Concealed Firearm.

d) Except as provided herein, no Person may knowingly carry any Firearm in the following locations:

- a. **Park District Building:** All Firearms are prohibited in any building or portion of a building under the control of the District.
- b. **Pre-School/Child Care Facility:** All Firearms are prohibited in or on any District Property under the control of a pre-school or child care facility, including any room or portion of a building under the control of a pre-school or child care facility.
- c. **Gathering Requiring Permit:** Except as provided herein, all Firearms are prohibited at any public gathering or special event conducted on District Property that is open to the public but requires the issuance of a Permit from the District or other body. A Licensee is exempted from this Section 5.1(c) if the Licensee is carrying a Firearm through a public gathering in order to access his or her residence place of business or vehicle, and there is no other way for Licensee to access his or her residence, place of business, or vehicle except through said gathering or special event.
- d. **Playgrounds:** All Firearms are prohibited on all District playgrounds.
- e. **Public Parks, Athletic Fields/Facilities:** All Firearms are prohibited in any Park, athletic field, real property or athletic facility owned or under the control of the District.

- i. **Trail/Bikeway:** A Licensee is exempted from this Section 5.1(e) if the Person is carrying a Concealed Firearm while on a District trail or bikeway if only a portion of the trail or bikeway is contained within a public park.
- f. **School Property:** Firearms are prohibited in District-sponsored programs or activities occurring at a building, real property, and parking areas owned or under the control of a public or private elementary or secondary school, community college or university.
- g. **Transportation:** Firearms are prohibited on any bus, train, or other form of transportation paid for in whole or in part with District funds, and any building, real property, and parking area under the control of a public transportation facility paid for in whole or in part with public funds.
- h. **Event that Involves Sale of Liquor:** Firearms are prohibited in or on any District Property that has been issued a "Special Event Retailer's license" as defined in Section 1-3.17.1 of the Liquor Control Act, during the time designated for the sale of alcohol by the Special Event Retailer's license, or a "Special use permit license" as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special use permit license.
- i. **Parking Area:** Except as provided herein, a Person is prohibited from carrying a Firearm in any District parking area. A Licensee may carry a Concealed Firearm on or about his or her person within a vehicle into a parking area on District Property and may store a Concealed Firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A Licensee may carry a Concealed Firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area on District Property only for the limited purpose of storing or retrieving a Concealed Firearm within the vehicle's trunk, if the Licensee ensures that the Concealed Firearm is unloaded prior to exiting the vehicle. The term "case" as used above includes a glove compartment or console that completely encloses the Concealed Firearm or ammunition, the trunk of the vehicle, or a Firearm carrying box, shipping box or other container.

A Licensee is also permitted to carry a Concealed Firearm upon his or her person while he or she is traveling along a public right of way that touches or crosses any District owned or controlled Property, if the Concealed Firearm is carried on his or her person in accordance with the provisions of the Firearm Concealed Carry Act.

## **5.2 - Tobacco Use (Amended on August 28, 2017)**

1. No Person under the age of 18 may possess or use Tobacco products while on District Property.
2. The use of Tobacco products is prohibited: (i) on or within 15 feet of all District Property, which is defined as all of 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, beach, park, playground, wilderness or open space, or other public or proprietary 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, or otherwise in the possession or under the control of the District except the Sugar Creek Golf Course and property adjacent to the Wilder Mansion during paid rentals; and (ii) in any vehicle, machinery, or equipment owned, leased, operated by, or otherwise under the control of the District.
3. A Person who violates any provision of this Section 5.2 after given a warning for the first offense shall be fined in an amount that is not less than \$100 and not more than \$250.
4. Signs indicating "No Smoking" shall be appropriately posted in accordance with the Smoke Free Illinois Act (410 ILCS 82/20). Other signs indicating awareness of this Ordinance may be posted as determined by the District.

## **5.3 - Temporary Lighting**

No Person shall use temporary lighting without receiving written authorization from 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 and Chapter 15 of the Village of Villa Park 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, which is allowed only with written authorization of the Executive Director or his/her designee. 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 shall not commit any disorderly conduct on District Property. In accordance with the City of Elmhurst's and Village of Villa Park's Municipal Codes, a Person is guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance or if, his/her conduct is likely to cause public danger, alarm, disorder or nuisance, he/she willfully does any of the acts as defined in the Codes. The following are examples of, but not limited to, how a person commits the offense of disorderly conduct when he/she 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. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
8. Uses abusive or obscene language or makes an obscene gesture;
9. Does any act in such unreasonable manner as to alarm or disturb another or to provoke a breach of the peace; and
10. 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.

