
ORDINANCE 0-2019-20-10

PARK RULES AND REGULATIONS ORDINANCE

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Board of Commissioners
Cary Park District
255 Briargate Road
Cary, Illinois 60013

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SECTION A. DEFINITIONS.

For purposes of this Ordinance, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number. Additionally, this Ordinance shall be called and may be cited as the Park Rules and Regulations Ordinance of Cary Park District, and is referred to herein as the Ordinance.

"Bathhouse" means that building and related area around a swimming pool that is used to collect admission fees and change clothes prior to entering in the water.

"Board" means the Board of Park Commissioners of the Cary Park District.

"Commercial Solicitation" means any one or more of the following activities, not done for charitable purposes, by a Person on District Property:

1. The sale of, or seeking to obtain orders for, the purchase of goods, wares, merchandise, foodstuff or services of any kind, character or description, for any kind of consideration whatever.
2. The sale of, or seeking to obtain prospective customers for any application or purchase of insurance of any type, kind or character.
3. The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any type kind of publication.

"Community Recreation Center" means those buildings that have been constructed for the purpose of conducting supervised recreation activities or which are rented to organizations for their use to conduct programs.

"Director and Superintendent" means the Person immediately in charge of a given park or recreation division and its activities and to whom all employees of such department are directly responsible.

"Director" means the Executive Director of the Cary Park District, the chief administrator of the District, designated by the Board to administer the policies established or approved by the Board.

"District" means the Cary Park District, McHenry County, Illinois.

"District Property" means all the property, real and personal, of every kind and description located within the jurisdiction of, or owned, leased or licensed by, or otherwise in the possession or under the control of the District, including without limitation, all waters within the jurisdiction of the District.

"Drones" means any unmanned aircraft system that is capable of sustained flight or suspension in the atmosphere including unmanned aircraft commonly referred to as model airplanes, small unmanned aircraft or aerial systems, aerial hover craft and any other remotely piloted or unmanned aircraft of any kind.

"ILCS" means Illinois Compiled Statutes.

"Multi-Use Trail" means any paved area within a park that serves as a means of non-vehicular access within or through a park site; it excludes parking lots, skate parks, shelter pads, sidewalks and mowed, wood-chip or gravel pathways.

"Parade" means any march or other organized movement of Persons from place to place, or about a place.

"Permit" means the written authorization issued by or under the authority of the District to a Person or Persons to do or engage in a particular act or acts on District Property, subject to the terms and conditions specified in the Permit.

"Person" means every natural person and every firm, partnership, limited liability company, association, corporation or entity of any kind or any employee, agent, or officer thereof except the District and any authorized officer, employee (full or part-time, regular or temporary) or agent of the District when acting within the scope of his authority. When Person is used in conjunction with a restriction on age, it means a natural person.

"Pool Area" means that portion of the swimming pool area enclosed inside chain link fencing, exclusive of the Bathhouse.

"Religious solicitation" or "charitable solicitation" means the request by a Person on District Property directly or indirectly, of money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a religious or charitable purpose. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a religious or charitable purpose as herein defined.

1. Any oral or written request.
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication.
3. The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the District, which the public is requested to patronize or to which the public is requested to make a contribution for any religious or charitable purpose connected therewith.
4. The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose, or where the name of any religious or charitable Person is

used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

"Smoking" means the lighting of cigarettes, e-cigarettes/vaping, cigars, joints, blunts or pipes, the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these or similar objects

"Vehicle" means any device or instrumentality used or designed for the transportation of people, animals, plants or inanimate objects, whether motor powered or not, including without limitation, any tractor in tow of any size, kind or description, except baby carriages, bicycles when properly used on walks, and Vehicles in the service of the District.

"Work Permit" means the written authorization issued by or under the authority of the District to a Person or Persons to do or engage in work on District Property, subject to the terms and conditions specified in the Work Permit.

SECTION B. CONSTRUCTION, SCOPE AND SEVERABILITY.

1. CONSTRUCTION.

In the interpretation of this Ordinance, its provisions shall be construed as follows:

- a. Where the context permits, words in the masculine gender shall include the feminine and neuter genders and words in the singular number shall include the plural number;
- b. The word "shall" is always mandatory and not merely directory;
- c. No provision hereof shall make unlawful any act necessarily performed by any officer, employee or agent (including any police officer) of the District when acting within the scope of his authority or in his line of duty or work as such or any other Person summoned by any such Person to assist him in such endeavor;
- d. This Ordinance is in addition to and supplemental to all applicable state, federal and local laws and ordinances including without limitation "The Park District Code" (70 ILCS 1205, *et seq.*). 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 local, state and/or federal law or ordinance;
- e. 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 of the provisions of this Ordinance;
- f. An attempt to commit an act or engage in an activity herein prohibited shall be treated in the same manner as the commission of such act or the engaging in such activity and subject to the same penalties unless otherwise required by federal, state or local law.

2. SCOPE.

This Ordinance shall apply to and be enforceable within and upon all District Property, and shall regulate the use thereof by all Persons. District property constitutes a limited public forum. Accordingly, Permits as require for certain activities on District Property as provided herein.

3. **SEVERABILITY.**

If any provision of this Ordinance or the application thereof to any Person or circumstance be held invalid, the remainder of this Ordinance and the application of such provision to other Persons or circumstances shall not be affected thereby. The District reserves the power to amend or repeal this Ordinance at any time, and all rights, privileges and immunities conferred by this Ordinance or by acts done pursuant hereto shall exist subject to such power.

4. **REPEAL.**

All ordinances, resolutions and rules of the District in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

SECTION C. GENERAL RULES.

1. **VIOLATION OF LOCAL, STATE OR FEDERAL LAWS.**

No Person shall commit a violation of local, state or federal laws or regulations while on District Property.

2. **PARK HOURS.**

a. **Hours.**

All parks shall open at dawn. All parks shall close at dusk except for outdoor lighted athletic fields, golf driving range and multi-use trails. Outdoor athletic field lights and driving range lights shall be turned off by 11:00 p.m. and the outdoor lighted athletic fields and driving range shall close by 11:30 p.m. Outdoor athletic field lights and driving range lights do not include security lights. The Director is authorized to extend these hours as necessary to the daily operations of the District. Multi-use trails may be used at any time between 5:00 a.m. to 11:00 p.m. unless otherwise designated as closed by the Director or authorized delegate. Multi-use trail use during non-daylight hours is limited to passage from one point to another point and does not allow for any other activities to occur on or near the multi-use trail during non-daylight hours, unless authorized by the Director for the daily operations of the District. The Director is authorized to establish hours of operation for indoor recreation facilities.

b. **Special Closings.**

The Board or the Director may close District Property or any parts thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and entirely or merely for certain uses, as deemed reasonably necessary and in the best interest of the District.

