



Downers Grove Park District

your chance to play

Downers Grove Park District Conduct in the Parks Ordinance 1324 Updated 5.16.24

ORDINANCE NO. 1324

AN ORDINANCE REGULATING CONDUCT IN THE PARKS

WHEREAS, the Downers Grove Park District is an Illinois unit of local government operating under the Illinois Park Code, 70 ILCS 1205/1 et seq.; and

WHEREAS, the Park District has the power to regulate conduct within the park properties and facilities under its jurisdiction (“Parks”); and

WHEREAS, for that purpose, the Board of Commissioners hereby adopts the regulations set forth in Exhibit A attached hereto concerning conduct in the Parks.

NOW, THEREFORE, BE IT ORDAINED BY THE DOWNERS GROVE PARK DISTRICT BOARD OF PARK COMMISSIONERS, DUPAGE COUNTY, ILLINOIS, as follows:

1. Incorporation of Recitals. All recitals set forth in the preamble above are hereby fully incorporated in this resolution as if set forth in their entirety in this Section 1.
2. Approval. The District hereby approves and adopts the regulations concerning conduct in the Parks in the form attached hereto as Exhibit A.
3. Effective Date. This Ordinance shall take full effect immediately upon its passage. All previous ordinances, resolutions, motions, and orders of the Downers Grove Park District Board of Park Commissioners in conflict herewith are hereby repealed to the extent of such conflict.
4. Severability. If any portion of this Ordinance shall be determined to be invalid by a court of competent jurisdiction in the State of Illinois, the remaining portions of this Ordinance shall remain full force and affect.

PASSES this ____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

Board President

ATTEST:

Secretary

Exhibit A
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Ordinance 1324 – Conduct in the Parks
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ARTICLE 1 – RULES OF INTERPRETATION

1.00– Ordinance Enforcement: Police enforcement activities are provided to the Downers Grove Park District by the Village of Downers Grove through an Intergovernmental Agreement (resolution no. 2003-63) that has been in place since its initial signing on June 5, 1975. This IGA provides for policing services to be rendered by the Village of Downers Grove to provide police enforcement activities on Park District Property. This agreement allows for Village police personnel to write a complaint, ticket or charge to be prosecuted before the circuit court either under the Municipal Code of the Village of Downers Grove section 1-15, under Illinois Supreme Court Rules 501-556, or 720 Illinois Compiled Statutes 5/1-2 through 5/1-6. Village police personnel may also charge or ticket and individual under the procedure for settlement in lieu of prosecution as set out in the Municipal Code of the Village of Downers Grove in section 1-16 for any offenses listed in this document (Park District General use ordinance, sections 4 & 5) or any offense listed in section 1-16 of the Municipal Code of Downers Grove.

1.01 - Board Notification: The Executive Director or his designee shall notify the Board of Commissioners whenever a crime or violation has taken place wherein damages or costs have been or will be incurred by the District and a complaint has not been signed by the District. Such notification shall be given to the Board at the next regular meeting following the Executive Director’s decision not to sign a complaint.

1.01 - Captions and Headings: The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

1.02 - Words Generally: Whenever any word in this ordinance importing the plural number is used, any singular matter shall be taken to be included, although distributive words may not have been used. When any subject matter is referred to in this ordinance, the words importing the singular number only or the masculine gender, several matters, females as well as males and bodies corporate shall be taken to be included. Words in the present shall include the future.

ARTICLE 2 – DEFINITIONS: Whenever in this ordinance the following terms are used they shall have their meanings respectively ascribed to them in this section.

2.01 "Aircraft" means any device that is used or intended to be used for human flight in the air or which is “unmanned” but defined as such by any statute, administrative regulation, or guidance of the Federal Aviation Administration.

2.02 "Alcoholic Liquor" is defined as provided in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.05) as amended hereafter.

2.03 “Amusement Contraption” means any device, machine or structure designed to test the skill or strength of the user or provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball-throwing contest devices, pinball-type devices, electronic games, animal ride devices, ball and hammer devices, and trampoline devices.

2.04 "Aquatic Life" means all fish, reptiles, amphibians, crayfish, mussels, mollusks, and crustaceans.

2.05 "Authorized Agent"- refers to an individual granted authority by the Executive Director when acting within the scope of that authority.

2.06 "Board": refers to Members of the Downers Grove Park District Board of Park Commissioners.

2.07 "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.

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

2.09 "Carry" means to wear, bear, or have on or about the person.

2.10 – "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.

2.11 – "Director" – is the Executive Director of the Downers Grove Park District or designee

2.12 – "District" Is the Downers Grove Park District, DuPage County, IL

2.13 – "District Police Force" - shall include members of the Village of Downers Grove Police Department as described in Resolution 2003-63.

2.14 – "District Property" is all of the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District including without limitation every building, shelter, street, sidewalk, trail, path, beach, 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.

2.15 – "District Waters" shall include all water located on or adjacent to or flowing over land owned, leased, or generally administered or operated by the Downers Grove Park District, including without limitation all natural or man-made lakes, rivers, creeks, streams, ponds, lagoons, bays, and drainage ways.

2.16 – "Department Head" is 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 and Director of Parks and Facilities.)

2.17 – "Employee" is an employee of the Downers Grove Park District.

2.18 - "Drug Paraphernalia" is defined as provided by the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1d) as amended hereafter.

2.19 - “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.

2.20 - "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.

2.21 - ILCS – Illinois Compiled Statutes

2.22 – “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.

2.23 – “Ordinance” refers to the duly adopted Ordinances of the Park District or the Village as the case may be.

2.24 – “Overnight” refers to the time when the park or facility is officially closed until it opens the following day.

