

**NAPERVILLE PARK DISTRICT
ORDINANCE NO. 641**

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

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**Adopted December 14, 2006
Amended September 13, 2007
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NAPERVILLE PARK DISTRICT**

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 Naperville Park District shall be known and may be cited as the "Conduct Ordinance of the Naperville 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 Naperville 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. "Board" means the Board of Park Commissioners of the Naperville Park District.
6. "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.
7. "Cannabis" is defined as provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a)) as amended hereafter.
8. "Carry" means to wear, bear, or have on or about the person.
9. "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.
10. "Chief of Police" is the Chief of the Naperville Park District Police or such persons charged with or delegated such authority by the Chief of Police.
11. "Director" is the Executive Director of the Naperville Park District, or such persons charged with or delegated such authority by the Executive Director.
12. "District" is the Naperville Park District, DuPage and Will Counties, Illinois.
13. "District Property" is all of the property, real and personal, of every kind and description

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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.

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

15. "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).

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

17. "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.

18. "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.

19. "ILCS" is the Illinois Compiled Statutes.

20. "Operator" means a person who operates, drives, controls, otherwise has charge of, or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

21. "Ordinance" means the Conduct Ordinance of the Naperville Park District.

22. "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.

23. "Park Police" shall include any sworn officer of the Naperville Park District Park Police.

24. "Permit" is the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorization, to a Person to engage in a particular act or acts on District Property. Said authorization is subject to the terms and conditions specified in the Permit, license, or contract as well as all applicable federal, state, local, and District laws, ordinances, rules, and regulations.

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

26. "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.

27. "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.

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28. "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.

29. "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.

30. "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.

31. "Vehicle" means every device in, upon, or by which a person or property is transported or drawn on land, whether motor powered or self-propelled, except baby carriages, or strollers, bicycles when properly used on walks or trails, and vehicles in the service of the District.

32. "Vessel" means every type or description of craft, used or capable of being used as a means of transportation on water, including without limitation boats, rafts, canoes, inner tubes, air mattresses, kayaks, jet skis, inflated devices, or any buoyant device permitting or capable of free flotation, other than personal flotation devices such as life vests.

33. "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.

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 parachute or make an ascent or descent in an Aircraft into or onto District Property or cause, permit or authorize another Person to parachute or otherwise ascend/descend from an Aircraft into or onto District Property unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance, except when necessitated by unavoidable emergency.

(c) No Person shall upon or in connection with any property of the District: start, fly or use any fuel-powered, battery-powered or electric-powered model or toy or any radio controlled model car, aircraft, boat or rocket or any like controlled or powered toy or model. The Director may grant, upon due application no less than 30 days in advance, a permit for use of like toys or models for special events, instruction classes or other functions on a case by case basis.

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 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) No Person under the influence of any Controlled Substance or Cannabis shall enter into, be, or remain on District Property.

(b) 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.

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(d) 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.

Section 2.04. Tobacco Products.

(a) Smoking or any use of a tobacco product is prohibited in all District buildings and District vehicles, other than golf carts. Smoking is prohibited within 15 feet from the entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this Act, to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means. Smoking is also prohibited in all wooded areas on District Property.

(b) No Person under the age of eighteen (18) years shall bring into, possess, have about or on their person, smoke, chew or otherwise consume, use, sell or transfer any tobacco product on District Property.

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 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 any portion of District Property where the presence of animals is prohibited, except (i) in conjunction with an activity or event conducted or sponsored by the District, and (ii) dogs or other domesticated animals specially trained to assist the visually impaired or other Persons with disabilities, when they are accompanying the Persons with disabilities for purposes of providing such assistance.

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

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Section 2.06. Assault or Battery.

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

(b) No Person shall intentionally or knowingly by any means cause bodily harm or make physical contact of an insulting or provoking nature with another Person on District Property.

Section 2.07. 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 on dates and during hours established by the District.

(c) No Person may launch or remove a Vessel on or from District Property unless said Vessel has been registered with 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 or permit.

(d) No person shall traverse any waterway closed for safety reasons by the District, where the District owns both corresponding sides of the waterway, including but not limited to: the East and West Branches of the DuPage River. The closure of waterways within the boundaries of the District by authority of the Illinois Department of Natural Resources shall likewise be enforceable.

(e) No person may launch or remove a Vessel on or from District property or traverse waterways controlled by the District, unless said vessel meets all requirement for watercraft as stipulated in the Illinois Boat Registration and Safety Act, 625 ILCS 45/1-1 *et seq.* and displays the appropriate registration decal, numbering, or permit.

