

# HUNTLEY PARK DISTRICT

## Park Ordinances



Approved 6-23-2021



# HUNTLEY PARK DISTRICT ORDINANCE

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**HUNTLEY PARK DISTRICT ORDINANCE  
CHAPTER I - DEFINITIONS, CONSTRUCTION, AND SCOPE**

Section 1.01. Short Title

This Ordinance regulating the use of the parks and property owned or controlled by the Huntley Park District shall be known and may be cited as the "Ordinance Code of the Huntley 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. "Agent" means any representative contracted to the Huntley Park District acting within the scope of his/her/their authority, such as caterers, outside vendors, etc.
2. "Aircraft" means any device that is used or intended to be used for human flight in the air.
3. "Alcoholic Liquor" is defined as provided in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.05) as amended hereafter.
4. "Aquatic Life" means all fish, reptiles, amphibians, crayfish, mussels, mollusks, and crustaceans.
5. "Bathhouse" means that portion of the pool area which is used to pay admission and change clothes prior to entering the water.
6. "Board" means the Board of Park Commissioners of the Huntley Park District.
7. "Camp" or "Camping" shall include the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag, hammock, or other bedding material for use, setting up any temporary or permanent camping equipment including without limitation food preparation equipment, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy; and/or in connection therewith, the use of District Property for living accommodation purposes such as sleeping activities, or making preparations for sleeping activities, or storing Personal property, or making preparations to store Personal property, or making a fire or using a device to provide heat other than as may be permitted as part of a District event or activity.
8. "Cannabis" is defined as provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a)) as amended hereafter.
9. "Carry" means to wear, bear, or have on or about the Person.
10. "Code" means the Ordinance Code of the Huntley Park District and all amendments thereto.
11. "Commercial Solicitation" means any one or more of the following activities, not done for charitable purposes, by a Person on District property;
  1. The sale of, or seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuff or services of any kind, character or description, for any kind of consideration

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- whatever.
2. The sale of, or seeking to obtain prospective customers for any application or purchase of insurance of any type, kind or character.
  3. The sale of, or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any type kind of publication.
  12. "Controlled Substance" is defined as provided in the Illinois Controlled Substances Act (720 ILCS 570/102 (f), 204, 206, 208, 210 and 212) as amended hereafter.
  13. "County" means County of McHenry or County of Kane.
  14. "Department Head" means the Person immediately in charge of a given District department and its activities and to whom all employees of such department are directly responsible.
  15. "Director" means the Person immediately in charge of a given District department and its activities and to whom all employees of such department are directly responsible (e.g., Director of Recreation or Director of Parks & Facilities).
  16. "District" is the Huntley Park District, McHenry County and Kane County, Illinois.
  17. "District Property" is all of the property, real and Personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District including without limitation every building, shelter, street, sidewalk, trail, path, park, wilderness or open space, or other public place or facility and all District Waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.
  18. "District Waters" shall include all water located on or adjacent to or flowing over land owned, leased, or generally administered or operated by the Huntley Park District, including without limitation all natural or man-made lakes, rivers, creeks, streams, ponds, lagoons, bays, and drainage ways.
  19. "Domesticated Animal" shall include any animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.
  20. "Drone" means an unmanned aircraft system used for public, recreational or commercial purposes.
  21. "Drug Paraphernalia" is defined as provided by the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1d) as amended hereafter.
  22. "Executive Director" means the individual appointed by the Board of Commissioners of the Huntley Park District as the Executive Director of the District.
  23. "FAA" means Federal Aviation Administration, or any successor Federal agency.

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24. "Facility" means any District Property other than a building, park or playground and includes, without limitation, swimming pools, golf courses, tennis courts and basketball courts.
25. "Fish" or "Fishing" means taking or attempting to take aquatic life in or from any District Waters by any method, and all other acts such as placing, setting, drawing or using any device commonly used for the taking of aquatic life whether resulting in such taking or not.
26. "ILCS" is the Illinois Compiled Statutes.
27. "Officer" means any Person appointed to the Board or an office of the Park District created pursuant to statute or Park District ordinance.
28. "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.
29. "Ordinance" means the Ordinance Code of the Huntley Park District.
30. "Organized Recreational Activities" means any planned activity, which is advertised or otherwise promoted, or sponsored by any Person, and conducted at a predetermined time and place that can improve physical fitness, coordination, self-discipline, teamwork, as well as promote a sense of Personal satisfaction and accomplishment.
31. "Parade" means any march or other organized movement of Persons from place to place, or about a place.
32. "Park police" means any hired agents or sworn officers of the Village Huntley acting in accordance with the Intergovernmental Agreement to enforce such rules, laws, and ordinances set forth by the Park District Ordinance Code.
33. "Park system" means all parks, parkways, playgrounds, athletic fields, tennis courts, golf courses, swimming pools, beaches, and other recreation areas, museums, zoological and botanical gardens, places, squares, circles, spurs, open places, driveways and roadways within parks, waters and lands under water, and also entrances and approaches thereto, docks and piers, channels and bridges, in, leading to, or connecting such park or parks or parts thereof under the supervision and control of the Board and such other rights and appurtenances as the Board shall utilize whether the same be now or hereafter owned or acquired by the Board in fee or otherwise, including all land under and space above the surface of the ground.
34. "Permit" is the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorization, to a Person to engage in a particular act or acts on District Property. Said authorization is subject to the terms and conditions specified in the Permit, license, or contract as well as all applicable federal, state, local, and District laws, ordinances, rules, and regulations.
35. "Person" is every natural Person and every organization, firm, partnership, association, corporation, or entity of any kind or any employee, agent or officer thereof. This definition shall not include the District and any authorized officer, employee (full or part-time, regular or short-term), or agent of the District when acting within the scope of his authority.



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36. "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.
37. "President" means the President of the Board of Commissioners of the Huntley Park District.
38. "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.
39. "Secretary" means Secretary of the Huntley Park District.
40. "Services" shall include but not be limited to labor, professional services, transportation, leasing or renting any article, object, privilege, or service, giving of instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.
41. "Sex" means that status of being male or female.
42. "Smoking" means the lighting of cigarettes, cigars or pipes, the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.
43. "State" means State of Illinois.
44. "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.
45. "Treasurer" means Treasurer of the Huntley Park District.
46. "Vehicle" means every device in, upon, or by which a Person or property is transported or drawn on land, whether motor powered or self-propelled, except baby carriages, or strollers, bicycles when properly used on walks or trails, and vehicles in the service of the District.
47. "Vessel" means every type or description of watercraft or object used or capable of being used as a means of conveyance or transportation on water, including without limitation boats, rafts, canoes, inner tubes, air mattresses, kayaks, jet skis, inflated devices, logs, branches, or any other buoyant object permitting or capable of free flotation. "Vessel" does not include Personal floatation devices or equipment required for safety such as life vests.
48. "Vice-President" means Vice-President of the Huntley Park District.
49. "Village" means Village of Huntley.
50. "Wildlife" shall include any water fowl, mammal, animal, amphibian, reptile, or bird or the young or eggs thereof, but excluding any domesticated dog or cat.
51. "Work permit" means the written authorization issued by or under the authority of the District to a Person or Persons to do or engage in work on District property, subject to the terms and conditions specified in the work permit.

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### 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 agent of the District, member of the Park Police 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.

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

Section 2.01. Aviation

(a) No Person shall fly, cause to be flown or permit or authorize the flying of Aircraft of any kind at any time over District Property at an elevation lower than the minimum safety requirements established by the Federal Aviation Administration or other governmental authority, at an elevation which is lower than is reasonably safe under the circumstances, or in a manner which endangers the safety of any Person on District Property.

(b) No Person shall land, cause to be landed, or permit or authorize the landing of any Aircraft on District Property, except when necessitated by unavoidable emergency or unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

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

(d) No Person shall parachute or otherwise descend from an Aircraft into or onto District Property or cause, permit or authorize another Person to parachute or otherwise descend from an Aircraft into or onto District Property except when necessitated by unavoidable emergency or unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

Section 2.02. Alcoholic Liquor

(a) No Person under the influence of Alcoholic Liquor, shall enter into, be, or remain on District Property. For purposes of this Section 2.02 (a), “under the influence” means affected by Alcoholic Liquor, in any determinable manner. A determination of being “under the influence” can be established by a professional opinion, a scientifically valid test, a lay Person’s opinion, or the statement of a witness.