2.25 – “Owner” is the person who holds the legal title to a vehicle or other property of any kind, or in the event that the vehicle or other property is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon the performance of the conditions stated in the agreement, or with an immediate right of possession vested in the conditional vendee or lessee, or in the event mortgagor of the vehicle or other property is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this ordinance.

2.26 - “Organized Recreational Activities” refers to 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.

2.27 – “Park Security” refers to individuals that are employed or otherwise authorized to act on behalf of the Park District to interpret rules and maintain order.

2.28 – “Park System” refers to District Property and all of the personnel, programs, activities, and operations of the Park District.

2.29 - "Permit" is the written permission or authorization that must be obtained from the District to carry out a given activity. Said authorization is subject to the terms, fees, and conditions specified in the permit, license, or contract as well as all applicable federal, state, local, and District laws, ordinances, rules, and regulations.

2.30 - "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.

2.31 - "Possess" or "Possession" refers to exercising direct physical control or dominion, with or without ownership, over any kind of property, or archeological, cultural or natural resource.

2.32 - “Posted” refers to a notice that is posted, either on the District’s Webpage; by a sign at the entrance to a Park; or at the administrative offices of the District.

2.33 - "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.

2.34 - "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.

2.35 - "Smoking" refers to the lighting of cigarettes, cigars or pipes, the carrying of lighted cigarettes, cigars, pipes, or the intentional and direct inhalation of smoke from these objects or other devices designed to replicate the act of smoking (e.g. vaping, e-cigarettes, etc.)

2.36 - "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.

2.37 – "Tobacco" is defined to include any lighted or unlighted cigarette, including but not limited to clove, bidis, or kreteks, electronic or e-cigarettes, cigars, cigarillos, pipes, hookah products, and any other smoking products; 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; and all nicotine delivery devices that are not FDA-approved as cessation products.

2.38 - "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.

2.39 - "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.

2.40 - "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.

ARTICLE 3 – HOURS OF USE / PERMITS

3.1 - Hours of Use: All parks (including the golf course), without operational lighted athletic facilities, shall be closed to the public from dusk each day until daybreak the following day unless permission has been granted by the District for extended hours. All parks with operational lighted athletic facilities, including Driving range shelter, pavilions and band shells, shall be open to the public after dusk during special events or programs while the lights are on, and shall close immediately after the lights are turned off until daybreak the following day. No person, animal, or property of any kind shall remain on District Property after closing time, unless a permit is granted in advance by the District for later hours. Security lighting shall not be considered operational, artificial lighting.

3.2 - Permits

3.2.1: Any act prohibited by or under this ordinance or any other ordinance or rule of the District, provided such act be not otherwise prohibited by law or ordinance, shall be lawful to the extent authorized or permitted under the provisions of a permit issued by the District.

3.2.2: Permits shall be issued only upon payment of such fees as may be established from time to time by the District. All terms for the issuance of the permits must be strictly complied with and any violation of same, or any other law, ordinance or rule of the District, shall be grounds for revocation of same.

3.2.3: Permits may be obtained after application for said permit is approved by a Park District representative.

ARTICLE 4 – GENERAL USE REGULATIONS

4.1 - Regulations to Protect District Property and the Natural Environment

4.1.1 - Open Burning: It shall be unlawful to burn or cause the burning in any location within the Park System of any paper, leaves, twigs, branches, wood, grass clippings or other refuse from farming or gardening, or other combustible materials of any nature whatsoever except as follows:

4.1.1.1 - Charcoal Cooking Burning: Portable grills are permitted; however, coals must be disposed of properly by removing from the park. Hot coals are not to be dumped anywhere in the parks including at the BASE OF TREES.

4.1.1.2 - Wood Burning Campfires: No campfires allowed other than Park District sponsored events.

4.1.2 - Plant & Soil Destruction: Cutting, injuring or destroying any tree, vine, shrub, or other planting or cutting, or removing any sod or earth from any street, alley, park or other public place, without due authority.

4.1.3 - Protection of Birds and Animals: No person shall trap, catch, hunt, molest, wound, treat cruelly or kill any bird or animal, or attempt same, or molest or rob any nest of any bird or animal in the Park System.

4.1.4 - Protection of Property: No person shall:

4.1.4.1 - Mark, litter, injure, damage, destroy, take or withhold in any way District Property (including plants and wildlife) of any kind.

4.1.4.2 - Interfere with the use of the Park System by the public.

4.1.4.3 - Interfere with the operations of the Park System by the District.

4.1.4.4 - Bring to or install any plant or portion of a plant on District Property.

4.1.4.5 - Throw, spit, pour or otherwise discharge any injurious article or vile substance upon or from the waters, grounds or property of the District Property.

4.1.5 – Illegal Dumping: It is unlawful for any individual to bring or deposit any household garbage, construction debris, electronics, (e.g. televisions, computers, speakers, audio equipment, etc.) litter, furniture, belongings, etc. with the intent of disposing of these items in Park District Parks or receptacles designed for the collection of trash and debris used or collected within a park. Park areas are at no time to be utilized for the disposal of:

- Household Trash or garbage (e.g. trash bags, cardboard, gift wrap, packing materials, etc.)
- Construction debris (e.g. lumber, carpet, roofing materials siding, concrete, tile, etc.)
- Landscape Waste (e.g. leaves, grass clippings, tree trimmings, shrub trimmings, garden waste, etc.)

4.1.6 – Encroachment

- Neighbors to Park properties are to always respect property lines. In no circumstances are any items to be built or stored even temporarily on park property without permission from the District for example sheds, play areas etc.
- No plantings are to be installed on park property without prior permission from the District. Any plantings that exist on property owned and/or maintained by the Park District are property of the Park District and will be altered or removed only at the discretion of the District.

