

**WHEREAS, the Berwyn Park District, Cook County, Illinois (the “District), has previously adopted and periodically updated rules and regulations for the governance of the parks and facilities of the District; and**

**WHEREAS, the District has previously adopted an integrated General Use Ordinance addressing both public use and operational regulations; and**

**WHEREAS, in order to provide more user-friendly regulations, the general use regulations shall be separate and apart from all other ordinances and regulations; and**

**WHEREAS, the District is authorized by the Park District Code to adopt a General Use Ordinance for the regulation of District property.**

**NOW, THEREFORE be it and it is hereby ordained by the Board of Park Commissioners of Berwyn Park District, Cook County, Illinois, as follows:**

**Section One – Policies: The General Use Ordinance attached hereto and incorporated herein is hereby adopted as the rules and regulations of the Berwyn Park District.**

**Section Two – Scope: The General Use Ordinance shall apply to and shall be enforced throughout all of the property of every kind owned by or under the jurisdiction of the District.**

**Section Three – Effect: This Ordinance shall become effective upon its passage and approval as provided by law.**

**Section Four – Repealer: All ordinances and parts of ordinances in conflict or inconsistent with any of the provisions of this ordinance are hereby repealed to the extent they are inconsistent with this ordinance. Section Five – Publication: In lieu of other publications, the General Use 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 evidence of the passage and legal publication of this ordinance in all courts without further proof, as provided by law.**

## **Chapter I - General Provisions**

**Sec. 1.1 Designation and Citation of Code** This ordinance shall be known as the “General Use Ordinance of the Berwyn Park District, Cook County, Illinois” and the same may be so cited and referred to for the purpose of identification

**Section 1.2 Scope** This ordinance shall be applied to and be enforced in all of the territory embraced in, heretofore added to and which may be embraced in the boundaries of said Berwyn Park District and in all parks, public places and other property and facilities of every kind owned by or within the jurisdiction of the District where within or outside the boundaries of said District.

**Sec. 1.3 Definitions** When used in the General Ordinances, the following terms shall have the meaning set forth in these sections. “Board” Means the.

(a) Board of Commissioners of the Berwyn Park District, a Municipal Corporation, Cook County, Illinois

(b) “Court” Means the circuit court of the county which has jurisdiction of District legal disputes.

(c) "District" Is the Berwyn Park District, Cook County, Illinois.

(d) "District property" Is all of the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District, including without limitation every building, shelter, street, sidewalk, trail, path, beach, park, playground, 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. "Executive Director"

(e) Is the Executive Director, the chief administrative officer of the Berwyn Park District.

(f) "Ordinances" Means the General Use Ordinances of Berwyn Park District approved by the Board of Park Commissioners of Berwyn Park District and all amendments and supplements thereto.

(g) "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 do or engage in a particular act or acts on District property. Said authorization is subject to the terms and conditions specified in the permit as well as all applicable federal, state, local, and District laws, ordinances, rules, and regulations.

(h) "Person" Means any individual, natural person, firm, partnership, association, corporation, company, trust, organization or any other group activity as a unit or the manager, lessee, agent, servant, partner, member, director, officer or employee, or any of them including executive administrator, treasurer, receiver or other representative appointed according to law.

(i) "State" Means the State of Illinois.

**Sec. 1.4 Rules of Construction** In construction of these Ordinances the following rules of construction shall be observed. And/Or "And" may be read "or" and "or" may be read "and" if the sense requires it. Gender Words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine. May The word "may" is permissible and discretionary. Shall The word "shall" is mandatory.

**Sec. 1.5 Code to be Liberally Constructed** All general provisions, terms, phrases and expressions contained in these Ordinances shall be liberally construed in order that the true intent of the District be fully carried out.

**Sec. 1.6 Designations and Headings; Construction** All designations and headings of chapters, articles, divisions and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such chapters, articles, divisions or sections, whether printed in boldface type or italics.

**Sec. 1.7 Ordinance Provisions as Continuance of Existing Ordinances** The provisions appearing in these Ordinances, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the District and existing at the effective date of these Ordinances shall be considered as restatements and continuations thereof and not as new enactments.

**Sec. 1.8 Effect of Repeal of Ordinances; Revival**

a) Neither the adoption of these Ordinances nor the repeal hereby of any ordinance of the District shall in any manner affect the prosecution for violations of such ordinance, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions

applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.

b) Whenever any ordinance repealing a former ordinance, clause or provisions is repealed, such repeal shall not be construed as reviving such former ordinance, clause or provision, unless expressly provided therein.

**Sec. 1.9 Conflicting Provisions**

a) If the provisions of different chapters, articles, divisions or sections of these Ordinances conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.

b) If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that chapter.

**Sec. 1.10 References Include Amendments; Construction**

a) Any reference in these Ordinances to an ordinance or provisions of these Ordinances shall mean such ordinance or provision as may now exist or is hereafter amended.

b) Any references in these Ordinances to chapters, articles, divisions or sections shall be to the chapters, articles, divisions and sections of these Ordinances unless otherwise specified.

**Sec.1.11 Amendments and References to Ordinances** Any additions or amendments to these Ordinances, when passed in such form as to indicate the intention of the Board to make the same part of these Ordinances shall be deemed to be incorporated in these Ordinances so that a reference to the General Use Ordinance of Berwyn Park District shall be understood to include them.

