



## **ORDINANCE CODE**

**Regulating the Use of the Parks & Property  
Owned or Controlled by the Niles Park District**

*Approved and enacted by the Board of Park Commissioners  
of the Niles Park District on October 15, 2024*

**Niles Park District**  
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# CHAPTER I

## SCOPE

### Section 1.01 Designation.

This Ordinance regulating the use of the parks and property owned or controlled by the Niles Park District (hereinafter "District") shall be known as the "Ordinance Code of the Niles Park District," and the same may be so cited and referred to for purpose of identification.

### Section 1.02 Construction and Scope.

(a) In the interpretation of this Ordinance, its provisions shall be construed as follows: (1) 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; (2) The word "shall" is always mandatory and not merely directory; (3) The word "may" is always permissive and upon the discretion of the District; (4) 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.); (5) 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;

(6) 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; (7) 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, (8) 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.

(b) This Ordinance shall apply to and be enforced in all of the territory originally embraced in, heretofore added to and which may hereafter be embraced in the boundaries of said Niles Park District, and in all parks, public places and other property and facilities of every kind owned by or within the jurisdiction of the District whether within or outside the boundaries of said District, 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, when acting within the scope of their authority or in their line of duty, or any other Person summoned by such person to assist them.

### **Section 1.03 Declaration of Control.**

The premises heretofore laid out as Chesterfield Park, Courtland Park, Fairway Banquets, Golf Mill Park, Golf View Recreation Center, Greenwood Park, Grennan Heights Park, Howard Leisure Center, Iceland Skate, Jonquil Terrace Park, Kirk Lane Park, Loverde Sports & Recreation Center, N.I.C.O. Park, Oak Park, Oakton Manor Park, The Howard Street Inn, Pioneer Park, Point Park, Commissioners Park, Oasis Fun Center, Tam O'Shanter Golf Course, Washington Terrace Park, Tam Tennis Club, Tam Golf Learning Center, and such other areas, playgrounds, playfields, buildings and other public areas and facilities as may hereafter be acquired, leased, laid out, or appropriated by the appropriate corporate motion of the District, are hereby declared to be in the possession and control of the Niles Park District, for park purposes. Whenever, in this Ordinance, places of the District are referred to such words shall be held to and include all such areas, including buildings, Facilities, and other structures in the possession and contract of the Niles Park District, including premises and schools which may be used or rented by the District.

### **Section 1.04 Definitions.**

Unless otherwise expressly stated elsewhere in this Ordinance, for purposes of this Ordinance, the following words, terms and phrases shall have the meanings given herein:

- (1) **"Aircraft"** means any device that is used or intended to be used for human flight in the air or is capable of flight in the air, including without limitation powerless flight.
- (2) **"Alcoholic Liquor"** is defined as provided in the Illinois Liquor control Act of 1934 (ILCS 5/1-3.05) as amended hereafter.
- (3) **"Aquatic Life"** means all fish, reptiles, amphibians, crayfish, mussels, mollusks, and crustaceans.
- (4) **"Bathhouse"** means any portion of swimming pool facilities which is used to pay admission and/or change clothes prior to entering the water.
- (5) **"Board"** means the Board of Park Commissioners of the Niles Park District.
- 6) **"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, or mooring of a vessel, for the apparent purpose of overnight occupancy.



(7) "**Cannabis**" is defined as provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a) as amended hereafter.

(8) "**Controlled Substance**" is defined as provided in the Illinois Controlled Substances Act (720 ILCS 570/102(f), 204, 206, 208, 210 and 212) as amended hereafter.

(9) "**Director**" is the Executive Director of the Niles Park District.

(10) "**District**" is the Niles Park District, Cook County, Illinois.

(11) "**Police Force**" shall include members of the Cook County Sheriff's Police and Village of Niles Police Department, other law enforcement officers, and any other sworn police officer.

(12) "**District Property**" is 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, park, wilderness or open space, or other public place or Facility located within the jurisdiction of, owned, administered, leased or licensed by, or otherwise in the Possession or under the control of the District.

(14) "**Division Head**" is the person immediately in charge of a given District division and its activities and to whom all employees of such department are directly responsible (e.g., Superintendent of Recreation & Facilities and Superintendent of Parks).

(15) "**Drivers**" every person who drives or is in actual physical control of a vehicle.

(16) "**Facility**" means any District Property other than a park or playground and includes, without limitation, golf courses, tennis courts, basketball courts, recreational centers, buildings, or designated areas, including instructional and spectating areas, and any accessory structures or areas of a Facility.

(17) "**ILCS**" is the Illinois Compiled Statutes.

(18) "**Model Aircraft**" means any unmanned aircraft that is capable of sustained flight in the atmosphere, including drones of any kind.

(19) "**Neighborhood or Community Recreation Center**" those buildings which have been constructed for the purpose of conducting supervised recreation activity or which are rented to organizations for their use to conduct programs of their choosing.

(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.

(21) "**Ordinance**" means the Conduct Ordinance of the Niles Park District.

(22) "**Owner**" person who holds the legal title of a vehicle or other property of any kind, or in the event that a vehicle or other property is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event mortgagor of the vehicle or other property is entitled to possession, then such conditional venter or owner for the purposes of this ordinance.

(23) "**Parking**" when prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(24) "**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 engage in a particular act or acts on District Property. Said authorization is 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.

(25) "**Person**" is every natural person and every organization, firm, partnership, association, corporation, or entity of any kind or any employee, agent or officer thereof. This definition shall not include the District and any authorized officer, employee (full or part-time, regular or short-term), or agent of the District when acting within the scope of their authority

(26) "**Pool Area**" that portion of the swimming pool, exclusive of the Bathhouse.

(27) "**Possess, Possession or Possessing**" means exercising direct physical control or dominion, with or without ownership, over any kind of property, or archaeological, cultural or natural resource.

(28) "**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.

(29) "**Services**" shall include but not be limited to labor, professional services, transportation, leasing or renting any article, object, privilege, or service, giving of instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

(30) "**Smoking**" means the lighting of cigarettes, electronic cigarettes or vapor or similar devices, cigars or pipes, the carrying of lighted cigarettes, electronic cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects. The term, "electronic cigarettes," for purposes of this Ordinance shall mean an electronic or battery operated device that delivers vapors for inhalation and includes every variation

and type of such devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah or any other product name or descriptor.

(31) **"Take or Taking"** means to pursue, hunt, harass, lure, harm, shoot, trap or ensnare, gig or spear, net, capture, collect, kill, destroy, wound, or attempt to do any of the above.

(32) **"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, bicycles when properly used on walks or trails, and vehicles in the service of the District.

(33) **"Wildlife"** shall include any waterfowl, mammal, animal, amphibian, reptile, or bird or the young or eggs thereof, but excluding any domesticated dog or cat.

#### **Section 1.05 Statutory Control.**

This Ordinance shall be subject to and controlled by "The Park District Code" of the State of Illinois and all other laws affecting the District.

## CHAPTER II

### *Restrictions on Conduct and Behavior*

#### **Section 2.01. Aircraft/Model Aircraft.**

(a) No Person shall fly, cause to be flown or permit or authorize the flying of Aircraft or Model 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 land, cause to be landed, or permit or authorize the landing of any Aircraft on District Property, except when necessitated by unavoidable emergency.

(c) No Person shall fly or cause to be flown or permit or authorize the flying of Model Aircraft on or over District Property unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. Any Person authorized to operate a Model Aircraft on District Property after obtaining a Permit for the same, shall comply with all regulations established by the Federal Aviation Administration or other governmental authority having jurisdiction over such use and operation of the Model Aircraft.

(d) 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.

#### **Section 2.02. Alcoholic Liquor.**

(a) No Person under the influence of Alcoholic Liquor, any other drug or drugs, intoxicating compound, or a combination thereof, as defined in Section 11, 501 of the Illinois Vehicle Code (625 ILCS 5/11-501), shall enter into, be, or remain on District Property.

(b) 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 therefor from the District.

(c) No Person shall bring into, Possess, drink, consume, take, use, or transfer any Alcoholic Liquor on District Property without having first obtained a Permit therefor from the District unless they are in or on District Property where the Possession, consumption, use, or transfer of Alcoholic Liquor is permitted.

(d) 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.

### **Section 2.03. Animals and Pets.**

(a) 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 dogs, cats or other domesticated animal subject to the restrictions contained in this section. 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, permitted or licensed maintained by the District. No person shall trap, catch, wound or kill, or treat cruelly, or attempt to trap, catch, wound or kill, any bird or animal or molest or rob any nest of any bird or animal in any park.

(b) Except as otherwise provided in this Section 2.03, no Person shall bring any domesticated dog, cat, or any other domesticated animal onto District Property.

(c) Domesticated dogs, cats and any other domesticated animals are otherwise permitted only on park pathways designated by the District and in compliance with this Section 2.03. No owner or agent of the owner having control of any domesticated dog, cat, or any other domesticated animal shall cause or permit such animal to be on said pathways unless such animal is on a leash which shall not exceed six (6) feet in length and such Person has in their immediate Possession a device for removal, and a depository for the transportation of, animal excrement from such Property.

(d) All owners or agents of the owner having control of any domesticated dog, cat, or other domesticated animal, shall remove any excrement from District Property left by such animal.

(e) No Person shall bring a domesticated dog, cat, or any other animal onto or permit any animal to remain on any portion of District Property where the presence of animals is prohibited, except (i) in conjunction with an activity or event conducted or sponsored by the District; and (ii) dogs or other domesticated animals specially trained to assist the visually impaired or other Persons with disabilities, when they are accompanying the Persons with disabilities for purposes of providing such assistance.

(f) Any animal found on District Property in violation of subsections (a) or (e) may be apprehended, removed to an animal shelter, public pound, or other place provided for that purpose, and disposed of pursuant to the laws or ordinances of Cook 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.

