

**ORDINANCE NO. 2-13-2017-01**

**AN ORDINANCE REGULATING THE USE  
OF THE PARKS AND PROPERTY OWNED OR CONTROLLED  
BY THE BARRINGTON HILLS PARK DISTRICT  
("CONDUCT ORDINANCE")**

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**Adopted February 13, 2017**

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of the Barrington Hills Park District  
on February 14, 2017)**

**AN ORDINANCE REGULATING THE USE OF THE  
PROPERTY OWNED OR CONTROLLED BY THE  
BARRINGTON HILLS PARK DISTRICT**

**CHAPTER I - DEFINITIONS, CONSTRUCTION, AND SCOPE**

Section 1.01. Short Title. This Ordinance regulating the use of the property owned or controlled by the Barrington Hills Park District shall be known and may be cited as the "Conduct Ordinance of the Barrington Hills Park District."

Section 1.02. 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 equipment or device that is used or intended to be used for human flight in the air or is capable of flight in the air, including but not limited to powerless flight.
2. "Alcoholic Liquor" shall have the definition provided in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.05) as amended hereafter.
3. "Authorized Agent of the District" means those person(s) authorized by the District to act for the District.
4. "Board" means the Board of Park Commissioners of the Barrington Hills Park District.
5. "Camping" of "camp" means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag, hammock, or other bedding material for use, setting up any temporary or permanent camping equipment including without limitation food preparation equipment, and parking of a motor vehicle, motor home or trailer, for the apparent purpose of overnight occupancy, or using any of the above items on, or sleeping on, any District Property during hours when such District Property is closed to the public.
6. "Cannabis shall have the definition provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a) as amended hereafter.
7. "Controlled Substance" shall have the definition provided in the Illinois Controlled Substances Act (720 ILCS 570/102(f), 204, 206, 208, 210 and 212) as amended hereafter.
8. "Carry" means to wear, bear, or have on or about the person.
9. "Countryside Tennis Courts" means the tennis courts located on the west end of the real estate of the Countryside Middle School, Barrington Hills, IL as described in the Intergovernmental Agreement between the District and School District 220, dated \_\_\_\_\_, as now and/or hereafter amended.
10. "Countryside Tennis Courts Rules and Regulations" shall mean the rules and

regulations governing the conduct of users of the Countryside Tennis Courts passed and/or amended by resolution of the Board from time to time.

11. "Director" means an individual designated by the Board as an "Administrative Assistant" unless and until the Board appoints an executive director or director of parks and recreation for the District at which time the term "Director" shall mean the individual employed by the District in that position.

12. "District" means the Barrington Hills Park District, Cook, Lake and McHenry Counties, Illinois.

13. "District Enforcement Authority" shall mean the Village of Barrington Hills Police Department [and where the District Property at issue is outside of the boundaries of the Village, the law enforcement authority of the respective County in which the District Property at issue is located] and/or those persons designated by the District to enforce the provisions of this Ordinance.

14. "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, tennis court, roadway, sidewalk, trail, path, or open space, or other public place or Facility located on property located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.

15. "Equine" means a horse, pony, mule, donkey, or hinny as defined in 745 ILCS 47/10(b) of the Illinois Equine Activity Liability Act (745 ILCS 47/).

16. "Equestrian Activity" shall have the definition provided in 745 ILCS 47/10(c) of the Illinois Equine Activity Liability Act (745 ILCS 47/).

17. "Facility" means any District Property other than a park or playground and includes, without limitation, the Countryside Tennis Courts and the Riding Center.

18. "ILCS" means the Illinois Compiled Statutes as now and hereafter amended.

19. "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.

20. "Ordinance" means this Ordinance Regulating the Use of the Property Owned or Controlled By the Barrington Hills Park District.

21. "Permit", "License", "Pass" or "Contract" means the written authorization issued by or under the authority of the District or 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 authorizing document as well as all applicable federal, state, local, and District laws, ordinances, rules, and regulations.

22. "Person" means 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, seasonal or short-term), or agent of the District when acting within the scope of his authority.

23. "Possess" or "Possession" means exercising direct physical control or dominion, with or without ownership, over any kind of property, or archeological, cultural or natural resource.

24. "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.

25. "Riding Center" means the Barrington Hills Park District Riding Center located at 361 Bateman Road, Barrington, Illinois, and shall include all of the equestrian facilities, buildings, arenas, grounds and other real and personal property located therein that is owned, administered, leased or otherwise in the possession or under the control of the District.

26. "Riding Center Rules and Regulations" shall mean the rules and regulations governing the conduct of users of the Riding Center passed and/or amended by resolution of the Board from time to time.

27. "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, or any act for which payment or other form of consideration is customarily received or bargained for.

28. "Smoking" means the lighting of cigarettes, electronic cigarettes, 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.

29. "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.

30. "Unmanned Aircraft Systems" means any unmanned aircraft that is capable of sustained flight or suspension in the atmosphere including unmanned aircraft commonly referred to as model airplanes, small unmanned aircraft or aerial systems, aerial hover craft, and any other remotely piloted or unmanned aircraft of any kind, including any and all unmanned aircraft and/or equipment commonly referred to as "drones".

31. "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, baby strollers, small non-motorized wagons typically used to transport and capable of transporting not more than two small children and bicycles when properly used on walks, trails or paths where they are permitted to be used, and except vehicles when properly used in the authorized service of the District.

32. "Wildlife" shall include any water fowl, mammal, animal, amphibian, reptile, or bird or the young or eggs thereof, but excluding any Equines, domesticated dog or cat.

Section 1.03. 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 enforceable within and upon all District Property, and shall regulate the use thereof by all Persons. However, no provision hereof shall make unlawful any act necessarily performed by any officer, employee or Authorized Agent of the District, member of the District Enforcement Authority when acting within the scope of his authority or in his line of duty, or any other Person summoned by such person to assist him.

(c) This Ordinance is not intended to limit and does not limit the scope or applicability of federal, state or local laws or regulations to conduct on District Property. No Person shall commit a violation of such laws or regulations while on District Property.