**Sec. 1.12 Severability** It is declared to be the intention of the Board that the sections, subsections, paragraphs, sentences, clauses and words of these Ordinances are severable. If any sections, subsections, paragraph, sentences, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court or competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of these Ordinances, since the sections or parts of sections would have been enacted by the Board without and irrespective of any unconstitutional or otherwise invalid section, paragraph, sentence, clause or word being incorporated into these Ordinances.

## **Chapter 2. Protection and Use of District Property**

**Sec. 2.1 Public Use; Hours**

a) Regular Hours The Park System of the District shall be closed from 10:00 p.m. prevailing time until dawn of the following day, except as may be permitted with the express consent of the Executive Director. No person or property of any kind shall remain in the Park System after closing time, except as expressly permitted by the Executive Director.

b) Special Closings The District 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 the District.

**Sec. 2.2 Bringing Plants, Shrubs or Trees Prohibited** No person shall bring into or upon District property any tree, shrub, plant vegetation, or portion thereof, except by written authorization of the District.

**Sec. 2.3 Camping** No person shall place, erect, or use any hammock, swing, tent, shelter or any other type of temporary or permanent camping equipment or otherwise camp in any manner, on District property unless a Permit has first been obtained from the District.

**Sec. 2.4 Criminal Trespass of Property**

No person shall:

- a) Enter or remain in any building or portion of District property where persons are prohibited by the District from entering by sign or other notice including where use is restricted to persons of the opposite sex except as otherwise specifically provided in these Ordinances;
- b) Enter or remain in any District property when it is closed to the public;
- d) Climb, walk or sit upon any sign, wall or fence under the control of the District;
- c) Go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or other notice or where access is restricted by fence or other physical barrier;
- d) Enter any District property that is reserved or scheduled for a specific group or activity, unless such person is invited by the individual or group responsible for such activity unless such person has paid any applicable admission and/or registration fees.

**Sec. 2.5 Damage to District Property** Unless authorized by a written agreement with the District or otherwise expressly permitted by the District, no person shall while in or on District property:

- a) Deface, disfigure, break, cut, tamper with or displace or remove in or from any District property or building or other part thereof, any table, bench, fireplace, coping, lamp post, fence, wall, paving or paving material, water line or other public utility or parts or appurtenances thereof, or sign, notice or placard whether temporary or permanent, equipment, facilities or other District property or appurtenances whatsoever, either real or personal;
- b) Destroy, cut, break, injure, disturb, sever from the ground or remove any sod, soil, earth, rock, stone, timber, wood, material, or growing thing including but not limited to any plant, flower, flower bed, shrub, tree, growth, or any branch, stem, fruit, or leaf thereof; bring into or have in his/her possession in or on District property any tool or instrument intended to be used for the cutting thereof, or any garden or agricultural implements or tools which could be used for the removal thereof;
- c) Set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or allow any fire upon land to extend into District property;
- d) Cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture, bridge, or other structure or property contained therein;
- e) Operate or drive any motor car, automobile or vehicle of any kind in or on District property in places other than roadways or in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface or damage any District property or appurtenance of any kind;

- f) Fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in or on the District property;
- g) Allow any animal under the person's ownership or temporary care to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever. An animal is under a person's temporary care if the animal was brought upon District property by the person or by a minor under the person's temporary or permanent care;
- h) Fasten any bicycle, motorcycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot;
- i) Deface, destroy, cover or otherwise make unreadable any traffic warning or prohibitory sign or symbol in or on District property;
- j) Mark, carve, bend, cut, paint, deface, breakdown, destroy, damage, alter, change, sever, uproot, excavate or otherwise remove, or attach or suspend any rope, wire or other material or contrivance to or from any District property;
- k) Fail to maintain District property in a neat and sanitary condition.

**Sec. 2.6 Pools** The following rules and regulations shall apply to all District swimming pools:

- a) All swimming pools shall be open and in operation from approximately Memorial Day through Labor Day, weather and safety conditions permitting which is in the absolute discretion of District personnel. Pools shall be open for public swimming during published and posted hours.
- b) No person shall enter any bathhouse or pool area without payment of the admission charge that is established by the District or without displaying proper season passes that are issued therefore.
- c) No person under nine (9) years of age shall be admitted to the pool area unless he or she is accompanied by a person legally possessing an adult pass (ages 16 years old and up) or an adult daily admission and demonstrating competency to assume full responsibility for the care and safety of the person under nine (9) years of age.
- d) If any person shall refuse to obey any orders of lifeguards, attendants, managers or any agent of the District, the District may immediately terminate or suspend such person's rights to use the pool and other District property. Lifeguards are responsible for enforcing safety rules and responding to emergencies. Parents, guardians, or other persons who are 16 years of age or older and accompanying a child who is under 9 years of age, shall supervise the child.
- e) No person shall attempt admission to the pool and such admission shall be refused if the person has contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious, or any excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind or if the persons appears to be under the influence of alcohol or exhibiting erratic behavior.
- f) Persons with qualifying disabilities under state and/or federal law that require reasonable accommodations to enjoy District property should contact the Executive Director's office.
- g) Littering is prohibited; in addition, no food, drink, gum or tobacco is allowed in pool area unless the District has specifically designated a section by posting a written notice. Glass containers are prohibited.