(g) Service animals for the visually impaired and other domesticated animals specially trained to assist Persons with disabilities are excluded from the prohibitions of this section when they are accompanying Persons with disabilities for purposes of

providing such assistance.

(h) No person shall lead or allow to be loose upon District property any horse, pony or other riding animal except in areas designated for riding and by written permission of the Director.

#### **Section 2.04. Assault or Bodily Injury.**

(a) 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.

(b) 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.

#### **Section 2.05. Begging and Panhandling.**

(a) No Person shall beg or panhandle in District buildings, Facilities, parks or playgrounds or the entrances or stairways of such buildings or Facilities.

(b) No Person begging or panhandling on the Park District Property shall obstruct or impede pedestrians or Vehicles; harass park visitors with physical contact or persistent demands; misrepresent their 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.

#### **Section 2.06. Camping.**

No Person shall place, erect, or use any hammock, swing, tent, shelter, or any other type of temporary or permanent housing or camping equipment on District Property, nor otherwise camp in any manner on District Property unless a Permit therefor has first been obtained from the District or unless it is part of an organized District sponsored event/program.

#### **Section 2.07 Charitable, Religious, Political, or Non-Profit Activities.**

(a) For purposes of this section, charitable, religious, political, or non-profit activities shall include, without limitation, soliciting contributions, the sale or distribution of merchandise, soliciting votes or circulating petitions for or against any candidate for election to public office or with respect to any referendum or other public question.

(b) Soliciting contributions for charitable, religious, political, or non-profit organizations is permitted on District Property provided that a Permit therefor has first

been obtained from the District in accordance with Chapter V of this Ordinance.

(c) The sale or distribution of merchandise by charitable, religious, political, or non-profit organizations is permitted on District Property provided that a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

(d) Soliciting votes and circulating petitions, fliers or banners 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 without a Permit, subject to the limitations set forth in paragraphs (e) and (f) of this Section 2.08.

(e) No Person shall engage in any activity described in subsections (a) through (d) of this Section 2.08 in District buildings or Facilities in rooms or other locations in which any program, activity, class, function or special event conducted, sponsored by the District is in progress.

(f) No Person engaged in the activities described in subsections (a) through (d) of this section shall obstruct or impede pedestrians or Vehicles, harass park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent 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.

### **Section 2.08 Clothing.**

No person shall enter or remain on District Property unless decently clothed.

### **Section 2.09 Commercial Sale, Exhibition, or Distribution of Goods or Services.**

(a) No peddler, vendor or any other Person involved in an endeavor for profit 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, upon District Property unless they have received a Permit, license or contract therefor from the District.

(b) No Person engaged in the sale or distribution of goods or services under this section shall obstruct or impede pedestrians or Vehicles, harass park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent whether the goods or services are available without cost or donation, or interfere, interrupt, or engage in conduct incompatible with the purpose of any program, activity, function, and/or special event conducted, sponsored, licensed or otherwise permitted by the District.

### **Section 2.10. Controlled Substances and Cannabis.**

(a) No Person shall sell or deliver Cannabis or any Controlled Substance to

another Person or use Cannabis or any Controlled Substance upon District Property except as permitted by local ordinance and state law.

(b) No Person shall bring or Possess any Controlled Substance on District Property.

(c) 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 and amended thereafter (410 ILCS 130/1 et seq.) or other state law. 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 or by state law.

(d) Except as provided in 2.10(c), no Person under the influence of Cannabis, a Controlled Substance(s), or any combination thereof, shall enter into, be, or remain on District Property.

(e) No Person shall possess drug paraphernalia; sell any item of drug paraphernalia on District Property. For purposes of this section, "drug paraphernalia" shall mean all equipment, products and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body Cannabis or a Controlled Substance in violation of the Cannabis Control Act or the Illinois Controlled Substances Act. It includes, but is not limited to:

(1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing Cannabis or a Controlled Substance;

(2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which contains Cannabis or a Controlled Substance;

(3) Testing equipment peculiar to and marketed for cutting Cannabis or a Controlled Substance by private persons;

(4) Diluents and adulterants peculiar to and marketed for cutting Cannabis or a Controlled Substance by private persons;

(5) Objects peculiar to and marketed for use in ingesting, inhaling or otherwise introducing Cannabis, cocaine, hashish, hashish oil or other Controlled Substances in to the human body including, where applicable the following items: water pipes; carburetion tubes and devices; smoking and carburetion masks; miniature cocaine spoons and cocaine vials; carburetor pipes; electric pipes; air-driven pipes; chillums; bongs; ice pipes or chillers; and

(6) Any item whose purpose, as announced or described by a seller or user is for use in violation of this section.

## **Section 2.11. Cooperation with Authorities.**

(a) No Person shall physically hinder, threaten, resist, intimidate, disobey, bribe, or otherwise intentionally interfere with any member of the Police Force or any



District employee, board member or agent in the performance of their duties.

(b) No Person shall falsely represent that they are, or otherwise pretend to be, a District officer or employee, a member of the Police Force, or an agent or other representative of the District.

(c) No Person shall knowingly display a false, expired or revoked permit, pass or membership card, or give a false report or false information (including, without limitation, information requested in a Permit application) for the purpose of misleading a District employee, board member or agent, or a member of the Police Force in the conduct of their official duties.

## **Section 2.12. Disorderly Conduct.**

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

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(2) Makes or causes to be made any excessively loud or unreasonable noise which disturbs the peace; or

(3) Uses obscene or abusive language or gestures, or threatens violence or injury to the person or property of others, in a manner intended and likely to incite or produce an immediate breach of the peace or violent or disorderly response; or

(4) Congregates 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 Force to disperse.

(5) In addition to the aforementioned conduct, the Park District has adopted a Zero Tolerance Policy, pursuant to Ordinance No. 05-0-102, which applies to all Park District events, activities and programs sponsored by the Park District or on Park District property, the purpose of which is to provide the Park District's commitment to an environment for its activities, games and programs that is free of unreasonable disruption, inappropriate behavior or interference caused by spectators, participants and/or parents.

## **Section 2.13. Display of Permit or Pass.**

Every Person shall produce or display a Permit or pass when requested to do so by any authorized Person for the purpose of enforcing compliance with any federal, state, local, or District law, ordinance, rule, or regulation, when such Permit or pass is required to engage in an activity on District Property.

## **Section 2.14. Dumping, Pollution, Sanitation, and Litter.**

(a) No Person shall litter, cast, throw, drop, leave, scatter, place, pile, or otherwise dump, leave, or deposit in any manner any kind of dirt, rubbish, placard, handbill, pamphlet, circular, book, notice, paper of any kind, ashes, garbage, waste

material, snow, ice, or other substance, whether liquid or solid, or any other Refuse in or upon District Property except as specifically permitted by the District. Provided, however, that paper, glass, cans, garbage and other Refuse resulting from picnics or other lawful use of District Property shall be deposited in receptacles provided by the District for that purpose. 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 responsible for its creation and presence, and properly disposed of elsewhere.

(b) No Person shall spray or otherwise apply any chemical or biological pesticide, herbicide or fungicide, or any other substance, measure or process designed to alter the anatomy, or physiology of any organism on Property District for the purpose of eliminating or controlling its population, without the express written permission of the Director, and then only in compliance with all applicable laws, rules and regulations.

(c) No Person shall urinate or defecate on District Property other than in toilets in rest room Facilities expressly provided for such purposes.

(d) No Person shall drain refuse from a trailer or other Vehicle on District Property.

(e) No Person shall bathe or wash themselves 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.

(f) No Person shall pollute or contaminate District Property or District Waters.

(g) No Person shall dispose of fish remains on District Property, or in District Waters or within any park area of the District except as permitted by the District.

(h) No Person shall dispose of human or animal waste on District Property except at designated locations or in fixtures provided for that purpose.

(i) 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.

## **Section 2.15. Erection of Structure/Wires.**

No Person shall construct, build, erect, or otherwise place any building, tent, stand, scaffold, platform or other structure 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 public service or private utility, into, upon, above, or across or beneath District Property, unless a Permit, license, written permission or contract therefor has first been obtained from the District.

## **Section 2.16. Excavation.**

No person shall excavate or take soil or other property of any kind from the park system under the jurisdiction of the District.

### **Section 2.17. Fairs and Events: Sale and Distribution of Merchandise; Soliciting Contributions.**

No Person shall sell and/or distribute merchandise or printed or written materials or solicit contributions, votes or signatures during fairs or events conducted or sponsored by the District except at a fixed location designated by the District and unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. The District shall allocate space at the fixed location to applicants at determined by the District in its sole discretion.

### **Section 2.18. Fires**

(a) No Person shall light, maintain, or make use of any fire on District Property, except at such places and at such times as the District may designate for such purpose and under such rules as may be prescribed by the District.

(b) No fire shall ever be left unattended. Every fire shall be under the continuous care and direction of a competent Person 18 years of age or older from the time it is kindled until the time it is completely extinguished. All fires must be properly and completely extinguished prior to any Person leaving the site of the fire.

(c) No Person shall throw or otherwise discard lighted or smoldering material in any manner that threatens or causes damage to, or results in the burning of, District property or park resources, or creates a safety hazard. Charcoal from a grill may be deposited if and where designated ash pits are available.

### **Section 2.19. Fishing.**

No Person shall fish or otherwise take aquatic life from District Property, nor bring any fishing equipment into or onto District Property.

### **Section 2.20. Gambling and Games of Chance.**

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, carnival, or other organized event conducted, sponsored or authorized by the District, or such use has been approved by the Board.

### **Section 2.21. Hunting or Trapping.**

No Person shall hunt or trap any animal on District Property, nor bring any device for hunting or trapping into or onto District Property.

### **Section 2.22. Improper Behavior.**

No person shall use any abusive, threatening, profane, indecent, or obscene language, or language calculated to occasion a breach of the peace, nor induce, commit or perform any indecent or obscene act or behavior, nor exhibit, possess or transfer indecent or obscene pictures, writings or articles of any kind within the park system.

