



Section 4.2

Policy Statement – By ordinance the District is empowered to regulate the use of its parks and properties to ensure safe security, protection of assets, and equal access to all.

ORDINANCE NO. 224

**AN ORDINANCE AMENDING THE CHANNAHON PARK DISTRICT
ORDINANCE REGULATING THE USE OF THE PARKS
AND PROPERTY OWNED OR CONTROLLED
BY THE CHANNAHON PARK DISTRICT**

WHEREAS, in 1971 the Board of Commissioners of the Channahon Park District passed an Ordinance regulating the use of the parks and property owned or controlled by the Channahon Park District; and

WHEREAS, at various times the Board of Commissioners of the Channahon Park District has approved amendments to the Ordinance; and

WHEREAS, it is the intent of the Board of Commissioners of the Channahon Park District that such Ordinance be kept up to date and current with existing state and federal law; and

WHEREAS, the Board of Commissioners of the Channahon Park District have reviewed said Ordinance to determine whether any policy changes need to be made in addition to assuring the continued legality of all portions of said Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF COMMISSIONERS OF THE CHANNAHON PARK DISTRICT, WILL AND GRUNDY COUNTIES, ILLINOIS, as follows:



SECTION I

Channahon Park District regulations pertaining to the use of the parks and property owned or controlled by the Channahon Park District shall be amended to read as follows:

USE OF PARKS.

SECTION A. DEFINITIONS.

For purposes of this chapter, the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number.

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

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

"Commercial Solicitation" means the sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff or services of any kind, character or description, for any kind of consideration whatever.

"Community Recreation Center" means 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.

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

"District" means the Channahon Park District, Will and Grundy Counties, Illinois.

"District Property" means all the property, real and personal, of every kind and description located within the jurisdiction of, or owned, leased or licensed by, or



otherwise in the possession or under the control of the District, including without limitation, all waters within the jurisdiction of the District.

"ILCS" means the Illinois Compiled Statutes.

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

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

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

"Person" means every natural person and every firm, partnership, association, corporation or entity of any kind or any employee, agent, or officer thereof except the District and any authorized officer, employee (full or part-time, regular or temporary) or agent of the District when acting within the scope of his authority.

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

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

1. Any oral or written request.
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication.
3. The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held in the Park District which the public is requested to patronize or to which the



public requested to make a contribution for any religious or charitable purpose connected therewith.

4. The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose, or where the name of any religious or charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

"Vehicle" means any conveyance, whether motor powered or self-propelled including, without limitation, any tractor in tow of any size, kind or description, except baby carriages, bicycles when properly used on walks, and vehicles in the service of the District.

SECTION B. CONSTRUCTION, SCOPE AND SEVERABILITY.

1. CONSTRUCTION.

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

- a. Where the context permits, words in the masculine gender shall include the feminine and neuter genders and words in the singular number shall include the plural number;
- b. The word "shall" is always mandatory and not merely directory;
- c. No provision hereof shall make unlawful any act necessarily performed by any officer, employee or agent (including any police officer) of the District when acting within the scope of his/her authority or in his/her line of duty or work as such or any other Person summoned by any such Person to assist him in such endeavor;
- d. This Ordinance is in addition to and supplemental to all applicable state, federal and local laws and ordinances including without limitation the Park District Code of Illinois (70 ILCS 1205, *et seq.*). The meaning of any terms, phrase or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase or word is otherwise defined, construed or interpreted in such applicable local, state and/or federal law or ordinance;



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- e. The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning or construction, nor be used in the interpretation of any of the provisions of this Ordinance;
 - f. An attempt to commit an act or engage in an activity prohibited shall be treated in the same manner as the commission of such act or the engaging in such activity and subject to the same penalties.

2. SCOPE.

This Ordinance shall apply to and be enforceable within and upon all District property, and shall regulate the use thereof by all persons.

3. SEVERABILITY.

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

4. REPEAL.

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

SECTION C. GENERAL RULES.

1. VIOLATION OF STATE OR FEDERAL LAWS.

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

2. PARK HOURS.

a. Hours.

All District parks will close at dusk except for lighted facilities. Lights will be turned off at 10:00 p.m. or as soon thereafter as practical, and parks which



contain lighted facilities will close at 10:30 p.m. Lighted facilities do not include security lights.

b. Special Closings.