3. **RESTRICTED AREAS.**

a. **Entering Prohibited Areas.**

No Person shall enter upon any portion of the District Property where Persons are prohibited from going by direction of the Board or Director, as indicated by sign or notice.

b. **Entering Unfinished Areas.**

No Person except as authorized by the District shall enter upon any part of the District Property that is in an unfinished state or under construction.

c. **Entering Building or Areas Closed to Public or Scheduled for Specific Group or Activity.**

No Person shall enter any building or area of District Property when it is closed to the public. No Person shall enter any building or area in the District which is reserved or scheduled for a specific group or activity, unless such Person is invited by the Person responsible for such activity and, if applicable, such Person has paid all appropriate admission fees.

d. Use of Rest Rooms and Comfort Stations.

It is recommended that no person five years of age or older shall use the restrooms designated for the opposite gender. No Person under the age of five years shall use any restroom unless accompanied by a Person over the age of eighteen years.

e. Playgrounds Designated for Persons under Twelve Years of Age.

No Person the age of thirteen years or older shall use playground equipment designated for Persons between the age of five and twelve.

4. INTERFERENCE WITH OTHER USERS.

No Person shall walk, act or conduct himself upon any portion of District Property designated for a particular game, sport, event, activity or amusement 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, activity, game or amusement for which it has been designated nor shall any Person unreasonably disturb or interfere with any Person occupying any area or participating in any activity under the authority of a Permit. No Person shall limit or block access to District Property. No Person shall engage in any activity on District Property in a manner calculated or likely to endanger, injure, or damage Persons or property in any way.

5. INJURY TO OR DESTRUCTION OF PARK PROPERTY.

Unless authorized by a District contract, Board or Director authorization, no Person shall in or on District Property:

- a.** Destroy, kill, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth, stone, mineral, fossil, water, or growing thing, whether living or dead, including but not limited to any plant, flower, flower bed, shrub, tree, turf, grass, growth, or any branch, stem, fruit, or leaf thereof; or bring into or have in his possession in or on District Property any tool, instrument or chemical intended to be used for the foregoing, or any garden or agricultural implements or tools which could be used for the foregoing;
- b.** Burn any trees, shrubs, plants, flowers, grass, turf, plant growth or timber, or allow any fire to extend into District Property;
- c.** Go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;
- d.** Cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture, bridge or other structure, or property contained therein;
- e.** Operate or drive any motor car, automobile or Vehicle of any kind in or on District Property in places other than roadways and areas designated for vehicles or in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any District Property or appurtenance of any kind;
- f.** Fasten any animal or attach any rope, sign, handbill or other things to any building or other structure, or to any tree or shrub, or to any protective device around any tree or shrub growing in the District;
- g.** Allow any animal to injure or deface any District Property, including without limitation,

- any tree, plant, shrub, lawn or grassplot in any manner whatsoever; animal owners are required to remove animal feces from District Property;
- h. Fasten any bicycle, motor cycle, moped or other Vehicle to or leave the same standing so as to injure any District Property, including without limitation, any tree, shrub, lawn or grass plot;
 - i. Deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol in or on District Property;
 - j. Mark, carve, bend, cut, paint, deface, breakdown, destroy, damage, alter, change, sever, uproot, excavate or otherwise remove, or attach or suspend any rope, wire or other material or contrivance to or from any District Property;
 - k. Climb upon, hang from or stand or sit on, any plant, fence, structure or other District Property of any kind except such benches or other property designed or customarily used for such purposes, or recreational equipment as may be installed by the District for such purposes;
 - l. Plant any plant or fungus, or portion of a plant or fungus, on District Property;
 - m. Fail to maintain District Property in a neat and sanitary condition;
 - n. Bury, affix or place on, in or under District Property of any kind (for this subsection, the term "place on" shall not mean a momentary or temporary locating of an object where the person so placing the object remains in the vicinity and clearly intends to remove the object such as, but not limited to, "geocaching") of the following: boxes, tubes, cans or other storage containers.

6. HINDERING OR SOLICITING OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS

No Person shall interfere with, or in any manner hinder any officer, agent, employee or contractor of the District while engaged in constructing, repairing or caring for any District Property; nor shall any Person solicit any officer, agent, employee or contractor of the District while such Person is on duty.

7. ALCOHOLIC BEVERAGES.

No alcoholic beverages shall be sold, possessed, given away, delivered or consumed on District Property, except pursuant to a Permit or as otherwise authorized by the District.

8. WEAPONS, FIREWORKS, EXPLOSIVES, ROCKETS.

No Person shall at any time bring onto, carry, have in his actual or constructive possession, or on or about his person, concealed or otherwise, or use, fire, set off or otherwise cause to explode, discharge or burn, or throw onto District Property, any knife, firearm, pistol, revolver, rifle, air gun, pellet gun, bow and arrow, slingshot, blackjack, billy club, any weapon capable of discharging a projectile by air, spirit gas or explosive, any explosive substance, rocket, firecracker or other firework, missile, liquid or gaseous substance or any other dangerous weapon. Nothing in this Section should be construed to regulate the possession of handguns in any manner inconsistent with State law or the transportation of any firearm in any manner inconsistent with State law.

9. SMOKING

Smoking or any use of a tobacco product is prohibited in all buildings, and facilities owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District. Smoking is prohibited in all vehicles, equipment and the like owned, leased or

otherwise in the possession or under the control of the District. Smoking is prohibited in all prairie, wetland, and wooded areas on District Property, and in or at all other locations where signs are posted prohibiting smoking. Smoking in any area not prohibited by this section shall, in all respects, comply with Illinois state law. Use of cannabis on District Property is prohibited.

10. PUBLIC INDECENCY.

No Person on District Property shall commit an act of public indecency as defined in Illinois law, 720 ILCS 5/11-9.

11. DISORDERLY CONDUCT.

No Person on District Property shall commit disorderly conduct as defined in Illinois law, 720 ILCS 5/26-1.

12. GAMBLING.

No Person on District Property shall gamble as defined in Illinois law, 720 ILCS 5/21-1, *et seq.*

13. CONTROLLED SUBSTANCES.

No Persons on District Property shall violate the "Illinois Controlled Substance Act," 720 ILCS 570/100, *et seq.*

14. BODILY HARM.

No Person on District Property shall inflict bodily harm as defined in Illinois law, 720 ILCS 5/12-1, *et seq.*

15. DEVICES for RECORDING and/or TRANSMITTING VIDEO

- a. Consistent with state law or at the approval of the Board or Director, the District may authorize the placement of video cameras, video monitoring equipment and recording devices for the purpose of protecting District property, District participants and District interests. To the extent required by state law, signs will be present and posted at these sites notifying the general public of this policy. The use of video surveillance and recorded material shall be in accordance with the District's Video Surveillance Policy;
- b. No Person shall use or operate, in any restroom, shower room or locker room on District Property, any camera or other device capable of recording or transmitting visual images without the approval of the Board or Director.