### **Section 2.23. Interference with Other Users.**

(a) No Person shall walk, act, or conduct themselves upon any portion of District Property designated for a particular game, sport, event, amusement or 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 game, sport, event, amusement or other use for which it has been designated.

(b) 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.

(c) No Person shall interfere with, unreasonably disrupt, delay, or in any manner hinder any employee of the District engaged in the performance of their duties.

(d) 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

### **Section 2.24. Intoxication.**

No person, under the influence of intoxicating liquor or narcotic drugs, shall enter, be or remain in the park system, nor shall any person bring within, sell, or transfer any intoxicating liquors or narcotic drugs in the park system.

### **Section 2.25. Loitering.**

No Person shall loiter or remain in on District Property either alone or in consort with other Persons in such a manner that: (1) unreasonably obstructs the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impedes or disrupts the performance of official duties by District employees; (3) prevents the general public from obtaining the administrative or recreational services provided on District Property in a timely manner; or, (4) restricts vehicular or pedestrian traffic or restricts free ingress to and egress from District Property after being requested

to leave, move or disperse by any District employee or any member of the Police Force, or where the District has posted a sign or signs that prohibit loitering.

### **Section 2.26. Minors.**

Every parent, guardian, or custodian of a minor shall not permit or allow such minor to do any act in the park system in violation of any law, ordinance, or rule of the District, and they shall use their best efforts to prevent any such violation.

### **Section 2.27. Misappropriation of Property.**

(a) No Person shall knowingly obtain or exercise unauthorized control over the property of another.

(b) No Person shall knowingly obtain by deception control over property of another.

(c) No Person shall knowingly obtain by threat control over property of another.

(d) No Person shall knowingly obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce them to believe that the property was stolen, where they:

(1) Intends to deprive the owner permanently of the use or benefit of the property; or,

(2) Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or,

(3) Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

### **Section 2.28. Mob Action.**

(a) No Person shall collect with other Persons, in bodies or in crowds of two (2) or more Persons without authority of law, for unlawful purposes or any purpose of disturbance or obstruction of the lawful activities of other Persons or otherwise disturb, obstruct, or interfere unreasonably with the lawful activities of other Persons using District Property in a manner which creates immediate violence or breach of the peace or threat thereof or endangers the person or property of others.

(b) No Person shall knowingly commit an act or engage in conduct that urges or incites other Persons to riot, engage in immediate violence or lawlessness, or commit any unlawful act.

(c) No Person shall organize, promote, encourage, or otherwise participate in a riot or other breach of the peace involving crowds of two (2) or more Persons gathered, without authority of law, for unlawful purposes or any purpose of disturbance or obstruction of the lawful activities of other Persons.

### **Section 2.29. Parades, Public Assemblies or Meetings.**

(a) Public parades, rallies, processions, theatrical, dramatic, music presentations or entertainment of any description, athletic events, meetings, assemblies, exhibitions, gatherings, and demonstrations, are permitted on District Property provided that, where the number of participants is reasonably expected to exceed fifteen (15) or more persons and/or vehicles, a Permit therefor must first be obtained from the District in accordance with Chapter V of this Ordinance.

(b) No Person shall play any amplified instrument or set-up or use any communication system on District Property without first obtaining a Permit from the District in accordance with Chapter V of this Ordinance other as otherwise agreed to by the District by contract.

(c) Any Person issued a Permit by the District shall produce the Permit and exhibit it upon request of any District employee or officer.

(d) No Person other than a District employee or officer shall disturb or interfere with any Person occupying District Property under the authority of a Permit.

### **Section 2.30. Picnics.**

(a) A permit shall be required for any picnic that exceeds thirty (30) individuals or family groups. In the case of the latter group exceeding thirty (30) in number, approval must be given by the Director. All permits are subject to sub-paragraph (b).

(b) Individuals or organizations holding permits and dispensing food, soft drinks, dairy products and confections or any products may do so only in the area designated by the District. In the event the dispensing of the aforementioned products is by sale, they may only be sold to the members of the organization attending the function and not to the general public.

(c) Events sponsored by the District, in conjunction with its supervised recreation programs, shall be exempt from the restrictions in sub-paragraphs (b) and (b).

### **Section 2.31. 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 anything or object located on District Property.

(b) The District may 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 contrary to 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 for purposes of this section.

**Section 2.32. Protection of Animals.**

(a) 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, have in their Possession, or release or cause to be released, any Wildlife on or upon District Property.

(b) No Person shall give or offer to any Wildlife any food or any harmful, poisonous, or noxious substance on or upon District Property.

(c) No Person shall touch, tease, frighten, disturb, or otherwise intentionally interfere with any Wildlife while feeding, nesting, breeding, sleeping, resting, flying or otherwise moving, conducting or participating in any activity on or upon District Property.

(d) No Person shall molest, touch, throw or propel 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 or upon District Property.

**Section 2.33. Protection of Property. Unless Authorized by a District Contract, a Permit or Other District Authorization:**

(a) No Person shall mark, carve, bend, cut, paint, deface, affix any sticker or sign to, break down, destroy, damage, alter, change, sever, uproot, dig, excavate or otherwise injure, remove, or attach or suspend any rope, wire, or other material or contrivance to, on, or from, District Property or anything or object on or upon District Property, or otherwise take, damage or destroy such Property, thing or object.

(b) No Person shall climb upon, walk on, hang from or stand or sit on, any plant, fence, monument, fountain, structure, or other District Property of any kind except such benches or other property designated or customarily used for such purposes, or recreational equipment installed for such purposes.

(c) No Person shall bring into, throw, cast, drop, deposit, or otherwise leave or lay down any smoke bomb, stink bomb, tear gas or other offensive smelling or disabling agent or compound on District Property.

(d) No Person shall bring any plant or portion of a plant or plant product onto District Property.

(e) No Person shall destroy, cut, break, deface, mutilate, injure, disturb, sever for the ground, or remove any sod, earth or growing thing including but not limited to any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit, or leaf thereof; or bring into or have in their Possession in or on District Property any tool or instrument intended to be used for the cutting thereof, or any garden or agricultural implements or tools which could be used for the removal thereof and no person shall allow any animal to injure or deface any tree, plant, shrub, lawn, or grass plot in any manner whatsoever;

(f) No Person shall set fire to any trees, shrubs, plants, flowers, grass, plant growth, or living timber, or suffer any fire upon land to extend into District Property;

(g) No Person shall 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;

(h) No Person shall cut, break, or in any way injure, deface, destroy, or alter any building, fence, monument, sculpture, bridge, or other structure or property contained therein;

(i) No Person shall operate or drive any motor car, electric vehicle automobile, or vehicle of any kind in or on District Property in places other than roadways or in such a manner as to strike or cause to strike, injure, deface, or damage any park property or appurtenance of any kind;

U) No Person shall fasten any animal or attach any rope, sign, handbill, or other things to any tree or shrub or to any protective device around any tree or shrub growing in the District;

(k) No Person shall fasten any bicycle, motorcycle, moped, or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot; and

(l) No Person shall deface, destroy, cover over, or otherwise make unreadable any warning or prohibitory sign or symbol in or on District Property.

(m) No Person shall, or cause another person to, deface or apply graffiti to any District Property. For purposes of this section, the term, "graffiti," shall mean any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to or on any surface by, but not limited to, any of the following: felt tip marker, paint stick or graffiti stick, or graffiti implement, to the extent such marking was not authorized in advance by the District.

(n) The District may give rewards to the Person(s) (other than District employees or agents, or members of the Police Force) who furnish information to the District, directly resulting in the arrest and conviction of any Person who unlawfully takes, damages, defaces or destroys District Property. All claims for said reward must be made to the District within thirty (30) days after conviction and the District shall be the sole judge of any dispute arising over a reward, if any, and the Person(s) entitled to share therein. The District's decision on any matter connected with the reward shall be final, conclusive, and binding and shall not be subject to judicial review.

### **Section 2.34. Public Indecency.**

(a) No Person shall perform or commit any of the following acts on District Property:

(1) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12; or,

(2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the Person.

(b) No Person shall exhibit, sell, give away, offer to sell or give away, display



or hold or place in such a manner as to be open to public view any obscene book, pamphlet, drawing, picture, photograph, video, model, cast, instrument, or any other obscene item while on or upon District Property. For purposes of this subsection, obscene shall have the meaning ascribed to it in 720 ILCS 5/11-20.

### **Section 2.35. Refuse**

No person shall deposit or leave any garbage, refuse, or other material of any kind on District Property. Paper, glass, cans, garbage and other refuse shall be deposited only in receptacles provided for that purpose, and no person shall litter, suffer, or cause the park system to be littered in any way.

### **Section 2.36. Reporting Accidents.**

A Person involved in an incident on District Property resulting in personal injury or property damage shall report the incident to the Police Force and the Director, as soon as practicably possible.

### **Section 2.37. Restricted Areas.**

(a) No Person shall enter or remain in any building or portion of District Property where Persons are prohibited by the District from entering, as indicated by a sign or notice posted by the District.

(b) No Person shall enter or remain in any District Property when it is closed to the public.

(c) 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.

(d) No Person shall enter or remain in any portion of District Property if their admission privileges have been terminated, revoked, forfeited or suspended pursuant to Section 5.08 of this Ordinance, or if their permit, pass, ticket or membership card for admission to, or use of, the specific District Property which they enter has been suspended or revoked.

(e) No Person shall occupy or inhabit, or cause to be occupied or inhabited, any barn, shed or other structure on District Property, or use for storage or cause to be used for storage of any goods, any such barn, shed or other structure without the prior written permission of the District.

### **Section 2.38. Restrictions Applicable to Specific Recreational Activities.**

(a) Golf. No Person shall play or practice golf on District Property, except on a

designated golf course or driving range, and provided that the Person has satisfied all requisites before playing or practicing, including without limitation the paying of appropriate fees.