**CHAPTER II - SPECIFIC RESTRICTIONS ON CONDUCT AND BEHAVIOR**

Section 2.01. Aircraft/Unmanned Aircraft Systems

(a) No Person shall operate or fly, cause to be operated or flown, or permit or authorize the operation or flying of Aircraft or Unmanned Aircraft Systems of any kind over District Property except in strict accordance with applicable laws governing such flight, including rules promulgated by the Federal Aviation Administration.

(b) No Person shall operate, launch, take off, land, cause to launch, take off or land, or authorize the operation, take off, launching or landing of any Aircraft of any kind from or on District Property, except when necessitated by unavoidable emergency.

(c) No person shall operate, launch, take off, land, cause to launch, take off or land, or authorize the operation, take off, launching or landing of any Unmanned Aircraft Systems of any kind from or

on District Property unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. Any Person given such permission shall comply with all applicable regulations established by the Federal Aviation Authority and the terms of the District issued permit that are not inconsistent therewith.

(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 shall sell or deliver any Alcoholic Liquor on District Property, unless said Person has first obtained a Permit therefor from the District and complied with all District requirements related to Alcoholic Liquor.

(c) 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 Equines, 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, nature center, permitted by the District.

(b) 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 District Property unless the pet is on a leash which shall not exceed six (6) feet in length and such Person has in his immediate possession a device for removal, and a depository for the transportation of, animal excrement from such Property.

(c) 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. Any Person using the Riding Center must clean-up after his or her use of Riding Center, including removing and properly disposing of any excrement left by his or her Equine in any part of the Riding Center, including but not limited to any arena or stall.

(d) 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 .

(e) Any animal found on District Property in violation of subsections (a) or (d) 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 the Village of Barrington Hills or the respective county of the District Property at issue. 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.

(f) Dogs 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.

(g) No owner or agent of the owner having control of any equine shall leave any equine unattended on District Property unless in a stall which is securely closed.

Section 2.04. Assault, Battery or Fighting.

(a) No Person without lawful authority shall 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, or that causes bodily harm or such physical contact.

(b) No Person shall provoke or engage in, or assemble or congregate with another Person or other Persons for the purpose of causing, provoking or engaging in, any fight, brawl or riotous conduct on District Property.

(c) No Person shall intentionally jostle, roughly crowd, push or shove another Person on District Property.

Section 2.05. Begging, Panhandling, Solicitation. No Person shall beg or panhandle on District Property including but not limited to District buildings, facilities or playgrounds or the entrances or stairways of such buildings or facilities, or obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent what the solicited funds will be used for, or coerce or intimidate another Person into giving money, goods or services.

Section 2.06. Camping.

(a) No Person shall place, erect, or use any type of temporary or permanent housing or camping equipment on District Property or otherwise camp in any manner on District Property without first obtaining a Permit and only during specially designated events.

(b) Any person who accumulates, masses together and maintains personal property such as supplies, tarps, tents, shelters, cardboard, cardboard boxes, portable grills, goods, clothing, or personal effects upon District Property shall be required to remove such personal property from the District Property within twenty four hours of the notice to remove. If the personal property is interfering with any District program or activity, then the personal property may immediately be removed by the District to another portion of District Property in order to avoid the interference with the program or activity. The fact that an administrative or court action or proceedings have been instituted and are pending shall not preclude the District's ability to move or to require removal of said personal property if not removed as required

herein. Upon the failure of the owner of the personal property to remove the personal property within twenty four hours of the service of the notice, the District may lawfully remove the personal property. The personal property removed from District Property by the District pursuant to this Section, shall be disposed of if not claimed by the owner within thirty (30) days of its removal. Any costs associated with such removal and storage may be charged to, and assessed to the property's owner.

Section 2.07. Charitable, Religious, Political, 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 in areas open to the general public provided that a Permit 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 open to the general public provided that a Permit has first been obtained from the District in accordance with Chapter V of this Ordinance.

(d) Soliciting votes and circulating petitions, flyers or banners for or against candidates 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 2.07.

(e) No Person shall engage in any activity described in subsections (a) through (d) of this Section 2.07 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 shall engage in any activity described in subsections (a) through (d) during fairs, equestrian and other special events conducted by the District except at a fixed location designated by the District and unless a Permit 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 on a first come, first served basis until no more space remains available.

(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. Child Sex Offenders and Sexual Predators.

(a) No Child Sex Offender shall (i) knowingly be present in any District public park building, a playground or recreation area within any publicly accessible private building, or on any District public park property when any person under the age of 18 (hereinafter "minor") is present in the building or on the park grounds; or (ii) knowingly loiter on a public way within five-hundred (500) feet of a public District building or public District park while any minor is present in the building



or on the park grounds; or (iii) approach, contact or communicate with any minor present in the building or on the park grounds, unless the Child Sex Offender is the a parent or guardian of a person under 18 years of age present in the building or on the grounds. As used in this Section 2.08 (a), "Child Sex Offender" is defined in the manner provided in Section 11-9.3 (d)(1) the Illinois Criminal Code of 2012 [720 ILCS 5/11-9.3 (d)(1)]. "Loiter" is defined in the manner provided in Section 11-9.3(d)(11) of the Illinois Criminal Code of 2012 [720 ILCS 5/11-9.3 (d)(11)].

(b) No Child Sex Offender or Sexual Predator shall (i) knowingly be present in any public District park building or on District public park property; or (ii) knowingly loiter on a public way within 500 feet of a public District park building or public park. The 500 feet distance shall be measured from the edge of the property comprising the public park. As used in this Section 2.05(b), "Child Sex Offender," "public park" and "loiter" are each defined in the manner provided in Section 11-9.4-1(a) of the Illinois Criminal Code of 2012 [720 ILCS 11-9.4-1(a)]. "Sexual Predator" has the meaning ascribed to it in subsection (E) of the Sex Offender Registration Act [730 ILCS 150/2(E)].

(b) No Child Sex Offender or Sexual Predator shall knowingly photograph, videotape, or take a digital image of a child who is on District Property, or instruct or direct another person to photograph, videotape or take a digital image of a child who is on District Property, without the consent of the parent or guardian of that child.

Section 2.09. Commercial Sale, Exhibition, Distribution or Rendering 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, production, or distribution of goods or in the rendering of services, including but not limited to the giving of instruction or lessons for a fee, upon District Property or use District Property in the performance of any commercial service or the creation of any product for sale including but not limited to commercial photography, film or video production, unless he has received a Permit, license or contract from the District.