This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

## **5.6 - Assault or Bodily Injury**

1. No Person shall, without lawful authority, engage in conduct on District Property that places another Person in reasonable apprehension of receiving bodily harm or physical contact of an insulting or provoking nature.
2. No Person shall intentionally or knowingly by any means cause bodily harm or make physical contact of an insulting or provoking nature with another Person on District Property.
3. No Person shall engage in conduct on District Property in violation of State statute 720 ILCS 5/12-2. In accordance with 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.

4. No Person shall engage in conduct on District Property in violation of State statute 720 ILCS 5/12-3.05. In accordance with 720 ILCS 5/12-3.05, 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.

### **5.7 - Begging or Panhandling**

1. No Person shall beg or panhandle in District buildings, facilities or playgrounds or the entrances or stairways of such buildings or facilities.
2. No Person begging or panhandling on the Park District Property shall obstruct or impede pedestrians or Vehicles; harass District visitors with physical contact or persistent demands; misrepresent his affiliations; misrepresent what the solicited funds will be used for; 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; or coerce or intimidate another Person into giving money, goods or Services.

### **5.8 - Interference with Other Uses**

1. No Person shall walk, act, or conduct him/herself 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. Persons participating in District activities and programs shall wear clothing suitable for the activity or the program in which the Person will participate. 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 onsite, to wear District provided clothing that must be returned at the end of the day, or leave District property 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 having slogans, pictures or emblems urging or inciting any illegal conduct or having Obscene slogans, pictures, or emblems shall not be permitted.
  - c. Swimsuits worn on District property 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.

### **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 except during the hours of family swim when children age of six (6) and under can be in the locker room 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 under the influence of Alcoholic Liquor shall enter into, be, or remain on District Property.
2. 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.
3. 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/she is in or on District Property where the Possession, consumption, use or transfer of Alcoholic Liquor is permitted.
4. 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 shall sell or deliver Cannabis or any Controlled Substance to another Person or use Cannabis or any Controlled Substance upon District Property.
2. No Person shall bring or Possess any Controlled Substance on District Property. No Person shall bring into or Possess Cannabis upon District Property except as permitted for a registered qualifying patient pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*).
3. Except as provided in 5.12(4), no Person under the influence of Cannabis, a Controlled Substance(s), or any combination thereof, shall enter into, be, or remain on District Property.
4. No Person shall be under the influence of Cannabis while on District Property except as permitted for a registered qualifying patient pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act.

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

1. 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.
2. No Person using District Property shall collect admission fees without written authorization of the Executive Director or his/her designee.
3. No Person engaged in the sale or distribution of goods or Services under this Section shall obstruct or impede pedestrians or Vehicles, harass District 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.

4. 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.

#### ***5.14 - Distribution of Printed or Written Material***

1. The distribution of printed or written material available without cost or donation is not permitted on District Property unless a Permit is approved by the Executive Director or his/her designee in accordance with Chapter 8 of this Ordinance.
2. Any Person engaged in the distribution of printed or written materials under this Section shall not 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 materials 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 or sponsored by the District.

#### ***5.15 - 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.

#### ***5.16 - 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/her official duties.

#### ***5.17 - 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 applicable City's 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 applicable City's 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.
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 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 shall obstruct or impede pedestrians or Vehicles, harass District 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.

#### ***5.18 - 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.

#### ***5.19 - Trespassing/Restricted Areas***

1. No Person shall enter or remain in any building or portion of District Property where Persons are prohibited by the District from entering, or, except as provided in Section 5.10 of this Ordinance, where use is restricted to Persons of the opposite sex as indicated by a sign or notice posted by the District;
2. No Person shall enter any District Property which is reserved or scheduled for a specific group or activity, unless such Person is invited by the individual, group, or agency responsible for such activity and, if applicable, such Person has paid all appropriate admission and/or registration fees;
3. No Person shall 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;
4. No Person shall 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; and
5. No Person shall remain on District Property after receiving notice, orally or in writing, from District staff or its agents to depart.

#### ***5.20 - Prohibited Presence of Sex Offenders***

In accordance with State Statute (720 ILCS 5/11-9.4-1), it is unlawful for a Sexual Predator or a Child Sex Offender to:

- a) knowingly be present in any District building or on District Property comprising any public park; and
- b) knowingly loiter on a public way within 500 feet of a District building or District Property comprising any public park.