- Individuals are not to remove any plants or trees from Park Property without prior permission from the District (e.g. plants in flower beds, perennial bulbs, trees, mulch, etc.)
- Clearing of plants and trees for the installation of pathways or trails from private property onto Park Property is not allowed.
- Neighbors to park property are reminded that village regulations require a minimum of 20' runoff area for sump pumps prior to discharging onto Park Property. Violators will be reported to Village of Downers Grove Code Enforcement.

4.2 - Regulation of Recreational Activities

4.2.1 - Fishing – Shall be in accordance with all Illinois Department of Natural Resource, State and Federal Regulations.

4.2.2 - Bicycling: No person shall:

4.2.2.1 - Ride a bicycle on or across any area prohibiting bicycles, including Athletic fields, playgrounds, play lots or any wet or newly seeded grassy areas.

4.2.2.2 - Operate a bicycle in a reckless manner so as to endanger pedestrians, the rider or other riders on the bicycle.

4.2.2.3 - Leave any bicycle in any area that creates a nuisance or hazard for Park Users.

4.2.3 - Camping: No person shall place, erect, or use any hammock, swing, tent or shelter, or otherwise camp or sleep on District Property.

4.2.4 - Climbing: No person shall climb upon any plants, fences, structure or property of any kind in the Park System, except such recreational equipment as may be installed by the District for such purpose.

4.2.5 - Engine-Powered Models or Toys: No person shall start, fly or use any fuel-powered engine or jet-type or electric-powered model aircraft, boat or rocket, or like powered toy or model in the Park System except as permitted herein or with a permit and then only at such places and times as the District may from time to time designate for the purpose.

4.2.5.1 – UAS (a/k/a “Drone” Policy): The Park District has determined that it uses the first 250 feet of airspace above ground level on its properties; accordingly, except as operated by the Park District, unmanned aircraft systems (“UAS” a/k/a “Drones”) and any other model aircraft subject to 14 CFR Part 101 may not be operated on, over, or across the District Property or the Park System at any altitude below 250 feet above ground level without a special use permit from the Park District. This permitting is to coordinate the use and programming of Park District property and is not a regulation of unmanned aerial systems. Those groups/individuals wishing to fly a drone over a Park District property at an altitude at or below 250 feet above ground level shall apply for the special use permit with Executive Director. All such UAS operations shall, at all times, comply with all regulations and/or guidelines issued by the Federal Aviation Administration.

4.2.5.2 Powered and radio controlled model boats, no greater than 1/10 scale.

4.2.5.3 Operation of any powered model so as to constitute a nuisance or a hazard is prohibited.

4.2.6 - Games and Sports: No person shall interfere with any Organized Recreational Program or use of District Property otherwise designated by the District. No person shall engage in any activity in a rough or reckless manner so as to endanger, injure or damage persons or property in any way.

- 4.2.7 - Golfing:** No person shall swing or make use of any golf club, nor play golf, nor hit or putt golf balls within the Park System, except at the Belmont Golf Club and driving range, or Adventure Falls Mini Golf or other area as established by the District.
- 4.2.8 - Horseback Riding:** No person shall bring into, unload, use or ride any horse – other than a service animal-in the Park System except on a horse or equestrian trail established by the District.
- 4.2.9 - Picnics:** Picnics may be held in any unrestricted area within the Park System not specifically set aside for other recreational activity. A permit is required for group picnics involving twenty (20) or more persons.
- 4.2.10 - Play Classes and Camp:** No person shall provide instruction or training or conduct any class, day camp, or other non-religious organized group activity for which any form of compensation is received on any District Property without a permit from the District and then only upon such terms specified therein.
- 4.2.11 - Playground Apparatus:** No adult person shall in any manner use any of the playground apparatus or devices meant exclusively for the use of children. Playgrounds are designated as either for 2 - 5 year olds or 5 – 12 year olds.
- 4.2.12 - Roller and In-Line Skating:** No person shall propel himself with the use of roller or in-line skates *or roller shoes (heelies)* on District Property in such a manner so as to endanger pedestrians.
- 4.2.13 - Skateboarding and Scootering:** No persons shall ride or propel a skateboard or scooter on District Property except in those areas designated for such purposes by the District and then only so as not to endanger any pedestrians and in accordance with the rules and regulations posted for such use.
- 4.2.14 - Swimming:** No person shall:
- 4.2.14.1** - Swim, wade or bathe at any time in any of the ponds, lakes, fountains, pool, streams, sloughs or watercourses except at such place as may be designated by the District and then only in accordance with the rules and regulations posted for such use.
 - 4.2.14.2** - Change into or from bathing attire, except in places designated for such use.
 - 4.2.14.3** - Fail to wear bathing attire at all times while engaged in any permitted aquatic or related activity.
- 4.2.15 - Water Craft:** No person shall use any device of conveyance on the waters of the Park System whether propelled by motor, engine, wind, or human power whatsoever other than areas designated for such and then only in compliance with the rules and regulations posted for such use.
- 4.2.16 - Winter Sports:** No person shall:
- 4.2.16.1** - Skate, sled, toboggan, ski, snowboard, slide or carry on other similar activity on District Property except at such places and times as the District may designate for the purpose. No person while engaged in such activity shall conduct himself / herself in such a manner as to annoy others or to endanger, injure, or damage persons or property in any way.
 - 4.2.16.2** - Enter on or upon any frozen water to skate, fish, slide or walk on, for any purpose whatsoever other than areas designated for such and then only in compliance with the rules and regulations posted for such use.
 - 4.2.16.3** - Fish through the ice on any frozen waters or parts thereof other than areas designated for such and then only in compliance with the rules and regulations posted for such use.
 - 4.2.16.4** - Bring onto or upon the frozen waters of any lake, pond, or watercourse any iceboat or wind-driven-like device or other vehicle.
 - 4.2.16.5** - Operate a snowmobile on District Property.