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

3. RESTRICTED AREAS.

a. Entering Prohibited Areas.

No person shall enter upon any portion of District property where persons are prohibited from going by direction of the Director, as indicated by sign or notice.

b. Entering Unfinished Areas.

No person except as authorized by the District shall enter upon any part of the District property which is in an unfinished state or under construction.

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

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

d. Use of Rest Rooms and Comfort Stations.

No person over the age of four years shall use the restrooms designated for the opposite sex. No person four years old or younger shall use any restroom unless accompanied by a person over the age of eighteen.

4. INTERFERENCE WITH OTHER USERS.

No person shall walk, act or conduct himself/herself upon any portion of District property designated for a particular game, sport, event, or amusement in such a way as to interfere with the use of such portion by other persons who are properly using the same for the particular sport, event, game or amusement for which it has been designated, nor shall any person unreasonably disturb or interfere with any person occupying any area or participating in any activity under the authority of a permit. No person shall limit or block access to District property. No person shall



engage in any activity on District property in a manner calculated or likely to endanger, injure, or damage persons or property in any way.

5. INJURY TO OR DESTRUCTION OF PARK PROPERTY.

Unless authorized by a District contract or other District authorization, no person shall in or on District property:

- 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. set fire to any trees, shrubs, plants, flowers, grass, plant growth or living or dead timber, or suffer any fire upon land to extend into District property;
- c. go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;
- d. cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture, bridge, or other structure or property contained therein;
- e. operate or drive any motor car, automobile or vehicle of any kind in or on District property in places other than roadways or in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any park property or appurtenance of any kind;
- f. 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;
- g. allow any animal to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever;
- h. fasten any bicycle, motor cycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot;
- i. deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol in or on District property;
- j. mark, carve, bend, cut, paint, deface, breakdown, destroy, damage, alter, change, sever, uproot, excavate or otherwise remove, or attach or suspend



any rope, wire or other material or contrivance to or from any District property;

- k. climb upon, hang from, stand or sit on, any plant, fence, structure or other District property of any kind except such benches or other property designed or customarily used for such purposes, or recreational equipment as may be installed by the District for such purposes;
- l. bring any plant or portion of a plant onto District property; or
- m. fail to maintain District property in a neat and sanitary condition.

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

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

7. ALCOHOLIC BEVERAGES.

No alcoholic beverages shall be sold, brought within, given away, delivered or consumed on District property, except pursuant to permits as provided in this chapter, Section D.3.p. or otherwise authorized by the District.

8. WEAPONS, FIREWORKS, EXPLOSIVES, ROCKETS.

No person shall at any time bring on to, carry, have in his possession or on or about his person, concealed or otherwise or use, fire, set off or otherwise cause to explode, discharge or burn, or throw onto District property any knife, firearm, pistol, revolver, rifle, air gun, pellet gun, bow and arrow, slingshot, blackjack, billy club, any weapon capable of discharging a projectile by air, spirit gas or explosive, any explosive substance, rocket, firecracker or other firework, missile, liquid or gaseous substance or any other dangerous weapon.

9. PUBLIC INDECENCY.

No person on District property shall commit an act of public indecency as defined by Illinois law, 720 ILCS 5/11-9.

10. DISORDERLY CONDUCT.



No person on District property shall commit disorderly conduct as defined by Illinois law, 720 ILCS 5/26-1.

11. GAMBLING.

No person on District property shall gamble as defined by Illinois law, 720 ILCS 5/21-1, *et seq.*

12. CONTROLLED SUBSTANCES.

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

13. BODILY HARM.

No person on District property shall inflict bodily harm as defined by Illinois law, 720 ILCS 5/12-1, *et seq.*

14. ENTERING OR REMAINING IN WATERS.

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

a. Pools.

(1) All swimming pools shall be open and in operation from approximately the first Saturday in June through Labor Day, weather and safety conditions permitting. Pools shall be open for public swimming only during published and posted hours.

(2) No person shall enter the bathhouse or pool area without payment of the admission charge that is established by the District or without displaying proper season passes that are issued therefor.

