

**ORDINANCE NO. 2009-01**  
**AN ORDINANCE ADOPTING THE WAUCONDA PARK DISTRICT**  
**RULES AND REGULATIONS FOR THE OPERATION**  
**OF DISTRICT PARKS AND OTHER FACILITIES**

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WHEREAS, the Wauconda Park District (the “District”) is responsible for providing safe and enjoyable park lands and facilities for the recreational use of all park patrons regardless of race, creed or national origin; and

WHEREAS, it is the express intent of the Wauconda Park District to preserve and protect its parks and facilities; and

WHEREAS, the Wauconda Park District is empowered under the Illinois Park Code to establish, repeal, modify and enforce rules and regulations deemed necessary to provide for safe and enjoyable leisure experiences for all park and facility patrons; and

WHEREAS, the Board of Park Commissioners of the District (the “Board”) adopted Ordinance No. \_\_\_ to establish certain Rules and Regulations in accordance with its authority; and

WHEREAS, the Board has now determined that updated Rules and Regulations should be enacted to bring the Rules and Regulations current with statutory and case law applicable to the operations of the District.

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioners of the Wauconda Park District, Lake, Illinois that the following Rules and Regulations for the Wauconda Park District are hereby established and approved, as follows:

CHAPTERS I-V. The “Rules and Regulations of the Wauconda Park District for the Operation of District Parks and Other Facilities” (the “Rules and Regulations”), are hereby approved in substantially the form attached hereto as Exhibit “A” and made a part hereof.

CHAPTER VI. Severability: The provisions of this Ordinance shall be severable should any section be declared invalid.

CHAPTER VII. Effective Date: This Ordinance shall be in full force and effect upon its passage and approval in accordance with law.

CHAPTER VIII. Conflicting Ordinances repealed: All ordinances or parts of ordinances, and all park rules or parts of park rules in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict.

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**RULES AND REGULATIONS FOR THE OPERATION**  
**OF DISTRICT PARKS AND OTHER FACILITIES**

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Park Commissioners

ATTEST:

\_\_\_\_\_  
Secretary, Board of Park Commissioners

**RULES AND REGULATIONS  
OF THE WAUCONDA PARK DISTRICT  
FOR THE OPERATION OF DISTRICT PARKS  
AND OTHER FACILITIES**

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As Amended Through \_\_\_\_\_, 20\_\_\_\_

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## **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 Wauconda Park District shall be known and may be cited as the “Conduct Ordinance of the Wauconda Park District.”

### **Section 1.02 Definitions.**

For the purpose of this Ordinance, the following terms shall have the definitions given herein:

- A. “Aircraft” means any device that is used or intended to be used for human flight in the air or is capable of flight in the air, including without limitation to powerless flight.
- B. “Alcoholic Liquor” is defined as provided in the Illinois Liquor Control Act of 1934 (235 ILCS 5/1-3.05) as amended hereafter.
- C. “Animals” included all domestic animals including ponies, horses, or other riding animals, cats, dogs, and any animal although usually wild has been domesticated.
- D. “Board” is the Board of Commissioners of the Wauconda Park District
- E. “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, and parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy, or remaining overnight on District property unless prior

approval has been given by the Director for employment during a Park District festival or special event.

- F. “Cannabis” is defined as provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a)) as amended hereafter.
- G. “Carry” means to wear, bear, or have on or about the person.
- H. “Chosen” is elected or appointed.
- I. “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.
- J. “Director” is the Director of Parks and Recreation, the chief administrative officer of the Wauconda Park District.
- K. “District” is the Wauconda Park District, Lake County, Illinois.
- L. “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 or proprietary place or facility and all District waters located on or adjacent to or flowing over property located with the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.