This section does not apply to the use of approved vessels at a designated swimming area such as Centennial Beach.

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

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dollars (\$50.00) for a first or second offense within a 12-month period, and a fine of one hundred dollars (\$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 within the downtown 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. Charitable, Religious, Political, or Non-Profit Activities.

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

(b) Soliciting contributions for charitable, religious, political, or non-profit organizations is permitted on District Property, other than the Riverwalk, provided that a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

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

(d) Soliciting votes and circulating petitions for or against candidate for election to public office or with respect to any referendum or other public question is permitted on District Property in areas open to the general public, other than the Riverwalk, without a Permit, subject to the limitations set forth in paragraphs (e) and (f) of this Section 2.10.

(e) No Person shall engage in any activity described in subsections (a) through (d) of this Section 2.10 in District buildings in rooms, or on District athletic fields or other facilities in or on which any program, activity, class, function or special event conducted, or sponsored by the District is in progress.

(f) No Person engaged in the activities described in subsections (a) through (d) of this Section 2.10 shall obstruct or impede pedestrians or vehicles, harass park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent what the solicited funds will be used for or whether the merchandise is available without cost or donation, or interfere, interrupt, or engage in conduct incompatible with the purpose of, any program, activity, function, and/or special event conducted or sponsored by the District.

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Section 2.11 Commercial Sale, Exhibition, or Distribution of Goods or Services.

(a) No peddler, vendor or any other Person shall, absent a Permit, license, or contract, from the District, engage in any activity for gain or for which any charge is made or any commercial sale, rental, exhibition, or distribution of goods or services, including without limitation the giving of instruction or lessons for a fee, upon District Property. The District shall not issue any Permit for a Person to engage in any such activity on the District Property known as the Riverwalk, but may issue a license or contract allowing a Person to engage in such an activity at specified locations on the Riverwalk as part of a Park District program.

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

Section 2.12. 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, a member of the Park Police, 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 2.13. Disorderly Conduct.

(a) No person shall 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) No person shall make or cause to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection 2.13(b), excessively loud or unreasonable noise is defined as noise inconsistent with, or not attendant to, appropriate and customary park and recreational activities, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances. This section shall include, without limitation, the loud or amplified playing of any type of audio equipment, noisemaker, musical instrument, or sound equipment, and loud noises made by the racing of a vehicle motor, lack of a vehicle muffler or use of a muffler cut-out device, or by tire friction from rapid acceleration, rapid turning or weaving in a vehicle. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored or authorized by the District.

(c) No person 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) No person shall congregate with other Persons on District Property with the intent to restrict

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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 the Park Police to disperse.

(e) No person shall engage in any gang-related activities, including the display or possession of gang related symbols, the use of hand signals, soliciting membership, intimidating or threatening behavior, or wearing or displaying any gang colors or clothing identified with gang activities.

Section 2.14. 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 2.15. 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. Provided, however, that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of District Property shall be deposited in receptacles provided by the District for that purpose. Where receptacles are not provided, are missing, or are full to capacity, all such garbage, refuse, or other material shall be carried away from the area of use by the Person responsible for its creation and presence, and properly disposed of elsewhere.

(b) No Person shall 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 fish remains on District Property, or in District Waters within 200 feet of boat docks or designated swimming beaches and areas, or within any park area of the District except as permitted by the District.

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

(h) 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 2.16. 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,

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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, with out the written authorization from the District and the City of Naperville, 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 and the City of Naperville.

(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 2.16, shall remove any encroachment from District Property, after receiving written notification of violation from the District and in accordance with the timeframe and removal specifications outlined in such notification. Any person receiving a notice of violation shall have 10 business days to appeal in writing to the District Director of Parks, who will rule on the merits of the appeal and determine necessary actions. If dissatisfied with the Director of Parks decision, the appellant(s) may appeal to the District Executive Director. The Executive Director, in consultation with legal counsel if necessary, will make a final ruling on the merits of the appeal and respond in writing to the appellant(s).

(h) The District may remove any encroachment(s) from District Property and assess the person(s) who violated this Section 2.16 the cost of removing such encroachment(s), and such charge shall be in addition to and not in lieu of any other penalties or remedies provided for in this Ordinance or any applicable City of Naperville ordinance and/or State law.