(3) No person under twelve years of age shall be admitted to the pool area unless he or she is accompanied by a person 14 years of age or older, demonstrating competency to assume full responsibility for the care and safety of the child.

(4) Any person who refuses to obey pool rules or otherwise violates any other provision of this Ordinance may be barred by the Director or the Director's appointed representative from further use of the pool



for the remainder of the pool season, in addition to any other penalties set forth in this chapter.

- (5) If any person shall refuse to obey any orders of lifeguards, attendants, managers or any agent of the District, the Director or the Director's appointed representative may immediately terminate or suspend such person's rights to use the pool and other District property.

- (6) No person having any contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, carbuncles, boils, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious shall enter the pool area. No person with excessive sunburn or abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind shall be permitted to enter the pool area.

b. Water.

- (1) No swimming, wading, fishing, ice fishing, or water bathing is allowed in ponds or bodies of water in the District, unless authorized by the Director. It shall be unlawful to use or operate a watercraft of any type on any pond or body of water owned or controlled by the District.

15. GAMES AND SPORTS.

No person shall engage in any athletic game or sports in or on District property except such portions thereof as may be designed for that purpose by the District and then only under such rules and regulations as may be prescribed by the District.

a. Golf.

No person shall play golf or practice golf on District property, except on an established and designated golf course, or in an established golf class under the supervision and direction of the District.

b. Baseball and Softball Playing.

- (1) No person shall engage in games of softball or baseball on District property except on property having established diamonds and backstops constructed for that purpose, or in areas where it is safe to do so without endangering other park users, park properties and structures, the public, and adjoining properties and structures.



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- (2) In District property having established diamonds, participation in softball or baseball in areas other than established diamonds is limited in accordance with signs or notices posted.
 - (3) In District property having established softball or baseball diamonds, the type of participation on said diamond shall be in accordance with posted signs and notice.
- c. Skating, Sledding and Snowmobiling.**
No person shall skate, sled, toboggan, snowmobile, ski, slide or engage in similar activities on District property except at such places and at such times as the District may designate for that purpose, and no person shall engage in such activity in a reckless manner or at a speed greater than is safe and proper under the circumstances.
- d. Bicycling.**
- (1) When two or more persons in a group are operating bicycles, they shall not ride abreast, but shall ride in single file.
 - (2) No person shall cling or attached himself/herself or his/her bicycle to any other moving vehicle.
 - (3) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
 - (4) No person operating a bicycle shall carry another person on the same bicycle. This restriction does not apply to tandem bicycles.
 - (5) No person shall operate a bicycle on District property between thirty minutes after sunset and thirty minutes before sunrise, without a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front therefore not nor 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.



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- (6) No person may operate a bicycle on sidewalks except small children riding three or more-wheeled bicycles while under the supervision and control of an adult.
 - (7) No person shall ride a bicycle on any street or path where signs are posted prohibiting riding bicycles on those streets or paths.
 - (8) Bicycles shall not, at any time, in any place, be indiscriminately parked by anyone in such a manner as to actually or possibly interfere with pedestrians or traffic, or with persons getting into or out of automobiles. No person shall leave a bicycle lying on the ground or pavement or set against trees or otherwise in a place other than a bicycle rack when such is provided and there is space available. No person shall move or in any manner interfere with, any bicycle which is properly parked, nor shall any person interfere with, or, in any manner, hinder any person from properly parking a bicycle.
 - (9) All bicycles, when operated on roadways, shall be kept to the right and shall be operated as nearly as practicable at the right-hand edge of the roadway or path.
 - (10) No person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other persons and property.
 - (11) Every person operating a bicycle within the District shall observe all traffic rules and regulations applicable to motor vehicles under this chapter, except those provisions of this chapter which by their nature can have no application and except as otherwise provided by this section.

16. ANIMALS AND PETS.

- a. No person shall chase, trap, wound, kill or treat cruelly, or attempt to trap, catch, wound or kill any bird or animal in any park. No person shall bring any animal, reptile or fowl in any park, except dogs and cats, which dog or cat shall at all times be on a leash and under control.
- b. Any unleashed animal found loose on park property may be apprehended and removed to an animal shelter, public pound or other place available for said purposes and impounded at the expense of the animal's owner.