- M. “District Waters” shall include all water located on or adjacent to or flowing over land owned, leased, or generally administered or operated by the District, including without limitation all natural or man-made lakes, rivers, creeks, streams, ponds, lagoons, bays, and drainage ways.
- N. “Division or Department Head” is the person immediately in charge of a given District division and its activities and to whom all employees of such department are directly responsible.
- O. “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.
- P. “ILCS” is the Illinois Compiled Statutes.
- Q. “Missile” is any object that has been thrown, hurled, or projected so as to land or strike another object.
- R. “Motor Vehicle” any motorized device upon or by which any person or property is or may be transported or driven.
- S. “Obscene” is defined as set forth in 720 ILCS 5/11-20.
- T. “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.
- U. “Ordinance” means this Conduct Ordinance unless otherwise stated.

- V. "Owner" is the person who holds the legal title of a vehicle or other property of any kind, or in the event that the vehicle or other property is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event mortgagor of the vehicle or other property is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this guideline.
- W. "Park" when prohibited means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.
- X. "Park System" includes all of the parks, roadways, parking lots, water, structures and other properties owned, leased, operated or otherwise controlled by the District.
- Y. "Permit" is the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorizations for 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.
- Z. "Persons" is every natural person and every organization, firm, partnership, group, association, corporation, governmental unit, environmental unit, company, agent or officer of any kind except the District, its employees (full or part-time, regular or seasonal) and board members while said employees and board members are engaged in the performance of District duties.

- AA. “Possess or Possession” means exercising direct physical control or dominion, with or without ownership, over any kind of property, or archaeological, cultural or natural resource.
- BB. “Refuse” includes without limitation trash, garbage, rubbish, waste, paper, bottles, cans, debris, litter, oil, solvents, liquid waste, or other discarded material whether solid or liquid.
- CC. “Rule” whenever the term rule is used, it shall also include regulation.
- DD. “Services” shall include but not be limited to labor, professional services, transportation, leasing or renting any article, object, privilege, or service, or giving of instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.
- EE. “Skating” as used in Section 2.43 shall refer to ice skating or performing similar functions on ice.
- FF. “Smoking” as listed in the Illinois Smoke Free Act, 410 ILCS 82/10, means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.
- GG. “Superintendent” Unless otherwise stated the term superintendent shall include the Superintendent of Recreation and the Superintendent of Parks.
- HH. “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.

- II. “Vessel” means any type or description of craft on water, used or capable of being used as a means of transportation on water, including without limitation boats, rafts, canoes, kayaks, jet skis, inflated devices, or any buoyant device permitting or capable of free flotation.
- JJ. “Vehicle” is every device in, upon or which any person or property is or may be transported or drawn upon a roadway.
- KK. “Wildlife” shall include any waterfowl, mammal, animal, amphibian, reptile, or bird or the young or eggs thereof. Wildlife does not include any animal, which is specifically permitted to be on District property by section of this Ordinance, but such presence shall be in strict accordance with any conditions or restrictions provided in such section.

### **Section 1.03 Control.**

The control of the parks and property of the District shall be vested in the Board of Park Commissioners, which may delegate such control, from time to time in its discretion, as provided for in these Rules and Regulations, “The Park District Code” of the State of Illinois and by all other Laws and Ordinances affecting the District.

### **Section 1.04 Construction and Scope.**

1. In the interpretation of this Ordinance, its provisions shall be construed as follows:
  - (A) 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.
  - (B) The word “shall” is always mandatory and not merely directory.
  - (C) The word “may” is always permissive and upon the discretion of the District.
  - (D) 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.).

- (E) 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 and shall retain its ordinary and properly understood meaning in such applicable Federal, State, Local or District Laws, Ordinance, Rules, or Regulations.
- (F) 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.
- (G) No 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.

2. Enforceability. This Ordinance shall apply to and be enforceable within and upon all District Property, and shall regulate the use thereof by all persons. However, provision hereof shall make unlawful any act necessarily performed by any officer, employee or agent of the District or any contractor acting pursuant to express authority granted to him under his contract with the District, or any member of the District 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.

3. Enactment. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as by statute in such cases made and provided.

4. Captions and Heading. The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

5. Aiding or Abetting Violations. Every person who commits, attempts to commit,

conspires to commit or aids and abets any acts or omission prohibited in this Ordinance or any rules or regulations of the District whether individually or in consort with one or more other persons as principal, agent or accessory shall be deemed accountable for the act or omission prohibited by this Ordinance or rule or regulation of the District.