16. POSTING PRINTED or WRITTEN MATERIAL ON PUBLIC PLACES AND OBJECTS

- a. No Person shall paint, write on, 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 any thing or object located on District Property unless a permit therefore first has been obtained from the District.
- b. No Person may erect or place any sign on District Property unless a permit therefor first has been obtained from the District. This prohibition shall apply, without limitation, to signs promoting or opposing any candidate for public office or any public question, and signs advertising real or personal property for sale or employment opportunities. It shall be prohibited, without limitation, to erect any temporary sign on District property (except for notices placed by the Park District regarding personal property for sale or employment

opportunities). This Section shall not apply to the placement of temporary signs lawfully placed on Park District property on any election day when that property is serving as a polling place in accordance with Section 7-41(b) of the Illinois Election Code.

- c. The District may remove any printed or written word, symbol, material, sign, or other mark found posted or otherwise affixed upon any District Property or any thing or object located on District Property in violation of the provisions of this Section. Any item removed by the District will be considered abandoned property and disposed of by the District in a timely manner. The Person responsible for any such defacing, writing, or posting shall be liable for the cost incurred in the removal thereof, in addition to and including any fines levied for the offense. The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated in this Ordinance by reference for the purposes of this section.

17. ENTERING OR REMAINING IN WATERS.

No Person shall enter or remain in any waters of the District, except as herein provided:

a. Pools.

- (1) All swimming pools shall be open and in operation as scheduled by the Director on an annual basis, weather and safety conditions permitting.
- (2) No Person shall enter the Bathhouse or Pool Area without payment of the admission charge that is established by the District or without displaying proper season passes that are issued therefore.
- (3) No Person under nine (9) years of age shall be admitted to the Bathhouse and Pool Area unless he or she is accompanied by a Person legally possessing an adult pass (ages 18 years old and up) or an adult daily admission and demonstrating competency to assume full responsibility for the care and safety of the child.
- (4) Any Person who refuses to obey pool rules or otherwise violates any other provision of this Ordinance may be barred by the Director or the Director's designated representative from further use of the pool for the remainder of the pool season, or such lesser period of time as determined by Director or the Director's designated representative in addition to the penalties set forth in this Ordinance.
- (5) If any Person shall refuse to obey any orders or directions of lifeguards, attendants, managers or any agent of the District, the Director or the Director's designated representative may immediately terminate or suspend such Person's rights to use the pool and other District Property.
- (6) No Person having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious shall enter the pool. No Person with excessive sunburn or abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind shall be permitted to enter the Pool Area or Bathhouse.
- (7) Swim diapers must be worn in the pool as required by the Illinois Administrative Code.

b. Water.

- (1) The District shall not provide supervision at any lakes, ponds, lagoons or other bodies of water.
- (2) No swimming, wading or water bathing shall be allowed in the lakes, ponds, lagoons or other waters of the Park District unless authorized by the Director or Park Board.
- (3) It shall be unlawful to use or operate any type of watercraft on any lagoon, pond or body of water owned or controlled by the District without written permit authorized by the Director.
- (4) **Fishing:** Sport fishing is allowed in the District on approved bodies of water if the participant has in his/her possession a valid Illinois Department of Natural Resources sport fishing license, or is not required by state law to possess a valid fishing license in order to engage in sport fishing, and follows all IDNR Rules and Regulations pertaining to equipment, size of catch, creel limits and other restrictions on sport fishing.
- (5) **Ice Fishing:** Use of any lagoon, pond or body of water for ice fishing is prohibited; except in such areas and at such times as are expressly designated by the Director or his designated representative.

18. GAMES AND SPORTS.

The following athletic or sport activities may only be pursued in designated areas within the District. No Person shall engage in any other athletic or sport activity in an area specifically identified as being for the following restricted uses.

a. Skating, Sledding, Tobogganing, Skiing, Sliding and Similar Activities.

No Person shall skate board, in-line skate, ice skate, sled, toboggan, ski, slide or engage in similar activities on District Property where and when prohibited. No Person shall engage in such activity in a reckless manner or at a speed greater than is safe and proper under the circumstances.

b. Bicycling.

- (1) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, 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.
- (2) No Person shall operate a bicycle on District Property between thirty minutes after sunset and thirty minutes before sunrise, without:
 - (1) a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front at a distance of at least 500 feet, and firmly attached to the bicycle, and
 - (2) without 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.
- (3) No Person shall ride a bicycle on any path where signs are posted prohibiting riding bicycles on those paths.
- (4) Bicycles shall not, at any time, in any place, be indiscriminately parked by anyone in such a manner as to actually or possibly interfere with pedestrians or traffic, or with Persons getting into or out of automobiles. No Person shall leave

a bicycle 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.

- (5) All bicycles, when operated on roadways, paths or sidewalks, shall be kept to the right and shall be operated as nearly as practicable at the right-hand edge of the roadway, path or sidewalk.
- (6) No Person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other Persons and property.
- (7) Every Person operating a bicycle within the District shall observe all traffic rules and regulations applicable to motor Vehicles under this Ordinance, except those provisions of this Ordinance which by their nature can have no application and except as otherwise provided by this section.

c. Golf

- (1) No Person shall play or practice golf on District Property, except when involved in an established golf program under the supervision and direction of the District, or in an area designated for the playing and practicing of golf, or at the Foxford Hills Golf Club and the Person has satisfied all requisites before playing or practicing, including without limitation the paying of any applicable fees.

19. ANIMALS AND PETS.

- a. No Person shall chase, trap, wound, kill or treat cruelly, or attempt to trap, catch, wound or kill any amphibian, reptile, bird or mammal on District Property. No Person shall bring any mammal, amphibian, reptile, bird, fish or other animal on District Property, except dogs and cats, which dog or cat shall at all times be on a leash and under control, and except for any live bait permitted to be used in sport fishing by the laws of the state of Illinois, and the rules and regulations of the Illinois Department of Natural Resources. Any unleashed dog or cat found on District Property may be apprehended and removed to an animal shelter, public pound or other place available for said purposes and impounded at the expense of the animal's owner and/or the Person who brought said animal onto District Property, with the exception of space designated within the District as an off leash play area. The District retains the right to have any dog or cat removed from a designated off leash play area that exhibits aggressive behavior. No Person shall permit any pet in his custody to enter upon or remain upon any area of a park utilized as a non-turf area, including but not limited to baseball infields, volleyball courts, basketball courts and tennis courts, children's play area, playground, washroom facility, drinking fountain or as posted to prohibit pets. The Person accompanying the dog or cat shall immediately clean up and remove any excrement of the dog or cat. Persons must, at all times, have in their immediate possession a device for the removal of the excrement and a depository for the transmission of the excrement to a receptacle located upon, owned or possessed by the Person, or in park receptacles, provided the excrement is secured in a proper depository container such as a plastic bag. However, nothing in this Ordinance shall prohibit the use of service animals as specified in the Service Animal Policy adopted by the Park District. The Director is authorized to waive these requirements at his discretion.
- b. Any animal found on District Property in violation of this section may be apprehended, removed to an animal shelter, public pound or other place provided for that purpose pursuant to the applicable laws or ordinances of the Villages of Cary or Lake in the Hills,

McHenry County or any other municipality within the Park District, or disposed of in any manner permitted by law, all at the expense of the owner or Person who brought such animal onto District Property.