(b) No Person, other than the District or its agent, shall sell or deliver any Alcoholic Liquor on District Property, unless said Person has first obtained a Permit, license, or contract therefor from the District.

(c) No Person shall distribute, provide or allow any Person under 21 years old to possess or consume Alcoholic Liquor on District Property. No Person under the age of 21 years old shall possess or consume Alcoholic Liquor on District Property.

(d) No Person shall bring into, possess, consume, take, use, or transfer any Alcoholic Liquor on District Property without having first obtained a Permit therefor from the District unless he is in or on District Property where the possession, consumption, use, or transfer of Alcoholic Liquor is permitted, or

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unless the Alcoholic Liquor is legally possessed in an unopened container stored in the trunk of a motor vehicle.

(e) Every Person possessing, using, consuming, or transferring Alcoholic Liquor pursuant to this section, shall be subject to and shall comply with the Liquor Control Act of 1934 and all other state, local, and District laws, ordinances, rules, and regulations regarding the possession, use, consumption, or transfer of Alcoholic Liquor.

### Section 2.03. Controlled Substances and Cannabis

(a) Except in connection with a valid prescription, no Person under the influence of any Controlled Substance or Cannabis shall enter into, be, or remain on District Property.

(b) Except in connection with a valid prescription, no Person shall bring into, possess, consume, take, use, sell, or transfer any Controlled Substance or Cannabis on District Property.

(c) No Person shall possess, produce, plant, cultivate, tend or harvest the Cannabis plant on or in connection with any District Property.

(d) Except in connection with a valid prescription, no Person shall possess, bring into or use Drug paraphernalia on or in connection with any District Property, with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing Cannabis or a controlled substance for that use.

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

### Section 2.04. Tobacco Products

(a) Tobacco use of any kind, including use of smokeless tobacco products, is prohibited within all buildings, facilities and vehicles owned, leased, or otherwise in the possession or under the control of the Park District, or within 15 feet of facility entrances/exits, windows that open and ventilation intakes.

(b) In addition, tobacco use of any kind, including use of smokeless tobacco products, is prohibited on or within twenty-five (25) feet of any Huntley Park District playground, sports field, skate park, shelter or structure including the area around any Huntley Park District outdoor special event.

(c) Tobacco is defined to include any lighted or unlighted cigarette (clove, bidis, kreteks), e-cigarettes, cigars, cigarillos, pipes, hookah products; and any other smoking product; and any smokeless, spit or spit less, dissolvable, or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form (orbs, sticks, strips, pellet, etc.); and all nicotine delivery devices that are not FDA-approved as cessation products.

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### Section 2.05. Animals and Pets

(a) No Person shall bring or release onto District Property any Wildlife including without limitation any animal, the capture or killing of which is authorized by the fish and game laws of the State of Illinois, or any other animal, except for domesticated dogs or cats 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 (e.g., falconry) or event conducted or sponsored or permitted by the District or in conjunction with a zoo, museum, nature center, or similar facility controlled, permitted or licensed and maintained by the District.

(b) No Person shall feed any Wildlife on District Property.

(c) 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.

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

(e) No Person shall bring a domesticated dog, cat, or any other animal onto or permit any animal to remain on District athletic field or playground 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, or (iii) allowed in accordance with the District's Service Animal Policy when they are accompanying the Persons with disabilities for purposes of providing such assistance.

(f) Any animal found on District Property in violation of subsections (a) or (e) may be apprehended, removed to an animal shelter, public pound, or other place provided for that purpose, and disposed of pursuant to the applicable laws or ordinances of the Village of Huntley or McHenry County or Kane County. The owner or Person responsible for such animal shall be responsible for all costs and expenses incurred or encumbered in the removal and housing of such animal and such charge shall be in addition to and not in lieu of any other penalties provided for in this Ordinance and any other applicable federal, state, local or District laws, ordinances, rules or regulations.

(g) No Person shall allow a dog under their control to chase, harass or kill another animal.

### Section 2.06. Assault, Battery or Fighting

(a) No Person shall, without lawful authority, engage in conduct on District Property that places another Person in reasonable apprehension of receiving bodily harm or physical contact of an insulting or provoking nature.

(b) No Person shall intentionally or knowingly by any means cause bodily harm as defined in Illinois law, 720 ILCS 5/12-1, et. seq. or make physical contact of an insulting or provoking nature with another Person on District Property.

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(c) No Person shall provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another while on District Property.

(d) No Person shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl on District Property.

(e) No Person shall knowingly and intentionally jostle or roughly crowd or otherwise push or shove any Person on District Property.

### Section 2.07. Begging, Panhandling, Soliciting

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

(b) No Person on District Property shall obstruct or impede pedestrians or vehicles; harass park visitors with physical contact or persistent demands; misrepresent his affiliations; misrepresent what the solicited funds will be used for; or interfere, interrupt, or engage in conduct incompatible with the purpose of any program, activity, function, and/or special event conducted, sponsored licensed or otherwise permitted by the District; or coerce or intimidate another Person into giving money, goods or services.

### Section 2.08. Boating

(a) No Person shall launch any Vessel in District Waters, except from such places as may be designated therefor.

(b) No Person shall use, employ, or be in or upon any District launching ramp except during hours when the park in which the ramp is located is open.

(c) No Person may launch or remove a Vessel on or from District Property unless said Vessel is subject to the Illinois Department of Natural Resources under the Boat Registration and Safety Act, 625 ILCS 45/1-1 *et seq.* and displays the appropriate registration decal, numbering, water usage stamp, or permit. Vessels that are not subject to the Boat Registration and Safety Act are NOT permitted on waters under the jurisdiction or control of the Park District.

This section does not apply to the use of vessels to be used in approved park district programs or events (e.g., paddle boats, kayak lessons, etc.).

### Section 2.09. Camping

No Person shall place, erect, or use any hammock, swing, tent, shelter, or any other type of temporary or permanent, housing or camping equipment on District property, nor otherwise camp in any manner on District Property, other than as a participant in a program, activity or special event conducted, sponsored or permitted by the District.

(a) Any Person who violates any provision of this Section shall be subject to a fine of fifty dollars (\$50.00) for a first or second offense within a 12-month period, and a fine of one hundred dollars

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(\$100.00) for a third or subsequent offense within a 12-month period. Each day that a violation of this Section continues shall be considered a separate and distinct offense.

(b) Any Person who violates any provision of this Section, and who continues to violate any provision of this Section, may be subject to an injunction to enforce this Section.

(c) Any Person who accumulates, masses together and maintains Personal property such as supplies, 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 Park District program or activity, then the Personal property may be immediately removed to another portion of District Property in order to avoid the interference with the program or activity. The fact that an 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 and to abate if the Personal property is not removed as required herein. Notice to abate the storage of Personal property on a public way or public property shall be given to the owner or Person in control of the Personal property by Personal service. 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 abatement and storage may be charged to, and assessed to the property's owner.

### Section 2.10. Cooperation with Authorities

(a) No Person shall physically hinder, threaten, resist, intimidate, disobey, bribe, and attempt to bribe, or otherwise intentionally interfere with any member of the Park Police or any District employee or agent in the performance of his or her duties.

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

(c) No Person shall knowingly give a false report or false information (including, without limitation, information requested in a Permit application) for the purpose of misleading a District employee or agent, or a member of the Park Police in the conduct of his/her official duties.

### Section 2.11. Disorderly Conduct

No Person shall knowingly:

(a) Upon or in connection with any property of the District: engage in behavior or speech that disrupts, alarms, disturbs, intimidates, or unreasonably interferes with others in the use of the Parks or any facility thereof and provokes a breach of the peace.

(b) Make or cause to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection 2.13(b), noise is excessively loud or unreasonable when it exceeds 60 dBA at a distance of 75 feet from the source. 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. A permit to exceed the noise limitations in this subsection 2.13(b) will be granted for activities consistent with, or attendant to, appropriate and customary park and

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recreational activities that are reasonable for the location and time of day or night.