6. Policy and Administrative Regulations. The Board of Commissioners is hereby empowered to make and enforce policies and administrative regulations necessary to make effective the provisions of this Ordinance and to make and enforce temporary rules and regulations to cover emergencies or special conditions.
7. Amendments: This Ordinance may be amended from time to time by the District and such amendment may be shown by listing the chapters and sections of such amendments or by an amendment made in whole.
8. Publication. 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.

## **CHAPTER II – SPECIFIC RESTRICTIONS OF CONDUCT AND BEHAVIOR**

### **Section 2.01 Advertisements.**

No person shall display any placard, advertisement, or political information of any kind in the park system, nor shall any person distribute, cast, throw, or place any hand bill, pamphlet, circular, advertisement or notice of any kind or otherwise affix, erect or cause to be erected any sign, notice, or advertisement, or other papers upon any

structure or thing in or about the premises, without having first obtained a permit as listed under Chapter Four (4) of this Ordinance or written permission from the Director.

**Section 2.02 Alcohol, Drugs, Narcotics.**

1. No person shall enter upon or remain upon any of the parks or in the facilities of the District while intoxicated or under the influence of a controlled substance or intoxicating beverage.
2. No person shall bring, use, consume, possess, giveaway or sell in any park or facility of the District, or on any other Park District property, any intoxicating liquor or beverage or controlled substance, as defined in the Illinois Compiled Statutes.
3. However, a permit may be obtained for the possession and consumption of alcoholic liquor and beverages in any park or facility in accordance with the provisions of Chapter Four (4) of this Ordinance and permission by the Board of Commissioners has been granted in accordance with the following terms and conditions;
  - a) An application must be filed at least twenty-one (21) days before the desired date; and
  - b) Appropriate rental and rental deposit fees must be paid, as determined by the Director; and
  - c) The applicant must provide insurance forms and proof of dram shop insurance coverage, as required by the Director; and
  - d) No intoxicating liquor, beer or wine, as defined in the Village of Wauconda Alcoholic Beverages Code, shall be sold unless the applicant receives a Village of Wauconda Liquor License allowing such sale; and
  - e) At no time shall beer, wine, or alcohol beverages be served to anyone below the age of twenty-one (21) years, and the service shall at all times be in compliance with the laws of the State of Illinois and the Ordinance of the Village of Wauconda, Illinois.

### **Section 2.03 Aircraft/ Model Aircraft.**

1. No person shall land, cause to be landed, or permit any aircraft to land in the park system, except when due to any emergency or given authorization from the Director as part of a sponsored event.
2. No person shall fly, cause to be flown, or permit any model craft, hot air balloon or gliding device of any type flown in the park system without an authorization from the Director and then only at such places and times as the Park District may designate by posted sign or in writing for such purpose.
3. This Ordinance does not include the flying of kites.

### **Section 2.04 Animals.**

1. Pets: It shall be unlawful for any owner or other person responsible to bring, allow to be loose, drive, lead, carry, or permit any animal on any areas of the park system, except in connection with Park District sponsored activities or programs where the presence of animals is specifically permitted or required by the Park District as an integral part to such activity or event, or if the animal is a service animal and is on a leash and being used at the time as a service animal, or if the animal is a dog and is subject to the conditions as outlined below;
  - (a) Dogs must remain under the personal control of the owner or responsible party, and must be on a leash not in excess of six (6) feet in length; and
  - (b) No dog may be left unattended at any time, even if leashed; and
  - (c) The owner of every animal shall be responsible for the removal and sanitary disposition of excrement or feces; and
  - (d) Any unattended dog or pet found on park property, even if leashed, or found running at large on park property in violation of any part of this Section, may be apprehended; removed to an animal shelter, public pound or any other place provided for that purpose; and/or impounded, all at the expense of the owner, in addition to any other fines or penalties provided for under this Ordinance.



2. Protection of Birds and Animals:

No person shall trap, catch, wound, kill, treat cruelly, attempt to trap, catch, wound, or kill any bird or animal; or molest or rob any nest of any bird or animal, within any park under the jurisdiction of the District.