(b) Baseball, Softball, and Cricket Playing.

(1) No Person shall engage in softball, baseball, or cricket games except in those parks which have established diamonds and backstops constructed for that purpose, or such other areas as may be specifically designated by the District;

(2) In those parks having established softball or baseball diamonds, participation in softball or baseball in areas other than established diamonds is limited in accordance with signs or notices posted by the District;

(3) In those parks having established softball or baseball diamonds, the type of recreation on said diamonds shall be in accordance with posted signs or notices posted by the District.

(c) Soccer. Participation in soccer in areas other than District established soccer fields is limited in accordance with signs or notices posted. Pursuant to statute 430 ILCS 145-1, et seq. "Zach's Law," no Person, participant, affiliate, soccer organization, school or any other organization shall move or cause any soccer goal to become unsecured. In strict accordance with the Consumer Product Safety Commission guidelines on soccer goals by moving or tipping over soccer goals can and will cause injury and or death. By un-anchoring and or moving any soccer goal is in direct violation of this Ordinance and fineable a minimum of \$500.00 per occurrence.

(d) Classes and Camps. No Person shall bring or cause to be brought onto District Property any class, play class, day camp, group lesson or similar organized group activity of any kind unless a Permit allowing such use or activity has first been obtained from the District in accordance with Chapter V of this Ordinance.

(e) Tournaments, Leagues, or Other Organized Recreational Activities. No Person shall utilize any District Property, including without limitation playing fields and other District Facilities, for tournaments, leagues, or other organized recreational activities and outings unless a Permit allowing such use or activity has first been obtained from the District in accordance with Chapter V of this Ordinance.

(f) This section does not apply to normal or scheduled District programs or activities. Where a conflict between normal or scheduled District programs or activities and a requested activity occurs, District programs and activities shall take precedence.

### **Section 2.39. Rest Rooms, Washrooms, and Locker Rooms.**

(a) Every Person shall cooperate in maintaining rest rooms, washrooms and locker rooms on District Property in a neat and sanitary condition.

(b) No Person shall deposit objects of any kind, other than human waste and toilet tissue, in the toilets or plumbing fixtures of a rest room, washroom or locker room Facility on District Property. Feminine hygiene products shall be deposited in trash receptacles only and the District may post notice signs in rest rooms instructing Persons accordingly.

(c) No Person of the age of four (4) years or more may enter or use rest rooms, washrooms or locker rooms on District Property designated for the opposite sex.

(d) No Person shall use (i) any still camera, television or movie camera, camcorder, video recorder or transmitter or any other device capable of recording, filming or transmitting visual images; or (ii) any cellular telephone, into any restroom, locker room or washroom Facility anywhere on District Property.

#### **Section 2.40. Roller Skates, Skateboards, and Other Similar Objects.**

No Person using roller skates, rollerblades, skateboards, roller skis, coasting vehicles, or similar devices shall interfere with pedestrian use of sidewalks or Vehicle use of the streets, or otherwise act negligently, recklessly or without due caution, or in any manner so as to endanger any Person or property nor use same where use of such devices has been posted as prohibited.

#### **Section 2.41. Selling.**

No person shall offer or exchange for sale any article or thing or take up any collection or solicit or receive contributions of money or anything of value on District Property, except as herein permitted or when authorized to do so by permit from a contract approved by the Board.

#### **Section 2.42. Selling or Distributing Printed or Written Material.**

(a) The distribution of printed or written material available without cost or donation is permitted on District Property.

(b) The sale or distribution for donation of printed or written material is permitted on District Property provided that a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

(c) Any Person engaged in the sale or distribution of printed or written materials under this Section 2.42 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.

#### **Section 2.43. Sledding, Ice Skating, and Snowmobiling.**

(a) No Person shall skate, sled, toboggan, inner tube, ski, slide, or engage in similar activities on District Property, except at such places and at such times as the District may designate for such purposes.

(b) No Person shall engage in any such activity in a reckless manner that endangers that person or others or at a speed greater than is safe and proper under the

circumstances.

(c) 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.

(d) No Person shall drive, ride, or otherwise operate a snowmobile on District Property. For purposes of this subsection, a snowmobile shall be defined as any self-propelled vehicle designed or intended for travel on snow or ice in a natural terrain, driven by a track or tracks in contact with the snow, and steered by skis or runners in contact with the snow.

#### **Section 2.44. 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 Facilities.

#### **Section 2.45. Smoking on District Property.**

Except as otherwise provided herein, Smoking or any use of a tobacco product is prohibited in all District, parks, buildings, Facilities and Vehicles. Smoking is also prohibited:

(a) Fifteen (15) feet from any District building entrance, exit, window that opens, or ventilation intake that serves an enclosed area where smoking is prohibited; and (b) in all wooded areas on District Property. Smoking or any use of a tobacco product shall only be allowed in those places on District Property designated as a Smoking Area as determined by the Director.

(b) No person under the age of 18 shall purchase, or accept a gift of cigarette, e-liquid, electronic cigarette or tobacco product or have cigarette, e-liquid, electronic cigarette or tobacco product in such Person's Possession on District Property. For purposes of this Section, "e-liquid," shall mean any liquid product composed either in whole in part of nicotine, propylene, glycol, polyethylene, glycol, glycerin and/or other similar substances and manufactured for use with an electronic cigarette to be converted into gas for inhaling.

#### **Section 2.46. Baseball and Softball Playing.**

a) No person shall engage in games of softball or baseball except in those parks which have established diamonds and backstops constructed for that purpose, or in other certain designated areas.

b) In those parks having established diamonds, participation in softball or baseball in areas other than established diamonds is limited in accordance with signs or notices posted.

c) In those parks having established softball or baseball diamonds, the type

of participation on said diamond may be regulated in accordance with posted signs or notices.

## **Section 2.47. Swimming Pools.**

a) All swimming pools shall be open for public swimming during the regular summer swimming season at times designated by the Board, weather and safety condition permitting.

b) No person shall enter a Bathhouse or Pool area without payment of the admission charges that are established by the District or without displaying proper season tokens that are issued thereof.

c) Season tokens may be purchased by legal residents of the District only and the use of these tokens shall be restricted to those to whom they are issued. Tokens are not transferable, and misuse of tokens shall be a cause for their confiscation and the fees paid shall not be refundable.

d) No person under six years of age shall be admitted to the pool area unless they are accompanied by a person legally possessing an adult token or adult daily admission and of demonstrated competency who shall assume full responsibility for the care and safety of the child.

e) No person suffering from a fever, cough, inflamed eyes, skin eruption or loathsome or infectious disease shall enter the pool. Also, no person exhibiting sores or other evidences of disease or skin infection or who are wearing bandages of any kind shall enter the pool area.

f) Upon entering a Bathhouse, each patron must leave and check their clothing, except bathing cap and swimming suit, in the locker room before entering to take a shower and before entering the pool area.

g) No person shall leave the shower room, except those going to sundecks, and enter the pool area without first taking a soap shower.

h) Persons may not take facemasks, fins, snorkel tubes, floatation devices or toys of any kind in the pool area. Scuba diving and other such equipment shall likewise not be allowed except during classes conducted for this purpose and with the permission of the Director.

i) No person shall bring, deposit or leave on the concrete deck abutting the pool water any containers, breakable or unbreakable, which contain sun-tan lotion, oils, etc. Likewise, metal or other sharp edge objects are forbidden.

j) Persons refusing to obey established pool rules or whose conduct, actions or language is determined to be detrimental to the public may be barred use of the pool by the management in addition to penalties set forth in Sections 5.07-12 of this Ordinance.

k) The District shall have the right to revoke season tokens used in violation of this section and to bar individuals paying daily admission from further use of the pools.

l) Legal residents of the District shall have priority in the registration for Park District sponsored "Learn to Swim" classes.

m) Smoking is prohibited anywhere in a Bathhouse or pool area.

n) If any person shall refuse to obey any orders of Lifeguards, Attendants, Managers or any agent of the District, such patrons shall immediately leave the pool and dressing room area.

## **Section 2.48. Weapons & Missiles.**

(a) No Person shall use, fire, set-off or otherwise cause to explode, discharge or burn, or throw onto or while on District Property any weapon or Firearm, as defined in Section 2.48(c), any weapon capable of discharging a projectile by air, gas or explosive, any explosive substance, rocket, firecracker or other firework, missile, bomb, grenade, or other explosive device, liquid or gaseous substance, or any other weapon or Firearm described in 720 ILCS 5/24-1 et seq.

(b) No Person shall bring onto, carry or have in their Possession any weapon or Firearm, any gas or explosive, any explosive substance, rocket, firecracker or other firework, missile, bomb, grenade, or other explosive device, liquid or gaseous substance, any object whose intended use is as a weapon, or any other weapon or Firearm described in 720 ILCS 5/24-1 et seq. 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 2.40(c) of this Ordinance.

(c) For the purposes of this Section 2.48(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 Firearms," 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 .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 .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 carry any Firearm in the following locations:

1. Park District Building: All Firearms are prohibited in any building or portion of a building under the control of the District.

2. Pre-School/Childcare Facility: All Firearms are prohibited in or on any District Property under the control of a pre-school or childcare facility, including any room or portion of a building under the control of a pre- school or childcare facility.

3. 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 2.48(d)3 if the Licensee is carrying a Firearm through a public gathering for the sole purpose of accessing their residence, place of business, or vehicle, and there is no other way for Licensee to access their residence, place of business, or vehicle except through said gathering or special event.

4. Playgrounds: All Firearms are prohibited on all District playgrounds.

5. Public Parks, Athletic Fields/Facilities: All Firearms are prohibited in any public park, athletic field, real property or athletic facility owned or under the control of the District.

6. 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.

7. 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.

8. 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.