(g) Any person who commits a violation of any part of this Section 2.16, 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 2.17. 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-

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come, first-served basis until no more space remains available.

Section 2.18. Fires.

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

(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) No Person shall build a fire anywhere for any purpose, except in District owned fire receptacles, without the express permission of the Executive Director, also including but not limited to gas or charcoal grills, stoves, or pits.

Section 2.19. Fishing.

(a) No Person shall fish or otherwise take aquatic life from District Waters in areas at which the District 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 2.20. 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 Chief of Police or a Park Police Officer 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.

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Section 2.21. Gambling and Games of Chance. No Person shall play or engage in selling fortunes or futures, games of chance, or in any other device or game of chance, hazard or skill, either as bookmaker, dealer, player or otherwise, for the purpose of gaming or gambling for money or other valuable things on District Property, except 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 2.22. 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.

Section 2.23. 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 Park Police, or where the District has posted a sign or signs that prohibit loitering.

Section 2.24. 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.

Section 2.25. 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

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unlawful purposes or any purpose of disturbance or obstruction of the lawful activities of other Persons.

Section 2.26. Parades, Public Assemblies or Meetings.

(a) Public parades, processions, theatrical or dramatic presentations, meetings, assemblies, gatherings, and demonstrations are permitted on District Property, except that no parade, procession, theatrical or dramatic presentation, meeting, assembly, gathering or demonstration shall be held on any portion of the Riverwalk other than in the Smykal Shelter or, if the Park District has occupied the Smykal Shelter with its own program, at the Oliver Hoffman Shelter (hereafter, the Smykal Shelter or, when necessary as provided herein, the Oliver Hoffman Shelter, shall be known collectively as the "Free Speech Pavilion"). Where the number of participants in any parade, procession, theatrical or dramatic presentation, meeting, assembly, gathering or demonstration is reasonably expected to exceed twelve (12) or more persons and/or vehicles, a Permit therefor must first be obtained from the District in accordance with Chapter V of this Ordinance. No more than 100 participants may, at any time, use the Free Speech Pavilion for any purpose for which this Section 2.26 provides.

(b) This section shall not apply to students going to and from school classes or participating in educational activities under the immediate direction and supervision of school authorities or their agents, a governmental agency acting within the scope of its functions, or normal or scheduled District programs or activities.

Section 2.27. Posting Printed or Written Material in Designated Area.

(a) The District shall designate any areas for the posting of printed or written public information material (hereafter, "Community Bulletin Board") and, as set forth in Section 2.28, no materials may be posted on any other property or area owned or controlled by the District.

(b) No Person shall post, place, display, or cause to be posted, placed, or displayed any printed or written material on the Community Bulletin Board without presenting the material to the District. The District shall stamp and date the material as received, and post the material, space permitting, on the Community Bulletin Board unless 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 (1) week after which a Person may resubmit his public information notice for posting, space permitting.

(c) Space on the Community Bulletin Board 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 2.28. Posting Printed or Written Material on Public Places and Objects.

(a) Except as provided in Section 2.27 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 any thing or object located on District Property.

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

(c) 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.

(d) 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 2.29. 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, except for the area designated as the Riverwalk where this activity will only be allowed at the Free Speech Pavilion.

(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, except for the area designated as the Riverwalk. On the Riverwalk, this activity will only be allowed by permit at the Free Speech Pavilion.

(c) Any Person engaged in the sale or distribution of printed or written materials under this Section 2.29 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 2.30. 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 unless they obtain permission from the Chief of Police or a Park District Police Officer.

(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 while feeding, nesting, breeding, sleeping, resting, flying or otherwise moving, 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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Section 2.31. 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 any thing 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, 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) The District may give rewards to the Person(s) (other than District employees or agents, or members of the Park Police) 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.

Section 2.32. 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 2.33. 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 3.06 of this Ordinance, shall report the incident to the Park Police within twenty-four (24) hours after the incident.

Section 2.34. 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 2.34(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.

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(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.

(a) No Person whose admission privileges to District Property have been terminated, revoked, forfeited or suspended by the District pursuant to Section 7.01 shall enter or remain in any District Property that is the subject of the termination, revocation, forfeiture or suspension.

Section 2.35. Restrictions Applicable to Specific Recreational Activities.

(a) Golf. No Person shall play or practice golf on District Property, except on a designated golf course or driving range or pursuant to a Park District program and further provided that the Person has satisfied all requisites before playing or practicing, including without limitation the paying of appropriate fees.