- h) All persons are encouraged to take a shower before entering the pool area.
- i) Personal conduct within the pool facility must be such that the safety of self and others is not jeopardized. Running, boisterous or rough play, except supervised water sports, is prohibited.
- j) Only clean footwear, baby strollers, or wheelchairs are allowed in the pool area or bathhouse.
- k) Spitting, spouting of water, blowing the nose or otherwise introducing contaminants into the pool is prohibited.
- l) Glass, soap, or other material, which might create hazardous conditions or interfere with efficient operation of the swimming pool, are prohibited in the swimming pool or on the pool deck.
- m) All apparel worn in the pool shall be clean.
- n) All children who are not toilet-trained shall wear tightly fitting rubber, plastic pants, or approved swim diapers.
- o) Diving in water less than five feet deep is prohibited except when allowed for competitive swimming and training.
- p) Swimming is prohibited when thunder is heard or lightning is seen, including a 30-minute period after the last lightning or thunder is detected.
- q) Any person who refuses to obey pool rules or otherwise violates any other provision of these Ordinances may be barred by the District from further use of the pool for the remainder of the pool season, in addition to the penalties set forth in these Ordinances.

#### **Sec. 2.7 Public Assemblies**

- a) No person shall do any of the following on District property without first obtaining a Permit from the District: 1) Call or hold a public assembly, exhibition or entertainment of any description; 2) Conduct any musical concert, play any amplified instrument, or set up or use any communication system; 3) Hold or attempt to hold any meeting, assembly, demonstration, celebration, parade, rally, religious worship, or any sponsored entertainment, social, recreational or athletic event.
- b) Any person issued a Permit by the District shall produce the Permit and exhibit it upon request of any District employee or officer.
- c) No person other than a District employee or officer shall disturb or interfere with any person occupying District property under the authority of a Permit.

#### **Sec. 2.8 Use of Restrooms, Washrooms, and Locker Rooms**

- a) Every person shall cooperate in maintaining rest-rooms, washrooms and locker rooms in a neat and sanitary condition.
- b) No person shall deposit objects of any kind other than toilet paper in the toilets or plumbing fixtures of a restroom, washroom facility or locker room.
- c) Except as otherwise permitted in this section for children under age 6, enter into or remain in any restroom, restroom washroom, or locker room designated for the opposite sex.
- d) Children 5 years of age and under may use restrooms, washrooms and locker rooms designated for the opposite sex when a family facility is unavailable.
- e) Individuals may not use restrooms, washrooms and locker rooms that may be designated for families.

f) No person shall use any camera, video recorder or other device to record or transmit visual image(s) in or from any rest room, washroom or locker room of the District.

## **Chapter 3. Animals** (amended February 20, 2018 effective May 1, 2018)

### **Sec. 3.1 Domesticated Animals and Pets**

a) Domesticated animals and pets shall be allowed in permitted areas but such animal must be on a leash with a maximum extension of 6 feet and owner or person must in control of the leash at all times.

b) No owner or person shall bring a domesticated dog, cat or any other animal onto or permit any animal to remain on any portion of the District property where the presence of animals is prohibited, except (i) in conjunction with an activity or event conducted or sponsored by the District, or (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.

c) Domesticated animals and pets shall not be permitted in any playground, pool, tennis court, waterway, botanical area, or sports field.

d) No owner or person having control of any domesticated dog, cat, or any other domesticated animal shall cause or permit such animal to be off leash or running at large on District property, except in designated pet areas with proper permitting as required by the District.

e) No person shall leave a domesticated dog, cat, or any other domesticated animal unattended and/ or attached by a leash, rope or other item to any object within the park system.

f) No person shall bring a dog, cat, or any other domesticated animal with a known history of, or who exhibit, dangerous behaviors into the District property.

g) Owners or persons shall not bring more than three (3) dogs, cats, or other domesticated animals per into District property at any one time or visit.

h) Domesticated animals and pets must be healthy, fully immunized, dewormed, licensed and comply with the Cook County Department of Animal and Rabies Control Regulation.

i) Owners of any domesticated dog, cat, or other domesticated animal are liable for any injury or damage caused by their pet and are fully responsible for their pets actions.

j) All owners or persons having control of any domesticated dog, cat, or other domesticated animal, shall remove any excrement from District property left by such animal.

k) Any animal found on District property in violation of subsections (a) through (c) may be apprehended, removed to an animal shelter, public pound, or other place provided for that purpose, and, unless the owner claims the animal and is financially responsible for violations of this Ordinance, disposed of pursuant to the applicable laws or ordinances of the State of Illinois and City of Berwyn or Cook County. The owner or person responsible for such animal shall be responsible for all costs and expenses incurred or encumbered in the removal and boarding of such animal and such charge shall be in addition to and not in lieu of any other penalties provided for in this section and any other applicable federal, state, local or district laws, ordinances, rules or regulations.

l) The penalty or fine for violation of any portion of Section 3.1 shall be \$100.00 and 4 hours of

**Sec. 3.2 Protections of Non-Domesticated Animals, Birds, Fish, and Other Non-Domesticated Animals** For purposes of this section “wildlife” means any bird, fish, or other non-domesticated animal including without limitation any animal, the capture or killing of which is authorized by the fish and game laws of the State of Illinois.

a) No person shall bring or release any wildlife onto District property; provided, however, that the District may bring or release, or permit another person to bring or release, such proscribed animals onto District property in conjunction with an activity or event conducted or sponsored by the District.

b) No person shall feed any wildlife on District property.

c) 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, treat cruelly, or have in possession, any wildlife upon, over, or under District property, except as expressly authorized and approved by the District.