3. Horses

No person shall ride any horse, mule, pony or other such riding animal in any of the parks of the District unless authorization has been granted by the Director as part of an authorized event.

**Section 2.05 Authority of Other Agencies.**

As per 5-9 of the Park District Code (70 ILCS 1205/5-9) the Board has contracted the Wauconda Police Department for the purpose of policing the parks, facilities and playgrounds maintained within the District. The discretion of the Chief of Police will determine levels of policing required on an ongoing basis and for special programming. Nothing in this Ordinance shall be construed to prevent other officers from carrying out their own duties within the territories of the District as defined by applicable laws of the State of Illinois and the United States or Ordinances of Lake County, Illinois, or in accord with any other policing agreement approved by the Board.

**Section 2.06 Beach Regulations.**

1. No person shall climb any fence or enter the beach area in any manner at times when the area is closed.
2. No person shall enter the beach area without having paid the necessary admission fee.
3. All passes issued for entrance to the beach shall be displayed upon entrance and are not transferable.
4. The beach staff has the right to eject any patron not following the rules and regulations set forth for safe and proper use of the beach area.
5. The Board, Director, Superintendent or Supervisor of the beach area have the right to revoke a season pass used in violation of this section or any other

policy set forth in these Ordinances.

6. Children under 12 years of age must be accompanied and supervised by a responsible person at least 16 years of age who shall assume full supervision and responsibility for the minor while on park property.
7. Admittance will be denied to any person who has open sores, communicable disease or other unhealthy condition.
8. Rafts or floatation devices are permitted up to the first buoy line only.
9. No person shall enter the beach or surrounding grounds unless appropriately clothed for the activity. Person will not be permitted to swim in street clothing unless attire is appropriate due to cultural and/or religious beliefs. Children must use swim diapers.

#### **Section 2.07 Bicycles, Skateboards and Roller Blades.**

1. Bicycles may only be ridden on designated bike/walk paths found in the park system.
2. No person shall ride a bicycle on any playground ramps, skatepark ramps, tables, benches, stairways, hand rails, or in any designated playground areas.
3. No person shall use a bicycle, skateboard, or rollerblade on any path, trail, roadway, athletic field, spectator area, public area, or other area designed and posted as prohibiting bicycles, skateboards, or rollerblades.
4. No person shall ride a bicycle or skateboard or use roller blades in a reckless manner so as to endanger pedestrians, themselves, or other riders.
5. No person shall park or leave unattended any type of bicycle or skateboard in a manner that impedes or blocks any access areas, walkways, entrances or exits, and pedestrian or vehicle traffic.
6. No person shall bring a bicycle into any Park District building at any time unless the building is a maintenance facility and authorization has been granted in writing by the Director for the repair, service, or storage of such bicycle.
7. No bicycle, skateboard, roller blades, or roller shoes may be ridden in the inside of any Park District buildings.

8. No person shall attempt to transport, ride, or carry, another person on the handlebars, frame, or fender of a bicycle unless the cycle is specifically design to do so.

### **Section 2.08 Boats.**

1. No boats are permitted in any District waters unless operated by a District employee, or unless and until the operator has secured a permit or necessary registration from the District in accordance with the provisions of Chapter four (4) of this Ordinance or the marina use registration policies;
2. No persons shall launch any vessel in District waters except from such places as may be designated by posted sign, and then only in compliance with applicable Federal, State, Local and District Laws, Ordinances, Rules and Regulations;
3. No person shall use, employ, or be in or upon any District launching ramp or vessel except on dates and during hours established by the District;
4. No person shall use or employ any District property designated for the launching or removal of sailboats, powerboats, or other vessels unless he has purchased and is displaying a current season launching permit or unless in an area designated by posted sign to launch without a required permit.
5. No person shall allow any vessel or watercraft equipment or accessories to remain on District property beyond the close of the boating season as designated by the District.

### **Section 2.09 Camping.**

No person shall construct or erect any building, tent, or structure of whatever kind in any park, whether permanent or temporary in nature, or run or string any public service utility into, upon or across any park, without first having obtained written authorization from the Director.