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- c. No person shall permit any pet in his/her custody to enter upon or remain upon any area of a park utilized as a non-turf area, including but not limited to baseball infields, volleyball courts, basketball courts and tennis courts, children's play area, playground, washroom facility, drinking fountain or as posted to prohibit pets.
 - d. The person accompanying the dog or cat shall immediately clean up and remove and dispose of any excrement of the dog or cat. Persons must, at all times, have in their immediate possession a device for the removal of the excrement and a depository for the transmission of the excrement to a receptacle located upon, owned or possessed by the person, or in park receptacles, provided the excrement is secured in a proper depository container such as a plastic bag.
 - e. However, nothing in this ordinance shall prohibit a "service" dog assisting a physically disabled or handicapped person from entering or remaining at any location in or on District property. For purposes of this section, "service" dog shall mean any dog which has successfully completed commonly recognized training to assist physically disabled or handicapped persons. It is expected that sight-impaired individuals will make every effort to immediately clean up after their dog; however, the failure to do so shall not be deemed a violation of this ordinance, unless such sight-impaired individual is accompanied by a non-impaired person. In such event, the person accompanying the sight-impaired person shall be liable under the provisions of this Section.

17. LOITERING SO AS TO OBSTRUCT PUBLIC WAYS AND PLACES.

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

- a. obstruct any driveway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
- b. commit in or upon any driveway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place, or building, all of which prevents the free and uninterrupted ingress and egress.



18. DUMPING AND LITTERING.

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

19. VEHICLES.

- a. **Unattended Vehicles.**
No person shall: leave a motor vehicle unattended in any parking area while the motor of such vehicle is running; or when standing upon a perceptible grade without effectively setting the brakes and turning the wheels of such motor vehicle toward the curb or the side of the parking area; or overnight between the hours of 11:00pm and dawn the next day.
- b. **Exception for Emergency Vehicles and Park District Vehicles.**
The provisions of this section shall not be construed to relate to emergency, police or fire department vehicles or any vehicle owned by the District or a District employee displaying proper identification where the employee is duly authorized to operate such vehicle at such location.
- c. **Noise Created by Vehicles.**
It shall be unlawful for any person to operate a vehicle which makes an unusually loud or unnecessary noise.
- d. **Repairs and Cleaning of Vehicles.**
No person shall change any parts, change oil, repair, wash, grease, wax, polish or clean a vehicle on any parking area in or on District property except



such repairing, cleaning or polishing as is necessary to insure good vision, or such emergency repairs as are necessary to remove such vehicle from the parking area.

e. Racing Prohibited.

It shall be unlawful to race or drive in excess of the posted speed or, in the absence of posting, ten miles per hour on any roadway within the District. It shall be unlawful to race or drive any motor vehicle in any parking facility of the District at a speed in excess of that required to enter into a parking space in any such facility.

f. Negligent Driving.

No person shall drive or operate any vehicle on District property negligently, recklessly or without due caution, or in any other manner so as to endanger any person or property. All vehicles shall be driven or operated on the right side of any roadway open to travel, except when passing other vehicles.

g. Speeding.

No person shall drive or operate any vehicle on District property at a speed greater than the posted speed or ten miles per hour, or greater than is reasonable and safe under the circumstances, whichever is less, having due regard for traffic conditions and the intended use of the roadway, or at a speed which endangers the safety of any person or property.

h. Right of Way.

Every driver of a vehicle shall yield the right of way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection, and any pedestrian crossing at a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right of way to vehicles upon the roadway. However, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrians upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

i. Traffic Signs.

No person shall fail to observe all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers and all other signs posted by the District for safeguarding life and property.

j. Driving Areas.



No vehicles shall be managed, controlled or operated upon District property except over and upon such roadways, parking lots or other areas designated or marked for use by motor driven vehicles.

k. Commercial Vehicles.

No person, other than District employees, shall drive any truck, tractor or other commercial vehicle of any kind on District property without first obtaining a permit or contract therefor from the District.

l. Owner Responsibility.

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 on District property in a manner contrary to this Ordinance.

m. Parking.

(1) No person shall park any vehicle or allow any vehicle to remain parked in any area of District property, except District vehicles, beyond the normal closing hour of District property, except when a different closing hour has been designated by the District for that area or unless permission therefor has first been obtained from the District.