d) No person shall give or offer any harmful, poisonous, or noxious substance to any wildlife on District property.

e) No person shall touch, tease, frighten, disturb, or otherwise intentionally interfere with any wildlife while feeding, nesting, breeding, sleeping, resting, flying or engaging in any other activity on, upon, over or under District property, except as expressly authorized and approved by the District.

f) No person shall molest, touch, throw or propel an object at, destroy, dig up, crush, shake, rob or disturb, in any way tamper with or damage the nest, lair, den, burrow, or home of any wildlife found on, upon, over or under District property.

g) No person having control over a domesticated animal shall allow said animal to chase, harm, or otherwise disturb Non-Domesticated Animals, Birds, Fish, and Other Non-Domesticated Animals as described in Section 3.2

h) The penalty or fine for violation of any portion of Section 3.2 shall be \$100.00 and 4 hours of community service at the park district.

## Chapter 4. Personal Conduct

**Sec. 4.1 Abandonment of Property** It is unlawful for any person to abandon any personal property on District property, including, but not limited to, cars, boats, appliances, garbage, furniture, or refuse. In addition to all fines and other penalties for violation of this section, the District may remove and destroy such property and assess the costs for such removal to the person abandoning the property.

**Sec. 4.2 Advertisement, Peddling, and Solicitation** The purpose of this section is to control commercial enterprises or sales on District property to ensure the public unimpeded use and enjoyment of the parks without being subjected to purely commercial exploitation.

a) No person shall offer for sale any articles or things, or conduct or solicit any business, trade, occupation, or profession on District property without a Permit from the District.

b) No person shall fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or objects containing advertising matter or announcements of any kind whatsoever on any District tree, shrub, post, building, gate, sign, or other District property unless: 1) The person or organization has obtained a Permit from the District; 2) The District has expressly designated the area for such use or; 3) The person holds a valid picnic, camping, or special event Permit in which case the person may display signs to identify their location or direct others to such location, provided that such signs are temporary and are removed by the permittee at the termination of the activity and provided that such signs are no larger than 24" x 30" and are not attached to any tree shrub, post, building, gate, District sign, or other structure located on District property.

c) No person shall distribute, display, post, or fix any sign, handbill, pamphlet, circular or any other writing or printed material or objects within any District building except in areas expressly designated for such use.

### **Sec. 4.3 Aircraft/Model Aircraft**

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

b) No person shall land, cause to be landed, or permit or authorize the landing of any aircraft on District property unless a Permit therefore has first been obtained from the District, except when necessitated by unavoidable emergency.

c) No person shall fly or cause to be flown or permit or authorize the flying of model aircraft on or over District property unless a Permit has first been obtained from the District.

d) No person shall parachute or otherwise descend from an aircraft into or onto District property or cause, permit or authorize another person to parachute or otherwise descend from any aircraft

into or onto District property unless a Permit has first been obtained from the District, except when necessitated by unavoidable emergency.

**Sec. 4.4 Alcoholic Liquors/Intoxication** The following terms shall have the following meanings for purposes of this section: "alcoholic liquor" shall have the meaning set forth in the Illinois Liquor Code, 235 ILCS 5/1-1 et seq.

a) No person under the influence of alcoholic liquor shall enter into, be, or remain on District property.

b) No person, other than the District or its authorized agents, shall sell or deliver any alcoholic liquor on District property and obtains a Permit therefore from the District.

c) No person shall bring into, possess, consume, use, or transfer any alcoholic liquor on District property without having first obtained a Permit therefore from the District unless he is in or on District property where the possession or consumption of alcoholic liquor is allowed without a Permit, or unless the alcoholic liquor is legally possessed in an unopened container stored in the trunk of a motor vehicle. Every person possessing, using, consuming, or transferring alcoholic liquor pursuant to this section shall be subject to and shall comply with all applicable federal, state, local, and district laws, ordinances, rules, and regulations regarding the possession, use, consumption, or transfer of alcoholic liquor. No person under the influence of intoxicating beverages or illegal substances shall enter or remain on the District Property.

**Sec. 4.5 Assault, Battery, Fighting, and Reckless Conduct** No person shall knowingly start a fight or fight or commit any assault, battery, or reckless conduct on District property. For purposes of this section: A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery. A person commits a battery if he intentionally or knowingly, without legal justification and by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual. A person commits reckless conduct when he causes bodily harm to or endangers the bodily state of an individual by any means if such person performs recklessly the acts which cause the harm or endangers safety regardless whether the acts are otherwise lawful or unlawful.

**Sec. 4.6 Begging and Panhandling**

a) No person shall beg or panhandle in District buildings, facilities or playgrounds or the entrances or stairways of such buildings or facilities.

b) No person begging or panhandling 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.