### **Section 2.10 Clothing.**

1. No person shall enter or remain in any park or public place of the District

unless fully clothed in a manner generally considered to be appropriate for the game, sport or amusement in which such person is engaged.

2. No person shall expose any part of the body to the public in an indecent or lewd manner nor speak or make advances in body language in a threatening, lewd, or obscene way, or make an indecent, obscene, lewd, or lascivious gestures in any park or in any building.

### **Section 2.11 Disorderly Conduct.**

1. No person shall throw any stone, brick or other missile in any Park.
2. No person shall commit in any park an act prohibited by the Criminal Code of the State of Illinois as set forth in the Illinois Criminal Code of 1961, 720 ILCS.
3. Nor shall any person take, or attempt to take any immoral, improper, or indecent liberties with any person, child or adult, of either gender in any park or building.

### **Section 2.12 Disturbance of the Peace.**

1. No person shall conduct any musical concert, or play upon any amplified instrument, nor set up or use any communication system, or use a hand-held, air-horn in a park without first obtaining an official permit as set forth under Chapter Four (4) of this Ordinance or authorization from the Director.
2. No person shall make, aid, countenance or assist in making any loud or raucous noise, riot, or disturbance tending to a breach of the peace in any park, or be guilty of any disorderly conduct therein or thereon, or collect, with other persons, in bodies or crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of the other persons using a park or residents adjacent to a park.

### **Section 2.13 Displaying Permits.**

No person issued an official permit by the Board or the Director shall fail to produce such permit and exhibit it upon request by the Director, a park employee, board member, or police officer.

#### **Section 2.14 Firearms and Other Missiles.**

1. No person shall fire or discharge any air gun, gun, pistol, rocket, torpedo or other firearms, nor throw any stones, rocks, or other missiles, nor carry any firearms within any of the parks, boulevards or public places under the jurisdiction of the District.
2. No person shall shoot any bow and arrows or toss any darts or other missiles within any of the parks over which the District has jurisdiction, except at such places as may be designated by posted sign and provided for the purpose and under the proper supervision, except as part of a District authorized and /or sponsored event or after written authorization has been granted by the Director.

#### **Section 2.15 Fires.**

1. No person shall light, build, or attempt to light or build any fire in any park or facility of the District, except in such places as have been, or may hereafter be, provided and designated in writing by the District for such purpose.
2. No person who has built any such fire within any park shall leave the place where such fire was built without first completely extinguishing the same, in the manner prescribed by the National Park Service except in a stove or grill as provided by the District. Every attempt shall be made to assure any fire in a stove or grill is contained or extinguished prior to exiting the area.

#### **Section 2.16 Fish.**

1. No person shall fish or otherwise take aquatic life from District waters except in areas designated by the District for such purposes.
2. Every person fishing in District waters shall comply with all applicable Federal, State, Local and District Laws, Ordinances, Rules and Regulations including, without limitation, conservation laws and licensing requirements.
3. Fishing in District waters shall be conducted by means of a hook and line with the rod or line being closely attached. No person shall use drugs, poisons, explosives,

electricity or missiles of any kind to fish in District waters.

4. No person shall dig, scratch or otherwise disturb District property in order to locate or take bait.
5. Every person shall carefully and immediately return to the water from which it was taken any fish that does not confirm to size or species restrictions imposed by any applicable Federal, State, Local, or District Laws, Ordinances, Rules or Regulations or that the person chooses not to keep.
6. The provisions of this section apply to ice fishing as referenced in Section 2.22.

**Section 2.17 Gambling.**

No person shall tell fortunes, play at or offer games of chance or use any gambling device in any park except at special events with approval of the Director and with compliance to all Rules, Regulations, Ordinances and Statutes governing such activities within the District, Village, and State.

**Section 2.18 Gangs and Gang Activity.**

No person shall commit any gang-related activity as defined by law or violate any gang-related law while on Park District property.

**Section 2.19 Golf.**

No person shall hit a golf ball in or from any park or play golf in any park except a participant in a class or special event conducted by or through the Park District or as approved in writing by the Director.