(2) No person shall park or place any vehicle on District property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no person shall stop, park, or place any vehicle in any of the following places except when otherwise designated, or when in compliance with the instructions of a police officer, or unless permission therefor has first been obtained from the District:

- (i) on the left side of any roadway;
- (ii) on the lawn areas and grounds;
- (iii) in front of a public or private driveway;
- (iv) within any intersection;
- (v) within 30 feet of any stop sign or traffic control signal located at the side of a roadway;
- (vi) on the roadway side of any vehicle parked at the edge or curb of the roadway;
- (vii) on any sidewalk;
- (viii) at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow; or



(ix) at any place or time where a permit or sticker is required for parking by the District unless the required permit or sticker has been obtained and is displayed on the vehicle.

(3) Whenever any vehicle is parked in violation of the provisions of this section prohibiting or restricting parking, and there is no person in attendance upon such parked vehicle to be arrested or served immediately with a notice to appear in court to answer the charge of such violation, any police officer observing such violation may attach to the vehicle used in such violation, a notification ticket, so that the person in whose name such vehicle is registered may appear in court on a day certain, and at a designated court room to be named in such notice, and answer to the charge of such violation. It shall be unlawful for any person other than the driver of the vehicle to which said notice is attached to remove or destroy the notification ticket from said vehicle.

n. Incorporation of State Statutes.

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

20. SAFE PARK ZONES

All parks and properties controlled by the District are hereby designated as "Safe Park Zones", which provide for increased penalties under Illinois Law for gang recruitment activities, and or the use or sale of drugs or weapons.

21. ADMISSION/IDENTIFICATION.

No person shall enter into, be or remain in any area or facility of the District without payment of any required admission charges and fees, and without compliance with the registration requirements, if any, which may be established from time to time by the District.

22. DISPLAY OF PERMIT OR PASS.

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



23. 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/or program fees, shall be approved and reviewed periodically by the Board. As permitted by law, fees charged to non-residents of the District need not be the same as fees charged to residents of the District. The Board shall otherwise establish rules and regulations for proper conduct by persons using District property. To the extent possible, specific rules pertaining to various District facilities and programs shall be posted at the applicable facility and/or published in District program brochures or otherwise disseminated to the users of District property which shall be charged with actual knowledge thereof. All persons shall abide by the rules and regulations of the District and with the direct orders or requests of employees and agents of the District when such persons are using District property.

24. FINES.

The violation by a person or other legal entity of the laws or regulations of the District or the term of his/her permit shall subject such person or entity to a civil fine up to \$750. Each day that a violation continues shall be deemed a separate violation. The District shall give such person or entity prompt written notice of any fines. Such fines may be assessed against any security deposit held by the District on behalf of the permittee, pursuant to this chapter, Section D.8., below, or may be assessed a fine for monies in excess of any security deposit.

25. REVOCATION OF PRIVILEGES.

Any person violating or disobeying any section or part thereof of this Ordinance, or any other ordinance, rule or regulation of the District, may be forthwith evicted from District property, and may have his/her admission rights to District property terminated, revoked, forfeited or suspended for the remainder of the season as determined by the Director or the Director's designated representative.

26. REWARDS.

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



SECTION D. PERMITS.

1. RULES AND REGULATIONS.

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

2. RESTRICTION ON SOLICITATION.

Permits issued for commercial, charitable or religious solicitation from persons on District property shall not allow solicitation activity on sidewalks, streets, highways. Any person engaging in solicitation activity pursuant to a permit in close proximity to a highway or street must wear a high visibility vest.