(b) No Person engaged in any activity for commercial gain or for which a charge is made or engaged in any sale or distribution of goods or services under this section shall misrepresent the affiliations of those engaged in such activities, obstruct or impede pedestrians or Vehicles, disregard requests by park visitors to be left alone, harass park visitors with physical conduct or persistent demands, 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 under the influence of Cannabis, a Controlled Substance(s), or any combination thereof, shall enter into, be, or remain on District Property, except where the use by such Person of the Controlled Substance is prescribed by a duly licensed medical professional and the use of the Cannabis by such Person is permitted under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*), as now and hereafter amended, or under any successor law pertaining to the same subject matter.

(b) No Person shall bring onto, Possess, use, or take from or transfer to another Person, on District Property any Cannabis, except as permitted for a registered qualifying patient and his/her designated caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act

(410 ILCS 130/1 *et seq.*), as now and hereafter amended or under any successor law pertaining to the same subject matter.

(c) No Person shall bring onto, Possess, use, or take from or transfer to another Person any Controlled Substance on District Property except as necessary to enable the Controlled Substance to be used by the Person for whom it was prescribed by duly licensed medical professional.

(d) Except as permitted for a registered qualifying patient pursuant to the compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) no Person shall possess drug paraphernalia on District Property. No Person shall sell or distribute 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.

Section 2.11. Cooperation with Authorities/Impersonating an Officer/ Providing False Information.

(a) No Person shall physically hinder, threaten, harass, resist, intimidate, disobey, or otherwise intentionally interfere with any member of the District Enforcement Authority or any District employee or agent in the performance of his duties.

(b) No Person shall falsely represent that he is, or otherwise pretend to be, a District officer or employee, a member of the District Enforcement Authority, or an agent or other representative of the District.

(c) No Person shall knowingly display a false, expired or revoked Permit or give a false report or false information (including, without limitation, information requested in a Permit application) which results in misleading a District employee or agent, or a member of the District Enforcement Authority in the conduct of his official duties.

Section 2.12.. Disorderly Conduct. No Person shall engage in disorderly conduct on or from District Property. A Person commits the offense of disorderly conduct when he knowingly does any one or more of the following:

(a) Does any act in such unreasonable manner as to alarm or disturb another and/or an Equine and to provoke a breach of the peace..

(b) Makes or causes to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this section, excessively loud or unreasonable noise is defined as noise inconsistent with, or not attendant to, appropriate and customary park and recreational activities, considering the nature and purpose of the 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, 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 or authorized by the District.

(c) Uses obscene or abusive language or gestures, or threatens violence or injury to the person or property of others, in a manner likely to incite or produce an immediate breach of the

peace, disturbance or disorderly response.

(d) Congregates with other Persons on District Property with the intent to disrupt District operations or a District event or program, or with the intent to restrict vehicular or pedestrian traffic or free ingress to or egress from District Property and fails to comply with a lawful order of the District Enforcement Authority to disburse issued in response to acts likely to cause substantial harm, or under circumstances where it is reasonable to believe that the order is necessary to allow the District Enforcement Authority to address a situation that threatens the public health, safety or welfare.

(d) Commits any other act which may be defined as disorderly conduct under the Illinois Criminal Code [720 ILCS5/26-1, 2, 3 or 4].

Section 2.13. Display of Permit or Pass. Every Person shall produce or display a Permit, License, Pass or Contract 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 authorizing document 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, paper of any kind, ashes, garbage, waste material, horse manure, 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 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 urinate or defecate on District Property other than in toilets in rest room Facilities expressly provided for such purposes.

(c) No Person shall spit upon District Property.

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

(e) No person shall wash any dish or other article or item at water outlets or fixtures on District Property, except at designated locations or fixtures provided for that purpose.

(e) No Person shall pollute or contaminate District Property.

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

(g) 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. Fires.

- (a) No Person shall light, maintain, or make use of any fire on District Property.
- (b) 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.

Section 2.16. Fireworks/Pyrotechnics. 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 combustible or explosive device for producing a striking display of light or loud noise 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 2.17. Gambling and Games of Chance. No Person shall play or engage in games of chance, or in any other device or game of chance, hazard or skill, for the purpose of gaming or gambling for money or other valuable things on District Property, except at an organized event conducted, sponsored or authorized by the District.

Section 2.18. Hunting or Trapping. No Person shall hunt or trap, nor bring any device for hunting or trapping into or onto District Property.

Section 2.19. Interference with Other Users.

- (a) No Person shall walk, act, or conduct himself upon any portion of District Property designated for a particular event 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 event or other use for which it has been designated.
- (b) No Person shall unreasonably disturb or interfere with any Person participating in any activity permitted on District Property under the authority of a Permit.
- (c) 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 2.20. Loitering. No Person, either alone or in consort with others, shall on District Property loiter, loaf, wander, stand or remain idle, or commit any act or thing in such a manner as to: (1) unreasonably obstruct or interfere with the use of any driveway, public sidewalk or parking lot, or any building, including but not limited to the usual use of entrances, exits, hallways, aisles or areas designated for specific purposes; (2) impede or disrupt the performance of official duties by District employees; or (3) prevent the general public from obtaining or using administrative or recreational services or facilities provided by the District in a timely manner, or in the manner intended, after being requested to leave by any member of the District Enforcement Authority. No Person shall loiter or remain on District Property for an unlawful purpose.

Section 2.21. Mob Action.

- (a) No Person shall collect with other Persons, in bodies or in crowds of two (2) or more Persons, 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 2.22. Parades, Public Assemblies, Gatherings or Meetings. Public parades, processions, presentations, meetings, assemblies, gatherings, and demonstrations (individually and collectively hereinafter called "Gatherings") are permitted on District Property in areas open to the general public. Where the number of participants in any such Gathering is reasonably expected to exceed twelve (12) or more persons and/or vehicles, a Permit therefor must first be obtained from the District in accordance with Chapter V of this Ordinance.

Section 2.23 Posting Printed or Written Material In Designated Area.

(a) The District shall designate an area for the posting of printed or written public information material ("Community Bulletin Board") on District Property.