(b) Team Sports.

(1) In those parks having athletic fields established for specific uses, participation in team sports in areas other than athletic fields established for that specific purpose is limited in accordance with signs or notices posted by the District;

(2) In those parks having established athletic fields for specific uses, the type of recreation on said fields shall be in accordance with posted signs or notices posted by the District.

(c) Picnics.

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

(2) No group of Persons exceeding twenty-five (25) 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 2.10 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) Shooting Sports. No Person shall engage in any individual or team shooting sports except at Sportsman Park, 735 S. West Street, Naperville, and such other place or places designated in writing by the

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Director, and then only in accordance with the rules, regulations and restrictions promulgated and posted by the District, including, without limitation, the Best Management Practices (BMP) program developed by the District on January 5, 2001 in compliance with Special Condition 15 of National Pollutant Discharge Elimination System (NPDES) Permit Number IL 0073253 issued by the United States Environmental Protection Agency. No Person engaging in shooting sports at Sportsman Park or any other District Property shall use lead shot or shot containing lead.

(g) This section 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 2.36. 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 rest room, washroom or locker room facility on District Property.

(b) No Person of the age of six (6) years or more may enter or use rest rooms, or washrooms on District Property designated for the opposite sex.

(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.

Section 2.37. Rollerskates, Skateboards, Bicycles and Other Similar Objects. No Person using rollerskates, 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.

Section 2.38. Winter Sports

(a) No Person shall skate, sled, toboggan, innertube, 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 Park Police Officer, Park Service Officer or any other District employee authorized to control such activities.

(b) No Person shall skate, sled, toboggan, inner tube, ski, snowboard, slide or engage in similar activities on District Property, contrary to Winter Sports rules and regulations, published and posted by the District for control of such activities.

(c) 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.

(d) 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.

(e) No person shall enter upon any frozen waters to skate, slide or walk or for any purpose, when such waters are posted closed or unsafe or hazardous by the District, or when notified by such condition by any Park Police Officer, Park Service Officer, or other District employee authorized to control such activity.

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(f) 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 with the prior written permission of the Executive Director.

(g) 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 2.39. 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 2.40. Swimming. No Person shall bathe, swim, wade, float, splash, or otherwise enter District Waters other than at a designated swimming area, such as Centennial Beach. Users of designated swimming areas shall comply with all policies, rules and regulations as the District may designate for such activities. Persons actively engaged in fishing, as defined under 515 ILCS 5/1-50, may wade in streams and rivers controlled by the District.

Section 2.41. Weapons and Harmful Substances.

(a) No person shall upon or in connection with any property of the District: Possess on or about their person, vehicle or any other conveyance, concealed or otherwise, any firearm, stun gun, taser, bow and arrow, slingshot, cross bow, spear and spear gun, switch-blade knife, stiletto, sword, blackjack, martial arts weapon, bludgeon, metal knuckles, or any air rifle, paint gun, pellet gun, air soft gun or device capable of discharging a projectile or harmful chemical substance, or any weapon, instrument, or substance of like character or design.

(b) No person shall upon or in connection with any property of the District: 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 in this Section 2.41 shall prohibit any person from bringing a firearm to, or possessing a firearm at Sportsman Park, or any other location on District Property designated by the District for the conduct of shooting sports, in compliance with all rules, regulations and restrictions promulgated by the District. Nothing contained herein shall be construed to prevent any Park Police Officer, or any other 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.

Section 2.42. Pyrotechnics. No person shall upon or in connection with any property of the District: Possess, set off, ignite, or attempt to set off any firecracker, fireworks, smoke bombs, rocket, black powder gun or other pyrotechnics without written authorization from the Board.

Section 2.43. 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 2.44. 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.

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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. Bicycles.

(a) When two (2) or more Persons in a group are operating bicycles on District Property, they shall not ride abreast, but shall ride in single file.

(b) No Person operating a bicycle on District Property shall cling or attach himself or his bicycle to any other moving vehicle.

(c) No Person operating a bicycle on District Property shall carry another Person on the same bicycle. This restriction does not apply to tandem bicycles equipped with two or more seats or saddles or an ordinary bicycle equipped with a seat or saddle for an infant or small child if used properly. In that event, there shall be only the number of Persons on the bicycle as there are seats or saddles.

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

(e) No Person other than a member of the Park Police shall ride a bicycle on any District street or path where signs are posted prohibiting riding bicycles.