3. PERMIT REQUIREMENT.

No person shall, without a permit:

- a. conduct a public assembly, parade, picnic, or other event involving more than twenty-five (25) individuals or vehicles;
- b. circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any indoor facility, field house, garden, zoological garden or other special facility;
- c. conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio or television broadcast, other than a news transmission;
- d. exhibit or display any motion picture, television program or similar event;
- e. operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse District property;



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- f.** create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by any other person;
 - g.** place, station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum, hammock, swing, tent, shelter, or other structure or camping equipment;
 - h.** station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
 - i.** sell, lease, advertise or offer for sale or lease any goods or services;
 - j.** display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial or political advertising matter within the park system;
 - k.** bring, land or cause to ascend or descend or alight on District property, any airplane, helicopter, flying machine, balloon, parachute, model aircraft or other apparatus for aviation;
 - l.** conduct any sporting event;
 - m.** bring or ride onto District property any animal, except a domestic dog or cat restrained on a leash or a dog assisting a sight impaired person entering or remaining on District property as provided in Section 16;
 - n.** use District property for day camps, instructional classes or organized groups not sponsored by the District;
 - o.** create, light or make use of a fire, including fires in fireplaces, stoves and pits;
 - p.** sell, bring within, give away, deliver or consume alcoholic beverages on District property;
 - q.** operate a snowmobile or similar vehicle; or
 - r.** engage in commercial, charitable or religious solicitation from persons on District property.



4. APPLICATION FOR PERMITS.

a. Filing Written Application.

Any person seeking the issuance of a permit shall apply for a permit by filing a written application for permit on a form which shall be prescribed by the Director. Except as otherwise provided, any other ordinance, rule or regulation of the District with respect to the activity in question, applications for permits shall be filed with the Director at the District's Administrative offices.

b. Application Fee.

For any activity described in this chapter, Section D.4., no permit shall be granted unless the applicant shall have paid at the time for filing an application for permit the required application fee, if any, in an amount in accordance with schedule of fees established by the Director. As permitted by law, fees charged to nonresidents need not be the same as fees charged to residents of the District.

c. Indemnification and Reimbursement Agreement.

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

d. Security Deposit.

For any activity described in this chapter, Section D.3., no application for permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the park upon conclusion of the use or activity, as set by the schedule of fees set by the Director.

Promptly after the conclusion of a permit activity, the District shall inspect the premises and equipment used by the permittee. If it is determined by such inspection, that the permitted event proximately caused damage to District property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or determined that fines should be assessed against the permittee pursuant to this chapter, Section D.7. below, the District shall retain the security deposit or any portion thereof necessary to pay for the cost repair or any fines assessed against the



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

e. Insurance.

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

(2) No application for permit for any public assembly involving more than fifty individuals shall be granted unless it shall be accompanied by proof that the applicant shall insure the District against liability for personal injury or property damage arising from or in connection with the use or activity, or, in the alternative, unless the application for permit shall be accompanied by payment of a premium, pursuant to a schedule which shall be determined by regulation of the Director taking into consideration the expected attendance at the use or activity, the nature of the use or activity, and the place of the use or activity, for participation in an insurance reserve program which shall be established and maintained by the District for the insurance of the District against liability for personal injury or property damage as aforesaid.

5. PROCESSING OF APPLICATION FOR PERMITS.

a. Order.

Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated preference in order of receipt of fully executed applications.



b. Preliminary Approval.

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, an insurance certificate evidencing the requisite insurance is not filed with the Director, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for permit will be deemed denied and no written notice of denial will be required; provided, however, for events or activities which involve the use of special facilities, or activities described in this chapter, Section D.3.(g)(h)(i)(k) and (l), above, all terms and conditions for issuance of the permit, including securing insurance, must be completed at least thirty days prior to the event.

c. Written Denials.

Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed approved subject to insurance requirements as provided in this chapter, Section D.4.f., above, if no written denial is issued within fourteen days of the date on which the application is fully completed, executed and filed with the appropriate officer or employee, as designated by the Director provided, however, the District may extend the period of review for an additional fourteen days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed approved.

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

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

(2) Notice to the public of denial or issuance of a permit shall be posted in the field house or facility the notice of denial or issuance of the permit.

e. Contents of Notice; Grounds for Denial.

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the District for measures by which the applicant may



cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the District shall propose an alternate place, if available for the same time, or an alternate time, if available for the same place. The District may deny an application for permit on any of the following grounds:

- (1) the application for permit is not fully completed and executed;
- (2) the applicant has not timely tendered the application fee, user fee, indemnification agreement, or security deposit;
- (3) the application for permit contains a material falsehood or misrepresentation;
- (4) the applicant is legally incompetent to contract or to sue and be sued;
- (5) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged District property and has not paid in full for such damage, or has other outstanding and unpaid debts to the District;
- (6) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part thereof;
- (7) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;
- (8) the proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park or part thereof;
- (9) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of District employees or of the public;



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- (10) the applicant has not complied or cannot comply with applicable licensure requirements, ordinance or regulation of the District concerning the sale or offering for sale of any goods or services;
 - (11) the use or activity intended by the applicant is prohibited by law, by this code and Ordinance of the District, or by the regulations of the Director;
 - (12) the applicant has not secured the requisite insurance; or
 - (13) the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior permits issued to the applicant.

f. Amendment or Revision of Applications.