(c) Shall use obscene or abusive language or gestures, or threatens violence or injury to the Person or property of others, in a manner intended and likely to incite or produce an immediate breach of the peace or violent or disorderly response.

(d) Shall congregate with other Persons on District Property with the intent to restrict vehicular or pedestrian traffic or with the intent to restrict the free ingress to or egress from District Property and fail to comply with a lawful order of Park Personnel to disperse 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 Park Personnel to address a situation that threatens the public health, safety, or welfare.

### Section 2.12. Display of Permit or Pass

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

### Section 2.13. Dumping, Pollution, Sanitation, and Litter

(a) No Person shall litter, cast, throw, drop, leave, scatter, place, pile, or otherwise dump, leave, or deposit in any manner any kind of dirt, rubbish, placard, handbill, pamphlet, circular, book, notice, flyer, other promotional material, paper of any kind, ashes, garbage, waste material, snow, ice, or other substance, whether liquid or solid, or any other refuse in or upon District Property except as specifically permitted by the District. Paper, glass, cans, bottles, garbage and other refuse arising from 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. No Person shall place household garbage, yard or construction waste, trash, rubbish or other matter generated outside of District property into garbage receptacles provided by the District. No Person shall discard, store, leave, or pile any form of yard waste, grass clippings, tree or shrub trimmings or any other form of landscape waste on District property.

(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 drain refuse from a trailer or other vehicle on District Property.

(d) No Person shall bathe or wash himself or food, clothing, dishes, or other property at water outlets, fixtures or pools on District Property, except at those areas designated by the District for such use.

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

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



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(g) Any Person violating this section shall 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 2.14. Unlawful Construction, Maintenance or Encroachment

No Person shall upon or in connection with any property owned and/or managed by the District:

(a) Erect, construct, install, or place any structure, building, improvement, shed, fence, wall, dog run, dog house, tree house, playhouse, play equipment, TV or radio reception device, machinery, equipment, or apparatus of any type, whether stationary or moveable and whether permanent or temporary in character, or stockpile, store or place any organic or inorganic material used for the construction of such items on, below, over or across a Park, without the written authorization from the District, and then only in accordance with the terms and conditions set forth in a license agreement, easement or other written agreement. Corporations may be prosecuted for a violation of this Section when an agent of the corporation performs the conduct that is prohibited.

(b) Perform, cause or authorize any mowing, trimming, cutting, or grooming of District property, or perform any similar grounds maintenance for any purpose, or in any like manner encroach onto District property from privately or publicly owned lands.

(c) Place, stockpile or store any gravel, stone, dirt, sand, wood, lumber or any other organic or inorganic material on District Property.

(d) Place any electrical wire, conduit, or pipe, or any public service or private utility, into, upon, above, or across or beneath District Property, unless a Permit, License, or Contract therefor has first been obtained from the District.

(e) Plant vegetation of any kind on District Property without written authorization of the District.

(f) Allow, authorize, build, construct, or place the discharge point of any sump pump, pool, water feature, or foundation drainage, or any storm water management measures, including but not limited to swales, drains and contouring, that directs or is intended to direct sump pump or foundation drainage discharge, onto District Property. All discharge of sump pumps and foundation drainage adjacent to Park property, shall be setback from the Park property line, in such a manner that the water flow is discharged onto the originating property and flows in accordance with Illinois drainage law.

(g) Any Person, who violates any part of Section 2.14 shall, after receiving written notification of violation from the District and in accordance with the timeframe and directions outlined in such notification, shall comply with the District's directives, whether in writing or delivered verbally 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 2.14 the cost of removing such encroachment(s), and such charge shall

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be in addition to and not in lieu of any other penalties or remedies provided for in this Ordinance or any applicable ordinance and/or State law.

(i) Any Person who commits a violation of any part of this Section 2.14 in addition to any other civil or criminal penalty imposed, may be subject to a District ordinance fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

### Section 2.15. Fairs and Special Events: Sale and Distribution of Merchandise; Soliciting Contributions

No Person shall sell and/or distribute merchandise or printed or written materials or solicit contributions, votes or signatures during fairs or special events conducted or sponsored by the District except at a fixed location designated by the District and unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. The District shall allocate space at the fixed location to applicants on a first-come, first-served basis until no more space remains available.

### Section 2.16. Fires

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

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

(c) No Person shall throw or otherwise discard lighted or smoldering material in any manner that threatens or causes damage to, or results in the burning of, District property or park resources, or creates a safety hazard.

(d) Grills. No Person, without a written permit from the District, shall build a fire (including but not limited to gas or charcoal grills, stoves or pits) anywhere for any purpose except in District owned and furnished charcoal grills.

### Section 2.17. First Amendment Activities

“First Amendment Activities” shall mean, and include:

1. Charitable, religious or political speech or expressive conduct;
2. Commercial sale and distribution of merchandise for charitable, religious, or political purposes;
3. Parades, public assemblies or meetings; or
4. Distributing non-commercial printed or written material;
5. All of which are performed by or on behalf of a resident or Resident Organization.

“First Amendment Location” shall mean,

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- a. For First Amendment Activities described in item 1 above, First Amendment Location shall include: Deicke Park.
- b. For First Amendment Activities described in item 3 above, First Amendment Location shall include: Deicke Park.
- c. For First Amendment Activities described in item 2 and 4 above, First Amendment Location shall mean any area no larger than 10' x 10' adjacent to and outside the parking lot at any District Property which has a parking area, provided that such activity, in consideration of all other contemporaneous Park District activity occurring there, does not obstruct any public sidewalk or ingress or egress to any place or building on District property by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of pedestrians thereon or therein

All District Property or parts thereof not expressly described above shall be considered a non-public forum where First Amendment Activities are not permitted.

“Resident organization” shall mean a firm, partnership, group, association, corporation, governmental unit, company or organization of any kind, except the District, that has a significant relationship to the Park District community. A significant relationship can be demonstrated by meeting the following criteria:

- a. 50% or more members or participants reside within the corporate limits of the Village of Huntley; or
- b. Have a charter or other official recognition by a parent, state or national organization designating it as a Village of Huntley chapter; or
- c. Have a principal place of business located within the corporate limits of the Village of Huntley; and
- d. Be in good standing for all registrations, licenses, permits and regulations.

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

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

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coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose, or where the name of any religious or charitable Person is used or referred to in any such appeal an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

“Political Speech” shall include, but is not limited to, soliciting votes and circulating petitions for or against a candidate for election to public office or with respect to any referendum or other public question.

### Section 2.18. Fishing

(a) No Person shall fish or otherwise take aquatic life from District Waters in areas at which the District has posted signage prohibiting such activities.

(b) Every Person fishing in District Waters shall comply with all applicable laws, rules and regulations of the State of Illinois as administered by the Department of Natural Resources and comply with any rule or regulation or restriction posted by the District controlling the size, species and number of fish that can be taken from a designated body of water. Each fish possessed by an offender in excess of the fishing limit shall constitute a separate violation.

(c) Fishing in District Waters shall be conducted by means of a hook and line, using no more than two hooks per line, each line being closely attended. No Person shall use drugs, poisons, explosives, electricity, or missiles of any kind to fish in District Waters.

(d) No Person shall dig, scratch, or otherwise disturb District Property in order to locate/take bait.

(e) Every Person shall carefully and immediately return to the water from which it was taken any fish that does not conform to size or species restrictions imposed by any applicable state, or District law, ordinance, rule or regulation, or that the Person chooses not to keep.

(f) Ice fishing is prohibited on any District Waters.

### Section 2.19. Hunting or Trapping

No Person shall hunt nor trap, nor bring any device for hunting or trapping into or onto District Property or District Waters. No Person legally hunting on adjacent private property, shall firearm hunt within 300 yards or bow hunt within 100 yards of an occupied District structure. No Person legally hunting or trapping off of District Property shall retrieve crippled wildlife unless they obtain permission from the Executive Director to enter upon District Property for such purpose. This section does not apply to Person(s) acting under authority of the Executive Director who remove, replace, eradicate or cull domestic animals or wildlife on District lands or properties.