(f) Bicycles shall not, at any time, in any place, be indiscriminately parked on District Property in such manner as to interfere with pedestrian or vehicular traffic, or with Persons getting into or out of vehicles. No Person shall leave a bicycle on District Property lying on the ground or paving or set against trees or otherwise in a place other than a bicycle rack when such is provided and there is space available. No Person shall move or in any manner interfere with, any bicycle which is properly parked on District Property, nor shall any Person interfere with, or, in any manner, hinder any Person from properly parking a bicycle.

(g) All bicycles, when operated on District roadways, shall be kept to the right and shall be operated as nearly as practicable to the right-hand edge of the roadway.

(h) No Person shall operate a bicycle on District Property at a speed faster than is reasonable and proper under the circumstances, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other Persons and property.

(i) Every Person operating a bicycle on District Property shall obey all federal, state, local, and District traffic laws, rules, and regulations applicable to motor vehicles, except those provisions which by their nature can have no application to the operation of a bicycle and except as otherwise provided by this section.

Section 3.03. 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.

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Section 3.04. 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 3.05. 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 3.06. Duty of Operator in Accidents. No Person shall leave the scene of a vehicle collision with another vehicle, Person or property occurring on District Property, without giving his true name and residence address to the injured Person or any other Person or member of the Park Police requesting same, and in the event no public officer is present, he must immediately report the occurrence to the nearest police station or police headquarters.

Section 3.07. 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, unless otherwise directed by a member of the Park Police.

Section 3.08. Enforcement of Traffic Regulations. No Person shall fail to obey a member of the Park Police or other District employee who is directing traffic or enforcing sections of this Chapter on District Property.

Section 3.09. Fleeing or Attempting to Elude the Park Police. 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 Park Police to bring his vehicle to a stop. The signal given by a member of the Park Police may be by hand,

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voice, siren, or red or blue light. The member of the Park Police giving such signal shall be in uniform or driving a vehicle appropriately marked showing it to be an official Park Police vehicle.

Section 3.10. Gas and Smoke. No Person shall drive or otherwise operate a vehicle on District Property which emits excessive noxious fumes or dense smoke.

Section 3.11. 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 3.12. 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 ILCS 5/12-100 *et seq.*) which provisions are specifically incorporated in this Ordinance by reference.

Section 3.13. 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 3.14. 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 3.15. 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 3.16. 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 12:00 a.m., except with the approval of the District, which approval shall automatically be deemed given in connection with activities conducted by the District.

(c) No Person shall stop, park, or place any vehicle on District Property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no Person shall stop, park, or place any vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict

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with other traffic or when in compliance with the instructions of a member of the Park Police: (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 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 3.07 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 be prima facie responsible for the violation and subject to

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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 3.17. 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 3.17 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 3.18. Right of Way.

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

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

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

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

Section 3.19. 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 3.07, responding to an emergency call, or pursuing an actual or suspected violator of the law.

Section 3.20. Speeding.

Except as provided in Section 3.07(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

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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 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 as 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.

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

Section 4.01. Hours.

(a) Except as otherwise provided in this Section 4.01, District Property shall be open to the public from sunrise in the morning until one hour past sunset in the evening of that same day and District Property shall be closed to the public from one hour after sunset each day until sunrise the following day.

(b) Consistent with any applicable City of Naperville Ordinances, an athletic field, diamond, outdoor swimming pool, outdoor basketball or tennis court or other outdoor Facility that is designated for active recreation and that is artificially lighted shall remain open to the public only until such time as the artificial lighting is turned off.

(c) The District Property known as the Riverwalk shall remain open to the public until 12:00 midnight, except that portion of the Riverwalk located to the west of the Centennial Beach shall remain open to the public only until 10:00 p.m.

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

Section 4.02. Special Closings. The Board or the 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. Time schedules for the operation of, and the activities to be conducted on, District Property and the amount of facility, Permit and program fees, may be reviewed and approved periodically by the Board. As permitted by law, fees charged non-residents of the District need not be the same as fees charged residents of the District. The Board may otherwise establish policies, rules and regulations for proper conduct by Persons using District Property. Specific policies, rules and regulations pertaining to District Property and programs may be posted at or on the applicable District Property and/or published in District program brochures or otherwise made available to the users of District Property, who shall be charged with actual knowledge thereof and shall obey or comply with all such policies, rules and regulations. All Persons shall abide by all District policies, rules and regulations and with the direct orders or requests of employees and agents of the District when using District Property.