20. LOITERING SO AS TO OBSTRUCT PUBLIC WAYS AND PLACES AND DISORDERLY STREET GANG CONDUCT

It shall be unlawful for any Person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others or on District Property in such a manner as to:

- a.** Obstruct any driveway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of Vehicles, traffic or pedestrians; or
- b.** Commit in or upon any driveway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place, or building, all of which prevents the free and uninterrupted ingress and egress.
- c.** The Park District hereby finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, age or disability to be secure and protected from fear, intimidation and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Ordinance to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The Park District hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process;

The Park District finds, however, that urban, suburban and rural communities, neighborhoods, schools and parks throughout the State are being terrorized and plundered by street gangs. The Park District finds that there are now several hundred street gangs operating in Illinois, and that while their terrorism is most widespread in urban areas, street gangs are spreading into suburban and rural areas of Illinois, including McHenry County;

The Park District further finds that street gangs are often controlled by criminally sophisticated adults who take advantage of our youth by intimidating and coercing them into membership by employing them as drug couriers and runners, and by using them to commit brutal crimes against persons and property to further the financial benefit to and dominance of the street gang;

Street gang activity presents a clear and present danger to public order and safety and is not constitutionally protected. No society is or should be required to endure such activities without redress. Accordingly, it is the intent of the Park District, by enacting this Ordinance, to prohibit street gang related activity.

DEFINITION:

For the purpose of this Section, "street gang" or "gang" is defined as any ongoing

organization, association in fact or group of three or more persons, whether formally or informally organized, or any sub-group or affiliated group thereof, having as one of its activities the commission of criminal or illegal acts, including by way of example only and not in any way limiting or specifying, illegal drug distribution, and whose members individually or collectively engage in or have engaged in a pattern of criminal or illegal acts, and which group frequently, though not necessarily, claim one or more particular geographic territory or "turf" exclusively as its realm of influence and operations;

It shall be unlawful for any person within or on any Park District properties to use, display or wear colors, emblems or insignia on or about their person in public with the intent of communicating membership or support of, affiliation, association or identification with, or insult toward any street gang;

It shall be unlawful for any person within or on any Park District properties or waters that are owned, managed and or leased by the District including any lands covered by conservation easements granted to the District to do or make any act, use any words or gestures with the intent of communicating membership or support of, affiliation, association or identification with, or insult toward any street gang or with actual knowledge that the subject act, use of words or gestures are used and recognized as a means of communicating street gang membership, affiliation, association, support, identification or insult.

21. SLEEPING on/or INSIDE DISTRICT PROPERTY

- a.** No Person shall sleep on benches, sidewalks, parking lots or tables, playgrounds or playground equipment, stairways, doorways or rooms of District buildings or other District Property in a manner which unreasonably obstructs, hinders or impedes the movement of other Persons or their access to or use of any such location, equipment or facility.
- b.** No Person shall remain overnight on District Property unless a permit therefore has first been obtained from the District.

22. DUMPING AND LITTERING.

- a.** No Person shall litter, cast, throw, drop, or scatter any placard, handbill, pamphlet, circular, book, notice or paper of any kind, or place, pile or otherwise dump, leave or deposit in any manner any kind of dirt, rubbish, refuse, ashes, garbage, waste material, snow, ice, or other substance or material of any kind, whether liquid, solid or gas, on, over, or in District Property except as specifically permitted by the District. Nor shall any Person spit upon or otherwise defile District Property, except that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of District Property may and shall be deposited in receptacles provided by the District for that purpose. Where receptacles are not so provided, are missing or are full to capacity, all such garbage, refuse or other material shall be carried away from the District Property by the Person or Persons responsible for the presence of such material and properly disposed of elsewhere.
- b.** Any Person violating this section may be assessed the cost to the District 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.

23. ENCROACHMENTS.

No building or other structure, fence, landscape or planting, or any part or appurtenance thereof shall extend into, upon or over any part of District Property. Upon notice from the District, any such property shall be removed by the owner thereof within the time specified by the District.

24. MOTORIZED VEHICLES

The provisions of this section shall not be construed to apply to emergency, police or fire department Vehicles or any Vehicle owned by the District or a District employee displaying proper identification where the employee is duly authorized to operate such Vehicle at such location. Nothing in this Section is intended to prohibit the use of Personal Assistive Mobility Devices as authorized by the policy adopted by the Park-District. No Person shall leave a Motor Vehicle unattended in any District Property while the motor of such Vehicle is running.

a. Repairs and Cleaning of Vehicles.

No Person shall change any parts, change oil, repair, wash, grease or clean a Vehicle on any parking area in or on District Property except such repairing, cleaning as is necessary to insure good vision, or such emergency repairs as are necessary to remove such Vehicle from the parking area.

b. Negligent Driving.

- (1) No Person shall drive or operate any Vehicle on District Property negligently, recklessly or without due caution, or in any other manner so as to endanger any Person or property.
- (2) All Vehicles shall be driven or operated on the right side of any roadway or driveway open to travel, except when passing other Vehicles.
- (3) It shall be unlawful to race or drive any Vehicle in excess of the posted speed or, in the absence of posting, twenty (20) miles per hour on any roadway within the District.
- (4) Each person shall comply with all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers and other signs posted by the District for safeguarding life and property.
- (5) It shall be unlawful to race or drive any motor Vehicle in any parking facility of the District at a speed in excess of that required to enter into a parking space in any such facility.
- (6) Every driver of a Vehicle shall yield the right of way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection. Any pedestrian crossing at a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right of way to Vehicles upon the roadway. However, every driver of a Vehicle shall exercise due care to avoid colliding with any pedestrians upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated Person upon a roadway.

c. Driving Areas.

No motor Vehicles shall be managed, controlled or operated upon District Property except over and upon such roadways, parking lots or other areas designated or marked for use by motor driven Vehicles unless permitted by Director or designate alternate.

d. Parking.

- (1) No Person shall park any Vehicle or allow any Vehicle to remain parked in any area of District Property beyond the normal closing hour of District Property, except when a different closing hour has been designated by the District for that area or unless permission has first been obtained from the District. In no event shall any Vehicle except District Vehicles be parked on District Property after 11:30 p.m., except with the approval of the District which approval shall automatically be deemed given in connection with activities conducted by the District.
- (2) No Person shall park or place any Vehicle on District Property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no Person shall stop, park, or place any Vehicle in any of the following places except when otherwise designated, or when in compliance with the instructions of a police officer or agent of the District:
 - (i) on the left side of any roadway; (ii) on the lawn areas and grounds;
 - (iii) in front of a public or private driveway; (iv) within any intersection;
 - (v) within 30 feet of any stop sign or traffic control signal located at the side of a roadway;
 - (vi) on the roadway side of any Vehicle parked at the edge or curb of the roadway;
 - (vii) on any sidewalk;
 - (viii) at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow, or where the District has prohibited parking as a parameter of program registration; or
 - (ix) at any place or time where a Permit or sticker is required for parking by the District unless the required Permit or sticker has been obtained and is displayed on the Vehicle.
- (3) The Director may establish from time to time, rates and fees for parking in any and all of the parking facilities of the District.
- (4) Whenever any Vehicle is parked in violation of the provisions of this section prohibiting or restricting parking, and there is no Person in attendance upon such parked Vehicle to be arrested or served immediately with a notice to appear in court to answer the charge of such violation, any police officer observing such violation may attach to the Vehicle used in such violation, a notification ticket, so that the Person in whose name such Vehicle is registered may appear in court on a date certain, and at a designated court room to be named in such notice, and answer to the charge of such violation. It shall be unlawful for any Person other than the driver of the Vehicle to which said notice is attached to remove the notification ticket from said Vehicle.
- (5) No person shall charge fees for Vehicle parking on District Property whether a designated parking facility or other District Property without the permission and consent of the Director.

e. Incorporation of State Statutes.