**Sec. 4.7 Bicycling**

a) When two or more persons in a group are operating bicycles, they shall not ride abreast, but shall ride in single file.

b) No person shall cling or attach himself or his bicycle to any other moving vehicle.

c) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and vehicles approaching on said roadway.

d) No person operating a bicycle shall carry another person on the same bicycle. This restriction does not apply to tandem bicycles.

e) No person shall operate a bicycle on District property between 30 minutes after sunset and 30 minutes before sunrise, without a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet and firmly attached to the bicycle, or without a red reflector firmly attached to the bicycle, which is clearly visible in the headlight beam of an automobile for a distance of 500 feet to the rear of the bicycle

f) No person may operate a bicycle on playgrounds, ball fields, lawns, tennis courts, except that small children riding three- or more-wheeled cycles may operate such cycles while under the supervision and control of an adult.

g) No person shall ride a bicycle on any street or path where signs are posted prohibiting riding bicycles on those streets or paths.

h) Bicycles shall not, at any time, in any place, be indiscriminately parked by anyone in such manner as to actually or possibly interfere with pedestrians or automobiles. No person shall leave a bicycle 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, nor shall any person interfere with, or, in any manner, hinder any person from properly parking a bicycle.

i) All bicycles, when operated on roadways or sidewalks, shall be kept to the right and shall be operated as nearly practicable at the right-hand edge of the roadway or sidewalk.

j) No person shall operate a bicycle on the District property, which is not equipped with a signaling device (bell, horn), in good working order and audible at a distance of 100 feet when sounded.

k) No person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other persons and property.

l) Every person operating a bicycle on District property shall observe all traffic and Illinois Vehicle Code rules and regulations applicable to motor vehicles under this chapter, except those provisions of this chapter which by their nature can have no application and except as otherwise provided by this section.

**Sec. 4.8 Bribing Employees** No person shall give or offer any money, gift, privilege or article of value to any District employee, officer, or agent in order to violate the provisions of the Ordinance or any other District ordinance, contract, permit or statute of the State of Illinois and the United States or in order to gain or receive special consideration in applying for any use or privilege, or treatment in the use of District property. This section shall apply both on and off District property.

**Sec. 4.9 Commercial Photography** No person shall take or cause to be taken any still or motion pictures (including video tapes), make sketches or paintings for commercial or educational purposes or for use in commercial advertising, without first obtaining a Permit from the District.

**Sec. 4.10 Disorderly Conduct**

a) No person shall commit any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

b) No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

c) No person shall commit any other act which may be defined as disorderly conduct under the Illinois Criminal Code, 720 ILCS 5/26-1,2,3, or 4.

**Sec. 4.11 Drugs/Cannabis/Controlled Substances** For purposes of this section, the following words will have the following meanings: “cannabis” means any substance so defined in the Cannabis Control Act, 720 ILCS 550/1 et seq.; “controlled substance” means any substance so defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq.; “intoxicating compounds” shall include all substances listed in the Use of Intoxicating Compounds Act, 720 ILCS 690/0.01 et seq.; “under the influence” means affected by cannabis, any controlled substance, or any intoxicating compound in any determinable manner. A determination of being “under the influence” can be established by a professional opinion, a scientifically valid test, a layperson’s opinion or the statement of a witness.

a) No person shall bring, possess, sell, deliver to another person or use cannabis or any controlled substance upon District property.

b) No person under the influence of cannabis, intoxicating compound, controlled substance, or any combination thereof, shall enter into, be, or remain on District property/

**Sec. 4.12 Dumping, Polluting, and Littering**

a) No person shall litter, cast, throw, drop, leave, scatter, place, pile, or otherwise dump, 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 restroom 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 themselves 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.

f) No person shall dispose of fish remains on District property, except as expressly 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 these Ordinances or applicable federal, state, local, and/or district laws, ordinances, rules, and regulations.

**Sec. 4.13 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. In the event the District permits a person to use such a fire the person shall comply with the following requirements in addition to any other rules as may be prescribed by the District: 1) No fire shall ever be left unattended. Every fire shall be under the continuous care and direction of a competent adult from the time it is kindled until the time it is completely extinguished. 2) All fires must be properly and completely extinguished prior to any person leaving the site of the fire. 3) Dumping of ashes from grills is strictly prohibited. 4) No person shall throw or otherwise discard lighted or smoldering material in any manner that threatens, causes damage to, or results in the burning of District property or other District resources, or creates a safety hazard.

**Sec. 4.14 Fireworks** No person shall offer for sale, expose for sale, sell, possess, use, or explode any firecracker, torpedoes, skyrocket, roman candles, bombs, sparklers, rocket, squib or other fireworks of like construction, or anything containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks, on District property without first obtaining a Permit from the District, or unless authorized to do so by contract with the District.

**Sec. 4.15 Gambling/Fortune Telling** 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 at a fair, carnival or other organized event conducted permitted by the District.

**Sec. 4.16 Games and Sports** No person shall engage in any sport, game, or amusement on District property where prohibited by the District. Nor shall any person walk, remain, or go upon any portion of District property designated for any particular game, sport, or amusement in such a way as to interfere with the use of that portion of District property by persons who have previously obtained a permit for exclusive use who are using the same for the particular sport, game or amusement for which it has been designated. All organized teams or activities shall first obtain a permit from the District. No person shall engage in any permitted activity in a rough or reckless manner so as to endanger, injure or damage any person or property in any way. No person shall use a golf club, baseball bat, tennis racket, or other device, to strike, hit, propel or otherwise throw any object, such as balls or rocks, on District property, except in designated areas, and only as such device is intended to be used.

**Sec. 4.17 Hindering Employees** No person shall interfere with, unreasonably disrupt, delay, or in any manner hinder any employee of the District engaged in the performance of his or her duties.

**Sec. 4.18 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.

**Sec. 4.19 Impersonating an Officer** It shall be unlawful for any person to unlawfully represent or impersonate any police officer or official of the District or pretend to be such officer or official.