4.2.17 - Amusement Contraptions: No person shall bring in, set up, construct, manage or operate any Amusement Contraption in the Park System.

4.3 - Regulation of Vehicles, Traffic and Parking

4.3.1 - Vehicle Defined: Every motorized device in, upon or by which any person or property is in or may be transported or drawn upon a roadway except a wheelchair when used by a disabled person.

4.3.1.1 - Other Power Driven Mobility Device Policy

USE OF OTHER POWER DRIVEN MOBILITY DEVICES (OPDMD) ON DOWNERS GROVE PARK DISTRICT PROPERTY

The Downers Grove Park District is dedicated to providing all of its guests with equal access to its features and amenities. The Downers Grove Park District has taken into consideration the use of other power driven mobility devices in accordance with 28 Code of Federal Regulations section 35.104 and factors such as impacts on other users, the safety of other users, impacts on property and infrastructure, and the noise level of such devices. The Park District has determined that it will permit the use of other power driven mobility devices (“OPDMDs”), as defined below, at parks, on hard surface trails, sidewalks and Park District facilities, and has developed this policy described below.

Definition:

Another power driven mobility device (OPDMD) is a device used by a person with a mobility disability. This definition does **not** include gasoline powered devices or vehicles, golf cars, or riding lawn mowers. This definition is restricted to a device with the following specifications:

- a) Must not exceed more than one-half the width of any trail, path or sidewalk on which a device is being used; and
- b) For indoor use, must not exceed 36”; and
- c) Must not weigh more than 250 pounds; and
- d) Must be designed to travel on two or more low-pressure tires; and
- e) Must operate by electric powered engine with a maximum decibel level of 55 or less.

Permission:

In order to maintain a safe pedestrian environment and the desired pace and flow of visitor traffic, the Park District authorizes persons with mobility impairments to use OPDMDs at parks, on hard surface trails and at Park District facilities, subject to the following restrictions:

1. The operator of the OPDMD must be a person with a mobility or physical impairment, and proof of such impairment may be requested by Park District personnel in accordance with ADA regulation;
2. The OPDMD is allowed only in areas of the park, hard surface trail or Park District facilities in which the general public is allowed;
3. The OPDMD operator must not use or operate such a device at a park, on a hard surface trail, or at Park District facilities if use of the device causes damage to the trail/path/sidewalk, the park grounds or infrastructure, or Park District facilities;
4. The OPDMD must be operated at a speed that is relative to surrounding foot traffic;
5. The OPDMD:
 - a. Must not be operated in a dangerous or reckless manner or at speeds that jeopardize the safety of the operator, or other persons.
 - b. Must not be driven into wet or ecologically sensitive or hazardous areas.
 - c. Must not be operated when parks or Park District facilities are not in operation.
6. The Park District does recognize the use of Segways® as an appropriate device for use inside Park District facilities unless for the following reasons:
 - a. The congestion of foot traffic within the facility may create a hazardous environment

b. The manufacturer's recommendation for helmet and protective equipment for riders, much like bicycles, skateboards and rollerblades

7. The Park District does not accept responsibility for storage of the OPDMD

8. The Park District does not accept responsibility liability for damage to the OPDMD, or injury to the operator, whether caused by the operator, another visitor to a facility or site, or any other circumstance.

9. The Park District reserves the right to suspend the use of facilities or sites by the OPDMD operator if doing so is in the best interests of the Park District and its participants.

10. The Park District reserves the right to change, modify, or amend this policy at any time, as it deems appropriate.

4.3.2 - Restriction of Vehicle Use on and Adjacent to District Property: No person shall:

4.3.2.1 - Operate any Vehicle anywhere except on the roads, drives and parking areas provided for by the District.

4.3.2.2 - Operate any Vehicle at a speed greater than the speed limit posted or in the absence of such posted limit, at a speed in excess of 5 miles per hour. At no time shall a Vehicle be operated at a speed that is greater than that which is reasonable and proper with regard to pedestrians present, and other traffic or environmental conditions. This shall include reduced speed limits as posted on public roadways, "park zones" and "park zone streets" as included in the amended Illinois Vehicle Code (Public Act 094-0808).

4.3.2.3 - Operate a Vehicle in such a way that traffic is obstructed.

4.3.2.4 - Operate a Vehicle that is not licensed or permitted to be operated on roads, streets and highways of the State of Illinois.(e.g. ATV, Golf Cart, etc.)

4.3.2.5 - Operate or move a vehicle in a closed park.

4.3.3 - Obedience to Traffic Control Devices

4.3.3.1 - No driver of a Vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this ordinance, unless at the time otherwise directed by a police officer.

4.3.3.2 - No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

4.3.3.3 - Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

4.3.4 - Vehicle Entering Through Highway Stop Intersection or Stop Crosswalk: The District may in its discretion give preference to traffic upon any of the District roadways under its jurisdiction, upon which has been constructed a durable hard surfaced road, over traffic crossing or entering such highway by erecting appropriate stop signs or stop lights. When such preferences are provided for, the driver of a Vehicle shall:

4.3.4.1 - Stop at the entrance to a through highway and shall yield the right-of-way to other Vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard, but such driver having so yielded may proceed then at such time as a safe interval occurs.