### Section 2.20. Gambling and Games of Chance

No Person on District property shall gamble as defined in Illinois law, 720 ILCS 5/21-1, *et seq.* or engage in selling fortunes or futures, games of chance, or in any other device or game of chance, hazard or skill, either as bookmaker, dealer, player or otherwise, for the purpose of gaming or gambling for money or

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other valuable things on District Property, except as authorized by the District through issuance of a Permit in accordance with State Law, at a fair, carnival, or other organized event conducted, sponsored or authorized by the District.

### Section 2.21. Interference with Other Users

(a) No Person shall walk, act, or conduct himself upon any portion of District Property designated for a particular game, sport, event, amusement or other use in such a way as to interfere with the use of such portion by other Persons who are properly using the same for the particular game, sport, event, amusement or other use for which it has been designated.

(b) No Person shall unreasonably disturb or interfere with any Person occupying an area or participating in any activity on District Property under the authority of a Permit.

(c) No Person shall obstruct any driveway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

(d) No Person shall commit in or upon any driveway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any place street, public highway, public sidewalk or any other public place, or building, all of which prevents the free and uninterrupted ingress and egress.

### Section 2.22. Loitering in District Buildings

No Person shall loiter or remain in any District building or facility in such a manner that: (1) unreasonably obstructs the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impedes or disrupts the performance of official duties by District employees; or, (3) prevents the general public from obtaining the administrative or recreational services provided in the building or facility in a timely manner, after being requested to leave by any member of the District, or where the District has posted a sign or signs that prohibit loitering.

### Section 2.23. Theft or Misappropriation of Property

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

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

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

(d) No Person shall knowingly obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen, where he: (1) Intends to deprive the owner permanently of the use or benefit of the property; (2) Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or (3) Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

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### Section 2.24. Mob Action

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

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

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

### Section 2.25. Posting Printed or Written Material in Designated Area

(a) The District may allow posting of printed or written public information materials at designated areas.

(b) No Person shall post, place, display, or cause to be posted, placed, or displayed any printed or written material without presenting the material to the District. The District shall stamp and date the material as received, and post the material, space permitting, unless the said material is obscene as defined in 720 ILCS 5/11-20. The material may remain posted for a period not to exceed one (2) weeks after which a Person may resubmit his public information notice for posting, space permitting.

(c) Space shall be allocated on a first-come, first-served basis, except that the District's own printed or written public information may be given priority. The printed or written material shall be no larger than 8 1/2 inches x 11 inches and only one copy of each public information notice shall be posted.

(d) The District may remove printed or written material that has not been posted in accordance with this Section. The Person responsible for said posting shall be liable for the cost incurred in the removal thereof. The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated in this Ordinance by reference for purposes of this section.

### Section 2.26. Posting Printed or Written Material on Public Places and Objects

(a) Except as provided in Section 2.25 of 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 anything or object located on District Property.

(b) Except as required by the Illinois Election Code, no Person shall paste, glue, tack or otherwise affix or post, or leave unattended, any sign, placard, advertisement, or inscription whatsoever, nor erect or cause to be erected any permanent or temporary sign whatsoever on any structure or thing in or on a Park, except as authorized by the Executive Director. Nothing herein shall be construed to prohibit the carrying of signs in the course of performing a First Amendment Activity in a First Amendment Location.

(c) The District may remove any printed or written word, symbol, material, or other mark

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found posted or otherwise affixed upon any District Property or anything or object located on District Property contrary to the provisions of this Section. The Person responsible for any such defacing, writing, or posting shall be liable for the cost incurred in the removal thereof. The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated in this Ordinance by reference for purposes of this section.

(d) The District may post printed or written words, symbols, materials, or other marks on its Property (“District Speech”), including but not limited to seasonal displays. The District will consider requests to add to or modify “District Speech”, including offers to donate materials or things, upon written request to the Executive Director at least 60 days in advance of the relevant District Speech. The District shall not be obligated to accept any offer or gift and may decline all such offers or requests.

(e) The District may impose time, place and manner restrictions upon any speech events on any of its Property and all Persons shall comply with such time, place and manner restrictions.

### Section 2.27. Selling or Distributing Printed or Written Material

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

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

(c) Any Person engaged in the sale or distribution of printed or written materials under this Section 2.27 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 2.28. 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 on or upon District Property.

(b) No Person shall give or offer to any Wildlife 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 that is feeding, nesting, breeding, sleeping, resting, flying or otherwise moving, while that Person is conducting or participating in any activity on or upon District Property except as directed by the District.

(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 except as directed by the District.

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(e) No Person shall allow any animal to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever;

### Section 2.29. Protection of Property

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

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

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

(d) No Person shall bring any plant or portion of a plant or plant product onto District Property, except as part of a program, activity or class conducted or sponsored by the District, or as otherwise permitted by the District.

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

(f) No Person shall go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or symbols which are posted or otherwise displayed or where access is restricted by fence or other physical barrier;

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

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

(i) No Person shall deface, destroy, cover over or otherwise make unreadable any warning or prohibitory sign or symbol in or on District property;

(j) No Person shall fail to maintain District property in a neat and sanitary condition.

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

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



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### Section 2.30. Public Indecency

- (a) No Person shall perform or commit any of the following acts on District Property:
- (1) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12; or,
  - (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the Person.

(b) No Person shall exhibit, sell, give away, offer to sell or give away, display or hold or place in such a manner as to be open to public view any obscene book, pamphlet, drawing, picture, photograph, video, model, cast, instrument, or any other obscene item while on or upon District Property. For purposes of this subsection, obscene shall have the meaning ascribed to it in 720 ILCS 5/11-20.

### Section 2.31. 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 Huntley Police Department within twenty-four (24) hours after the incident.

### Section 2.32. 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, except as provided in Section 2.35(c) of this Ordinance, where use is restricted to Persons of the opposite sex as indicated by a sign or notice posted by the District.

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

(c) No Person shall enter any District Property which is reserved or scheduled for a specific group or activity, unless such Person is invited by the individual, group, or agency responsible for such activity and, if applicable, such Person has paid all appropriate admission and/or registration fees.

(d) No Person whose admission privileges to District Property have been terminated, revoked, forfeited or suspended by the District pursuant to Section 8.02 shall enter or remain in any District Property that is the subject of the termination, revocation, forfeiture or suspension.

### Section 2.33. Restrictions Applicable to Specific Recreational Activities

(a) No Person shall engage in sporting activities or games except on District property having designated fields for such purpose or game without written permission from the appropriate Department Head or such person authorized by the Executive Director.

(b) Golf. No Person shall play golf or practice golf on District property, except on an established and designated golf course or driving range, or in an established golf class under the supervision and direction of the District.

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(c) Picnics.

(1) Picnics requiring fires shall be held only in those areas where have been provided for that purpose and upon issuance of a Permit by the District in accordance with Chapter V of this Ordinance;

(2) No group of Persons exceeding forty (40) in number shall picnic on District Property unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. The District may designate 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. In the event the dispensing of the permitted products is by sale, the Person must also comply with Section 2.15 of this Ordinance. 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.

(d) Classes and Camps

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

(e) Tournaments, Leagues, or Other Organized Recreational Activities

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

(f) This section 2.33 does not apply to regular or scheduled District programs or activities. Where a conflict between regular or scheduled District programs or activities and a requested activity occurs, District programs and activities shall take precedence.

Section 2.34. Rest Rooms, Washrooms and Locker Rooms

(a) No Person shall deposit objects of any kind, other than human waste or toilet tissue, in the toilets or plumbing fixtures of a restroom, washroom or locker room facility on District Property.

(b) No Person of the age of six (6) years or older may enter or use any rest room, washroom or locker room which has been designated for use by a single gender unless that Person is of the gender or gender identity designated to use that rest room, washroom, or locker room.