Section 4.05. Admission/Identification. No Person shall enter into, be, or remain in or upon District Property without paying any proper admission fees, without complying with registration requirements, if any, which may be established by the District, and without displaying the required admission identification. All admission identification cards, papers and tickets are non-transferable and must be individually registered, unless otherwise specifically noted thereon. A charge may be made by the District for replacing lost admission identification cards, papers and tickets.

Section 4.06. Lost, Found, and Abandoned Property.

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

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(b) Property left unattended or property suspicious in nature that interferes with any park visitors' safety, orderly management of the park area, or presents a threat to park resources may be impounded or removed by the District at any time. The owner of such property shall be responsible and liable for all costs and expenses associated with the impounding, removal, storage, or other disposal of the property.

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

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

Section 4.07. Building Use. No Person shall use any District building or facility for an event or activity which is not conducted or sponsored by the District unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance and/or a license agreement has been executed with the District. All Persons using District buildings or facilities shall comply with the provisions of this Ordinance and with the provisions and conditions of the Permit and/or license agreement and with all other applicable policies, rules, and regulations of the District regarding the use of District Property.

CHAPTER V - PERMITS AND OTHER AUTHORITY

Section 5.01. Permits.

(a) Permits may be granted upon proper application and approval where the applicable section of this Ordinance or any other District ordinance, policy, rule, or regulation provides for the issuing of a Permit in order to engage in a particular activity.

(b) Every Person requesting a Permit shall complete and file a written application with the Director or his designee, on forms provided by the District, and pay applicable application fees at the District's administrative offices located at 320 W. Jackson Avenue, Naperville, Illinois. When received, the application shall be dated and stamped as received and a receipt issued to the applicant.

(c) Except as provided in subsection 5.01(c) (1), applications for Permits must be received by the District at least seventy-two (72) hours prior to the activity for which a Permit is sought.

(1) This application deadline shall not apply to applications for Permits under sections 2.02, 2.11, 2.35 and any other section of this Ordinance or any other District ordinance, rule, or regulation not involving the exercise of First Amendment rights. For such Permits, applications must be received by the District at least three (3) weeks prior to the requested activity.

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

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

(2) A prior application for a Permit for the same date, time, and location has been or will be granted and the activities authorized by that Permit do not reasonably allow multiple occupancy of that

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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,

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

(6) The proposed activity is prohibited by, or inconsistent with, the classifications or permitted uses of the park, or a part thereof, designated pursuant to Section 1.04 of this Ordinance.

(7) This subsection 5.01(d) is not applicable to applications for commercial activity Permits under sections 2.11 and 2.17 of this Ordinance and Permits for alcohol under section 2.02. The District reserves the right to exercise its discretion in issuing Permits under sections 2.02, 2.09 and 2.17.

(e) The District shall have at least one business day after receiving a permit application to review the application. However, for applications under section 2.17 of this Ordinance, the District shall have at least two business days after receiving an application to review said application. For applications under sections 2.02, 2.11, 2.35 and any other section of this Ordinance or any other District ordinance, rule, or regulation not involving the exercise of First Amendment rights, the District shall have at least two (2) weeks after receiving a permit application to review the application. However, the District reserves the right to take additional time to review any application. If the District determines that it will exercise this right, it shall notify the applicant within one business day after the District's receipt of the application.

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

(g) If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration, or time of the activity, the District will make a reasonable effort to arrange an alternative that is acceptable to all parties. If an application under sections 2.10, 2.26 or 2.29 is denied, or the applicant is dissatisfied with such Permit as issued, he may appeal the decision to the Board within ten (10) days after the decision is rendered. If the Board rejects the appeal after full review, or if time for full review is not available, the applicant may appeal the decision to the appropriate court. All other decisions on the issuance of Permits by the District are final.

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

(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.

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

(l) Except as provided in subsections 5.01(l) (1) or 501 (l) (2), no Permit shall be issued for a period in excess of seven (7) consecutive days. A Permit may be extended for like periods of time upon a new application, unless another Person has requested use of the same location and multiple use of that location is not reasonably possible.

(1) This subsection shall not apply to Permits granted under section 2.11 of this Ordinance. For Permits granted under section 2.11, the District shall determine the length of time that a Permit will be valid.

(2) This subsection shall not apply to Permits granted under section 2.29 of this Ordinance for newsracks or newsstands. Such Permits granted under section 2.29 shall be issued for a period of six (6) months.