(b) No Person shall post, place, display, or cause to be posted, placed, or displayed any printed or written material on the Community Bulletin Board without presenting the material to the District. The District shall stamp and date the material as received and post the material, space permitting, on the Community Bulletin Board unless said material is obscene as defined in 720 ILCS 5/11-20 or promotes or solicits an unlawful activity. The material may remain posted for a period not to exceed one (1) week after which a Person may resubmit his public information notice for posting consideration.

(c) Space on the Community Bulletin Board shall be allocated on a first-come, first-served basis, except that the District's own public information may be given priority. The District may restrict the size of postings on a uniform basis. Only one copy of each public information notice shall be posted at any one time.

(d) The District may remove printed or written material that has not been posted in accordance with this Section. In addition, nothing herein to the contrary notwithstanding, the District reserves the right to remove any material posted on the Community Bulletin Board for any lawful reason at any time.

Section 2.24. Posting Printed or Written Material On Public Places and Objects.

(a) Except as expressly provided in this Ordinance, no Person shall paint, write on, or in any way mark or deface, or post or otherwise affix, any printed or written words, symbols, materials, or other marks to or upon District Property or any thing or object located on District Property.

(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 any thing 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 2.25. 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 his possession, or release or cause to be released, any Wildlife or Equine on or upon District Property.

(b) No Person shall give or offer to any Wildlife or Equine 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. This Section 2.25(c) shall also apply to any Person who willfully or wantonly touches, teases, frightens, disturbs, or otherwise intentionally interferes with any Equine while 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 2.26. Protection of Property.

(a) No Person shall mark, carve, bend, cut, paint, deface, apply graffiti to, affix any sticker or sign to, break down, set fire to, destroy, damage, alter, change, sever, uproot, dig, excavate or otherwise remove, or attach or suspend any rope, wire, or other material or contrivance to, on, or from, District Property or any thing or object on or upon District Property, or otherwise take, damage or destroy such Property, thing or object unless specific written permission has first been obtained from the District.

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

Section 2.27. Sex Offenses/ Public Indecency/ Sexual Conduct/ Obscenity

No Person shall commit a sex offense described in Article 11 of the Illinois Criminal Code of 2012 [720 ILCS 5/Article 11] on or from District Property, including but not limited to the following offenses:

(a) Public indecency, as defined in Section 5/11-30 [720 ILCS 5/11-30],

(b) Obscenity as defined in Section 5/11-20 [720 ILCS 5/11-20].

(c); Sexual conduct as defined in Section 5/11-0.1 [720 ILCS 5/11-0.1]

- (d) Indecent solicitation of a child as defined in Section 5/11-6 [720 ILCS 5/11-6].
- (e) Sexual exploitation of a child as defined in Section 5/11-9.1 [720 ILCS 5/11-9.1].
- (f) Child pornography as defined in Section 5/11-20.1 [720 ILCS 11-20.1]
- (g) Distribution of harmful material to a minor as defined in Section 5/11-21 [720 ILCS 5/11-21].

Section 2.28. Reporting Accidents. A Person involved in an incident on District Property resulting in personal injury or property damage, other than an accident reportable under Section 3.05 of this Ordinance, shall report the incident to the District within twenty-four (24) hours after the incident.

Section 2.29. 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 or enter upon any construction site on District Property except as may be authorized by the District.
- (b) No Person shall enter or remain on District Property when it is closed to the public.
- (c) No Person shall enter any District Property or portion thereof which is reserved or scheduled for a specific group or activity or event, unless such Person is an invitee to the activity or event and, if and as applicable, such person has paid all appropriate admission or registration fees, or unless the activity or event is open to the general public without admission or registration fee.
- (d) No Person shall enter or remain in any portion of District Property if his admission privileges have been terminated, revoked, forfeited or suspended pursuant to Section 7.01 of this Ordinance, or if a required Permit, pass, ticket or membership card for admission to, or use of, the specific District Property which he enters has been suspended or revoked.

Section 2.30. Restrictions Applicable to Specific Recreational Activities.

- (a) Equestrian Activity. No Person shall engage in any activity at the Riding Center other than Equestrian Activity without first obtaining a Permit from the District. Every Person performing any Equestrian Activity at the Riding Center shall abide by all published, posted or otherwise documented District rules and regulations and all other federal, state and local laws applying to said Activity.
- (b) Picnics/Parties. No group in excess of ten (10) persons shall picnic or party on District Property unless a Permit has first been obtained from the District in accordance with this Ordinance. The District may designate the location for the event and areas for preparing, consuming, and dispensing food, beverages and other products. Persons holding a Permit and dispensing any of such products may do so only in the area designated in the Permit. No Person may dispense, prepare, consume, sell or otherwise use products, items or things otherwise prohibited in this Ordinance or any other federal state, local, or District law, rule, regulation or ordinance.
- (c) Classes, Camps and Lessons. No Person shall bring or cause to be brought onto District Property, including onto the Countryside Tennis Courts, any class, clinic, 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 this Ordinance. No Person shall conduct any private lesson or instruction for a fee on District Property unless a Permit allowing such use has first been obtained from the District in accordance with this Ordinance.

(e) Other Organized Recreational Activities. No Person shall utilize any District Property for any tournaments, leagues, contests, special event 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 this Ordinance.

(f) Park District Programs. This Section shall not apply to scheduled or regular District programs or activities or District special events. Where a conflict exists between a District activity, program or special event and a third party requested activity, the District activity, program or special event shall take precedence.

#### Section 2.31. Rest Rooms, Washrooms, and Portable Rest Rooms.

(a) Every Person shall cooperate in maintaining rest rooms, washrooms and portable rest 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 portable rest room Facility on District Property.

(c) Except as otherwise required under applicable federal and Illinois law relating to a Person's gender identity, no Person of the age of four (4) years or more may enter or use rest rooms or washrooms on District Property designated for the opposite sex .

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

#### Section 2.32. 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 provided that a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

(b) Any Person engaged in the sale or distribution of printed or written materials under this Section 2.32 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 2.33. Sledding, Skiing and Snowmobiling.

(a) No Person shall tow, push, pull, or otherwise propel themselves or another Person on skis, sled, or other sliding device by means of any Vehicle on District Property.