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

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### Section 2.35. Roller skates, Skateboards, Bicycles and Other Similar Objects

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

(a) Bicycling

- 1) When two or more Persons in a group are operating bicycles, they shall not ride abreast, but shall ride in single file.
- 2) No Person shall cling or attach himself/herself or his/her bicycle to any other moving vehicle.
- 3) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.
- 4) No Person operating a bicycle shall carry another Person on the same bicycle. This restriction does not apply to tandem bicycles or child safety seats.
- 5) No Person shall operate a bicycle on District property between thirty minutes after sunset and thirty minutes before sunrise, without a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front therefor not nor less than 500 feet and firmly attached to the bicycle, and without a red reflector firmly attached to the bicycle, which is clearly visible in the headlight beam of an automobile for a distance of 500 feet to the rear of the bicycle.
- 6) No Person may operate a bicycle on sidewalks except small children riding three or more-wheeled bicycles while under the supervision and control of an adult. This restriction does not apply to operating a bicycle on a designated bicycle pathway.
- 7) No Person shall ride a bicycle on any street or path where signs are posted prohibiting riding bicycles on those streets or paths.
- 8) Bicycles shall not, at any time, in any place, be indiscriminately parked by anyone in such a manner as to actually or possibly interfere with pedestrians or traffic, or with Persons getting into or out of automobiles. No Person shall leave a bicycle lying on the ground or pavement or set against trees or otherwise in a place other than a bicycle rack when such is provided and there is space available. No Person shall move or in any manner interfere with, any bicycle which is properly parked, nor shall any Person interfere with, or in any manner, hinder any Person from properly parking a bicycle.
- 9) All bicycles, when operated on roadways, shall be kept to the right and shall be operated as nearly as practicable at the right-hand edge of the roadway or path.

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- 10) No Person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other Persons and property.
- 11) Every Person operating a bicycle within the District shall observe all traffic rules and regulations applicable to motor vehicles under this chapter, except those provisions of this chapter which by their nature can have no application and except as otherwise provided by this section.
- 12) No Person shall operate a bicycle on a playground.

### Section 2.36. Winter Sports

(a) No Person shall skate, sled, toboggan, inner tube, ski, snowboard, slide, or engage in similar activities on District Property except at such places and at such times as the District may designate for such purposes, nor engage in any such activities at such places, that are closed due to inadequate snow covering or other environmental conditions, or when notified of such conditions by any District employee authorized to control such activities. No Person shall otherwise enter upon any frozen District Waters to skate, slide or walk for any purpose.

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

(c) No Person shall tow, push, pull, or otherwise propel another Person on skis, sled, or other sliding device by use of any vehicle on District Property.

(d) No Person shall bring onto the frozen waters of any lake, pond, or waterway controlled by the District, any race boat or wind-driven-like device or other vehicle without the prior written permission of the Executive Director.

(e) No Person shall operate, drive, ride, park, sit upon while stationary, 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 2.37. Sleeping on District Property

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

### Section 2.38. Swimming

No Person shall bathe, swim, wade, float, splash, or otherwise enter District Waters other than at a designated swimming area. Users of designated swimming areas shall comply with all policies, rules and regulations as the District may designate for such activities.

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### Section 2.39. Weapons and Harmful Substances

(a) Other than in connection with a District program and other than as permitted by Illinois law concerning storage and transport of a firearm, no Person while on District Property shall possess on or about their Person, vehicle or any other conveyance, concealed or otherwise, fire, set off or otherwise cause to explode, discharge or burn, or throw onto district property any firearm, knife, pistol, revolver, rifle, air gun, pellet gun, bow and arrow, slingshot, blackjack, billy club, stun gun, taser, cross bow, spear and spear gun, switch-blade knife, stiletto, sword, martial arts weapon, bludgeon, metal knuckles, or a n y w e a p o n capable of discharging a projectile by air, spirit gas or explosive substance or harmful chemical substance, or any weapon, instrument, or substance, rocket, firecracker or other fireworks, missile, liquid or gaseous substance or any other dangerous weapon of like character or design.

(b) While on District Property, no Person shall carry or possess with the intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, broken bottle, or other piece of glass, or any other dangerous or deadly weapon or instrument of like character. Nothing contained herein shall be construed to prevent any duly sworn peace officer, from carrying such weapons as may be authorized and necessary in the discharge of their duties nor shall it apply to any Person summoned by any such officer to assist in making arrests or preserving the peace while such Person is engaged in assisting.

(c) While on District Property, no Person shall, without a permit authorizing such, carry or possess any pneumatic gun, spring gun, paint ball gun, or B-B gun, or air soft gun or any device that either expels a projectile or projectiles of any kind.

### Section 2.40. Pyrotechnics

No Person shall upon or in connection with any property of the District: Possess, set off, ignite, or attempt to set off any weapon capable of discharging a projectile by air, spirit gas or explosive, any explosive substance, firecracker, fireworks, smoke bombs, rocket, black powder gun, missile, liquid or gaseous substance or any other dangerous weapon or other pyrotechnics without written authorization from the Board.

### Section 2.41. Metal Detectors

No Person shall upon or in connection with any property of the District: bring into or use any device or instrument used to detect metallic objects without prior written permission of the Executive Director.

### Section 2.42. Refuse Disposal

No Person shall upon or in connection with any property of the District dispose of any refuse not generated and/or used therein.

### Section 2.43. Illinois Criminal Code

No Person on District Property shall perform, or fail to perform, any act if such act or failure is a misdemeanor, petty offense, or violation of any provision of the Illinois Criminal Code, the provisions of which are incorporated in the Ordinance by this reference; however, this Section shall not apply to any act or failure to act that is a felony under Illinois law.

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### Section 2.44. Illinois Wildlife Code; Fish and Aquatic Life Code

No Person on District Property shall perform, or fail to perform, any act if such act or failure violates a provision of the Illinois Wildlife Code, 520 ILCS 5/1-1 et seq, or, likewise, the Illinois Fish and Aquatic Life Code, 515 ILCS 5/1-1 et seq., the provisions of both of which are incorporated in this Ordinance by this reference.

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

### Section 3.01. All-Terrain Vehicles or Go-Karts

No Person shall drive, ride, or otherwise operate an all-terrain vehicle or a go-kart on District Property. 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. Change of Oil/Cleaning

No Person shall change the oil or grease of, or wash, clean or polish vehicles on District Property, unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance, or unless the Person is authorized by the District or is performing community service under District supervision, as provided in Section 7.01 of this Ordinance.

### Section 3.03. Commercial Vehicles

(a) The term "commercial vehicles" as used in this section shall include, but not be limited to trucks, station wagons, vans, pickups, passenger cars, or other vehicles when used in transporting Persons or movable property for a fee or profit, either as a direct charge to another Person, or otherwise, or used as incident to providing services to another Person (except when transporting passengers or movable property to or from District Property), or used in connection with any business, except during the course of doing business with the District.

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

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

### Section 3.04. 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. A bicycle path shall not be deemed a roadway for the use of motor vehicles under this section.

### 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 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.

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### Section 3.06. Emergency Vehicles

(a) For purposes of this section, emergency vehicles shall include all ambulances, fire trucks, police, fire, and other vehicles used to protect the public health, safety, and welfare.

(b) The provisions of this chapter regulating the movement or parking of vehicles on District Property shall not apply to the operator of any emergency vehicle when responding to an emergency call or pursuing an actual or suspected violator of the law. However, such operator shall exercise extreme caution when on or approaching District Property including without limitation slowing down as necessary for safety, cautiously proceeding through traffic lights or stop signs, and having the vehicle's warning system signals operating (e.g. siren, lights).

(c) When not responding to an emergency call or in the pursuit of an actual or suspected violator of the law, the operator of an emergency vehicle shall obey the provisions of this Chapter.

(d) Every Person operating a vehicle on District Property shall, at the immediate approach of an emergency vehicle making use of its warning system signals, yield the right-of-way and shall stop, if possible, and pull to the side of the road and remain in such position until the emergency vehicle has passed.

### Section 3.07. Enforcement of Traffic Regulations

No Person shall fail to obey a District employee who is directing traffic or enforcing sections of this Chapter on District Property.