**Sec. 4.20 Indecent Conduct** a) No person shall commit any indecent, lewd or lascivious act on District property, or utter any lewd or offensive words within the hearing of another person. b) No person shall appear on District property in a state of nudity or make any indecent exposure of his person or be guilty of any other lewd or indecent act or behavior, nor induce, permit or perform any indecent or obscene act or behavior, nor exhibit, possess or transfer any obscene pictures, writings or articles within the Park System.

**Sec. 4.21 Loitering** No person shall loiter or remain on District property either alone or in consort with other persons 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; (3) prevents the general public from obtaining the administrative or recreational services provided on District property in a timely manner; (4) restrict vehicular or pedestrian traffic or restrict free ingress to and egress from District property; after being requested to leave, move, or disperse by any employee of the District, or where the District has posted a sign or signs that prohibit loitering. No persons shall congregate around or in parked vehicles or loaf or loiter anywhere within the District property.

**Sec. 4.22 Metal Detectors** No person shall operate any device which is designed for the detection of metal objects on or below District property.

**Sec. 4.23 Minors**

a) No parent, guardian, or custodian of a minor shall knowingly assist or allow such minor to do any acts on District property in violation of any law, ordinance or rule of the District. A minor is defined herein as any person who is under the age of eighteen (18) years.

b) The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for damages caused by the willful or malicious acts of such minor as provided in the Illinois Parental Responsibility Act, 740 ILCS 115/1, et seq. This section shall not affect the recovery of damages in any other course of action where the liability of the parent or legal guardian is predicated on a common law basis.

**Sec. 4.24 Mob Action** No person shall engage in mob action. Mob action consists of any of the following: (i) the use of force or violence disturbing the public peace by two (2) or more persons acting together without authority of law; or (ii) the assembly of two (2) or more persons to do an unlawful act; or (iii) The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law or for the purpose of exercising correctional powers or regulative powers over any person by violence

**Sec. 4.25 Obstructing Travel** No person shall set, or cause to be set or placed, any goods, wares, merchandise, or property of any kind so as to obstruct travel on District property.

**Sec. 4.26 Picnics**

a) Picnics may be held in any unrestricted area on District property not specifically set aside for other recreational activity. A Permit is required for group picnics involving ten (10) or more persons. Groups of less than ten persons do not require a Permit unless the group desires to reserve a designated area or picnic tables to the exclusion of others.

b) No person shall use, infringe upon or disturb a group in possession of a valid Permit, except under permission by the group possessing such Permit.

**Sec. 4.27 Resisting or Interfering With a Police Officer** No person shall: 1) Resist any police officer in the discharge of his/her duties; 2) In any way interfere with or hinder or prevent him/her from discharging his/her duty as such officer, or offer or endeavor to do so; 3) In any manner assist any person in the custody of any member of the police force to escape or attempt to escape from such custody, or attempt to rescue any person in custody. 4) No person shall fail or refuse to obey any lawful order or direction of a police officer.

**Sec. 4.28 Skateboarding** No person using roller-skates, in-line skates, skateboards, roller skis, coasting vehicles, or similar devices on District property shall interfere with pedestrian use of sidewalks or use of the streets by vehicles, or otherwise act negligently, recklessly or without due caution or in any manner so as to endanger any person or property. No person shall use such devices on any District property where such use has been posted as prohibited. Skateboard use shall be limited to designated areas subject to all posted rules and regulations.

**Sec. 4.29 Sleeping in Parks/Vagrancy**

a) No person shall sleep on District property between 10:00 p.m., and 6:00 a.m., except when authorized to do so by a Permit from the District.

b) No person shall use District property in a manner designed or calculated to act as a substitute for a residence or means of support.

**Sec. 4.30 Sledding/Snowboarding/Ice Skating**

a) No person shall ice skate, sled, toboggan, inner tube, ski, snowboard, slide, or engage in similar activities on District property except at such times and places as the District may designate for such purposes.

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

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

**Sec. 4.31 Smoking on Park District Property**

Section 1. Prohibition of Smoking on Park District Property: Smoking shall be prohibited in all Park District Playgrounds and Sports Fields without exception. In addition, smoking shall be prohibited in, and within fifty feet (50 ft.) of all Park District Buildings but shall be permitted in designated areas as determined by the park district.

Section 2. Posting of Signs: "No Smoking" signs shall be conspicuously posted providing notice to the general public that smoking is prohibited pursuant to this Ordinance and subject to a penalty for violation.

Section 3. Penalty for Violation of Ordinance.: Any person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction punishable by a fine not exceeding Fifty Dollars (\$50.00). Violation of this Ordinance by a person may result in the suspension or revocation of that person's right to use the Park District Property on which the violation occurred.

**Sec. 4.32 Sound and Energy Amplification** No person shall play or operate any sound amplification devices including public address systems, musical instruments and the like, or operate any other energy amplification device or musical instrument without a Permit from the District, and no such permit shall be issued or maintained where sound produced by such devices is judged by the Executive Director or his or her designee to be a public annoyance. No person shall make or causes to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection, excessively loud or unreasonable noise is defined as noise inconsistent with or not reasonably 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, radio or stereo, noisemaker, musical instrument, or sound equipment. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored, licensed or otherwise permitted by the District.

**Sec. 4.33 Swimming** No person shall bath, swim, wade, float, splash, or otherwise enter District waters other than at a designated swimming area. Users of designated swimming areas shall comply with all policies, rules and regulations as the District may designate for such activities, including those pertaining to swimming pools.