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

Section 2.34. Sleeping on, Obstructing Use of District Property. No Person shall lie down on, or lean or lie across, or in a manner so as to impair use by others, benches, picnic tables, sidewalks, parking lots, tennis courts, or building doorways, or in any portion of the Riding Center or sleep in or on any District Property.

Section 2.35. Smoking. Smoking or any use of a tobacco product is prohibited in all District buildings and on District Property.

Section 2.36. Special Events: Distribution of Literature, Sale of Merchandise, Soliciting Contributions. No person shall sell and/or distribute merchandise or printed or written materials or solicit contributions, votes or signatures at fairs, equestrian and other special events conducted, authorized or sponsored by the District except at a fixed location designated by the District and unless a Permit 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 on a first come, first served basis until no more space remains available.

Section 2.37. Unlawful Construction, Maintenance or Encroachment. No Person shall, without prior authorization from the District, conduct any of the following activities upon, beneath, above, across, or in connection with any District Property:

- (a) Erect, construct, install, or otherwise place any structure, building, improvement, shed, fence, wall, dog run, dog house, playhouse, play equipment, TV or radio reception device, machinery, equipment, stand, scaffold, platform or other structure of whatever kind, whether stationary or moveable and whether permanent or temporary in character.
- (b) Stockpile, store or place any gravel, stone, dirt, sand, wood, lumber or other organic or inorganic material or landscape material.
- (c) Construct, install, 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 has first been obtained from the District and if and as applicable the Village of Barrington Hills or other governmental authority having jurisdiction over such activity.
- (d) Perform, cause or authorize any mowing, trimming, cutting or grooming of District Property, or perform any grounds maintenance for any purpose, or in like manner encroach onto District Property from privately or publicly owned lands.
- (e) Plant vegetation of any kind on District Property.
- (f) Allow, authorize, build, construct, or place the discharge point of any sump pump, pool, water feature, down spout, or foundation or other drainage, or any storm water management measures, including but not limited to swales, drains and contouring, that directs or is intended to direct or causes to be directed any drainage discharge onto District Property. All discharge from properties adjoining District Property shall be set back from the District Property line in such a manner that the water flow is discharged onto the originating property and flows in accordance with Illinois drainage laws.
- (g) Any person who violates any part of this Section 2.37 shall, after receiving written

notification of violation from the District and in accordance with the timeframe and directions outlined in such notification, comply with the District's directives, whether in writing or delivered orally by a person with authority to enforce this Ordinance. The District shall have the discretion to address the encroachment with a negotiated agreement, civil remedy at law, or any other lawful remedy available to the District, including the physical removal of the encroachment.

(h) The District may remove any encroachment(s) from District Property and assess the person(s) who violated this Section 2.37 the cost of removing such encroachment(s), and such charge shall be in addition to and not in lieu of any other penalties or remedies provided for in this Ordinance or any applicable Village of Barrington Hills ordinance and/or State law.

(i) Any person who commits a violation of any part of this Section 2.37, in addition to any other civil or criminal penalty imposed, may be subject to a District ordinance violation fine in accordance with Chapter VII.

#### Section 2.38. Weapons and Firearms.

(a) No Person shall use, fire, set-off or otherwise cause to explode, discharge or burn, or sell, throw or propel onto or while on District Property any weapon or "Firearm" (as that term is defined under Illinois law), including but not limited to those weapons and Firearms described in 720 ILCS 5/24-1 *et seq.*

(b) No Person shall bring onto, carry or have in his 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 a Licensee under and as otherwise specifically 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 now and hereafter amended (hereinafter collectively referred to as the "Conceal Carry Laws").

(c) As used in this Section 2.38, "Licensee" means a Person who has a license from the Illinois Department of State Police to carry a Concealed Firearm; "Concealed Firearms" mean loaded or unloaded Handguns carried on or about a Person completely or mostly concealed from view of the public or on or about a Person within a vehicle; and "Handgun" means 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 muzzle velocity of less than 700 feet per second or which expels breakable paint balls containing washable marking colors. Notwithstanding that a Person may be able to carry a Firearm on District Property under the aforesaid Conceal Carry Laws, the restrictions on the use of a Firearm set forth in Subsection 2.38(a) and 2.38(d) shall apply.

(d) Except as provided herein, no Person may knowingly 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) 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 if the Licensee is carrying a Firearm through a public gathering for the sole purpose of accessing his or her residence, place of business, or vehicle, and there is no other way for Licensee to access his or her residence, place of business, or vehicle except through said gathering or special event.

(3) Playgrounds: All Firearms are prohibited on all District playgrounds.

(4) 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.

(5) Trail/Bikeway: A Licensee is exempted from this Section if the Person is carrying a Concealed Firearm while on a District trail or bikeway except in only those portions of the trail or bikeway that includes a public park.

(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) 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.

(8) 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 his or her person within a vehicle into a parking area on District Property and may store a Concealed Firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A Licensee may carry a Concealed Firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area on District Property only for the limited purpose of storing or retrieving a Concealed Firearm within the vehicle's trunk. The term "case" as used above includes a glove compartment or console that completely encloses the Concealed Firearm or ammunition, the trunk of the vehicle, or a Firearm carrying box, shipping box or other container.

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

The foregoing restrictions shall not apply to officers of any District Enforcement Authority when exercising their duties and acting within the lawful scope of their authority, on District Property.

### **CHAPTER III - BICYCLES, MOTORIZED VEHICLES, PARKING, AND TRAFFIC CONTROL**

Section 3.01. All-Terrain Vehicles. No Person shall drive, ride, or otherwise operate an all-terrain Vehicle on District Property unless otherwise authorized by the District. For purposes of this section, an all-terrain Vehicle shall be defined as any motorized off-highway device 50 inches or less in width, having a manufacturer's dry weight of 600 pounds or less, traveling on three (3) or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control.

Section 3.02. Bicycles. No Person shall operate a bicycle on District Property at a speed faster than is reasonable and proper under the circumstances. Every bicycle shall be operated with regard for the safety of all Equines within the vicinity of the bicycle and of other Persons and property. Riders of bicycles shall at all times be prepared to dismount and walk their bicycles while on District Property. The operator of a bicycle exiting from the parking lot on District Property shall yield the right-of-way to vehicles and Equines entering the parking lot or approaching on the roadway to the parking lot. 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. Equines shall at all times have the right-of-way to bicycles

Section 3.03. Change of Oil/Cleaning. No Person shall change the oil or grease of, or wash, clean or polish Vehicles or other equipment on District Property. Nothing herein shall be construed to prohibit a District employee from performing these activities for District Vehicles or equipment on District Property.