### Section 3.08. Fleeing or Attempting to Elude

No Person driving or otherwise operating a vehicle on District Property shall willfully fail or refuse to obey a visible or audible signal by a member of the District to bring his vehicle to a stop. The signal given by a member of the District may be by hand, voice, siren, or red or blue light. The member of the District giving such signal shall be identified as a District employee or representative.

### Section 3.09. Gas and Smoke

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

### Section 3.10. Hitchhiking

No Person shall solicit a ride nor stand in or near a roadway on District Property for the purpose of soliciting a ride from the operator of any vehicle.

### Section 3.11. 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 625



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ILCS 5/12-100 *et seq.*) which provisions are specifically incorporated in this Ordinance by reference.

### Section 3.12. Intoxicated Operators

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

(b) Upon trial for such offense, in addition to other evidence, evidence of the amount of alcohol in the Person at the time of the act alleged, as shown by a chemical analysis of 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 3.13. Minibikes and Trailbikes

No Person shall drive, ride, or otherwise operate any minibike or trailbike on District Property. For purposes of this section, every motor vehicle which is self-propelled by power obtained by the combustion of gasoline 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 two (2) wheels shall be a minibike or trailbike.

### Section 3.14. 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 3.15. Parking

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

(b) No Person shall park any vehicle or allow any vehicle to remain parked in any area of District Property beyond the normal closing hour of the park system, except when a different closing hour has been designated by the District for that area or unless permission therefor has first been obtained from the District. In no event shall any vehicle except District vehicles be parked on District Property later than 11:30 pm, except with the approval of the District, which approval shall automatically be deemed given in connection with activities conducted by the District.

(c) No Person shall stop, park, or place any vehicle on District Property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no Person shall stop, park, or place any vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict with other traffic or when in compliance with the instructions of a member of Huntley Police Department: (1) on the left side of any roadway; (2) on parkways, lawn areas, and grounds; (3) in front of a public or private driveway; (4) within any intersection; (5) within any crosswalk; (6) within 20 feet of any intersection or crosswalk; (7) within 30 feet of any stop sign or traffic control signal, other than in a marked parking space; (8) on the roadway side of any vehicle stopped or parked at the edge or curb of

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the roadway (“double parking”); (9) in a position to block another vehicle lawfully parked; (10) on any sidewalk; (11) at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow; (12) within 15 feet of a fire hydrant; (13) in a fire lane or within 8 feet of the entrance to a fire lane; (14) at any place or time where a permit or sticker is required by the District for parking unless the required permit or sticker has been obtained and is displayed on the vehicle.

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

- (1) To display such vehicle for sale; or,
- (2) To perform maintenance or repair of such vehicle, except for repairs necessitated by an emergency; or,
- (3) To sell goods or services from such vehicle.

(e) The operator of an authorized emergency vehicle, 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.

(h) Except as otherwise provided, every vehicle stopped or parked upon a two-way roadway on District Property shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

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

(j) Except as otherwise provided, every vehicle stopped or parked upon a one-way roadway on District Property shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(k) Penalty Provisions for Parking Violations:

- (1) Whenever any vehicle shall have been parked in violation of any section of this Ordinance prohibiting or restricting vehicular standing or parking, the Person in whose name the vehicle is registered with the Secretary of State of Illinois shall

## HUNTLEY PARK DISTRICT ORDINANCE

- 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 law enforcement officer observing such violation may issue a parking violation notice, and serve the notice on the owner of the vehicle by handing it to the operator of the vehicle, if he 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.

### Section 3.16. Riding Outside Vehicles

(a) No Person shall ride upon the fenders, running boards, bumpers, hood, trunk, or any other exterior part of any vehicle on District Property. Nothing contained in this Section 3.16 shall be construed as prohibiting any Person from riding upon a District hay wagon, parade float, or similar conveyance.

(b) No Person shall cling or attach himself, his vehicle, or any other object, to any other vehicle on District Property.

### Section 3.17. Right of Way

(a) Every operator of a vehicle shall yield the right of way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection on District Property.

(b) Every operator of a vehicle shall exercise due care to avoid colliding with pedestrians upon any roadway on District Property, shall give warning to any pedestrian in the roadway by sounding the horn when necessary, and shall exercise proper precaution upon observing any child, confused Person, or disabled Person upon a roadway.

(c) Every pedestrian crossing at a roadway on District Property at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right of way to vehicles upon the roadway.

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

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### Section 3.18. Siren Devices

No Person shall sound any siren-sounding device or other type of signaling device which makes unusually loud or unnecessary noise on District Property unless that Person is driving or operating an authorized emergency vehicle, as defined under section 3.06, responding to an emergency call, or pursuing an actual or suspected violator of the law.

### Section 3.19. Noise Created by Vehicles

It shall be unlawful for any Person to operate a vehicle which makes an unusually loud or unnecessary noise.

### Section 3.20. Speeding

Except as provided in Section 3.06(b) of this Ordinance:

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

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

### Section 3.21. Traffic Signs and Signals

(a) No Person shall fail to observe and obey all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers, and any other sign posted by the District for safeguarding life and property.

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

### Section 3.22. Unattended Motor Vehicles

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

### Section 3.23 Unauthorized Use of Parking Places Reserved for Handicapped Persons

(a) For purposes of this section, handicapped Person means every natural Person who is unable to walk 200 feet or more unassisted by another Person or without the aid of a walker, crutches, braces, prosthetic device, or a wheelchair or without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs.

(b) No Person shall park on District Property any motor vehicle which is not bearing

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registration plates or decals issued to a handicapped Person, pursuant to Sections 3-616, 11-1301.1, 11-1301.2, or to a disabled veteran pursuant to Section 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 any vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plates or a special decal or device required by this section.

(d) Any Person found guilty of violating the provisions of this section shall be fined no less than \$250.00 and no more than \$500.00 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this section.

### Section 3.24. Parking Rates and Fees

The Board may establish from time to time, rates and fees for parking in any and all of the parking facilities of the District.

### Section 3.25. Incorporation of State Statutes

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

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

### Section 4.01. Hours

District property shall be open to the public except at such time or times as provided by or determined in accordance with this Code. The Board shall establish the hours during which District property or any part(s) thereof shall be closed to the public. These hours may be revised from time to time by the Board.

The hours at various facilities may vary and are posted accordingly at each location. Neighborhood parks without buildings or outdoor lighted facilities shall be closed at sunset and shall be open at sunrise. Areas so designated to be closed during the period from sunset to sunrise shall be posted.

### Section 4.02. Special Closings

The Board or the Executive Director or his/her designee(s) may close one or more District parks, buildings, and facilities or any part thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and either entirely or merely to certain uses, as deemed advisable and in the best interest of the public and District.

### Section 4.03. Use of Closed Property Prohibited

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

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

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

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 Executive Director. As permitted by law, fees charged non-residents of the District need not be the same as fees charged residents of the District. The Executive Director may otherwise establish 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

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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 or property suspicious in nature, that interferes with any park visitors' safety, orderly management of the park area, constitutes a nuisance, or presents a threat to park resources may be impounded or removed by the District at any time and disposed of in any manner deemed appropriate by the District Staff. 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, and subject to the authority given in subparagraph 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) If the property is unclaimed by the owner or Person legally entitled to possession after such reasonable efforts, the property will be transferred to the Huntley Police Department for disposition in accordance with the "Law Enforcement Disposition of Property Act," 765 ILCS 1030/0.01, *et seq.* The District shall make every reasonable effort to find articles reported to it as being lost on District property.

### Section 4.07. Patron Locks

A patron is allowed to affix his/her lock to designated lockers while using District facilities. However, no patron lock may remain on a locker when the facility closes for the day unless permitted by the District. Any lock remaining on the locker at closing time shall be removed by the District supervisor of the location or his/her designee. The contents found in such a locker will be secured by the Executive Director and returned to the park patron pursuant to this chapter, Section 4.06 above. The Executive Director or his/her appointed representative shall record an inventory of the items found in the locker.

### Section 4.08. Building Use

The Executive Director may, from time to time, establish reasonable rules and regulations for the use of each facility on District property. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety and maintenance of District property, the need for the availability of

supervisory Personnel, and the maximum number of people who can safely use the facility at one time. Subject

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to the foregoing, and except as hereinafter provided, all District facilities may be used by members of the general public, without permit, for recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of District property.