Section 5.02. Insurance and Hold Harmless Agreement.

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

(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.

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

Section 5.03. Security Deposit.

(a) 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.

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

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Section 5.04. Other Authority. Activities otherwise prohibited under this Ordinance, or any other District ordinance, policy, rule, or regulation may be conducted or engaged in by a Person, 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.

CHAPTER VI – ENFORCEMENT

Section 6.01. Park Police.

(a) The District shall operate a police force (“Park Police”) to ensure the welfare of park users and employees, and life and property within the District. The police force shall consist of Park Police Officers (PPOs) who meet the requirements of the Illinois Police Training Act and have completed a training course as prescribed under the Peace Officer Firearm Training Act, and Park Service Officers (PSOs).

(b) Park Police Officers shall, be conservators of the peace within the Park District, and except as limited by the Chief of Police, may based on a preponderance of the evidence, issue citations, arrest, or cause to be arrested, with or without a warrant, any person who breaks the peace, or who violates any ordinance, rule, or regulation of the Park District, and based on probable cause, any criminal law of the State of Illinois.

(c) Park Police Officers shall have the authority to seize, confiscate and impound any substance, plant, animal, vehicle, or other article which, upon a preponderance of the evidence or probable cause, they find to be used or possessed in violation of this Ordinance.

(d) Park Service Officers shall, in connection with their duties as prescribed by the Park District, diligently enforce the provisions of this Ordinance and except as limited by the Chief of Police, issue citations and warnings to persons acting in violation of this Ordinance. Park Service Officers may act as peace officers when aiding a commissioned Police Officer, when such aid is requested.

Section 6.02. 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 Park Police, or any employee of the District seeking to enforce compliance with Federal, state, local or District laws, rules, or regulations.

Section 6.03. 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.

Section 6.04. Parties to Ordinance Violation.

(a) Every Person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act in violation of this Ordinance or other ordinance, rule or regulation of the District, as a principal, agent, or accessory, shall be guilty of such offense, and every Person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Ordinance is likewise guilty of such offense.

(b) Any Person who is the owner, registered owner, or Person in control of any animal, vehicle or other property of any kind brought, placed, parked or allowed to remain on District Property in violation of this Ordinance or other District ordinance, rule, or regulation, shall be deemed prima facie responsible for such violation and shall be subject to the penalties provided herein.

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(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.

CHAPTER VII – PENALTIES

Section 7.01. Revocation of Privileges; Fine. Any Person violating or disobeying any section or part of this Ordinance, other than Chapter III section 3.16 hereof, or any other District ordinance, policy, rule, or regulation, may be forthwith evicted from District Property, may have his admission privileges relating to District Property revoked, or suspended for such period of time as the Director or his designee shall determine, subject to the guidelines set forth below, and/or may, upon conviction, be fined in an amount not less than \$75.00 and not more than \$500.00 for each offense, unless the fine for said offense is otherwise specified in this Ordinance, and/or required to perform community service on District Property under District supervision.

If a violation of this Ordinance is of such a nature or kind that it does not tend to immediately endanger the public safety, a Park Police Officer or Park Service Officer may indicate on the complaint that payment of the minimum penalty may be compromised as herein provided. A compromise payment determination is based solely on the discretion of the issuing officer and not guaranteed for any violation of this Ordinance. The violator may compromise the payment of the minimum penalty for such violation without appearance in court, by payment of the sum of FIFTY DOLLARS (\$50.00) within ten (10) days from the date of the issuance of the said NOTICE OF VIOLATION. After written notice by mail of such violation sent to the violator, the payment shall be SEVENTY-FIVE DOLLARS (\$75.00), or such greater amount as provided in this Ordinance.

In case of any violation of the provision of Chapter III Section 3.16 of this Ordinance, unless otherwise stated in that section, the violator may compromise the payment of the minimum penalty for such parking violation without appearance in court by payment of the sum of TWENTY-FIVE DOLLARS (\$25.00) within ten (10) days from the date of the issuance of the said complaint or notice of violation. After written notice by mail of such violation is sent to the violator, the payment shall be FIFTY DOLLARS (\$50.00), or such greater amount as provided in this Ordinance. No compromise payment is accepted after issuance of three (3) parking violations in a twelve (12) month period.