Section 3.04. Driving Areas. 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 3.05. Duty of Operator in Accidents. No Person shall leave the scene of a Vehicle collision with another Vehicle, Person or property occurring on District Property, without giving his true name and residence address to the injured Person or any other Person or member of the District Enforcement Authority requesting same, and in the event no public officer is present, he must immediately report the occurrence to the nearest police station or police headquarters.

Section 3.06. Emergency Vehicles.

(a) For purposes of this section, emergency Vehicles shall include all ambulances, fire trucks, police, fire, and Forest Preserve District of Cook County vehicles, 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, 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 member of the District Enforcement Authority.

Section 3.07. Enforcement of Traffic Regulations. No Person shall fail to obey a member of the District Enforcement Authority or other District employee or volunteer at an event authorized by the District who is directing traffic or enforcing sections of this Chapter on District Property.

Section 3.08. Gas and Smoke. No Person shall drive or otherwise operate a Vehicle on District Property which emits excessive noxious fumes or dense smoke.

Section 3.09. 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 (ii) equipped with an adequate muffler or other dissipative device which is in constant operation and properly maintained to prevent any excessive or unusual noise, (ii) free from defects in equipment which affect sound reduction, and (iii) not modified in a manner which will amplify or increase the noise of the muffler or other sound dissipative device above that emitted by the muffler originally installed on the Vehicle, or which will increase the sound of the engine or the volume of the Vehicle's sound system above that which was intended to be audible on the exterior of the Vehicle at the time of Vehicle manufacture.

(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 3.10. Incorporation of State Statutes. In addition to the provisions of this Chapter, and to the extent not inconsistent therewith, no Person shall drive or otherwise operate a Vehicle or perform any act in any manner on District Property in violation of Chapters 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.*) which provisions are specifically incorporated in this Ordinance by reference.

Section 3.11. Intoxicated Operators.

(a) No Person shall drive or otherwise operate, or 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 his breath, blood, urine, saliva, or other bodily substances, is admissible, and the result of such analysis shall give rise to the presumptions set forth in Section 11-501.2(b) of the Illinois Vehicle Code (625 ILCS 5/11-501.2(b)) which provision is specifically incorporated in this Ordinance by reference.

Section 3.12. Minibikes and Trailbikes. No Person shall drive, ride, or otherwise operate any minibike or trailbike on District Property unless otherwise authorized by the District. For purposes of this section, every motor Vehicle which is self-propelled 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.

Section 3.13. Negligent Driving. No Person shall drive or otherwise operate a Vehicle on District Property negligently, recklessly or without due caution, or in any manner so as to endanger any Person or property. All Vehicles shall be driven or otherwise operated on the right side of any roadway open to travel, except when passing other Vehicles.

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 later than the closing time for that area, except during events approved by the District or 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 pedestrian or vehicular traffic or travel or endanger the public safety.

(e) The operator of an authorized emergency Vehicle, as defined in section 3.06 of this Ordinance, 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.

(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 any parking provision of this Ordinance, any member of the District Enforcement Authority observing such violation may issue a parking violation notice, and serve the notice on the owner of the Vehicle by handing it to the operator of the Vehicle, if he is present, or by affixing it to the Vehicle in a conspicuous place. The issuer of

the notice shall specify on the notice his identification number, the particular parking regulation allegedly violated, the make and state registration number of the cited Vehicle, and the place, date, time, and nature of the alleged violation and shall certify the correctness of the specified information by signing his name to the notice.

(3) A parking violation notice issued, signed, and served in accordance with this section, or a copy of such notice, shall be deemed prima facie correct and shall be prima facie evidence of the correctness of the facts shown therein. The notice or copy thereof shall be admissible in any subsequent administrative or legal proceeding.

(4) Any Person who violates or fails to comply with any provision of this section shall be fined \$125.00 for each offense.

(6) Any Person on whom a parking violation notice has been served shall within fourteen (14) days from the date of the notice either pay the indicated fine or, in the manner indicated on the notice, request a court hearing to contest the charge, violation, or violations.

(7) A failure to pay the indicated fine or failure to request a court hearing will constitute a debt due and owing the District, and as such may be collected, together with any applicable penalties and interest, in accordance with applicable law. Payment in full of any fine and/or penalty resulting from a standing or parking violation shall constitute a final disposition of that violation.

#### Section 3.15. Right of Way.

(a) Every operator of a Vehicle shall yield the right of way to an equine and a pedestrian at all times on District Property.

(b) Every operator of a Vehicle shall exercise due care to avoid colliding with equines and pedestrians upon any roadway on District Property.

Section 3.16. Speeding. Except as provided in Section 3.06(b) of this Ordinance 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 ten (10) miles per hour.

#### Section 3.17. Traffic Signs and Signals.

(a) No Person shall fail to observe and obey all traffic and parking signs posted by the District for safeguarding life and property.

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

#### Section 3.18. 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 two hundred (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, or such other natural person as may be included in the definition of a "person with disabilities" provided in Section 1-159.1 of the Illinois Vehicle Code as now hereafter amended.

(b) No Person shall park on District Property any motor Vehicle which is not bearing registration plates or decals issued to a handicapped person, pursuant to 625 ILCS 5/3-616, 11-1301.1, 11-1301.2, or to a disabled veteran pursuant to 625 ILCS 5/3-609 of the Illinois Vehicle Code which provisions are specifically incorporated in this Ordinance by reference, as evidence that the Vehicle is operated by or for a handicapped person or disabled veteran, in any parking 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 device and receive the same parking privileges as handicapped residents of this State.

(c) The District may remove or cause to be removed to a place of safety any Vehicle parked within a space reserved for use by the handicapped which does not display current handicapped registration plates or a current special decal or current card or device as required by this section.

(d) Any Person found guilty of violating the provisions of this section shall be fined \$250.00 in addition to any costs or charges connected with the removal or storage of any motor Vehicle authorized under this section.