In addition to the provisions of this Ordinance, and to the extent not inconsistent therewith no Person shall operate a Vehicle or perform any act in any manner on District Property in violation of Chapter 11 of the Illinois Vehicle Code (625 ILCS 5/11-100, *et seq.*) which provisions are specifically incorporated in this Ordinance by reference.

25. AVIATION; DRONES; TOY, MODEL AND RADIO CONTROLLED CARS, BOATS, AIRPLANES AND ROCKETS.

- a. 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.
- b. No Person shall parachute or make an ascent or descent in an aircraft into or onto District Property or cause, permit or authorize another Person to parachute or otherwise ascend/descend from an aircraft into or onto District Property unless a Permit therefor has first been obtained from the District in accordance with this Ordinance, except when necessitated by unavoidable emergency.
- c. No Person shall, upon or in connection with any District Property: start, fly or use any fuel-powered, battery-powered or electric-powered model or toy or any radio controlled model car, aircraft, boat or rocket; or any like controlled or powered toy or model; or Drone subject to FAA Part 101 unless the District has designated such areas for such activities or issued a Permit for such activities. The Director or his representative may grant, upon due application no less than 30 days in advance, a Permit for use of any fuel-powered, battery-powered or electric-powered model or toy or any radio controlled model car, aircraft, boat or rocket; or any like toys or models or Drones subject to FAA Part 101 for special events, instruction classes or other functions on a case by case basis.
- d. No person shall operate, launch, take off, land, cause to launch, take off or land, or authorize the operation, take off, launching or landing of any Drones subject to FAA Part 107 of any kind from or on District Property without a Permit, nor any Drones subject to FAA Part 101 except in designated areas or pursuant to a Permit, and in no case:
 - (1) in violation of the Federal Aviation Administration rules, regulations and safety guidelines governing such flight;
 - (2) over or within fifty (50) horizontal feet of the property line of the following facilities: playground, tennis court, aquatic facility, golf course or skate park;
 - (3) directly over any person, group of people or occupied space;
 - (4) for the purpose of conducting surveillance (which is defined as the gathering of images, sounds, data or other information in a manner that intrudes upon the solitude, privacy or seclusion of a person or his/her private affairs or concerns), unless expressly permitted by law;
 - (5) that is equipped with a firearm or other weapon or with the intent to use the Drone or anything attached to the Drone to cause harm to persons or property;
 - (6) whenever weather conditions would impair the operator's ability to do so safely; or
 - (7) in a reckless or careless manner.

26. ADMISSION/IDENTIFICATION.

No Person shall enter into, be or remain in any area or facility of the District without payment of any required admission charges and fees, and without compliance with the registration requirements, if any, which may be established from time to time by the District, and without displaying the proper admission identification cards/papers and tickets that may be required. All admission identification cards/papers and tickets are non-transferable and must be individually registered, unless otherwise specifically noted thereon. A charge may be made by the District for replacing lost identification cards/papers, electronic fobs and tickets.

27. DISPLAY OF PERMIT OR PASS.

No Person shall fail to produce or display any Permit or pass required in order to engage in any activity on District Property, upon request of any authorized Person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule of the District.

28. FINES.

The violation by any Person of the laws, ordinances or regulations of the District or the term of any authorized Permit shall subject such Person or entity to a civil fine up to the maximum permitted by law. Each day that a violation continues shall be deemed a separate violation. The District shall give such Person prompt written notice of any fines and the procedure required for any hearing on said violation (see also Section G(4) of these regulations). Such fines may be assessed against any security deposit held by the District on behalf of the permittee, pursuant to this Ordinance, Section D, or may be assessed for monies in excess of any security deposit.

29. REVOCATION OF PRIVILEGES.

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 forthwith evicted or removed from District Property, and may have admission rights to District Property terminated, revoked, forfeited or suspended for any reasonable period of time including, but not limited to, the remainder of the relevant program, or playing season at the discretion of the District as determined by the Director or the Director's designated representative.

30. REWARDS.

The District may offer rewards to the Person or Persons (other than police officers or employees of the District) who furnish information to the District, directly resulting in the arrest and conviction of anyone who unlawfully takes, damages, or destroys District Property. All claims for said reward must be made to the District within thirty days after conviction and the District shall be the sole judge of any dispute arising over the reward and the Person or Persons, if any, entitled to share therein, and its decision on any matter connected with the reward shall be final and conclusive.

SECTION D. PERMITS.

1. RULES AND REGULATIONS.

The Board or Director may, from time to time, establish reasonable rules and regulations for the use of each facility on District Property. The Director may establish reasonable rules and regulations provided they do not conflict with any existing Park District policies. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility, of District employees and of the public, the safety and maintenance of District Property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all District facilities may be used by members of the general public, without Permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of District Property.

2. RESTRICTION ON SOLICITATION.

Permits issued for commercial, charitable or religious solicitation from Persons on District Property shall only be allowed to conduct solicitation activity in designated areas since District Property constitutes a limited public forum. Any Person engaging in solicitation activity pursuant to a Permit in close proximity to a highway or street must wear a high visibility vest.