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.

### Section 4.09. Restriction on Solicitation

Only Residents and Resident Organizations shall be issued permits for First Amendment Activities in First Amendment Locations. Any Person engaging in solicitation activity pursuant to a permit in close proximity to a parking lot, highway or street must wear a high visibility vest.



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## CHAPTER V - PERMITS AND OTHER AUTHORITY

### Section 5.01. Permits

No Person shall, without a permit:

- (a) Conduct a program, special event, picnic, First Amendment Activity or other event involving more than forty (40) individuals or vehicles;
- (b) Circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any indoor District Property or attach to vehicles and equipment parked on District property;
- (c) Conduct any exhibit, music or dramatic performance, fair, circus, concert, play;
- (d) Exhibit or display any motion picture, television program or similar event;
- (e) Operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse District property, or in accordance with the District's Mobility Device Use Policy;
- (f) Create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by any other Person;
- (g) Place, station or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum, hammock, swing, tent, shelter, or other structure or camping equipment;
- (h) Station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- (i) Sell, lease, advertise or offer for sale or lease any goods or services;
- (j) Display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter within the park system;
- (k) Bring, land or cause to ascend or descend or alight on District property, any airplane, helicopter, flying machine, balloon, parachute, model aircraft, drone or other apparatus for aviation;
- (l) Conduct any organized sporting event as part of any public assembly, picnic or other gathering;
- (m) Bring or ride onto District playground or athletic field, any animal, except a service animal in accordance with the District's Service Animal Policy or as part of any animal training class sponsored by the District.
- (n) Use District property for day camps, instructional classes or organized groups not sponsored by the District;

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- (o) Sell, bring within, give away, deliver or consume alcoholic beverages on District property;
- (p) Engage in commercial, charitable or religious solicitation from Persons on District property, except for First Amendment Activities in First Amendment locations; or
- (q) Swim, dive or enter any body of water owned by the Park District while wearing or carrying an air or gas tank or tanks for the purpose of underwater breathing in the activity commonly known as skin or scuba diving, except for fire department emergency efforts.

By issuing a permit the Park District does not relinquish the right to control the management of District property and enforce all necessary and proper rules for the safe operation of District property.

### Section 5.02. Application for Permits

- (a) Permits may be granted upon proper application and approval where the applicable section of this Ordinance or any other District ordinance, policy, rule, or regulation provides for the issuing of a Permit in order to engage in a particular activity.
- (b) Every Person requesting a Permit shall complete and file an application with the Executive Director or his designee, on forms provided by the District, and pay the applicable fees. When received, the date on which the application is received shall be recorded and a receipt or response issued to the applicant. There shall not be an application fee for First Amendment Activities conducted in First Amendment location. As permitted by law, fees charged to non-residents of the District need not be the same as fees charged to residents of the District.
- (c) Applications for Permits must be received by the District at least 30 days prior to the activity for which a Permit is sought.

### Section 5.03. Processing of Application for Permits

- (a) Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated preference in order of receipt of fully executed applications.
- (b) Preliminary Approval: Applications for permits for activities or events which require insurance, approval of permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, but in no event later than the day prior to the date of the event or activity, an insurance certificate evidencing the required insurance is not filed with the Executive Director, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for permit will be deemed denied and no written notice of denial will be required.
- (c) The District shall issue the Permit without unreasonable delay unless:

- (1) The proposed activity violates any federal, state, local, or District law, rule, or regulation; or,
- (2) A prior application for a Permit for the same date, time, and location has been or

## HUNTLEY PARK DISTRICT ORDINANCE

will be granted and the activities authorized by that Permit do not reasonably allow multiple occupancy of that particular area; or,

- (3) The proposed activity is of such a nature that it cannot reasonably be accommodated in the particular location applied for, considering, without limitation, the likelihood of such things as damage to park resources or facilities, damage to an environmentally sensitive or protected area's ecosystem, impairment of a protected area's atmosphere of peace and tranquility, unreasonable interference with District functions, buildings, facilities, operations, programs or activities, 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, the proposed activity would so dominate the use of District Property as to preclude other Persons from using and enjoying the park.
- (5) The proposed activity is prohibited by, or inconsistent with, the classifications or permitted uses of the park, or a part thereof.

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

(e) 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.

(f) The District may deny an application for permit on any of the following grounds:

- (1) The application for permit is not fully completed and executed.
- (2) The applicant has not timely tendered the application fee, user fee, indemnification agreement, or security deposit.
- (3) The application for permit contains a material falsehood or misrepresentation.
- (4) The applicant is legally incompetent to contract or to sue and be sued.
- (5) The applicant or the Person on whose behalf the application for permit was made has on prior occasions damaged district property and has not paid in full such damage, or has other outstanding and unpaid debts to the District.
- (6) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part thereof. The application was for a time and location which a group of higher priority has already applied for or has a scheduled activity. For purposes of use of sports fields, the following priority use order will be utilized to maximize use of the fields by groups as authorized by the

## HUNTLEY PARK DISTRICT ORDINANCE

Executive Director or their designate:

1. Huntley Park District Athletic programs and leagues
2. Non-Athletic Huntley Park District programs or events
3. Huntley Park District contractual programs
4. Existing athletic affiliate organizations as defined in the Cooperative Use Policy 2.3
5. Any individuals of the community wishing to use the fields during times not already reserved.
6. Other outside groups/organizations wishing to reserve a sports field.

All groups planning to use district property must contact the Park District office to request usage which will be reviewed and may require a permit and appropriate fee.

- (7) The proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park and part thereof.
- (8) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of District employees or of the public.
- (9) The applicant has not complied or cannot comply with applicable licensure requirements, ordinance or regulation of the District concerning the sale or offering for sale of any food, goods, or services.
- (10) The use or activity intended by the applicant is prohibited by law, by this code and ordinance of the District, or by the regulations of the Executive Director;
- (11) The applicant has not secured the requisite insurance; or;
- (12) The applicant or the Person on whose behalf the application for permit was made on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior permits issued to the applicant.

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

(h) Any Permit granted by the District may contain lawful prerequisites to the issuing of the Permit and restrictions on the conduct of the permitted activity including without limitation: general liability insurance coverage; an agreement to fully indemnify and hold the District harmless from any liability or costs resulting from the activity; a requirement that the Persons involved in the activity obey or comply with all federal, state, local, and District laws, rules, and regulations; time, duration, and location restrictions; security 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.

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(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.

### Section 5.04. Insurance and Hold Harmless Agreement

(a) Applicant, if so required by the District, shall acquire and maintain at all times 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 amounts and type of insurance required shall be reasonably determined by the Executive Director based upon the nature of the activity and the risk involved. The District must be named on such policy as additional insured. Where possible, an applicant may acquire a rider to the District's insurance policy at the applicant's cost and expense. Applicants should contact the District's administrative office for more information.

- (1) For activities involving the exercise of First Amendment rights, including without limitation parades, public gatherings, speeches and rallies, this requirement may be waived by the District if the applicant can demonstrate that 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.
- (2) Every applicant must execute and deliver to the Park District an agreement to indemnify and hold the District harmless from legal liability, property damage or injury to Persons caused by the negligent or unlawful acts of the applicant or any member, volunteer, employee, agent, participant, or other Person associated with the applicant or his group or organization.

### Section 5.05. Security Deposit

A security 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 security 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 security deposit, the District reserves the right to pursue any and all legal options.

### Section 5.06. Procedures for Review; Waivers

1. Review by Executive Director
  - a. Any applicant who is denied a permit or a permittee who is assessed a damage or fine pursuant to this chapter may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Executive Director;

## HUNTLEY PARK DISTRICT ORDINANCE

- b. The Executive Director shall have two (2) business days from the date on which the appeal
  - c. was filed in which to serve upon the applicant a notice that he has affirmed, modified or reversed the denial;
  - d. Such notice shall be deemed served upon the applicant or permittee when it is Personally delivered or when it is sent via e-mail or by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;
  - e. If such notice is not served upon the applicant or permittee within two (2) business days of the date upon which the appeal was filed, then the denial shall be deemed reversed.
2. Form of Appeals  
Any appeals filed pursuant to this chapter shall state succinctly the grounds upon which it is asserted that the denial should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the supervisor and/or the Executive Director and any other papers material to the determination.
  3. Waiver Requirements  
Any requirements for or limitation upon a permit or the requirement of a permit may be waived by the Executive Director if the activity is protected by the First Amendment of the United States Constitution and the condition would be so financially burdensome that it would preclude the applicant from using District property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the Executive Director.