9. Parking Lots: Except as provided herein, a Person is prohibited from carrying a Firearm in any District parking lot. A Licensee may carry a Concealed Firearm on or about their 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 their 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 their person while they are traveling along a public right of way that touches or crosses any District owned or controlled premises, if the Concealed Firearm is carried on their person in accordance with the provisions of the Firearm Concealed Carry Act.

### **Section 2.49. Fireworks.**

No Person shall offer for sale, expose for sale, sell, Possess, use, or explode any firecracker, torpedoes, skyrockets, roman candles, bombs, sparklers, rocket, squib or other fireworks of like construction, or anything containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks, on District Property without first obtaining a Permit from the District in accordance with Chapter V of this Ordinance, or unless authorized to do so by contract with the District.

### **Section 2.50. Injury To, Destruction of Park Property Generally.**

No person shall in any park:

- a) Destroy, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth or growing thing including but not limited to any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit, or leaf thereof;
- b) Bring into or have in their possession in any park any tool or instrument intended to be used for the cutting thereof, or any garden or agricultural implements or tools which could be used for the removal thereof;
- c) Pile or maintain any material or debris of any kind against or upon the same; or attach any rope, cable or other contrivance thereto;
- d) Set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or suffer any fire upon land to extend into park lands;
- e) Hitch any horse or other animal to or leave the same standing enough to injure any tree, shrub, lawn or grass plot;
- f) Go upon any prohibited lawn, grass plot or planted area;
- g) Bring into or have in their possession in any park any tree, shrub, other plant, or any branch, stem, flower or leaf thereof;



- h) Cut, break or in any way injure, deface, destroy or alter any of the buildings, fences, bridges, or other construction or property contained therein;
- i) Operate or drive any motor car, automobile or vehicle of any kind in the park system in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any park property or appurtenance of any kind;
- j) Fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in the park district;
- k) Allow any animal to injure or deface any such tree, plant or shrub in any manner whatsoever.

### **Section 2.51. Metal Detectors.**

No Person shall operate any device which is designed for the detection of metal objects on or below District Property.

### **Section 2.52. Sound and Energy Amplification.**

(a) No Person shall play or operate any sound amplification devices on District Property including public address systems, musical instruments and the like, or operate any other energy amplification device or musical instrument without obtaining a Permit from the District in accordance with Chapter V of this Ordinance, and no such Permit shall be issued or maintained where sound produced by such devices is judged by the Director or their designee to be a public annoyance.

(b) No Person shall make or causes to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection, excessively loud or unreasonable noise is defined as noise inconsistent with or not reasonably attendant to appropriate and customary park and recreational activities, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances. This section shall include, without limitation, the loud or amplified playing of any type of audio equipment, radio or stereo, noisemaker, musical instrument, or sound equipment. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored, licensed or otherwise permitted by the District. Any Person that knowingly violates this Section 2.52(b) shall have committed the offense of disorderly conduct in accordance with Section 2.12 of this Ordinance.

### **Section 2.53. Bribing Employees.**

No Person shall give or offer any money, gift, privilege or article of value to any District employee, officer, or agent in order to violate the provisions of the Ordinance or

any other District ordinance, contract, permit or statute of the State of Illinois and the United States or in order to gain or receive special consideration in applying for any use or privilege, or treatment in the use of District Property. This section shall apply both on and off District Property.

**Section 2.54. Authority of Park Director to Establish Rules and Regulations for Use of Park System Facilities.**

The Park District Director may from time to time establish reasonable rules and regulations for the use of each Facility in the park system. 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 and of the public, the safety and maintenance of Park 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.

**Section 2.55. Adoption of Chapter 66 of the "Code of Ordinances, Village of Niles, Illinois, as Amended. Entitled 'Offenses and Miscellaneous Provisions'".**

The Niles Park District does hereby adopt as though fully set forth herein, Chapter 66 of the "CODE OF ORDINANCES, VILLAGE OF NILES, ILLINOIS, AS AMENDED, ENTITLED 'OFFENSES AND MISCELLANEOUS PROVISIONS", and wherever in Chapter 66 the reference is made to the Village of Niles, there should be substituted in lieu thereof the words "Niles Park District", and wherever in said Chapter 66 the designation is made of the Village staff or personnel, said reference or designation shall mean "Park District staff or personnel".

## CHAPTER III

### ***TRAFFIC AND PARKING***

#### **Section 3.01. Keep To Drives.**

No motor Vehicle shall be driven or otherwise operated upon District Property except over and upon such roadways, parking lots, or other areas designated by the District for use by motor Vehicles.

#### **Section 3.02. Speed.**

(a) No Person shall drive or otherwise operate a Vehicle on District Property at a speed greater than is reasonable and safe under the circumstances, having due regard for traffic, pedestrians, weather conditions and the intended use of the roadway and at no time at a speed greater than 20 miles per hour.

(b) No Person shall drive or otherwise operate a Vehicle on District Property at a speed which endangers the safety of any Person or property.

#### **Section 3.03. Driving While Intoxicated.**

(a) No Person shall drive or otherwise operate nor attempt to drive or otherwise operate a Vehicle on District Property while under the influence of intoxicating liquor, drugs, or a combination of liquor and drugs.

(b) Upon trial for such offense, in addition to other evidence, evidence of the amount of alcohol in the Person at the time of the act alleged, as shown by a chemical analysis of their 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.

#### **Section 3.04. Reckless Driving.**

No person shall drive any vehicle in a reckless manner or with a willful or wanton disregard for the safety of persons or property.

#### **Section 3.05. Negligent Driving.**

No person shall operate any vehicle upon a parking lot or roadway in the park system negligently, recklessly and without due caution or in a manner so as to

endanger or be likely to endanger any person or property. All vehicles shall be driven on the right side of the roadway except one-way roadways open to travel whenever possible except when carefully passing another vehicle.

### **Section 3.06. Following Too Closely.**

The driver of a Vehicle shall not follow another Vehicle more closely than is reasonable and prudent, having due regard for the speed of such Vehicles, the traffic and the condition of the roadway.

### **Section 3.07. Traffic Control.**

No person driving any Vehicle shall disobey or violate any law, ordinance, rule, or traffic control sign or device of the District governing vehicular traffic or parking within the park system. No person shall willfully fail or refuse to comply with any lawful order or direction of any member of the Police Force or other police officer within the park system.

### **Section 3.08. Stop Intersections.**

Every Person driving a Vehicle in the park system shall bring the Vehicle to a complete stop whenever stop signs are posted by the District.

### **Section 3.09. One-Way Roadways.**

Every Person driving a Vehicle in the park system shall travel only in the direction designated for one-way traffic.

### **Section 3.10. Starting Vehicle.**

No Person shall start a Vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

### **Section 3.11. Backing.**

The driver of a Vehicle shall not back the same unless such movement can be made without interfering with other traffic and with reasonable safety.

**Section 3.12. Equipment.**

No Person shall drive, move or cause or knowingly permit to be driven or moved, in the park system, any motor Vehicle which is in such unsafe condition as to endanger Persons or property or which does not contain two headlights, tail lights, brake lights, brakes adequate to control the movement of and to stop and hold the vehicle, a horn, a muffler to prevent excessive or unusual noise and annoying smoke, a rear view mirror, windshield wipers and such other equipment necessary for the safe operation of the vehicle, all in good working order and constant operation except motor bicycles or motor scooters and only if they meet the safe driving conditions specified.

**Section 3.13. Pedestrians.**

Every driver of a motor Vehicle shall yield the right of way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection and any pedestrian crossing 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 observing any child or any confused or incapacitated person upon a roadway.

**Section 3.14. Parking.**

(a) 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.

(b) 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 the park system, except when a different closing hour has been designated by the District for that area or unless permission therefor has first been obtained from the District. In no event shall any Vehicle except District Vehicles be parked on District Property later than 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.

(c) 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, and no Person shall stop, park, or place any Vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict with other traffic or when in compliance with the instructions of a Police Officer or a District employee: (1) on the left side of any roadway; (2) on parkways, lawn areas, and grounds; (3) in front of a public or private driveway; (4) within any intersection; (5) within any crosswalk; (6) within 20 feet of any intersection or crosswalk; (7) within 30 feet of any stop sign or traffic control signal, other than in parking; (8) on the roadway side of any Vehicle stopped or parked at the edge or curb of the roadway ("double parking"); (9) in a position to block another Vehicle lawfully parked; (10) on any sidewalk; (11) at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow; (12) within

15 feet of a fire hydrant; (13) in a fire lane or within 8 feet of the entrance to a fire lane; (14) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly sign-posted); (15) 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; (16) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic; (17) upon any bridge or other elevated structure upon a roadway, or within a roadway tunnel; (18) on any railroad tracks or within 50 feet of the nearest rail of a railroad crossing; (19) on a controlled-access roadway; (20) in the area between roadways of a divided highway, including without limitation crossovers; and, (21) at any place or time where a permit or sticker is required by the District for parking unless the required permit or sticker has been obtained and is displayed on the Vehicle.

(d) No Person shall park a Vehicle upon any roadway or in any public off- street parking Facility on District Property for any of the following purposes:

(1) To display such Vehicle for sale; or,

(2) To perform maintenance or repair of such Vehicle, except for repairs necessitated by an emergency; or,

(3) To sell goods or services from such Vehicle.

(e) The operator of an authorized emergency Vehicle may park or stand irrespective of the provisions of this Ordinance.

(f) 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.

(g) 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.

(h) 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.

(i) No Person shall move a Vehicle not lawfully under their control into any such prohibited area or away from a curb such distance as is unlawful.

U) 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.

(k) Penalty Provisions for Parking Violations.

(1) 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.

(2) Whenever any Vehicle is parked in violation of this section, the District may affix a notice to the Vehicle in a conspicuous place, notifying the owner to move the Vehicle within a specific period of time. In the event that said notice is not complied with, the Vehicle shall be towed at the owner's expense.