3. PERMIT REQUIREMENT.

No Person shall, without a Permit:

- a. Conduct a public assembly, Parade, picket, picnic, or other event involving or reasonably expected to involve more than twenty-five (25) individuals or ten (10) Vehicles or less of either if deemed in the best interests of the District by the Director;
- b. Engage in commercial, charitable or religious solicitation from Persons on District Property.
- c. Circulate, distribute, display or post any leaflets, handbills, notices, placards, circulars, pamphlets, books, documents or papers of any kind or obtain signatures in or on any District Property;
- d. Conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
- e. Exhibit or display any motion picture, television program or similar event;
- f. Operate a Vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare that may abut or traverse District Property;
- g. Create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by any other Person;
- h. Place, station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum, hammock, swing, tent, shelter, or other structure or camping equipment;
- i. Station or use any electrical or electronic device or equipment that would require outdoor auxiliary power, excluding power charging stations located on District Property;
- j. Sell, lease, advertise or offer for sale or lease any goods or services;
- k. Bring, land or cause to ascend or descend or alight on District Property, any airplane, helicopter, flying machine, piloted balloon, parachute, drone, motorized model aircraft, model rocket or other motorized apparatus for aviation, with the exception of emergency services provided by first responders;

- l. Bring or ride onto District Property any animal as provided in Section C.19 of this ordinance;
- m. Use District Property for day camps, instructional classes or organized groups not sponsored by the District;
- n. Create, light or make use of a fire, including fires in fireplaces, stoves and pits;
- o. Sell, bring within, give away, deliver or consume alcoholic beverages on District Property;
- p. Engage in commercial, charitable or religious solicitation from Persons on District Property.
- q. Construct, maintain or use any canopy or tent upon District Property;
- r. Bury, affix or place on, in or under District Property of any kind (for this subsection, the term "place on" shall not mean a momentary or temporary locating of an object where the person so placing the object remains in the vicinity and clearly intends to remove the object such as, but not limited to, "geocaching") of the following: boxes, tubes, cans other storage containers.
- s. No permit shall be required when soliciting votes and circulating petitions for or against candidate for election to public office or with respect to any referendum or other public question is permitted on District Property in areas open to the general public, subject to the limitations set for in sections (b) and (c) of this section.
- t. No Person shall engage in any activity described in this subsection or in the immediately preceding subsection in District buildings in rooms, or on District athletic fields or other facilities in or on which any program, activity, class, function or special event conducted, or sponsored by the District is in progress. No Person engaged in the activities described in this subsection shall obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent what the solicited funds will be used for or whether the merchandise 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 or sponsored by the District.

4. APPLICATION FOR PERMITS.

a. Filing Written Application.

Any Person seeking the issuance of a Permit shall apply for a Permit by filing a written application for Permit on a form that shall be prescribed by the Director. Except as otherwise provided, any other ordinance, rule or regulation of the District with respect to the activity in question, applications for Permits shall be filed with the Director or designated alternate at the District's Administrative offices located at 255 Briargate, Cary, Illinois 60013.

b. Fees.

(1) Application Fee.

For any activity requiring a Permit, no Permit shall be granted unless the applicant shall have paid at the time for filing an application for Permit the required application fee in an amount in accordance with the schedule of fees established by the Director.

(2) Fees for Use of Park Facilities.

No application for Permit shall be granted unless the same shall be accompanied by a fee as provided in the uniform schedule of fees set by the Director. As permitted by law, fees charged non-residents of the District need not be the same as fees charged residents of the District.

c. Security Deposit.

For any activity requiring a Permit and if so required by the District, no application for Permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the District Property upon conclusion of the use or activity, as set by the schedule of fees set by the Director. Promptly after the conclusion of a Permit activity, the District shall inspect the premises and equipment used by the permittee. If it is determined by such inspection, that the permitted event proximately caused damage to District Property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or determined that fines should be assessed against the permittee pursuant to this Ordinance, the District shall retain the security deposit or any portion thereof necessary to pay for the cost repair or any fines assessed against the permittee.

The Director or his designee shall give written notice of the assessment of damages or fine and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for Permit.

d. Indemnification and Reimbursement Agreement.

No application for Permit shall be granted unless the applicant shall have executed an agreement with the District, on a form to be prescribed by the Director, in which the applicant shall promise and covenant to bear all costs of policing, cleaning up and restoring the District Property upon conclusion of the event or activity; to reimburse the District for any such costs incurred by the District; and to indemnify the District and hold the District harmless from any liability to any Person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its officers, employees or agents or any Person under their control insofar as permitted by law.

e. Insurance.

Applicant, if so required by the District, shall procure and maintain at all times during its use of District Property, insurance in such amounts and with such coverages as shall reasonably be required by the District and shall name the District as an additional insured there under. The amounts and type of insurance required shall be determined by the Director, based upon the nature of the activity and the risk involved. The Director shall prepare a uniform schedule of insurance guidelines for particular types of activities. Applicant shall provide the District with a certificate from its insurer evidencing such coverage prior to applicant's use of District Property. The certificate shall also provide that the insurer shall give the District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

5. PROCESSING OF APPLICATION FOR PERMITS.

a. Order.

Applications for Permits shall be processed and be scheduled giving preference in the following order to the following activities and groups regardless of the order of receipt of fully executed applications:

- (1) District sponsored and supervised programs and activities;
- (2) District sponsored organization programs and activities;
- (3) Resident based not-for-profit community athletic and social organization;
- (4) Units of local government;
- (5) District approved activities sponsored by residents of the District;
- (6) All others in the order the applications were received.

b. Preliminary Approval.

Applications for Permits for activities or events which require insurance, approval or Permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, an insurance certificate evidencing the requisite insurance is not filed with the Director, or the approval or Permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for Permit will be deemed denied and no written notice of denial will be required; provided, however, for events or activities which involve the use of special facilities, or activities described in this Ordinance, all terms and conditions for issuance of the Permit, including securing insurance, must be completed prior to the event.

c. Issuance of a Permit

Except as otherwise provided in this subsection D (5), letter f, the Director or Director's designee shall issue a written Permit for an approved application without unreasonable delay.

d. Written Denials.

Except for applications for Permits for which preliminary approvals have been issued, applications for Permits shall be deemed approved subject to insurance requirements as provided in this Ordinance, if no written denial is issued within fourteen days of the date on which the application is fully completed, executed and filed with the appropriate officer or employee, as designated by the Director provided, however, the District may extend the period of review for an additional fourteen days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for Permit shall be deemed approved.

e. Notice of Extended Review or Denial or Issuance of Permit.

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for Permit;

f. Contents of Notice; Grounds for Denial.

Notice of denial of an application for Permit shall clearly set forth the grounds upon which the Permit was denied and, where feasible, shall contain a proposal by the District for measures by which the applicant may cure any defects in the application for Permit or otherwise procure a Permit. Where an application for Permit has been denied because a fully executed prior application for the same time and place has been received, and a

Permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the District shall propose an alternate place, if available for the same time, or an alternate time, if available for the same place. The District may deny an application for Permit on any of the following grounds:

- (1) the application for Permit is not fully completed and executed;
- (2) the applicant has not timely tendered the application fee, user fee, indemnification agreement, or security deposit;
- (3) the application for Permit contains a material falsehood or misrepresentation; (4) the applicant is legally incompetent to contract or to sue and be sued;
- (4) the applicant or the Person on whose behalf the application for Permit was made has on prior occasions damaged District Property and has not paid in full for such damage, or has other outstanding and unpaid debts to the District;
- (5) a fully executed prior application for Permit for the same time and place has been received, and a Permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part thereof;
- (6) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District;
- (7) the proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park or part thereof;
- (8) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of District employees or of the public;
- (9) the applicant has not complied or cannot comply with applicable licensure requirements, ordinance or regulation of the District concerning the sale or offering for sale of any goods or services;
- (10) the use or activity intended by the applicant is prohibited by law, by this Ordinance, by another ordinance of the District, or by the regulations of the Director;
- (11) the applicant has not secured the requisite insurance;
- (12) the applicant or the Person on whose behalf the application for Permit was made has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior Permits issued to the applicant; or
- (13) the use of a Park-District Property or Facility by applicant would conflict with the use of the Park District Property or Facility by a Person or Persons given a higher priority pursuant to this Ordinance.

g. Amendment or Revision of Applications.