4.3.4.2 - Stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to Vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but then may proceed.

4.3.4.3 - Where stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, stop before entering the nearest crosswalk and pedestrians within or

entering shall have the right-of-way over Vehicles so stopped. Drivers of Vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersections.

4.3.5 - Pedestrian Traffic

4.3.5.1 - Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all Vehicles upon the roadway.

4.3.5.2 - Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all Vehicles upon the roadway.

4.3.5.3 - Between any intersections whenever the District shall determine that crossing between intersections should be prohibited in the interest of public safety, pedestrians shall not cross at any place except in a marked crosswalk or an unmarked crosswalk at an intersection, and that such prohibition shall be effective when appropriate signs giving notice thereof are erected.

4.3.5.4 - Notwithstanding the provisions of this section, every driver of Vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

4.3.6 - Obstruction of Traffic By Workers: In all authorized work on sidewalks, pathways, streets, alleys, parkways or public lands, public travel shall be obstructed as little as possible consistent with the work to be done and in no case shall more than two blocks be closed to traffic at any one time during the progress of such work. As soon as any improvement in any block is completed, all rubbish shall be removed therefrom, and the street shall be promptly opened to traffic and public use, but this provision shall not be construed as an acceptance of such improvement or of the material therein or the manner of construction thereof.

4.3.7 - Unauthorized Movement of Another's Vehicle: No person other than a police officer, shall move a Vehicle into any such prohibited area or away from a curb such distance as is unlawful or start or cause to be started the motor of any motor Vehicle; or shift, change, or move the levers, brake, starting device, gears, or other mechanism of a parked motor Vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

4.3.8 - Parking:

4.3.8.1 - When prohibited, means the standing of a Vehicle whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, loading or unloading. No person shall park a Vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, or in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within fifteen feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at an intersection; (7) within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway; (8) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the District indicates a different length by signs or markings; (9) within fifty feet of the nearest rail of a railroad grade crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire stations within seventy-five feet of such entrance when properly sign-posted; (11) alongside or opposite any street excavation or obstruction when such parking would obstruct traffic; (12) on the roadway side of any Vehicle parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a highway or within a highway tunnel; or (14) at any place where official signs prohibit parking.

4.3.8.2 – Parking within designated parking area shall be limited to the time required to facilitate the park-related activity. Vehicles parked for non-park uses, daily, for commuter use, carpooling or overnight will be reported to the police department for ticketing and towing.

4.4 - Regulation of Personal Conduct and Behavior

4.4.1 - Advertising and Vending: No person shall:

4.4.1.1 – Sell or Exchange: No person shall sell, offer to sell or exchange any property, or buy, offer to buy, or exchange any property, or take up any collections of money or property of value in the Park System unless authorized by Permit and follow local and state laws. (Examples) Food Trucks, Ice Cream Trucks or any contracted vendor etc.

4.4.1.2 - Solicit contributions: Other than as permitted in connection with District approved programming (e.g., concession sales) or District initiatives and partnerships (e.g., “Toys for Tots”), no person shall solicit donations on any District Property that is not a recognized public forum for purposes of speech acts and rights of peaceful assembly (e.g., sidewalks). Further, even where permitted, no person on District Property shall obstruct or impede pedestrians or vehicles; harass park visitors with physical contact or persistent demands; misrepresent affiliations; misrepresent what 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 to coerce or intimidate another person into giving money, goods or services.

4.4.2 - Animal Control: These provisions apply to Owners of any animals, regardless of the animal’s level of domestication.

4.4.2.1 – Unrestrained: No animal shall be allowed to run unrestrained anywhere upon any park property. No animal is allowed upon park property unless said animal is securely fastened and restrained by a leash not more than six (6') feet in length. No animal other than a Service Animal shall be permitted to enter upon or remain upon any area of a park utilized as an athletic field, children’s play area, or posted to prohibit animals. An animal found loose upon District Property may be apprehended and removed to an animal shelter, public pound or other place available for said purposes, and impounded at the expense of the animal’s Owner.

4.4.2.2 –Excrement: No Owner shall cause or permit an animal to enter upon or remain upon park property unless the Owner is in immediate possession of a device for the complete removal of any excrement which may be deposited by its animal upon park property. In the event an animal defecates on park property, the Owner shall immediately pick up and remove the excrement deposited by the animal from park property to a proper receptacle located on property owned or possessed by the Owner.

4.4.2.3 – Abuse: No person shall cruelly beat, or otherwise inhumanely abuse or maltreat any animal.

4.4.3 - Aviation Control: No person shall ascent or descent in a balloon, airplane, glider, hang glider, kite or parachute without obtaining a permit from the District unless it is a Park District sponsored event.

4.4.4 - Disorderly Conduct: The various kinds of conduct, demeanor, states of behavior and action enumerated in this section shall be deemed disorderly conduct, and are prohibited. Any person found guilty of such conduct, demeanor or state of behavior or action shall be deemed a disorderly person, and shall for each offense upon conviction, be punished as provided in applicable law or ordinance. District reserves the right to remove people due to behavior at all sites and facilities subject to fine. No person in the Park System

shall:

4.4.4.1 - Commit an assault, or an assault and battery, upon any person.

4.4.4.2 - No person being within the Park System shall possess, drink, sell or transfer any intoxicating liquor (excepting the golf course, facilities or parks as approved by the Park Board). No person shall be under the influence of alcohol (same as State of Illinois .08 Blood Alcohol Limit) while in the Park System.

4.4.4.3 - No person under the influence of narcotic drugs shall enter, be or remain in the Park System, nor shall any person being within, possess, smoke, consume, sell or transfer narcotic drugs in the Park System, provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.