The 500 feet distance shall be measured from the edge of the property comprising the District Facility building or the District Property comprising the public park. For purposes of this Section, the terms "public park" and "loiter" shall have the meaning as set forth in 720 ILCS 5/11-9.4-1.

#### ***5.21 - 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.

### ***5.22 - 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, 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.

### ***5.23 - Weddings in Wilder Park***

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

### ***5.24 - Reporting Accidents and Incidents***

A Person involved in an accident or incident on District Property resulting in personal injury or property damage, shall report the accident or incident to the Police within twenty-four (24) hours after the accident/incident.

### ***5.25 - Sleeping on District Property***

No Person shall sleep on benches, sidewalks, parking lots, picnic grounds or tables, playgrounds or playground equipment, stairways or doorways of District buildings or other District Property so as to unreasonably obstruct or hinder the movement of other Persons or the use of the District facilities.

## **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 written authorization of 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 6. 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, without written authorization of the Executive Director or his/her designee, in areas designated by the District.
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 or his/her designee.
2. Any Person Fishing in any of the designated District Waters must have a valid state fishing license and 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 to foster the growth of future schools of fish and prohibits consuming fish caught in District Waters. If a Person does take a fish caught in District Waters, it must conform to size or species restrictions imposed by any applicable federal, state, local or District law, ordinance, rule or regulation. 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 Person 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 Animals or non-domesticated animals into or onto any District Property where the presence of animals is prohibited except for any Domesticated Animals specially trained to assist the visually impaired or other Persons with disabilities, when they are accompanying the Persons visually impaired or other Persons with disabilities of providing such assistance;
  - b. allow any Domesticated Animals or pets into or onto any District Property where the presence of these animals are allowed 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 Animal or undomesticated animal on a District tennis, basketball or roller hockey court or a fenced athletic facility except for any Domesticated Animals specially trained to assist the visually impaired or other Persons with disabilities, when they are accompanying the Persons visually impaired or other Persons with disabilities of providing such assistance.
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 Animal and any 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 respective City and 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 respective City's Municipal Code.

## **7.2 - Amusement Contraptions**

No Person shall bring in, set up, construct, manage, or operate any Amusement Contraptions or entertainment device or gadget, without written authorization of the Executive Director or his/her designee and in compliance with the respective City's 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 District 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/her 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 - Aircrafts/Model Aircrafts and Rockets**

1. No Person shall fly, cause to be flown or permit or authorize the flying of Aircraft of any kind at any time over District Property at an elevation lower than the minimum safety requirements established by the Federal Aviation Administration or other governmental authority, at an elevation which is lower than is reasonably safe under the circumstances, or in a manner which endangers the safety of any Person on District Property.
2. No Person shall land, cause to be landed, or permit or authorize the landing of any Aircraft on District Property, except when necessitated by unavoidable emergency.
3. No Person shall parachute or otherwise descend from an Aircraft into or onto District Property or cause, permit or authorize another Person to parachute or otherwise descend from an Aircraft into or onto District Property except when necessitated by unavoidable emergency.
4. No Person shall operate model aircrafts or rockets in any Park without written authorization of the Executive Director or his/her designee. For purposes of this section the term "model aircraft" shall mean any unmanned aircraft that is capable of sustained flight in the atmosphere, flown within visual line of sight of the Person operating the aircraft, and flown for hobby or recreational purposes.

## **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 - 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, and then only in compliance with applicable federal, state, local and District laws, ordinances, rules and regulations.

# **Chapter 8: Permits and Other Authorities**

## **8.1 - Special Use Permits**

Special Use Permits are required for picnic groups with 100 or more attendees, public assemblies, exhibitions or meetings where the number of participants may be reasonably assumed to exceed fifteen (15) or more persons in attendance (as described in Section 5.22) and large-scale events (e.g., craft fair, parade, run/walk, concerts, events with tents and structures, etc.).

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 375 W. First Street Administrative Office, The Abbey, Wagner Community Center, and other appropriate locations.
3. Except as provided in subsection 3(b), 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; applications which involve the exercise of First Amendment rights must be submitted to the District at least forty-eight (48) hours prior to the activity for which a Permit is sought.
  - a) For the purposes of this Section 8.1, 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 law.
  - b) This application deadline shall not apply to applications for Permits under Section 5.13 (Selling and Distribution of Materials or Soliciting Fees on District Property) and Appendix B: Section B.1 (Picnic Permits).
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. For applications under Section 3.11 (Alcoholic Liquor), Section 5.13 (Selling and Distribution of Materials or Soliciting Fees on District Property) and Appendix B: Section B.2 (Commercial Use of Park Property), 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 this subsection 5, 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 District 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 negatively impact the neighborhood around the park; or
- f. the proposed activity would so dominate the use of District Property as to preclude other Persons from using and enjoying the Park or other District Property.