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

6. PROCEDURES FOR REVIEW; WAIVERS.

a. Review by Director.

- (1) Any applicant who is denied a permit or a permittee who is assessed damages or a fine pursuant to this Ordinance may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Director;
- (2) The Director shall have seven calendar days from the date on which the appeal was filed in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial;
- (3) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;
- (4) If such notice is not served upon the applicant or permittee within seven calendar days of the date upon which the appeal was filed, then the denial shall be deemed reversed.



(5) Decisions made by the Director under this Section shall be final.

b. Form of Appeals.

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

c. Waiver of Requirements.

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

7. FINES.

The violation by a permittee of the terms of her/his a permit or the laws and regulations of the District shall subject the permittee to a civil fine of up to \$750. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the District on behalf of the permittee, pursuant to this chapter, Section D.4.d., above, or may be assessed a fine for monies in excess of any security deposit held by the District. The Director shall give the permittee prompt written notice of any fines to be assessed in excess of the security deposit. Such notice shall be served on the permittee by personal delivery, or by deposit in the United States mail, with proper postage prepaid to the name and address set forth on the application for permit.

SECTION E. STRUCTURES AND WORK ON DISTRICT PROPERTY.

1. WORK PERMIT REQUIRED.

No person shall conduct or direct any of the following activity without first obtaining a work permit from the Director:

- a.** make an opening in park property, pavement, side or cross walk or dig a hole, ditch or drain in or remove any sod, stone, earth, or gravel from any public way or other public place;
- b.** use any portion of District property including the sidewalks and parkways during the construction, reconstruction, alteration, wrecking or tearing down



of any building or structure or for the storage or delivery of building materials and equipment;

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

2. ENCROACHMENTS.

No building or other structure or any part or appurtenance thereof shall extend into, upon or over any part of District property.

3. REQUIREMENTS FOR ISSUING WORK PERMITS.

The Director shall not issue any work permit authorized by this chapter until he/she shall have been fully advised of the time, place and character of such work and the



purpose thereof. All applications for permits shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of any proposed work, or any alterations involving changes in the location of pipes, conduits, wire or other conductors. The Director may require such additional drawings, surveys or other information as he may consider necessary or desirable to establish the scope, character and location of the work intended to be done and shall deny any application for permit unless or until such requirements are fulfilled.

4. ESTIMATE OF WORK COSTS.

Before such a work permit shall be granted, the Director shall make an estimate of the cost of engineering and inspection services and of restoring the pavement lawn, ground surface, or other improvements, to a condition equally as good as before the work provided for in such work permit shall have been done.

5. SECURITY OF COSTS.

Before such a work permit shall be granted, the applicant shall either pay the estimate of the cost of engineering and inspection service and of restoration, or deposit with the District a performance bond issued by a surety approved by the Treasurer in the penal sum of twice the estimate of cost, guaranteeing the payment by such applicant of all costs and charges against him/her by the virtue to the granting of such work permits.

6. INDEMNITY BOND.

Before any work permit is issued, the applicant shall first execute in favor of the District an indemnity bond in an amount to be fixed by the Director and in no case less than ten thousand dollars with sureties to be approved by the Director and in a form approved by the Director conditioned upon the faithful performance of the permit and further conditioned to indemnify, keep and save harmless the District from any and all loss, cost, damage, expense, judgment or liability of any kind whatsoever which the District may be put to or which may be recovered from the District or any of its officers or employees from or by reason of or on account of accidents to person or property from or by reason of on account of anything done under or by virtue of any permit granted.

7. EMERGENCY REPAIRS.

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



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- a. the person making such opening has therefore obtained an emergency work permit, and
 - b. thereafter, such person obtains a work permit authorizing such opening.