4.4.4.4 - Engage in any fistcuffs.

4.4.4.5 - Conduct himself, or join with one or more other persons, if he knows or should know that, singly or together with the others with whom he has joined, he is unreasonably obstructing the free and uninterrupted passage of the public in the Park System.

4.4.4.6 - Persist in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is, in fact, unreasonably causing such a disturbance, provided, however, that notice need not be given when such persons affected reasonably believe that to do so would constitute a risk to their personal safety.

4.4.4.7 - Persist in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication which, by its very existence, inflicts injury or tends to incite an immediate breach of the peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is, in fact, unreasonably causing such a disturbance.

4.4.4.8 - Knowingly “harass” any other person. “Harass” is defined as any repeated verbal or nonverbal conduct which is specifically intended to frighten, embarrass or anger the person or persons who are the object of such conduct or which the person accused has reason to know is likely to produce such reactions, or which, by its very utterance, inflicts injury or tends to incite an immediate breach of the peace. “Harass” also includes bullying.

4.4.4.9 – Knowingly obstruct or resist a member of a public safety agency in the discharge of his lawful duties or fail to obey the lawful order of said official, knowing him to be a member of a public safety agency.

4.4.4.10 - Urinate or defecate on any Park System grounds or on the floor of that part of any Park System building open to the public or any other place in view of the public not specifically designated for that purpose.

4.4.4.11 - Graffiti, writing, drawing, carving, making or showing any lewd or indecent words, sentences, design, picture or figure on any Park District Property.

4.4.4.12 - Summon, without any good reason therefor, by telephone or otherwise, the police or fire department, any public or private ambulance or any other service of any kind to go to any address where the service called for is not needed.

4.4.4.13 - Knowingly take possession of and ride or take away any bicycle without the express or implied permission of the owner.

4.4.4.14 - When in proximity to a fire or other hazard, refuse or knowingly fail to obey a reasonable official request or order to move for purpose of maintaining public safety.

4.4.4.15 - Fail to accurately identify him/herself when requested to do so by a police officer after the officer observes that person commit a civil infraction or when the officer has probable cause to believe the person has committed a misdemeanor outside the officer's presence.

4.4.4.16 No person shall loiter on the Park System grounds or premises under circumstances that warrant alarm for the safety or health of any person or property in the vicinity. The following are circumstances which may be considered in determining whether alarm is warranted:

4.4.4.16.1 - The person is one of a group of people threatening, making threatening gestures at or otherwise menacing persons in the area.

4.4.4.16.2 - The person appears to be illegally consuming or using or concealing illegal consumption or use of alcoholic beverages or controlled substances.

4.4.4.16.3 - The person is one of a group which is blocking the free passage of pedestrian or vehicle traffic on a Park System street or sidewalk.

4.4.4.17 - Without a permit, use sound amplification equipment to generate sound that is audible at a distance of thirty feet from the device producing the sound. "Sound amplification equipment" is defined as any machine or device for the amplification of the human voice, music or any other noise or sound, but not including devices used by public safety officials in the performance of their official duties.

4.4.5 - Gambling: Gambling of any kind, or setting up, or participating in, any lottery or gambling device, unless specifically authorized under Illinois law and the District, is strictly forbidden in the Park System.

4.4.6 - Indecent Exhibitions: Lewd acts, exhibitions, or expressions are strictly forbidden in the Park System irrespective of whether the property or any portion thereof is recognized as a public forum.

4.4.7 - Public Meetings: No person or organization of any kind shall call or hold any public meeting, exhibition or entertainment of any kind within the Park System unless permission is granted by the District or the assembly is conducted peacefully and wholly within a recognized public forum in compliance with the time, place and manner restrictions of the Park District.

4.4.8 - Restricted Areas: No person shall enter upon any portion of the Park System where persons are prohibited by the District as indicated by signs or notice. No person shall enter or attempt to enter any building or area in the Park System that is closed to the public, or scheduled for a specific group or activity unless invited by same, and where an admission fee is charged, payment of the admission fee.

4.4.9 - Rules to be Obeyed: No person shall violate or disobey any rule of this District relating to the use and governance of the Park System if notice of the same is posted in some conspicuous place within the Park System. No person shall violate or disobey any such rule of the District, although the same may not have been posted as aforesaid, after having been notified of the existence and nature of such rule by any member of the police force or employee of the District. No person shall violate or disobey the directions or instructions contained in any notice or sign posted by the District relating to the use and government of the Park System.

4.4.10 - Weapons, Explosives & Fireworks:

No person shall possess, brandish, expose, throw or carelessly handle any explosive contrivance, or firework anywhere on District Property without first obtaining a permit from the District. No person shall possess any firearm within the Park System; however, this prohibition does not apply to the lawful storage of a firearm in a parking lot that is part of the Park System nor to the lawful possession and transport of a firearm along a trail within the Park System.

4.4.11 - Tobacco Use and Smoking/E-Cigarettes/Vaping:

4.4.11.1 Indoors: Facilities/Vehicles Tobacco use, smoking, e-cigarettes and vaping shall be prohibited in all indoor facilities and vehicles under the jurisdiction of the Park District consistent with the laws and regulations of the State of Illinois, DuPage County and the Village of Downers Grove, including but not limited to the Smoke Free Illinois Act (410 ILCS 82/1).

4.4.11.2 Outdoors: Parks and Outdoor Amenities Tobacco use, smoking and vaping shall be prohibited at Fishel Park during events, Adventure Falls Mini Golf, Lyman Woods, Belmont Prairie, athletic fields, playgrounds or at any Park District sponsored or approved event.