**Sec. 4.34 Throwing Missiles** No person shall throw or cast any stones or other missiles or encourage others to do so on District property, except where such throwing or casting is involved in a recognized game or recreational activity, and then only upon such portions of District property as may be designated. **Sec. 4.35 Unlawful Assemblies** It shall be unlawful to collect, gather or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose, or for any person to join in or stay with or near any such gathering.

**Sec. 4.36 Weapons and Firearms**

a) No person other than police officers shall bring, attempt to bring, carry, have in his vehicle, or use in any way, any gun or firearm or portion thereof upon District property.

b) No person shall bring, attempt to bring, carry, or have in his vehicle, or use in any way, any knife having a blade longer than 3 inches, any air gun, pellet gun, or sling shot on District property.

c) No person shall bring, attempt to bring, carry, have in his vehicle, or use in any way, any explosives, ammunition, or bottles of gasoline with a rag attached.

d) No person shall bring, attempt to bring, carry or use in any way, any bow or arrow upon District property except as approved by the District as part of a directly supervised park program.

e) No person shall use or explode any toy pistol, toy cannon, toy cane, or toy gun in which explosives are used, or use or explode any blank cartridge, on District property except that starter pistols may be used for sporting or athletic events authorized by the District.

## **Chapter 5. Vehicles**

For purposes of this article, the terms used herein shall have the meanings assigned under the Illinois Vehicle Code (625 ILCS 5/1-1 et seq.).

**Sec. 5.1 ATV's and Off-Highway Motorcycles** No person shall drive or operate any ATV or off-highway motorcycle on District property, except:

a) When such vehicles are used by law enforcement officers or District employees or agents for law enforcement or District purposes; or

b) In the case of an emergency.

**Sec. 5.2 Driving Under the Influence** No person shall drive or otherwise operate nor attempt to drive or otherwise operate a vehicle on District property while under the influence of alcoholic liquor, cannabis, controlled substance, or any other intoxicating compound, drugs, or any combination thereof.

**Sec. 5.3 Driving Upon Sidewalk** No person shall drive any motor vehicle District property upon a sidewalk or sidewalk area located on District property except upon a permanent or duly authorized temporary driveway or for routine maintenance, utility or emergency service or for special delivery or pickup involving goods or customer services and shall be limited to 5 mph with lights on except in emergency situations.

**Sec. 5.4 Mufflers** No person shall operate a motor vehicle on District property, which is not equipped with a muffler adequate to deaden the sound of the engine.

**Sec. 5.5 Parking, Standing, or Stopping**

a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the keys and when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the roadway.

b) No person shall park a vehicle on District property except in established or designated parking areas, in accordance with the posted directions and markings or with the directions of any attendant who may be present.

c) No person shall park any vehicle or allow any vehicle to remain parked on District property beyond the normal closing hour of the District, except when a different closing hour has been designated by the District for that area or unless express written permission therefore has first been obtained from the District.

d) No person shall stop, stand, or park 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, stand, or park any vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict with other traffic or when in compliance with the directions of a District employee: 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) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly signposted)? 15) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings? 16) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic? 17) Upon any bridge or other elevated structure upon a roadway, or within a roadway tunnel? 18) On any railroad tracks or within 50 feet of the nearest rail of a railroad crossing? 19) On a controlled access roadway? 20) In the area between roadways of a divided highway, including without limitation crossovers? and 21) 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.

e) 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.

f) Notwithstanding any contrary provision contained in this section the operator of an authorized emergency vehicle may park or stand irrespective of the provisions of this Ordinance.

g) 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.

h) 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, where permitted, 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.

i) Penalty Provisions for Parking in Violation of District or City of Berwyn Ordinances. 1) Whenever any vehicle has been parked in violation of the District of Berwyn Ordinances prohibiting or restricting vehicular standing or parking, the person in whose name the vehicle is registered with the Secretary of State of Illinois shall be prima facie responsible for the violation

and subject to the penalty therefore. 2) Whenever any vehicle is parked in violation of any parking provision of the District or City of Berwyn Ordinances, 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. 4) Any violation of the parking provisions of this section or any provision of the Illinois Vehicle Code prohibiting or restricting vehicular standing or parking shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in the ordinance violated, shall be imposed. 5) A notice sent pursuant to this section shall state that failure to pay the indicated fine or failure to request a court hearing will constitute a debt due and owing the District, and as such may be collected in accordance with applicable law. Payment in full of any fine and/or penalty resulting from a standing or parking violation shall constitute a final disposition of that violation.

#### **Sec. 5.6 Riding Outside Vehicles**

a) No person shall ride upon the fenders, running boards, bumpers, hood, or any other exterior part of any vehicle on District property.

b) No person shall cling or attach himself, his vehicle, or any other object, to any other vehicle on District property.

#### **Sec. 5.7 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 that 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.

**Sec. 5.8 Snowmobiles** 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. No person shall drive, ride, or otherwise operate a snowmobile on District property.

**Sec. 5.9 Speed Limit** No person shall operate, propel or cause to be propelled a vehicle on any road, drive, or parking area at a speed greater than the speed limit posted along the right-of-way or, in the absence of such posted limit, at a speed in excess of 5 miles per hour.

**Sec. 5.10 Towing** Any unattended vehicle in violation of any provision of this ordinance may be towed at owner's expense.