Any amendment or revision of an application for Permit shall, for purposes of determining the priority of the application for Permit, relate back to the original filing thereof, but the time in which the District shall grant or deny the application for Permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

6. PROCEDURES FOR REVIEW; WAIVERS.

a. Review by Director and Board of Commissioners.

- (1) Any applicant who is denied a Permit or a permittee who is assessed damages or a fine pursuant to this Ordinance may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Director;
- (2) The Director shall provide the Board of Commissioners said notice for its review at its next regularly scheduled meeting. Within seven days from the date on which the appeal was reviewed by the Board, the Director shall provide the applicant or permittee a notice that the Board of Commissioners has affirmed, modified or reversed the denial;
- (3) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for Permit;

b. Form of Appeals.

Any appeals filed pursuant to this Ordinance shall state succinctly the grounds upon which it is asserted that the denial should be modified or reversed and shall be accompanied by copies of the application for Permit, the written notice of the determination of the supervisor and/or the Director and any other papers material to the determination.

c. Waiver of Requirements.

Any requirements for or limitation upon a Permit or the requirement of a Permit may be waived by the Director if the activity is protected by the First Amendment of the United States Constitution and the condition would be so financially burdensome that it would preclude the applicant from using District Property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the Director.

7. FINES.

The violation by a permittee of the terms of a Permit or the laws and regulations of the District shall subject the permittee to a fine up to the maximum amount permitted by law. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the District on behalf of the permittee pursuant to this Ordinance, or may be assessed in an amount in excess of any security deposit held by the District. The Director shall give the permittee prompt written notice of any fines to be assessed in excess of the security deposit. Such notice shall be served on the permittee by personal delivery, or by deposit in the United States mail, with proper postage prepaid to the name and address set forth on the application for Permit.

SECTION E. STRUCTURES AND WORK ON DISTRICT PROPERTY.

1. WORK PERMIT REQUIRED.

No Person shall conduct or direct any of the following activities on District Property without first obtaining a Work Permit from the Director or his designated representative:

- a. make an opening in District Property, pavement, side or cross walk or dig a hole, ditch or drain in or remove any sod, stone, earth, or gravel from any public way or other public place;

- b. use any portion of District Property including the sidewalks and parkways during the construction, reconstruction, alteration, wrecking or tearing down of any building or structure or for the storage or delivery of building materials and equipment;
- c. place any shaft, cable, pipe, main, conduit, wire or other transmitting or conducting device over, on or under the surface of District Property or public place;
- d. construct, build, establish or maintain any driveway over, across or upon District Property;
- e. remove any manhole cover, handhold cover or catch basin cover on any public way or other District Property for any purpose including inspecting or maintaining any underground work or utility, on any public way or District Property for the purpose of inspecting and maintaining any underground work or utility;
- f. use the space under any sidewalk or parkway in such a manner as to affect or to interfere with any sewer or pipe or any other work lawfully in District Property;
- g. construct, maintain or use any canopy or tent upon District Property;
- h. build, rebuild, remove or repair any sidewalk, walk from sidewalk to curb, carriage walk or concrete any lawn space;
- i. use District roadways during the construction, reconstruction, alteration, wrecking or tearing down of any building or structure;
- j. use any ladder, scaffolding or other similar devices upon or over District Property for the purpose of maintaining or repairing any private building or structure, or for hanging signs or changing the lettering on private signs;
- k. move on, along or across any public way or other District Property, any building or structure or any machinery, equipment or personal property.
- l. build, rebuild, remove, construct, change, alter or repair District Property leased or rented from the District.

2. REQUIREMENTS FOR ISSUING WORK PERMITS.

- a. **General Requirements.** The Director shall not issue any Work Permit authorized by this Ordinance until he shall have been fully advised of the time, place and character of such work and the purpose thereof. All applications for Permits shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of any proposed work, or any alterations involving changes in the location of any and all utilities. The Director may require such additional drawings, surveys or other information as he may consider necessary or desirable to establish the scope, character and location of the work intended to be done and shall deny any application for Permit unless or until such requirements are fulfilled.
- b. **Estimate of Work Costs.** Before such a Work Permit shall be issued, the Director shall make an estimate of the cost of engineering and inspection services and of restoring the pavement, lawn, ground surface, or other improvements, to a condition equally as good as before the work provided for in such Work Permit shall have been done.
- c. **Security of Costs.** Before such a Work Permit shall be granted, the applicant shall either pay the estimate of the cost of engineering and inspection service and of restoration, or deposit with the District a performance bond issued by a surety approved by the Director in the penal sum of twice the estimate of cost, guaranteeing the payment by such applicant of all costs and charges against him.
- d. **Indemnity Bond.** Before any Work Permit is issued, the applicant shall first execute in favor of the District an indemnity bond in an amount to be fixed by the Director and

in no case less than ten thousand dollars with sureties to be approved by the Director and in a form approved by the Director conditioned upon the faithful performance of the Permit and further conditioned to indemnify, keep and save harmless the District from any and all loss, cost, damage, expense, judgment or liability of any kind whatsoever which the District may be put to or which may be recovered from the District or any of its officers or employees from or by reason of or on account of accidents to Person or property from or by reason of on account of anything done under or by virtue of any Permit granted.

- e. **Work Permit Fees.** No Work Permit shall be granted unless the applicant shall have paid at the time for filing an application for a Work Permit the required Permit fee in an amount in accord with the schedule set by the Director.
- f. **Waiver of Permit Fees or Requirements.** No fee shall be charged to any municipality, unit of local government or other not-for-profit organization located within a park district that offers reciprocity in the waiving of Permit fees. The Director shall have authority to waive Permit requirements or fees at his discretion. No waiver of Permit fees or requirements shall be valid unless obtained in writing before engaging in the activity.

3. **EMERGENCY REPAIRS.**

Whenever an emergency exists requiring that an opening in any public way or other District Property be immediately made, and at such time or times the offices of the District are not open for the issuance of Work Permits or the time required to make formal application would result in public injury or hardship, such openings may be made if:

- a. the Person making such opening has therefore obtained an emergency Work Permit, and
- b. thereafter, such Person obtains a Work Permit authorizing such opening.

The Director is hereby authorized to issue such emergency Work Permits for the period of any calendar year.

SECTION F. PATRON PROPERTY.