(3) In addition to section 3.17(k)(2), 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 they are present, or by affixing it to the Vehicle in a conspicuous place. The issuer of the notice shall specify on the notice their 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 their name to the notice.

(a) A parking violation notice issued, signed, and served in accordance with section 3.17(k)(3), 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.

(b) 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.

(c) Any Person on whom a parking violation notice has been served shall within twenty-one (21) days from the date of the notice either pay the indicated fine or, in the manner indicated on the notice, request an administrative hearing with the Village of Niles to contest the charge, violation, or violations.

(d) If no response is made in accordance with subsection (k)(6) of this section, an additional notice (hereinafter the "Late Notice") shall be sent by first class mail to the Person on whom the parking violation notice has been served. The Late Notice shall inform the Person: (i) that payment is late and a penalty for late payment is imposed; (ii) the Person must pay the fine and penalty for late payment, schedule a hearing date at the Village of Niles to contest the violation, or contest the violation in writing, within 14 days of the date of the Late Notice, otherwise a determination of liability will be issued by the Village of Niles' Hearing Officer and a fine and penalty imposed up to \$350; (iii) the ability to contest by mail has been waived; (iv) of all of the same information regarding the violation as required on the initial violation notice (or attach a copy of the violation notice); and (v) that the failure to pay amounts owed or appear at a requested hearing shall result in a determination of violation liability and after the appropriate period for judicial review, the amount of the fine and penalty for late payment shall become a debt due and owing the Village.

(e) In the event an administrative hearing is held at the Village of Niles for the purpose of determining the question of violation liability, and to the Person on whom the parking violation notice has been served does not appear, the Person may file a written petition with the Village Administrator to set aside a Village Hearing Officer's Determination of violation liability. In order to have such petition considered by the Village Administrator, the Person must file the petition with the Village Administrator in person or by mail no later than 14 days after the date that the Village Hearing Officer's Determination of violation liability is mailed to the Person. A Village Hearing Officer's Determination of violation liability will only be set aside for limited purpose as set forth in the Village of Niles' Municipal Code.

(f ) Any Person found liable by the Village Hearing Officer has the right to seek judicial review of any Village Hearing Officer's determination that is or becomes a "final decision". Any petition seeking judicial review must be filed in the Circuit Court of Cook County in accordance with the Administrative Review Act.

### **Section 3.15. Parking Lots.**

No Person shall park any Vehicle in parking lots of the District beyond the normal closing hour of the park system or that specific District Facility, except where a Person is attending a function where permission has been granted for a later closing hour by the District and specified herein. In no event, shall any Vehicle, except District Vehicles, be parked in any parking lot after 11:30 P.M.

### **Section 3.16. Change of Oil/Cleaning.**

No Person shall change the oil or grease of, make repairs to, or wash, clean or polish Vehicles on District Property.

### **Section 3.17. Commercial Vehicles.**

(a) 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 (except when transporting passengers or movable property to or from the District), or otherwise, or used as incident to providing services to another Person, or used in connection with any business, except during the course of doing business with the District.

(b) All roadways on District Property shall be used for pleasure driving only. No Person, other than District employees, shall drive any truck, tractor or other Commercial Vehicle of any kind on District Property without first obtaining a contract or permit therefor from the District.

(c) This section shall not apply to commercial vehicles making authorized deliveries to, or performing authorized services for, the District.



### **Section 3.18. 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 their true name and residence address to the injured Person or any other Person or Police Officer or District employee requesting same, and in the event no public officer is present, they must immediately report the occurrence to the nearest police station or police headquarters.

### **Section 3.19. Impounding of Vehicles.**

Any Vehicles parked or standing within the park system in violation of any law, ordinance, or rule is hereby declared to be a public nuisance. Such Vehicle may be removed and impounded and the owner or Person entitled to possession of the Vehicle shall pay all charges and expenses arising out of any action taken hereunder.

### **Section 3.20. Unattended Motor Vehicles.**

No Person driving, operating, or otherwise in charge of a motor Vehicle on District Property shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the keys. When the motor Vehicle is standing upon any perceptible grade, the Person shall set the parking brake thereon and turn the front wheels to the curb or side of the roadway.

### **Section 3.21. Emergency Vehicles.**

(a) 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.

(b) 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).

(c) 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.

(d) 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 Police Officer.

### **Section 3.22. Fleeing or Attempting to Elude the Police Force.**

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 Police Officer to bring their Vehicle to a stop. The signal given by a member of the Police Force may be by hand, voice, siren, or red or blue light. The Police Officer giving such signal shall be in uniform or driving a Vehicle appropriately marked showing it to be an official Police Force Vehicle.

### **Section 3.23. Gas and Smoke.**

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

### **Section 3.24. Motor Vehicle Equipment and Operation.**

(a) No Person shall operate or cause or allow the operation of a motor Vehicle on District Property unless it is at all times equipped with an adequate muffler or other dissipative device which is in constant operation and properly maintained to prevent any excessive or unusual noise, free from defects which affect sound reduction, and not modified in a manner which will amplify or increase the noise of such muffler or other sound dissipative device above that emitted by the muffler originally installed on the vehicle so as to produce excessive or unusually disturbing or loud noise.

(b) No Person shall operate or cause or allow the operation of a motor Vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; however, such noise resulting from emergency operation to avoid imminent danger shall be exempted.

(c) No Person shall use any motor Vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise.

### **Section 3.25. 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.

**Section 3.26. Incorporation of Village of Niles Code and State Statutes.**

In addition to the provisions of this Chapter 111, 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 6, 11 and 12 of the Illinois Vehicle Code (625 ILCS 5/6-100 et seq., 11-100 et seq. and 12-100 et seq.) or in violation of any section of the Village of Niles, Illinois Municipal Code regarding the operation of a Vehicle.

**Section 3.27. Minibikes, Trailbikes, and Non Registered/Non Licensed Vehicles**

- (a) No Person shall drive, ride, or otherwise operate any minibike or trailbike on District Property. For purposes of this section, every motor Vehicle which is self-propelled by power obtained by the combustion or electric motor which is designed with a seat or a saddle for the use of the rider, and is designed to travel mostly off-road on not more than three (3) wheels shall be a minibike or trailbike.
- (b) No Person shall drive, ride, park or otherwise operate any motor-driven vehicle, as defined in the Illinois Vehicle Code (625 ILCS 5/3-400 et seq.), on District Property other than those vehicles registered with the State of Illinois and which require a license. For purposes of this section, every Non-Registered/Non-Licensed motor-driven vehicle shall mean, but not limited to, any electric or gas driven wheeled scooter, bicycle, moped, skateboard or other similar motor-driven vehicle of up to three (3) wheels for which the State of Illinois does not issue a title document and does not issue license plates or registration documents.”
- (c) The following shall be exempt from the prohibits contained in this section:
  - (1) Motorized wheelchairs. For the purposes of this section, motorized wheelchair means any motorized or power-driven mobility device designed primarily for and used by a person with disabilities as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq.
  - (2) Other electronic personal assistive mobility devices, as defined in in Section 625 ILCS 5/1-117.7 of the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.) and other power-driven mobility devices as defined in the American with Disabilities Act of 1990. Examples of electronic personal assistance power-driven mobility devices in this subsection include, but are not limited to, Segways and golf carts, and which are solely used for this specific purpose.”

**Section 3.28. Right of Way.**

- (a) Every operator of a Vehicle shall yield the right of way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection on District Property.
- (b) Every operator of a Vehicle shall exercise due care to avoid colliding with

pedestrians upon any roadway on District Property, shall give warning to any pedestrian in the roadway by sounding the horn when necessary, and shall exercise proper precaution upon observing any child, confused Person, or disabled Person upon a roadway.

(c) Every pedestrian crossing at a roadway on District Property 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.

(d) Except as otherwise provided herein, the operator of a Vehicle approaching an intersection on District Property shall yield the right-of-way to a Vehicle which has already entered the intersection from a different roadway. When two (2) Vehicles approach an unmarked intersection from different roadways at approximately the same time, the operator of the Vehicle on the left shall yield the right-of-way to the Vehicle on the right.

### **Section 3.29. 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, as defined under Section 3.21 of this Ordinance, responding to an emergency call, or pursuing an actual or suspected

violator of the law.

**Section 3.30. Traffic Signs and Signals.**

(a) 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.

(b) No Person shall deface, injure, move, or otherwise interfere with any traffic sign or signal on District Property.

**Section 3.31. Unauthorized Use of Parking Places Reserved for Handicapped Persons.**

(a) For purposes of this section, handicapped Person means every natural 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.

(b) No Person shall park on District Property any motor Vehicle which is not bearing registration plates or decals or placard 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 place, 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 devise and receive the same parking privileges as handicapped residents of this State.

(c) 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 devise as required by this section.

(d) Any Person found guilty of violating the provisions of this section shall be fined up to \$750.00 in addition to any costs or charges connected with the removal or storage of any motor Vehicle authorized under this section.

**Section 3.32. Parties to a Crime.**

(a) Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herewith to be unlawful, whether individually or in connection with one or more other Persons, or 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 code is likewise guilty of such offense.

(b) It is unlawful for the owner, or any other person employing or otherwise directing the driver of any vehicle, to request or knowingly permit operation of such vehicle upon a roadway in the park system in any manner contrary to this ordinance or law.

### **Section 3.33. Bicycles.**

(a) 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.

(b) No Person operating a bicycle on District Property shall cling or attach themselves or their bicycle to any other moving Vehicle.

(c) 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.

(d) 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.

(e) No Person shall operate a bicycle on District Property between 30 minutes after sunset and 30 minutes before sunrise, without 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 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.

(f) No Person shall operate a bicycle on District playgrounds, ball fields, tennis courts, basketball, other sports courts or sidewalks except that children under the age of 4 years old riding three- or more-wheeled cycles may operate such cycles on sidewalks while under the supervision and control of an adult.