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

8. WORK PERMIT FEES.

No work shall be granted unless the applicant shall have paid at the time for filing an application for a work permit the required permit fee in an amount in accord with the schedule set by the Director and approved by the Board.

9. WAIVER OF PERMIT FEES.

No fee shall be charged to any municipality within a park which offers reciprocity in the waiving of permit fees.

SECTION F. PATRON PROPERTY.

1. LOST AND FOUND ARTICLES.

Whenever a District employee or agent finds lost articles on District property, he/she shall report such findings to the Director. If the property is unclaimed by the owner or person legally entitled to possession after reasonable efforts to locate them over not less than a thirty day period, the property may be disposed of. The District shall make every reasonable effort to find articles reported to it as being lost on District property.

2. PATRON LOCKS.

A patron is allowed to affix his/her lock to designated lockers while using District facilities. However, no patron lock may remain on a locker when the facility closes for the day. Any lock remaining on the locker at closing time shall be removed by the District supervisor of the location or his/her designee. The contents found in such a locker will be secured by the District supervisor and returned to the park patron pursuant to Section F.1. above. The Director or his/her appointed representative shall record an inventory of the items found in the locker.

SECTION G. ENFORCEMENT.

1. PARENTAL RESPONSIBILITY.

a. Generally.

The parent or legal guardian of an unemancipated minor shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility, and such minor shall be deemed to have committed



the acts described below with the knowledge and permission of the parent or guardian upon the occurrence of the following three events:

- (1) An unemancipated minor is adjudicated to be in violation of this section or has incurred nonjudicial sanctions from another official agency resulting from an admission of guilt in violation of this section; and
- (2) The parent or legal guardian has received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned from the Police Department of the Village of Channahon, following said adjudication or nonjudicial sanction; and
- (3) If at any time within one year following receipt of the notice described in Section 1.a(2) above, the minor is adjudicated to be in violation of this section, or has incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of this section.

It shall be unlawful for a parent or legal guardian to allow an unemancipated minor to engage in acts in violation of this section. Each parent and legal guardian shall be jointly and severally liable.

b. Willful and Malicious Acts.

The District hereby holds parents and legal guardians of an unemancipated minor who resides with such parent or legal guardian liable for actual damages for the willful and malicious acts of such minor which cause injury to a person on District property or injury to District property, as provided in the "Illinois Parental Responsibility Act" (740 ILCS 115/1, *et seq.*).

2. PARTIES.

Every person who commits, attempts to commit, conspires to commit, or aides or abets in the commission of any act declared herein to be unlawful, 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 code is likewise guilty of such offense.

3. NON-EXCLUSIVITY OF PENALTIES.



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

4. POLICE FORCE.

- a. **Park Police:** In addition to local police, the Board may appoint its own police officers as may be deemed necessary to preserve the peace on Park District property. The Board may fix a salary for members of its police force. The Board may also suspend or discharge any police officer it has appointed for insubordination or neglect of his/her duties upon notice given in writing and following a hearing before the Board.
- b. **Village Police:** Each of the police officers of the Village of Channahon are hereby authorized to enter upon the property owned, leased or controlled by the Park District in their respective jurisdictions for the purpose of enforcing the ordinances of the Park District, ordinances of the Village of Channahon, laws of the State of Illinois and all laws and ordinances amendatory thereof.

5. VIOLATIONS AND FINES.

- a. Any person violating any clause or provision of any section of this ordinance shall subject the violator to a civil fine of up to \$750.00 per violation. Each day that a violation continues or every violation of each separate section of this ordinance shall be deemed a separate violation. The Park District may establish a schedule of violations for which a ticket may be issued and paid without requiring a court appearance by the violator.

SECTION II

EFFECTIVE DATE.

THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE TEN DAYS AFTER THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION IN BOOK OR PAMPHLET FORM AS PROVIDED HEREIN.

Passed and Approved: 27 June 2007

Vote being: Clower: Aye Hoffman: Absent Lesniak: Aye Lehman: Absent
McCoy: Aye



/s/ Tom Lesniak
President

Attest:

/s/ Charles J. Szoke
Secretary

**Reviewed by the Board of Commissioners
without change: 20 May 2019**