### Section 5.07. Other Authority

Activities otherwise prohibited under this Ordinance, or any other District ordinance, policy, rule, or regulation may be conducted or engaged in by a Person, his agents and/or employees, if done in strict conformance with the provisions of an agreement with the District which has been duly authorized by the Board.

# HUNTLEY PARK DISTRICT ORDINANCE

## CHAPTER VI - STRUCTURES AND WORK ON DISTRICT PROPERTY

### Section 6.01. Work Permit Required

No Person shall conduct or direct any of the following activities without first obtaining a work permit from the Executive Director or designate:

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

### Section 6.02. Encroachments

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

## HUNTLEY PARK DISTRICT ORDINANCE

### Section 6.03. Requirements for Issuing Work Permits

The Executive Director shall not issue any work permit authorized by this chapter until he/she shall have been fully advised of the time, place and character of such work and the purpose thereof. All applications for permits shall be accompanied by a plat, pencil tracing or sketch showing the location, character and dimensions of any proposed work, or any alterations involving changes in the location of pipes, conduits, wire or other conductors. The Executive Director may require such additional drawings, surveys or other information as he may consider necessary or desirable to establish the scope, character and location of the work intended to be done and shall deny any application for permit unless or until such requirements are fulfilled.

### Section 6.04. Estimate of Work Costs

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

### Section 6.05. Security of Costs

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

### Section 6.06. Indemnity Bond

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

### Section 6.07. Emergency Repairs

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

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

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



## HUNTLEY PARK DISTRICT ORDINANCE

### Section 6.08. Work Permit Fees

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

### Section 6.09. Waiver of Permit Fees

No fee shall be charged to any municipality, school district, or township which offers reciprocity in the waiving of permit fees.

# HUNTLEY PARK DISTRICT ORDINANCE

## CHAPTER VII – ENFORCEMENT

### Section 7.01. 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 Huntley Police Department, or any employee of the District seeking to enforce compliance with Federal, state, local or District laws, rules, or regulations.

### Section 7.02. Burden of Proof

The guilt of a Person charged with a violation of this Ordinance need only be established by a preponderance of the evidence unless otherwise required by law for the particular violation at issue.

### Section 7.03. 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 Park District may pursue all of its rights and remedies available under the Illinois Parental Responsibility Law, 740 ILCS 115/1 *et seq.*

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

### Section 7.04 Police Force

The police force of the District shall consist of the Huntley Police Department of the Village of Huntley. The police force shall be conservators of the peace within the park system and shall be responsible for the enforcement of state, local and District laws. The members of the police force

## HUNTLEY PARK DISTRICT ORDINANCE

shall have the power to make arrests as provided by law. The attorneys of the Village of Huntley and the District are hereby appointed prosecutors for the District, whose duties shall be to prosecute all violations and arrests made by the District police force in connection with violations of this code.

# HUNTLEY PARK DISTRICT ORDINANCE

## CHAPTER VIII– PENALTIES

### Section 8.01. 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 issued 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 Chapter V, Section 5.05 above, or may be assessed a fine for moneys in excess of any security deposit held by the District. The Executive Director 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, electronically, 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 8.02. Revocation of Privileges

Any Person violating or disobeying this chapter or any rule or regulation of the District may be forthwith evicted from District property, and may have his/her admission rights to District property terminated, revoked, forfeited or suspended as determined by the Executive Director or his/her designee.

### Section 8.03. Non-Exclusivity of Penalties

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

### Section 8.04. Restitution

In addition to, or instead of, the fines and penalties provided for in Section 8.01, any Person violating or disobeying any section or part of this Ordinance, or any other federal, state, local, or District law, rule, or regulation, shall be required to make restitution to the District for damage resulting from such violation(s). The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically incorporated in this Ordinance by reference for purposes of this section.

### Section 8.05. Parental Responsibility

The parent or legal guardian of an unemancipated minor shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility, and such minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian upon the occurrence of the following three events:

- (a) An unemancipated minor is adjudicated to be in violation of this section or has incurred nonjudicial sanctions from another official agency resulting from an admission of guilt in violation of this section; and
- (b) The parent or legal guardian has received a written notice thereof, either by certified or registered mail, return receipt requested, or by Personal service with a certificate

## HUNTLEY PARK DISTRICT ORDINANCE

of Personal service returned from the Huntley Police Department following said adjudication or nonjudicial sanction; and

- (c) If at any time within one year following receipt of the notice described in this chapter, Section 8.05 (2) above, the minor is adjudicated to be in violation of this section, or has incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of this section.

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

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

### Section 8.06. Seizure/Removal/Impoundment of Property

Any property, substance, or thing brought into, utilized, placed, or left on District Property in violation of this Ordinance, or any other District ordinance, rule, or regulation may be removed, seized, and destroyed in the case of property and substances referred to in sections 2.02, 2.03, 2.05 and 2.40, or seized and impounded in the case of any other property, substance or thing (including without limitation vehicles and bicycles). Property so impounded shall not be returned to the owner(s) thereof until such Person(s) provides the District with acceptable proof or evidence of ownership and until such Person(s) has reimbursed the District in full for all costs and expenses to the District of such impoundment including without limitation any removal and storage charges. Property not claimed by the rightful owner(s) thereof within sixty (60) days after such impoundment may be sold by the District which shall be entitled to the entire proceeds thereof, or otherwise disposed of. Any motor vehicles towed and/or impounded shall be disposed of according to the applicable laws of the State of Illinois.

### Section 8.07. Circumstances Allowing Impoundment

The Executive Director may impound patron property, or may allow city, state or federal officials to impound such property for the following reasons:

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

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### Section 8.08. Record of Impoundment

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

### Section 8.09. Notice to Owner of Impounded Patron Property

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

- (a) specify the action the Executive Director proposes to take in addition to impoundment;
- (b) specify the ordinance or rules of the District allegedly violated, if any;
- (c) briefly state the factual basis of any alleged violation; and
- (d) inform the patron of the procedure and deadline for appeal.

### Section 8.10. Meeting of Executive Director with Owner

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

- (a) determine that the patron property was improperly impounded, in which cases he/she immediately release the property to any authorized Person without charge;
- (b) determine that the patron property was properly impounded. In such case, the Executive Director shall determine whether the property should remain impounded pending proceedings, if any, on the charges that led to the impoundment. If the Executive Director allows the patron property to be released, he/she shall do so upon payment of the reasonable charges incurred by the District in moving and storing the property during impoundment. The Executive Director may order the impoundment continued pending such further proceedings if he/she finds probable cause to believe that:
  - (1) the property, if released to its owner, would pose a clear and present danger to the safety of Persons or property;
  - (2) the continued impoundment of the patron property is necessary in

## HUNTLEY PARK DISTRICT ORDINANCE

- connection with state or federal legal proceedings; or
- (3) the owner has failed or refused to correct an existing violation of this chapter, above.
  - (4) release the impounded patron property to the custody of federal, state, or city authorities.

### Section 8.11. Subsequent Proceedings

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

### Section 8.12. Disposition of Unclaimed Impounded Patron Property

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

### Section 8.13 Non-Exclusivity of Penalties

The penalties provided for in this Chapter VIII 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 section 8.01 may be imposed or assessed in addition to and not necessarily in lieu of the penalties provided for in section 8.03, and vice versa.

# HUNTLEY PARK DISTRICT ORDINANCE

## CHAPTER IX- 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 X – 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 XI - PUBLICATION AND EFFECTIVE DATE

### Section 11.01. Publication in Book Form

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

### Section 11.02. 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.