(g) No Person shall ride a bicycle on any District street or path where signs are posted prohibiting riding bicycles.

(h) 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 paving 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.

(i) 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.

U) No Person shall operate a bicycle on District Property unless the bicycle is equipped with a signaling device (e.g. bell or horn), in good working order and audible at a distance of 100 feet when sounded.

(k) 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.

(l) 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.

### **Section 3.34. Adoption of Chapter 98 of the "Code of Ordinances, Village of Niles, Illinois, as amended. Entitled "Traffic and Vehicles"**

The Niles Park District does hereby adopt as though fully set forth herein, Chapter 98 of the "CODE OF ORDINANCES, VILLAGE OF NILES, ILLINOIS, AS AMENDED, ENTITLED "TRAFFIC AND VEHICLES", and wherever in Chapter 98 the reference is made to the Village of Niles, there should be substituted in lieu thereof the words "Niles Park District", and wherever in said Chapter 98 the designation is made of the Village staff or personnel, said reference or designation shall mean "Park District staff or personnel".

## **CHAPTER IV**

### ***PARK HOURS, CLOSING & GENERAL OPERATION POLICIES***

#### **Section 4.01. Hours.**

(a) Except as otherwise provided in this Section 4.01, District Property shall be open to the public from sunrise in the morning until sunset in the evening of that same day and District Property shall be closed to the public from 10:00 p.m., unless further restricted by District each day until sunrise the following day.

(b) Outdoor Facilities that are artificially lighted shall remain open to the public until such time as the artificial lighting is turned off.

(c) The District may establish other hours during which District Property, or any parts thereof shall be closed to the public. The District may periodically revise these hours.

#### **Section 4.02. Special Closings.**

The Board or the Director may close one or more District parks, buildings, and Facilities or any part thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and either entirely or merely to certain uses, as deemed advisable and in the best interest of the public and District.

#### **Section 4.03. Use of Closed Property Prohibited.**

No Person shall use, occupy, be in, or remain upon District Property or leave any personal property in or upon District Property which is closed to the public, or after closing hours, unless permission therefor has first been obtained from the District.

#### **Section 4.04. Schedules, Fees, Rules, and Regulations.**

Time schedules for the operation of, and the activities to be conducted on, District Property and the amount of Facility, Permit and program fees, may be reviewed and approved periodically by the Board. As permitted by law, fees charged non-residents 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 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 program brochures or otherwise made available to the users of District Property, who shall be charged with actual knowledge thereof and shall obey or comply with all such policies, rules and regulations. 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.

#### **Section 4.05. Admission/Identification.**

No Person shall enter into, be, or remain in or upon District Property without paying any proper admission fees, without complying with registration requirements, if any, which may be established by the District, and without displaying the required admission identification. 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 admission identification cards, papers and tickets.

#### **Section 4.06. Lost, Found, and Abandoned Property.**

(a) No Person shall abandon property on District Property.

(b) Property, including any Vehicle, left unattended for longer than twenty-four (24) hours or unattended property that interferes with any park visitors' safety, orderly management of the park area, or presents a threat to park resources may be impounded or removed by the District at any time. The owner of such property shall be responsible and liable for all costs and expenses associated with the impounding, removal, storage, or other disposal of the property. A Person is allowed to affix their lock to designated lockers while using District Facilities. However, no Person's lock may remain on a locker when the District Facility closes for the day. Any such lock remaining on the locker at closing time of the District Facility shall be removed by the District supervisor, or their designee, of the District Facility in which the locker is located. The contents found in such a locker will be secured by the Division Head and returned to the Person. The Division Head or their appointed representative shall record an inventory of the items found in the locker.

(c) Any Person finding lost or unattended property on District Property shall report such finding to the District as soon as is practicable. Whenever a District employee or agent finds lost or unattended property on District Property, they shall return such property to a District Facility. The District will attempt to make every reasonable effort to locate the property's owner(s).

(d) Unattended property that has been impounded or property that has been found shall be stored for a minimum period of thirty (30) days. Unless claimed by the owner or an authorized agent thereof, the property may be claimed by the finder of such property unless the finder is an employee, officer, or agent of the District or Board. All property not claimed shall be disposed of as the District deems appropriate.

#### **Section 4.07. Building Use.**

No Person shall use any District building or Facility for an event or activity which

is not conducted or sponsored by the District unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance and/or a license agreement has been executed with the District. All Persons using District buildings or Facilities shall comply with the provisions of this Ordinance and with the provisions and conditions of the Permit and/or license agreement and with all other applicable policies, rules, and regulations of the District regarding the use of District Property.

# CHAPTER V

## ***PERMITS & ENFORCEMENT***

### **Section 5.01. Permits.**

(a) 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 provides for the issuing of a Permit in order to engage in a particular activity.

(b) Every Person requesting a Permit shall complete and file a written application with the Director or their designee, on forms provided by the District, and pay applicable application fees at the District's administrative offices located at 6676 W. Howard Street, Niles, Illinois 60714. When received, the application shall be dated and stamped as received and a receipt issued to the applicant.

(c) Except as provided in subsection 5.01(c)(1), applications for Permits must be received by the District at least two (2) weeks prior to the activity for which a Permit is sought.

1. This application deadline shall not apply to applications for Permits under sections 2.02, 2.09, 2.33 and any other section of this Ordinance or any other District ordinance, rule, or regulation not involving the exercise of First Amendment rights. For such Permits, applications must be received by the District at least three (3) weeks prior to the requested activity.

(d) Except as provided in subsection 5.01(d)(6), the District shall issue the Permit without unreasonable delay unless:

(1) The proposed activity violates any federal, state, local, or District law, rule, ordinance, or regulation; or,

(2) 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,

(3) The proposed activity is of such a nature that it cannot reasonably be accommodated in the particular location applied for, considering, without limitation, the likelihood of such things as damage to park resources or Facilities, damage to an environmentally sensitive or protected area's ecosystem, impairment of a protected area's atmosphere of peace and tranquility, unreasonable interference with District functions, buildings, Facilities, operations, programs or activities, unavailability of District staff to oversee, or unreasonable interference with the use or purpose of the District Property applied for; or,

(4) The proposed activity would substantially impair the operation or use of Facilities or services of District concessionaires or contractors; or,

(5) The proposed activity would so dominate the use of District Property as to preclude other Persons from using and enjoying the park.

(6) This subsection 5.01(d) is not applicable to applications for commercial activity Permits under sections 2.09 and 2.17 of this Ordinance and Permits for alcohol under section 2.02. The District reserves the right to exercise its discretion in issuing

Permits under sections 2.02, 2.09 and 2.17.

(e) The District shall have at least twenty-four (24) hours after receiving a permit application to review the application. However, for applications under section 2.17 of this Ordinance, the District shall have at least forty-eight (48) hours after receiving an application to review the application. For applications under sections 2.02, 2.09, 2.29 and any other section of this Ordinance or any other District ordinance, rule, or regulation not involving the exercise of First Amendment rights, the District shall have at least two (2) weeks after receiving a permit application 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 twenty-four (24) hours after the District's receipt of the application.

(f ) If the application is approved, the District shall issue a written Permit to the applicant. If the application is denied, the District shall issue to the applicant written reasons for denying the application.

(g) 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 a reasonable effort to arrange an alternative that is acceptable to all parties if requested by the applicant. If an application under sections 2.09, 2.29 or 2.33 is denied, or the applicant is dissatisfied with such Permit as issued, they may appeal the decision to the Board within (30) days or at the next 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.

(h) Any Permit granted by the District may contain lawful prerequisites to the issuing of the Permit and restrictions on the conduct of the permitted activity including without limitation: general liability insurance coverage; an agreement to fully indemnify and hold the District harmless from any liability or costs resulting from the activity; a requirement that the Persons involved in the activity obey or comply with all federal, state, local, and District laws, rules, and regulations; time, duration, and location restrictions; restoration deposit; a written agreement by the applicant to fully restore any District Property soiled or damaged by the activity; and, any reasonable restriction necessary for the efficient and orderly contemporaneous administration of the activity, other activities with a Permit, and regular District uses, functions, programs, and activities.

(i) Any Person holding a valid Permit issued by the District for use of District Property shall take precedence for use of that District Property over any Person other than the District.

U) The District may make necessary changes or place necessary additional restrictions on any Permit after it has been issued.

(k) Violation of the terms and conditions associated with the Permit may result in the suspension or revocation of the Permit.

(l) Except as provided in subsections 5.01(1)(1) (2), no Permit shall be issued for a period in excess of seven (7) consecutive days. A Permit may be extended for like 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.

(1) This subsection shall not apply to Permits granted under section 2.09 of this

Ordinance. For Permits granted under section 2.09, the District shall determine the length of time that a Permit will be valid.

(2) This subsection shall not apply to Permits granted under section 2.31 of this Ordinance for news racks or newsstands. Such Permits granted under section 2.31 shall be issued for a period of six (6) months.

### **Section 5.02. Insurance and Hold Harmless Agreement.**

(a) Except as provided in subsection 5.02(a)(1), every applicant for a Permit of every kind shall acquire general liability insurance to protect themselves and the District from liability resulting from their use of District Property and provide proof of such insurance to the District before the District will issue a Permit to an otherwise valid applicant. The District must be named on such policy as additional insured. Where possible, an applicant may acquire a rider to the District's insurance policy at the applicant's cost and expense. Applicants should contact the District's administrative office for more information.

(1) For activities involving the exercise of First Amendment rights, including without limitation parades, public gatherings, speeches and rallies, this requirement may be waived by the District if the applicant can demonstrate that they or their 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.

(b) Every applicant must execute and deliver to the Park District an agreement to indemnify and hold the District harmless from legal liability, property damage or injury to Persons caused by the negligent or unlawful acts of the applicant or any member, volunteer, employee, agent, participant, or other Person associated with the applicant or their group or organization.