#### **CHAPTER IV - PARK HOURS, CLOSING, AND GENERAL OPERATION POLICIES**

Section 4.01. Hours. Except as otherwise provided in this Section 4.01, District parks shall be open to the public from sunrise in the morning until sunset in the evening of that same day and District parks shall be closed to the public from sunset each day until sunrise the following day. The Board may establish other hours during which District Property or any parts thereof shall be closed to the public. The Board may periodically revise these hours.

Section 4.02. Special Closings. The Board may close the Riding Center, Countryside Tennis Courts, and/or any other District Facility 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 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.
- (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 he shall report such find to his Department Head. 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 AND OTHER AUTHORITY**

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. The District's primary object in requiring Permits for certain activities to be conducted on District Property is to coordinate

multiple uses of limited space; to assure preservation of District Property for the use to which it is lawfully dedicated; to prevent dangerous, unlawful or impermissible uses; to protect the public health and safety and with respect to a Permit involving an activity to be conducted at or in the vicinity of the Riding Center also the Equine health and safety; and to assure financial accountability for damages caused by an activity.

(b) Every Person requesting a Permit shall complete and file a written application with a District Administrative Assistant, on forms provided by the District, and pay applicable application fees at the District's administrative offices located at 361 Batemen Road, Barrington Hills, Illinois. When received, the application shall be dated and an acknowledgment issued to the applicant.

(c) Unless otherwise provided in another section of this Ordinance or other District ordinance, rule or regulation, applications for Permits not involving the exercise of First Amendment Rights must be received by the District at least twenty-one (21) but not more than ninety (90) calendar days prior to the conduct of the activity for which the Permit is sought. Applications for Permits involving the exercise of First Amendment Rights must be received by the District at least three (3) working days but not more than ninety (90) calendar days prior to the conduct of the activity for which the Permit is sought. The three day advance application requirement may be waived by the District where the efficacy of the First Amendment expression may be adversely affected by delay due to the nature and currency of the event or events giving rise to the desire for such expression.

For purposes of this Section, the term "exercise of First Amendment rights" shall include, but not be limited to, parades, marches, demonstrations, rallies, religious services, speeches, solicitation of votes, petition signatures or contributions, picketing or leafleting.

(d) Except for permit involving a commercial activity or for the sale or delivery of alcoholic beverages, 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, or a District activity was previously scheduled for the same date, time and location, and the District activity or the activity which is the subject of the prior application does not reasonably allow multiple occupancy of that particular location;

(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, potential for adverse impact on the health or safety of humans or Equines, 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) The proposed activity is prohibited by, or inconsistent with, the classifications or permitted uses of the park or Facility, or part thereof, as provided in this Ordinance or other District ordinance, rule or regulation.

(7) The same applicant violated the terms of a previously issued Permit.

(8) The proposed activity would clearly present a public health or safety concern that cannot be eliminated by the application of Permit terms agreed to by the applicant.

(e) 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.

(f) 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 a section providing for the exercise of First Amendment rights is denied, or the applicant is dissatisfied with such Permit as issued, he 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.

(g) 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.

(j) 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) Unless specifically provided elsewhere in this Ordinance or any agreement, resolution or ordinance approved by the Board, 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 or the District has a prior scheduled use of the same location during such time(s) and multiple use of that location is not reasonably possible.

Section 5.02. Insurance and Hold Harmless Agreement.

(a) Except as otherwise provided in this subsection 5.02(a), every applicant for a Permit of every kind shall acquire general liability insurance to protect himself and the District from liability resulting from his use of District Property and provide proof of such insurance to the District before the District will issue a Permit to an otherwise 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.

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 he or his organization cannot procure general liability insurance or that the cost of procuring such insurance or acquiring a rider to the District's insurance policy is prohibitive.

(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 act(s) of the applicant or any member, volunteer, employee, agent, participant, or other Person associated with the applicant or his 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 policy, rule, or regulation may be conducted or engaged in by a Person, his agents and/or employees, if done in strict conformance with the provisions of a written agreement with the District which has been duly authorized by the Board.

**CHAPTER VI – ENFORCEMENT**

Section 6.01. District Enforcement Authority.

(a) The sworn or commissioned officers of the District Enforcement Authority shall be the conservators of the peace on District Property, and shall be responsible for the enforcement of all federal, state, local and District laws, ordinances, rules, and regulations on District Property.

(b) The sworn or commissioned officers of the District Enforcement Authority shall have the authority to eject from District Property, arrest, or issue citations or warnings to any Person who violates any provision of this Ordinance or any other District ordinance, rule or regulation.

(c) The sworn or commissioned officers of the District Enforcement Authority shall have the authority, to seize, confiscate and impound any substance, plant, animal, vehicle, or other article which, upon a preponderance of the evidence or probable cause, they find to be used or possessed in violation of this Ordinance provided under applicable law. District employees may

act as peace officers when aiding sworn or commissioned officers of the District Enforcement Authority at their request.

Section 6.02. Fines. The violation by any person of the laws and regulations of the District or by any permittee of the terms of his/her permit issues pursuant to this chapter shall subject the person or permittee to a civil fine of up to \$1,000.00. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the District on behalf of the permittee, pursuant to this ordinance, or may be assessed a fine for moneys in excess of any security deposit held by the District. The Board shall give the person or permittee prompt written notice of any fines to be assessed in excess of the security deposit. Such notice shall be served on the person or 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 6.03. 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 District Enforcement Authority, or any employee of the District seeking to enforce compliance with federal, state, local or District laws, rules, or regulations.

Section 6.04. 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.

(d) Where applicable, the District may pursue all of its rights and remedies available under the Illinois Parental Responsibility Law, 740 ILCS 115/1 *et seq.*

## CHAPTER VII - PENALTIES

### Section 7.01. Suspension and/or Revocation of Use Privileges .

(a) 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 (individually and collectively referred to in this Section 7.01 as, "District Rule(s)"), may have his admission rights and use privileges to District Property suspended or revoked in accordance with this Section 7.01, and may be subject to any other penalties specified in this Ordinance, any other District ordinance or other applicable laws.