The Director shall designate the location of the department of the District to which such compromise payments shall be made. In case of failure to make payments as herein provided, the District shall forthwith transmit the complaint and all bonds received to the Clerk of the Circuit Court for the 18th Judicial Circuit (DuPage County) as in other cases. All monies received hereunder shall be turned over to Accounts Receivable of the District upon receipt

Section 7.02. Suspension Guidelines

A person engaged in any of the following Violations Classes, on District Property, may be suspended from District Property, **including all District Parks**. Notice of the District Suspension shall be provided to the violator or offender in writing. Any person entering District Property during a suspension period violates this Section. District suspension and notification shall be sufficient notice for any violator or offender to be charged under Illinois State statute with Criminal Trespass to State Supported Property.

Class 1 Violations: Result in a ten (10) day suspension.

1. Conduct that interferes with public use of District Property or programs (Chapter II, Sections 2.22 and 2.34)
2. Disruptive behavior which interferes with the rights of others to use District Property (Chapter II, Section 2.22)
3. Use of profane, obscene or offensive language, or conduct which interferes with the enjoyable use of District Property (Chapter II, Section 2.13)
4. Trespassing on District Property that is closed to the public or while the individual is under

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- suspension (Chapter II, Section 2.34)
5. Failure to comply with the directions of a District employee or a member of the Park Police in the performance of his/her duty (Chapter II, Section 2.12)
 6. Any violation of posted District rules and/or regulations or the District's published code of sports ethics
 7. Posting and/or distribution of any handbill or advertisement without permission of the Director (Chapter II, Sections 2.28 and 2.29)
 8. Use or possession of fireworks without endangerment of the public (Chapter II, Section 2.41 and 2.42)

Class 2 Violations: Result in a thirty (30) day suspension.

1. Any disorderly conduct (Chapter II, Section 2.13)
2. Any intentional damage or misuse of District Property (Chapter II, Section 2.31)
3. Possession of a prohibited weapon (Chapter II, Section 2.41 and 2.42)
4. Possession, transfer, sale or use or being under the influence of Alcoholic Liquor, any Controlled Substance or Cannabis while on District Property or attending District events (Chapter II, Sections 2.21 and 2.03)
5. Fighting or deliberating causing or attempting to cause injury to another person and/or animal (Chapter II, Sections 2.06 and 2.30)
6. A second Class 1 violation
7. Any action prohibited by city, state or federal criminal law
8. Public indecency (Chapter II, Section 2.32)
9. Use of fireworks, fires or combustible materials that endanger the public (Chapter II, Sections 2.18, 2.41 and 2.42)

Class 3 Violations: Result in a sixty (60) day suspension.

1. A third or subsequent Class 1 violation
2. A second or subsequent Class 2 violation

In addition to the above Class Violations, the Chief of Police may suspend any person violating any Section of this Ordinance, for a period not to exceed twelve (12) months, from using any District Property, if the Chief of Police determines that, based on such violations, the person's future use of District Property may interfere with other's use and enjoyment of District Property. Any person suspended in such manner, may appeal the suspension to the Executive Director within five days after the person receives the suspension. The decision of the Executive Director shall be final and binding.

Section 7.03. Restitution. In addition to, or instead of, the fines and penalties provided for in Section 7.01, 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 7.04. 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 2.41, 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

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impounded shall be disposed of according to the applicable laws of the State of Illinois.

Section 7.05. Non-Exclusivity of Penalties. The penalties provided for in this Chapter VII 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 7.01 may be imposed or assessed in addition to and not necessarily in lieu of the penalties provided for in section 7.03, and vice versa.

CHAPTER VIII - REPEAL

All District ordinances, resolutions, policies, rules and regulations or parts thereof in conflict or inconsistent with any of the provisions of this Ordinance, including, without limitation, Ordinance 133, are hereby repealed.

CHAPTER IX - SEVERABILITY

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

CHAPTER X - PUBLICATION AND EFFECTIVE DATE

Section 10.01. Publication in Book Form. In lieu of other publications, this Ordinance shall be published in 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 10.02. Effective Date. This Ordinance shall take effect and be in force ten (10) days after the date of its passage, approval, and publication in book or pamphlet form as provided for herein.

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PASSED by roll call vote this _____ day of May, 2010.

ROLL CALL VOTE:

AYE: _____

NAY: _____

ABSENT: _____

APPROVED this _____ day of May, 2010

President, Board of Park Commissioners of the
Naperville Park District

ATTESTED and RECORDED and published
In pamphlet form this _____ day of May, 2010

Secretary, Board of Park Commissioners
of the Naperville Park District