### **Section 5.03. Restoration Deposit.**

(a) A restoration deposit may be required for any Permit. The District shall refund the deposit if the Person responsible for the activity 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. If the District is required to clean up or restore District Property after the activity, the Person responsible for the activity shall reimburse the District for all costs and expenses associated with the clean-up and restoration. The cost of the clean-up and restoration shall be taken from the restoration deposit. If there are any funds remaining after the clean-up and restoration costs have been subtracted, they shall be returned to the appropriate Person. If the costs and expenses for the clean-up and restoration exceed the amount of the restoration deposit, the District reserves the right to pursue any and all legal options.

(b) If the restoration deposit would create a financial hardship for the applicant which the applicant can so demonstrate, the District may accept a written agreement to clean up and restore District Property after the activity. If the applicant does not satisfactorily perform according to the agreement, the District reserves the right to

pursue any and all legal options.

#### **Section 5.04. 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, their agents and/or employees, if done in strict conformance with the provisions of an agreement with the District which has been duly authorized by the Board.

#### **Section 5.05. 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, or the directions or instructions of any member of the Police Force seeking to enforce compliance with state, local or District laws, rules, or regulations or any employee or officer of the District seeking to enforce District laws, rules or regulations.

#### **Section 5.06. Parties to Ordinance Violation.**

(a) 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 a 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.

(b) 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.

(c) 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.

#### **Section 5.07. Penalties.**

Any Person violating or disobeying any clause or provision of any section of Chapters II, III, and IV of this Ordinance, or any of the other regulatory ordinances or rules of the district, shall be guilty of a misdemeanor, may be forthwith evicted from the

park system, may have their token and ticket forfeited for the season and shall be fined upon conviction, not more than Five Hundred Dollars (\$500.00) for each offense, the fine to be recovered in manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

### **Section 5.08. Suspension.**

Any Person violating or disobeying any section or part of this Ordinance, as may be amended from time to time, or any other District ordinance, policy, rule, or regulation (collectively, "District Rule(s)", may have their admission rights to District Property suspended in accordance with this Section 5.08, and may be subject to any other penalties specified in this Ordinance.

#### **(a) Procedure for Suspension of Rights**

In the event that: (i) a Person violates any District Rule, and (ii) the Director or their designee (collectively referred to as the Director for purposes of this Section 5.08) determines the Person's continued presence on District Property creates a threat to the public's health, safety or welfare while on District Property, including but not limited to crimes of violence against persons or property, or when the behavior is enough to alarm or disturb a reasonable person, the Director may verbally order the Person to leave District Property and to refrain from usage of all District Property until further order of the Director in accordance with the following suspension policy.

##### **(1) Notice**

Within 72 hours after the order to leave District Property, the District will provide the Person written notice by registered or certified mail (1st Notice), informing the Person of:

- a. The nature of the offense;
- b. The threat to the public's health, safety or welfare while on District Property caused by the Person's offense, including but not limited to crimes of violence against persons or property, or when the behavior is enough to alarm or disturb a reasonable person, and related conduct;
- c. The intended suspension period for the offense;
- d. An explanation of the facts that form the basis of the proposed suspension;
- e. Instructions for setting a date and time for a meeting with the Director and the Superintendent of Recreation to discuss the offense and to provide the Person an opportunity to present their version of the incident; and
- f. Copy of the procedure to appeal to Board to conduct a Suspension Hearing in accordance with Section 5.08(a)(4)-(7); and
- g. That the Person is not to return to any District Property until such a meeting as aforesaid occurs, OR if found doing so, they may be arrested and/or prosecuted for "trespass."

If a Person who has been notified in accordance with Section 5.08(a) is

observed on District Property, the Person may be subject to arrest for trespass.

(2) Meeting

At the meeting with the Director and the Superintendent of Recreation, items (a)-(f) above will be discussed on an informal basis. The specific offense(s), evidence, and suspension, if any, will also be discussed. The Person will also have an opportunity to present their version of the incident at this meeting. In the event the Person does not comply with Section 5.08(a) (1) (e) and fails to set a date and time for a meeting within ten (10) days after receipt of the 1st Notice, the intended suspension period set forth in the 1st Notice shall immediately become effective.

(3) Second Notice

Within forty-eight (48) hours after the meeting with the Director and Superintendent of Recreation, the District shall send written notice ("2nd Notice,") to the Person stating (a) the suspension, if any, and any conditions that the Person must meet to prevent further risk to the public and to regain use of District Property and, (b) the Person's right to appeal the suspension, as set forth below.

(4) Appeal to Board

If the Person objects to the suspension imposed or wishes to notify the District of extenuating circumstances not taken into consideration by the Director and the Superintendent of Recreation, or if the Person believes they are not guilty of the offense as charged, the Person may request a hearing before the Board. The Person's request must be in writing and must be filed with the Board Secretary or their designee or the Board President within ten (10) days after the date of the 2nd Notice and should include the following information: a) the Person's contact information, including address, telephone number and email address; b) date of issuance of the 1st Notice and location; c) reason for being on District Property at the time of the incident; d) any other information Person wishes to be considered; and e) whether a hearing is requested. In the event the Person appeals the suspension under this Section to the Board: a) the suspension shall continue until the Board makes a final decision; and b) the Director shall promptly transmit to the Board a full report in writing of the facts related to the suspension, the suspension imposed, and the reasons for the suspension imposed.

(5) Board Hearing

In the event the Person requests a hearing, the Board shall meet with the Person and Director within ten (10) days of the date on which such appeal notice is given to the Secretary of the Board ("Suspension Hearing"). The Person will be notified in writing as to the date and time set for the Suspension Hearing. The Suspension Hearing shall be conducted in an open meeting in accordance with the Open Meetings Act (5 ILCS 120/1 et seq.) ("OMA") unless an exemption to hold the



Suspension Hearing in closed session pursuant to OMA applies based on the nature of the offense. At the Suspension Hearing, the Board shall receive testimony in accordance with the standard Illinois rules of evidence, presented by all interested parties and shall render a fair and impartial determination in accordance with its independent findings regarding the facts and the applicable standards for review set forth in this Section.

(6) Standard for Determining Suspension and Suspension Duration

If the Board finds and determines from its independent review of the facts and circumstances presented at the Suspension Hearing that the Person or the Person's conduct represents a continuing threat to the public's health, safety or welfare while on District Property, it shall uphold the suspension imposed by the Director. The duration of any suspension from District Property, and the nature and scope of the suspension, shall be determined based on the Person's conduct causing the violation, the nature of the offense, whether it is the Person's first, second, third or greater offense, and any other facts or circumstances that demonstrate whether or not the Person remains a threat to the public's health, safety or welfare while on District Property. A Person may be suspended by the Board for not less than three (3) months and not more than twenty-four (24) months, unless the suspension is extended as set forth in Section 5.08.7 below. A Person's suspension may be limited to use of, or access to, specific District Facilities, programs or portions of District Property. Once a Person has accumulated three (3) or more suspensions as a result of violations of any of the District Rules within a 12-month period, all penalties for violations thereafter will be assigned as a third offense violation.

(7) Notice of Finding

If, in the opinion of the Director, the Person remains a threat to the public's health, safety or welfare while on District Property at the end of any suspension period authorized hereunder, the Director may request a new hearing before the Board to extend said suspension (the "Suspension Extension Hearing"). The Notice, hearing, standard for review and decision process shall be governed by the same rules as set forth above for the Board hearing (Sections 5.08.3-6), provided that the Director shall give written notice to the Person and to the Board ("Suspension Extension Hearing Notice") not less than thirty (30) days prior to the Suspension Extension Hearing. Upon a finding by the Board that the Person remains a material threat to the public's health safety or welfare while on District Property, the Board may extend the suspension for an additional period of not more than five (5) years.

### **Section 5.09. Fine.**

In addition to any other penalty imposed on a Person in accordance with this Ordinance, any Person violating or disobeying any section or part of this Ordinance, or any other District ordinance, policy, rule, or regulation, may, upon conviction, be fined not more than One Thousand Dollars (\$1,000.00) for each offense.

### **Section 5.10. Restitution.**

In addition to, or instead of, the suspension or fines provided for in Sections 5.08 and 5.09 of this Ordinance, 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 damage resulting from such violation(s).

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

### **Section 5.11. 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, seized, and destroyed in the case of property and substances referred to in sections 2.02, 2.03, 2.09 and 2.10, or seized and impounded in the case of any other property, substance or thing (including without limitation Vehicles and bicycles). 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 to the District of such impoundment including without limitation any removal and storage charges. Property not claimed by the rightful owner(s) thereof within sixty (60) days after such impoundment may be sold by the District which shall be entitled to the entire proceeds thereof, or otherwise disposed of. Any motor Vehicles towed and/or impounded shall be disposed of according to the applicable laws of the State of Illinois.

### **Section 5.12. Non-Exclusivity of Penalties.**

The penalties provided for in this Chapter V are in addition to and not exclusive of any other remedies available to the District as provided by applicable law.

## **CHAPTER VI**

### ***CONSTRUCT/ON AND REPEAL***

#### **Section 6.01. Owner Liability.**

Any Person who is Owner, registered owner, or in control of any animal, vehicle or other property of any kind, brought, placed, parked or remaining in the park system, or otherwise in violation of this Ordinance or other ordinance or rule of the District, shall be deemed prima facie responsible for the violation involved and subject to the penalties provided herein.

#### **Section 6.02. Repeal.**

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

## **CHAPTER VII**

### ***PUBLICATION IN BOOK FORM***

#### **Section 7.01. 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 same force and effect as if otherwise published. Such book or pamphlet shall be received as evidence of the passage and legal publication of this Ordinance in all courts or places without further proof, all as provided by law.

#### **Section 7.02. Effective Date.**

This Ordinance shall take effect and be in force from and after its passage, approval and publication in book or pamphlet form as provided by law.

Passed and approved by the Board of Park Commissioners of the Niles Park District on the 15th day of October, 2019.