(b) Procedure for Suspension and/or Revocation of Rights

In the event that: (i) a Person violates any District Rules, and (ii) the Director in consultation with District legal counsel 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, or materially interferes with the use and enjoyment by other Persons of District Property for its intended use; the Director may verbally order the Person (hereinafter in this Section 7.01 referred to as "Suspended Person") to leave District Property and to refrain from usage of all District Property pending further District review of the facts and until further order of the Director in accordance with the following policy and procedures.

(1) First Notice

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

- The nature of the offense;
- The threat to the public's health, safety or welfare while on District Property caused by the Suspended 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;
- The intended suspension period for the offense commencing on the date of the order to leave District Property;
- An explanation of the facts that form the basis of the proposed suspension;
- Instructions for setting a date and time for a meeting with the Director and/or such other individual(s) who may be designated by the Director or the Board to discuss the offense and to provide the Suspended Person an opportunity to present his or her version of the incident; and
- Copy of the procedure to appeal to the Board to conduct a Suspension Hearing in accordance with this Section 7.01; and
- That the Suspended Person is not to return to any District Property until the suspension is lifted/the Suspended Person's rights to use District Property have been reinstated, and if the

Suspended Person is found on District Property, he/she may be arrested and/or prosecuted for "trespass."

If a Suspended Person who has been notified in accordance with this Section 7.01(b)(1) is observed on District Property prior to any reinstatement, the Suspended Person may be subject to arrest for trespass.

(2) Meeting

At the meeting with the Director and/or such other individual(s) who may be designated by the Director or the Board, the procedures included in the First Notice 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 his or her version of the incident at this meeting. In the event the Suspended Person does not comply with Section 7.01(b)(1) and fails to set a date and time for a meeting within ten (10) days after receipt of the First Notice, the intended suspension period set forth in the First Notice shall immediately become effective.

(3) Second Notice

Within three (3) business days after the meeting with the Director and/or the Director's or Board's designee(s), the District shall send written notice ("Second Notice") to the Suspended Person: (i) confirming the suspension and suspension period and advising the Suspended Person of any conditions that he must meet to prevent further risk to the public and to regain use of District Property and advising the Suspended Person of his right to appeal the suspension as set forth below; or (ii) advising the Suspended Person of the immediate reinstatement of his/her use privileges and any conditions on such reinstatement; or (iii) advising the Suspended Person that additional time is needed to obtain additional information and review matters discussed during the meeting before a decision can be made on the suspension, and the new date by which the decision will be made not to exceed a further four (4) business day period absent extenuating circumstances, e.g. the temporary absence of a key witness to events related to the suspension, or such other reasonable extension under the circumstances.

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/or the Director's or Board's designee(s) or if the Person believes he or she is 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 his/her designee or the Board President within ten (10) days after the date of the Second 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 First Notice and location; c) reason for being on District Property at the time of the incident; d) any other information the Suspended 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 decision to reinstate the Suspended Person's use privileges; 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 Suspended Person requests a hearing, the Board shall meet with the Suspended Person, Director and/or Director's or Board's designee(s) 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 material 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 Suspended Person’s conduct causing the violation, the nature of the offense, whether it is the Suspended Person’s first, second, third or greater offense, and any other facts or circumstances that demonstrate whether or not he/she remains a threat to the public’s health, safety or welfare while on District Property. A Person may be suspended for not more than twenty-four (24) months, unless the suspension is extended or access/use privileges are revoked as set forth in Section 7.01(7) below. A Person’s suspension or revocation of access/use privileges may be limited to access to and/or use of 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/Extension of Suspension or Revocation of Privileges.

If, in the opinion of the Director in consultation with District legal counsel 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 or revoke privileges (the “Suspension Extension/Revocation 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 7.01.3-6), provided that the Director shall give written notice to the Suspended Person and to the Board (“Suspension Extension/Revocation Hearing Notice”) not less than thirty (30) days prior to the hearing.

Upon a finding by the Board that the Suspended Person remains a material threat to the public’s health safety or welfare while on District Property, the Board may in consultation with District legal counsel, extend the suspension for an additional period of not more than five (5) years or may revoke some or all of the Suspended Person’s admission/use privileges.

Section 7.03. Eviction, Fine. In addition to and not in limitation of any other remedy available to the District under applicable law, any Person violating or disobeying any section or part of this Ordinance, or any other District ordinance, policy, rule, or regulation, may be evicted forthwith from District Property, have his rights to access and use of District Property suspended or revoked and/or may, upon conviction, be fined not more than \$1,000.00 for each offense.

Section 7.04. Restitution. In addition to, or instead of, the fines and penalties provided for in Section 7.01 7.02 and 7.03, 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). Additionally the District may request that the Person be required to provide community service.

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 7.05. 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, 2.06, 2.10, 2.14, 2.16, 2.23 and 2.37 4.06 or seized and impounded in the case of any other property, substance or thing (including without limitation Vehicles, bicycles and animals). 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. Abandoned Property may be seized and disposed of in accordance with Section 4.06.

Section 7.06. Non-Exclusivity of Penalties. The penalties provided for in this Ordinance are in addition to and not exclusive of any other remedies available to the District as provided by applicable law. The penalties provided for in any section of this chapter may be imposed or assessed in addition to and not necessary in lieu of the penalties provided for in other sections of this ordinance.

## **CHAPTER VIII - REPEAL**

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

## **CHAPTER IX - SEVERABILITY**

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

## **CHAPTER X - PUBLICATION AND EFFECTIVE DATE**

Section 10.01. Publication in Book Form. In lieu of other publications, this Ordinance shall be published in electronic and pamphlet form, and when so published, shall become effective with the same force and effect as if otherwise published. Such publication shall be received as conclusive evidence of the passage and legal publication of this Ordinance in all courts and other places without further proof of the passage and publication of this Ordinance.

Section 10.02. Effective Date. This Ordinance shall take effect and be in force ten (10) days

after the date of its passage, approval, and publication in book or pamphlet form as provided for herein.

PASSED by roll call vote this 13<sup>th</sup> day of February, 2017.

**ROLL CALL VOTE:**

AYE: Commissioners Fred McMorris, Maureen Crump, John Rosene, Dennis Kelly, Steven Allen

NAY: 0

ABSENT: 0

APPROVED this 13<sup>th</sup> day of February, 2017