This subsection 5 is not applicable to Permits for commercial activity permitted under Appendix B: B.2 (Commercial Use of Park Property) of this Ordinance or for the sale or delivery of Alcoholic Liquor under Section 5.11. The District reserves the right to exercise its discretion in issuing Permits under these Sections.

- 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 Park 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; payment of a 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 unless approved by the Executive Director or his/her designee. 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 Section 5.13 (Selling and Distribution of Materials or Soliciting Fees on District Property) or Section 3(a) 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 costs 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 of fees 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 served basis consistent and compatible with their intended use. The District further reserves the right to restrict use of all District Parks and facilities when conflicts arise with scheduling, maintenance, public safety, or other reasons beyond or under the District's control.

### **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 him/herself and the District from liability resulting from his/her 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 District's insurance provider, 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 her 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 such a waiver in writing.
2. Every applicant must execute and deliver to the Park District an agreement, which will be provided by the District, 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/her group or organization.

### **8.3 - Restoration Deposit**

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 cleans any refuse caused or left by the activity or the activity's participants and restores District Property to the condition it was in prior to the activity to the District's satisfaction. The deposit will be returned to the Person responsible within ten (10) days after the permitted use.

If the District is required to clean up or restore District Property after the activity, the Person responsible for the activity shall pay the District for all costs and expenses associated with the cleanup and restoration. The cost of the cleanup and restoration shall be deducted from the restoration deposit. If any funds are remaining after the cleanup and restoration costs have been paid, said excess funds 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. 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 the permittee's future use of District Property, 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 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 18<sup>th</sup> 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.

### **9.5 - Restitution**

In addition to or instead of, the fines and penalties provided for in this Chapter, 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 - Seizure/Removal/Impoundment of Property***

Any property, substance, or thing brought into, utilized, placed, or left on District Property in violation of this Ordinance, or any other District ordinance, rule, or regulation may be removed and seized in accordance with Section 2.7 (Lost, Found, and Abandoned Property) and, in the case of property and substances referred to in Sections 5.1 (Weapons, Fireworks, Explosives, and Rockets), 5.11 (Alcoholic Liquor), 5.12 (Controlled Substances and Cannabis), and 6.3 (Bringing Animals onto Park Property), may be removed, seized and destroyed.

### ***9.7 - Non-Exclusivity of Penalties***

The penalties provided for in this Chapter 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.

### ***9.8 - Repeal***

All District ordinances, resolutions, policies, rules and regulations or parts thereof in conflict or inconsistent with any of the provisions of this Ordinance, including, without limitation, "An Ordinance Regulating the Park and Facility Use of the Elmhurst Park District," adopted January 11, 2010 and amended thereafter, are hereby repealed.

### ***9.9 - Severability***

Provisions of this Ordinance shall be deemed to be severable. Should any section or part of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, the remaining part or parts of such section and/or the other sections, as the case may be, of this Ordinance shall nevertheless be valid, binding and subsisting.

## **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. East End Park Tennis Courts
10. Berens Sled Hill
11. Crestview Sled Hill
12. Eldridge Sled Hill

### 13. 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, Salt Creek and Wilder Parks that a Person or group may reserve 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 100 attendees or more require a Special Use Permit (see Section 8.1: Special Use Permits).

If a group is installing a temporary structure (e.g. tents larger than 10' x 10', stages, bleachers, etc.) or providing special activities, demonstrations and/or entertainment (moon jumps, etc.) during the picnic area rental, the group must provide proof of liability insurance to the District before the District will issue a Permit in the coverage amounts recommended by the District's insurance provider, 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.

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 District's Picnic Area Guide for group picnic information (e.g. area locations, capacity, amenities, regulations, etc.). The Guide is available at the Wagner Community Center and on the District's website.

#### **A. Reservation Process**

Requests for picnic reservations 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 processed starting 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 Wagner Community Center and on the District's 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 District Property.

#### A. Application

Persons seeking to use District Property for commercial purpose apply on forms provided by the District, which must be submitted to the District at least thirty (30) business days prior to the activity for which a Permit is sought. 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. 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.

#### B. Fees

It is the policy of the District to charge fees for commercial use of District Property. These fees are determined by the Executive Director or his/her designee 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 or his/her designee 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/restoration deposit.