4.4.11.3 Belmont Golf Course Tobacco use, smoking and vaping shall be prohibited in the clubhouse, patio area, driving range, maintenance facilities, cart storage area and parking lot. Tobacco use is permitted on the golf course areas of play only (Tee Boxes, Fairways and Greens).

4.4.12 – First Amendment Activities -

4.4.12.1 Policy Statement - This Policy is intended to address the criteria for engaging in activities protected by the First Amendment of the United States Constitution while on property owned or controlled by the Downers Grove Park District.

The District is aware that its mission includes providing public spaces for the peaceable and reasonable performance of First Amendment activities on Park District property. The spaces designated as public forums in this policy are in addition to traditional public forums that are under the jurisdiction of others such as the Village of Downers Grove (e.g., sidewalks, the public right of way) and that are not within the control of the District. However, the District also recognizes that its primary mission is to provide facilities and opportunities for active and passive recreational activities and that the use of District properties for that mission can limit or prevent First Amendment Activities. There are also areas within the District’s park system that are used for operations and which are incompatible with First Amendment Activities due to safety concerns. As a result of these competing interests and safety concerns, the types of First Amendment activities allowed on Park District property must be balanced against the nature and size of the property and the other intended or permitted uses thereof so that the conduct of First Amendment Activities does not result in a direct conflict with the Park District’s intended or permitted use of the property, the risk of damage to Park District property, or the risk of injury. In light of these considerations, the Board of Park Commissioners adopts this Policy as an exercise of its power to establish by Policy all needful rules and regulations for the government and protection of parks, boulevards and driveways and other property under its jurisdiction, and to effect the objects for which the Districts was formed.

4.4.12.2 – Definitions and Designations –

4.4.12.2.1 First Amendment Activities” shall mean, and include, the following activities performed by or on behalf of a resident or Resident Organization:

1. One or more persons engaging in charitable, religious or political speech or expressive conduct, or gathering or associating for those purposes;
2. Engaging in the commercial sale and distribution of merchandise for charitable, religious, or political purposes;
3. Conducting parades or public assemblies;
4. Distributing non-commercial printed or written material; or
5. Erecting unattended, seasonal displays representing a charitable, religious or political message, which may occupy an area no larger than 30 square feet.

4.4.12.2.2 – Designated First Amendment Forums –

1. The following locations are hereby designated as Public Forums for the purpose of First Amendment Activities:
 - Admin/Warrenville Rd Office: Limited to grass areas to the North and West of the Facility.
 - Belmont Golf Club: Outside of fence along sidewalk is available.
 - Belmont Recreation Center: Limited to grass areas along Belmont Avenue and to the meeting room during those times the meeting room is the location of a Meeting of the Park Board of Commissioners.
 - Lincoln Community Center/Constitution Park: Limited to grass area along Maple Avenue.
 - Doerhoefer Park: Preferred Space is open field south of ball diamonds.
 - Fishel Park: Limited to reserved & marked space on the Southwest side of the park, along Grove Street - during concerts, programming & events.
 - Marduke Farms: Available in grass area on East side of Park along Main Street and West side along Saratoga Avenue.
 - McCollum Park: Grass area northeast of Park along 67th Street; area southwest of park outside of ball diamonds / walking path; and pavilion west of the ball diamonds on Main Street.
2. In addition, for First Amendment Activities described in items A(1) and (4), an open and unimproved 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 First Amendment Activity, in consideration of all other contemporaneous Park District activities 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 pedestrians thereon or therein.
3. All District Property or parts thereof not expressly described above shall be not be considered a public forum and therefore First Amendment Activities are not permitted.
4. Due to their unique characteristics or inherent concerns for safety of persons and properties, the following locations are hereby expressly designated as protected from First Amendment Activities of any and every kind. Staff and the Village of Downers Grove are authorized and directed to take such reasonable action as necessary to end any attempted First Amendment Activities at these locations:
 - Downers Grove Museum & Wandschnedier Park
 - Lyman Woods/William F. Sherman Interpretive Center
 - Belmont Prairie & Buffer.
 - Doerhoefer Park turf athletic field (East side of the park bordering Saratoga Ave.)
 - Downers Burial Place.
 - McCollum Park Adventure Falls area.

4.4.12.2.3 - Restriction on Solicitation - Any person engaging in solicitation activity pursuant to a permit in or in close proximity to a parking lot, highway or street must wear a high visibility vest and must obtain any necessary permits as may be required by the Village of Downers Grove or DuPage County.

4.4.12.2.4 – Permit Requirement –

- A. No person or organization, other than the District, shall, without a permit:
 - 1. Conduct a public assembly or parade involving more than fifteen (15) individuals or vehicles;
 - 2. Place, paste, glue, tack or otherwise affix or post any sign, placard, advertisement, or inscription whatsoever, nor erect or cause to be erected any permanent or temporary sign whatsoever, on any structure, fence or tree on District property, except to the extent temporary signs are allowed by the Illinois Election Code for polling places during the electioneering period. 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;
 - 3. Circulate or distribute, in any indoor District property, any leaflets, handbills, notices, pamphlets, books, documents, or papers of any kind, except on bulletin boards expressly provided for such purpose, or cause them to be attached to vehicles and equipment parked on District property;
 - 4. Engage in solicitation from persons on District property, except for First Amendment Activities in areas specifically described as First Amendment Locations; and
 - 5. Erect unattended seasonal displays, which may occupy an area no larger than 30 square feet nor be displayed for greater than fourteen (14) days.
- B. Permits are subject to the District’s priority of use Ordinances and Policies. By issuing a permit the Park District does not relinquish the right to control the management of the District property and enforce all necessary and proper rules for the safe operation of District property.