## **Chapter 6. Permits**

### **Sec. 6.1 Permit Process**

For purposes of this section, the term "exercise of First Amendment rights" shall include, without limitation, parades, marches, demonstrations, rallies, religious services, speeches, solicitation of votes, petition signatures or contributions, picketing and leafleting.

a) Permits may be granted upon proper application and approval where the applicable section of these Ordinances or any other District ordinance, policy, rule, or regulation requires a Permit in order to engage in a particular use or activity.

b) Every person requesting a Permit shall complete and file a written application with the Executive Director or his or her designee on forms provided by the District and pay applicable application fees at the District's administrative offices located at 3701 Scoville Avenue, Berwyn, Illinois. The application shall be dated and stamped when received and a receipt shall be issued to the applicant.

c) Unless otherwise provided in another section of these Ordinances or District ordinance, rule, or regulation, all applications for Permits not involving the exercise of First Amendment rights must be received by the District at least five (5) calendar days prior to the use for which a Permit is sought. Applications for Permits involving the exercise of First Amendment rights must be received by the District at least three (3) working days prior to the event requested.

d) Except for applications for Permits involving a commercial activity the District shall issue the requested Permit without unreasonable delay unless: 1) The proposed activity violates any federal, state, local, or District law, rule, or regulation; 2) A prior application for a Permit for the same date, time, and location has been or will be granted and the use authorized by that Permit does reasonably allow multiple occupancy of that particular location by more than one permittee;

3) The proposed use 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 District 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;

4) The proposed use would substantially impair the operation or use of facilities or services of District concessionaires or contractors; or 5) The proposed use would so dominate the use of District property as to preclude other persons from using and enjoying them.

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

f) If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration, or time of the activity, the District will make a reasonable effort to arrange an alternative location, duration, or time that is acceptable to the applicant. If the District denies an application pursuant to section (specific sections), or the applicant is dissatisfied with such Permit as issued, he may appeal the decision to the full Board in writing. If the Board rejects the appeal after full review, or if time for full review is not available, the applicant may appeal the decision to the appropriate state or federal court. All other decisions on the issuance of Permits by the District are final

g) Any Permit granted by the District shall contain lawful prerequisites to the issuing of the Permit and restrictions on the conduct of the permitted use including without limitation: payment of a reasonable fee; general liability insurance coverage; an agreement to fully indemnify and hold the District harmless from any liability or costs resulting from the use; a requirement that the persons involved in the use observe all federal, state, local, and District laws, ordinances, rules, and regulations; time, duration, and location restrictions; restoration deposit; a written agreement by the applicant to fully restore any District property soiled or damaged by the use; and, any reasonable restriction necessary for the efficient and orderly contemporaneous administration of the use, other activities with a Permit and regular District uses, functions, programs, and activities.

h) Any person holding a valid Permit issued by the District for use of District property may use that designated District property to the exclusion of any other person except the District and its employees and authorized agents.

i) Subject to the terms of subsection (5) above, the District may make necessary changes or place necessary additional restrictions on any Permit after it has been issued.

j) Violation of the terms, restrictions and conditions contained in the Permit may result in the suspension or revocation of the Permit.

k) Unless as specifically provided elsewhere in the Ordinances, no Permit shall be issued for a period in excess of three (3) consecutive calendar days. A Permit may be extended for like periods of time pursuant to a new application, unless another person has requested use of the same location and use of that location by more than one permittee is not reasonably possible.

l) For uses involving the exercise of First Amendment rights, the District may waive any application or Permit fees if the applicant demonstrates that the cost of such fees is prohibitive. An applicant must request such a waiver in writing.

## **Chapter 7. Offenses Affecting Park Functions**

**Sec. 7.1 Police Force** The District police force shall be the conservators of the peace on District property, and shall be responsible for the enforcement of all federal, state, city, local, and District laws, ordinances, rules, and regulations on District property. All city, county, state and other law enforcement authorities shall be authorized to enforce all laws and regulations, including District ordinances, on District property.

### **Sec. 7.2 General Penalty**

a) In all cases where the same offense is made punishable or is created by different clauses or sections of these Ordinances, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or Permit or fine imposed in an administrative hearing shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

b) Where an act or omission is prohibited or declared unlawful and no penalty or fine or imprisonment is otherwise provided, the offending person shall be fined not less than \$75 nor more than \$1,000 for each offense. All fines for ordinance violations shall be set and determined by the District and incorporated herein. Each day that a violation continues shall be deemed a separate offense. In addition to any fine, the District may revoke the privilege to use all or some of the facilities of the District for such length of time as is determined appropriate by the District.

c) In case of amendment of any section of these Ordinances containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall relate to

the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not unless such penalty is specifically repealed therein.

d) Whenever a finding of guilty is entered by the Court or a plea of guilty is entered by a defendant, the Court may, in addition to fine imposed, enter an order to pay restitution with restitution to be in an amount not to exceed actual out-of-pocket expenses or loss proximately caused by the conduct of the defendant. The Court shall determine the amount and conditions of payments.

e) Whenever the Court finds any person guilty of failing to pay a fine assessed for violation of a municipal ordinance, and such person is subsequently incarcerated for contempt of court based on such violation, there shall be allowed a credit of twenty dollars (\$20.00) for each day of incarceration to be applied to that person's outstanding fine.

f) No provisions of these Ordinances designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in these Ordinances for a failure to perform such duty, unless the intention of the Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.