1. **LOST AND FOUND ARTICLES.**

Whenever a District employee or agent finds lost articles on District Property, he shall report such findings to the assigned staff. The assigned staff shall make reasonable effort to locate the owner or owners. If the property is unclaimed by the owner or Person legally entitled to possession after such reasonable efforts, the property will be transferred to the appropriate Police Department for disposition in accordance with the "Law Enforcement Disposition of Property Act," 765 ILCS 1030/0.01, *et seq.* The District shall make reasonable effort to find articles reported to it as being lost on District Property. Items such as towels, clothing, balls, gloves, shoes, chairs, cups, coolers and other like general park use items may, after reasonable effort is made to locate the owner or owners, be disposed of as determined reasonable by the District.

2. **PATRON LOCKS.**

A patron is allowed to affix a lock to designated lockers while using District facilities. However, no patrons lock may remain on a locker when the facility closes for the day unless otherwise permitted by the Director or his designated representative. Any lock remaining on the locker at closing time shall be removed by the District supervisor of the location or his designee. Any rental locker not renewed on an annual basis will have the lock removed. The contents found

in such a locker will be secured by the assigned staff and returned to the patron pursuant to Section F.1. above. The assigned staff shall record an inventory of the items found in the locker.

3. **IMPOUNDMENT.**

a. **Impoundment Procedure.**

The District may impound park patron property by removing it to a designated impoundment area or by forbidding such property from being moved from its location during the period of impoundment.

b. **Circumstances Allowing Impoundment.**

The Director or his designated representative may impound patron property, or may allow municipal, county, state or federal officials to impound such property for the following reasons:

- (1) when the patron property is located on park property without a required valid Permit;
- (2) when the patron property presents an unreasonable danger of injury to Persons or property on District Property;
- (3) when the patron property has been reported stolen and the patron is not present at the location of recovery;
- (4) when the patron property is abandoned or left unattended;
- (5) when the patron fails to pay fines or fees lawfully imposed by the District; or
- (6) when there is other cause justifying impoundment under local, state or federal law.

c. **Record of Impoundment.**

Upon impounding patron property, the Director or his designated representative shall record the name and description of the impounded property; the circumstances under which it was impounded; the time, method, and place of impoundment; and a description of the condition of the property at the time it was impounded.

d. **Notice to Owner of Impounded Patron Property.**

Whenever property is impounded, the Director or his designated representative shall immediately ascertain, if possible, the name of the owners or other Persons legally entitled to possession of such property, and thereafter shall immediately cause a notice to be sent by certified or registered United States mail, return receipt requested, to such owners and such other Persons entitled to possession, if known. Such notice shall contain a full description of the patron property, the circumstances of its impoundment and/or search, and where it is impounded and shall request that the recipient immediately contact the Director. The notice shall:

- (1) Specify the action the Director proposes to take in addition to impoundment;
- (2) Specify the ordinance or rules of the District allegedly violated, if any;
- (3) Briefly state the factual basis of any alleged violation; and
- (4) Inform the patron of the procedure and deadline for appeal.

No notice of impoundment is necessary when the person whose property is impounded is present at the time and place of impoundment. In such circumstances, the written notice of impoundment shall be personally served on said person. The District shall make a reasonable attempt to provide notice of said person.

e. Meeting of Director with Owner.

The Director or his designated representative shall personally meet with the Person or Persons notified above, as soon after the sending of such notice as can be arranged. The purpose of such meeting is to explain the circumstances of the impoundment and receive from the owner any information bearing on whether the impoundment shall be continued. Upon conclusion of this meeting, the Director or his designated representative may:

- (1) Determine that the patron property was improperly impounded, in which case the Director or his designated representative should release the property to any authorized Person without charge.
- (2) Determine that the patron property was properly impounded. In such case, the Director shall determine whether the property should remain impounded pending proceedings, if any, on the charges that led to the impoundment. If the Director allows the patron property to be released, he shall do so upon payment of the reasonable charges incurred by the District in moving and storing the property during impoundment. The Director may order the impoundment continued pending such further proceedings if he finds probable cause to believe that:
 - (a) the property, if released to its owner, would pose a clear and present danger to the safety of Persons or property,
 - (b) the continued impoundment of the patron property is necessary in connection with state or federal legal proceedings; or
 - (c) the owner has failed or refused to correct an existing violation of this Ordinance.
- (3) Release the impounded patron property to the custody of federal, state, county or municipal authorities.

f. Subsequent Proceedings.

If the owner, in the notice of impoundment, was notified of charges of violation of a District ordinance or rules, the owner shall have the right to appeal such charges and receive a hearing with the Board thereon. The Director shall, upon conclusion of the hearing, and at the direction of the Board, make such disposition of the impounded patron property as may be appropriate in compliance with law.

g. Disposition of Unclaimed Impounded Patron Property.

If any impounded patron property remains unclaimed by the owner or Person legally entitled to possession thereof for a period of thirty days or more after the date the notice of impoundment was sent to the owner or Person entitled to possession of said patron property, the Director may cause the impounded property to be transferred to the Cary Police Department to be disposed in accordance with "The Law Enforcement Disposition of Property Act," 765 ILCS 1030/0.01, *et seq.*

SECTION G. ORDINANCE ENFORCEMENT.**1. PARENTAL RESPONSIBILITY.**

- a. The parent or legal guardian shall be responsible for the care, supervision, actions and conduct of emancipated minors.
Each parent and legal guardian shall be jointly and severally liable.
- b. The District shall hold parents and legal guardians of an unemancipated minor for damages caused by such minor to personal or property, as provided in the "Illinois

Parental Responsibility Act" (740 ILCS 115/1, *et seq.*) or any other statutes that deal with this issue.

2. NON-EXCLUSIVITY OF PENALTIES.

The penalties provided for in this Ordinance are in addition to and not exclusive of any other remedies available to the District as provided by applicable law. The penalties provided for in any section of this Ordinance may be imposed or assessed in addition to and not necessarily in lieu of the penalties provided for in other sections of this Ordinance.

3. POLICE FORCE.

- a. Village Police:** Each of the police officers of any municipality or county within District boundaries are hereby authorized to enter upon the property owned, leased or controlled by the District in their respective jurisdictions for the purpose of enforcing the ordinances of the District, ordinances of the Villages of Cary, Lake in the Hills, Oakwood Hills, Trout Valley, the County of McHenry, laws of the State of Illinois and all laws and ordinances amendatory thereof.
- b. Park Police:** In addition to local police, the Board may appoint its own police officers as may be deemed necessary to preserve the peace on District Property.

4. VIOLATIONS, COSTS AND FINES.

Any Person violating any clause or provision of any section of this Ordinance shall be subject to a fine of up to the maximum amount permitted by law. Each day that a violation continues and every violation of each separate section of this Ordinance shall be deemed a separate violation. The District may establish a schedule of violations for which a citation may be issued and paid without requiring a court appearance by the violator. In the event that a Person causes damage to District real or personal property, that Person shall be responsible for restoring or repairing the damaged property or paying the District for the cost of such restoration or repairs as directed and determined by the District.

OFFICIAL SIGNATURE:

Keith Frangiamore

Keith J. Frangiamore
 Keith Frangiamore, President
 Board of Commissioners

ATTEST:

Dan Jones

Daniel C. Jones
 Daniel C. Jones, Secretary

SEAL