4.4.12.2.5 – Indemnification and Reimbursement Agreement - No permit for any activity described in Article IV shall be granted unless the applicant shall have executed an agreement with the District, on a form to be prescribed by the District staff, in which the applicant shall promise and covenant to bear all costs of policing, cleaning up and restoring the District property upon which the permitted event or activity occurs upon conclusion of the event or activity; to reimburse the District for any such costs incurred by the District; and to indemnify the District and hold the District harmless from any liability to any person resulting from any damage or injury proximately caused by the action or omission of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law. Such an agreement may be executed contemporaneously with the issuance of the permit.

4.4.12.2.6 – Security Deposit - For any activity described in Article IV.A.1, 3, 4 or 5, no application for permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the park upon conclusion of the use or activity, as set by the schedule of fees set by the District staff and approved by the Board. Promptly after the conclusion of a permitted activity, the District shall inspect the premises and equipment used by the permittee. If it is determined by such inspection, that the sponsor or participants in the permitted

event proximately caused damage to District property in excess of normal wear and tear and which requires repairs in excess of routine maintenance, the District shall retain the security deposit or any portion thereof necessary to pay for the cost of repair. The District staff shall give written notice of the assessment of damages and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit.

4.4.12.2.7 – Insurance - For any activity described in Article IV.A.1, 3, 4 or 5, Applicant shall procure and maintain at all times during its use of District property, insurance in such amounts and with such coverages as shall reasonably be required by the District and shall name District as an additional insured thereunder. The amounts and type of insurance required shall be reasonably determined by the Executive Director, based upon the nature of the activity, the estimated number of participants, and the risk of personal injury or property damage involved. The Executive Director shall prepare a uniform schedule of insurance guidelines for particular types of activities. Applicant shall provide District with a certificate from its insurer evidencing such coverage prior to applicant's use of District property. The certificate shall also provide that the insurer shall give the District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

4.4.12.2.8 – Processing of Application for Permits –

A. Order

Applications must be filed during regular business hours, or shall not be deemed filed until the next business day. Applications shall be filed no later than forty eight hours prior to the activity for which a permit is sought. Applications may be obtained from the Park District website or the Administrative Office. Applications for permits shall be processed in order of receipt (e.g. first come, first serve); and the use of a particular First Amendment Location or part thereof shall be allocated preference in order of receipt of fully executed applications.

B. Preliminary Approval

Applicants must agree that participants of events will abide by and comply with federal, state, municipal laws and policies as well as the rules and regulations of the Park District. Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, but in no event later than the day prior to the date of the event or activity, an insurance certificate evidencing the requisite 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. Please note that the Park District may terminate the permit at any time if it determines the applicant and/or the participants have violated the rules set forth in this Code.

C. Written Denials

Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed approved, subject to insurance requirements as provided in Section VII, above, if no written denial is issued before the date of the event, but in no case later than fourteen days of the date on which the application is fully completed, executed and filed with the appropriate officer or employee, as designated by the Executive Director; provided, however, the District may extend the period of review for an additional fourteen days by issuance of a written notice of extension describing

such additional relevant information required by the District to identify if the application and proposed activity complies with this Code. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed approved.

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

Written or electronic notice of denial or notice of extension shall be served on the applicant by e-mail, personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address on the application for permit.

E. Contents of Notice; Grounds for Denial

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied together with a citation to the sections of this Policy with which the application fails to comply and, where feasible, shall contain a proposal by the District for measures by which the applicant may cure any defects in the application for a permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the District shall propose an alternate place, if available for the same time, or an alternate time, if available for the same place. The District may deny an application for permit on any of the following grounds:

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

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

F. Amendment or Revision of Applications

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

4.4.12.2.9 – Procedures for Review: Waivers

A. Review by Executive Director

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

B. Form of Appeals

Any appeals filed pursuant to this Policy shall state succinctly the grounds upon which it is asserted that the decision 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.

C. Waiver of 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/or 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.

4.4.12.2.10 – Severability - If any provision of this Policy or the application thereof to any person or circumstance be held invalid, the remainder of this Policy and the application of such provision to other persons or circumstances shall not be affected thereby. The District reserves the power to amend or repeal this Policy at any time without notice; and all rights, privileges and immunities conferred by this Policy or by acts done pursuant hereto shall exist subject to such power.

ARTICLE 5 – POLICE DEPARTMENT

5.1 - Police Force: The District has elected to enter into an intergovernmental cooperation agreement to secure police services from the Downers Grove Police Department. The powers, duties and limitation set forth in this Article 6 shall be incorporated and transferred as provided in said agreement. Further, in such event, the police force shall not be limited by the powers set out in the Park District Code, but shall enjoy all powers granted to their office.

5.2 - Duties: The police force shall be the conservators of the peace within the Park System and shall be responsible for the enforcement of the laws of the State of Illinois and Ordinances and rules of the District and Village of Downers Grove applicable thereto, pursuant to law.

5.3 - Powers: The members of the Village of Downers Grove police force shall have the power to make arrests as provided by law.

ARTICLE 6 – ENFORCEMENT

6.1 - Animal Control: Any person guilty of violating the Animal Control sections of this Ordinance shall be fined based on the Village of Downers Grove Ordinance.

6.2 - General Fines: Any person violating or disobeying any clause or provision of any section of this ordinance, or any other regulatory ordinances or rules of the District, shall be guilty of a misdemeanor, may be forthwith evicted from the Park System, may have their permit forfeited, and shall be fined upon conviction not more than \$200 for each offense, the fine to be recovered in manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.