**Section 2.20 Hindering Employees.**

No person shall interfere with, or in any manner hinder any employee of the District while engaged in constructing, repairing or caring for any park property.

**Section 2.21 Hours.**

1. Except as provided hereinafter, all parks of the District shall be closed to the public from dusk until dawn of the following morning except as listed below.

Cook Park

- a) Lighted softball fields, soccer fields and multiuse fields as permitted by the District
- b) Festival Grounds during festival dates or other special events.

Beach Park

- a) Beach area shall be closed to the public at 7:30pm.
  - b) The associated park grounds shall be closed to the public from dusk to dawn.
2. General Provisions. A permit may be obtained from the District, in accordance with Chapter Four (4) of this Ordinance, to allow longer or later hours prescribed for any park.
  3. Except for employees of the District whose duties require their presence, or persons who have obtained permission for longer hours, all persons shall leave the parks or facilities promptly at the closing hour and shall not return before opening time on the following day.

**Section 2.22 Ice Fishing.**

1. All rules applicable for Section 2.16 Fish will also apply.
2. No persons shall fish through the ice on any frozen waters or parts thereof on any District waters.
3. No persons shall fish through the ice on any frozen waters that have been designated by posted sign as ice skating areas by the District.
4. No persons shall bring onto or upon the frozen waters of any District owned property or through any District property access any iceboat or vehicle.
5. No person shall enter on or upon any frozen waters for any purpose whatsoever other than in areas designated for the purpose at hand and then only in compliance

with the rules and regulations posted or applicable.

6. Entrance through District property access to any waters not owned or under operation or control of the District is at own risk and is strictly prohibited.

**Section 2.23 Interference With Others.**

1. No person shall disturb or interfere with any person or party occupying any park facility or property while under the authority of an official permit issued by the Director.
2. Unlawful obstructions are as listed:
  - (a) Set, place, or cause to be set, or placed any goods, wares, or merchandise, or any stand, cart, or vehicle for transportation or vending of any such goods, wares, or merchandise or any other article upon any property of the District to the obstruction of the use of any park or the detriment of the appearance of the park;
  - (b) Force, threat, intimidation or by any unlawful fencing or encircling or any other unlawful means prevent, obstruct, or combine and confederate with others to prevent or obstruct, any person from peacefully entering upon any property of the District, or preventing or obstructing free passage or transit over or through any lands or waters of the District or obstruct the entrance into any enclosure within the District;
  - (c) Enter without invitation or having paid appropriate admission fee, any area, building, or place, which has been rented or otherwise serviced for any purpose;
  - (d) Nor shall anyone enter any concession in any of the parks of the District without the consent of the concessionaire or duly authorized agent or employee;
  - (e) Nor shall any person disturb any patron of such concession, any participant in any dance, game, picnic, or a public assemblage authorized by the Director;
  - (f) Nor shall any person loiter in the immediate area of any such concession as to impede free access of any such concessions by other park patrons or the flow



of pedestrian traffic in and about the area of such concessions;

3. Nothing in this section shall be construed to deny lawful enforcement of a valid permit granting a certain person or persons use to the exclusion of others as defined and provided for in this Ordinance.

**Section 2.24 Loitering.**

1. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others or on Park District property in such a manner as to:
  - (a) Obstruct any driveway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or
  - (b) Commit in or upon any driveway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place, or building, all of which prevents the free and uninterrupted ingress and egress.

**Section 2.25 Minors.**

1. The parent or legal guardian of an unemancipated minor defendant who resides with such parent or legal guardian shall be liable for restitution or reparation imposed by a court upon a minor for violation of the District or Village Ordinances; provided that the minor has not paid the fine or made restitution within the time ordered by the court; and further provided that said parent or legal guardian has been served or given notice to appear in the original cause and all proceeding thereafter as provided by law.
2. No minor under the age of 12 may be unattended or unsupervised in any park or facility at any time. Minors under age 12 must be attended or supervised by a program leader or parent, guardian, or other responsible party over the age of 16.

3. Minor children must be walked to and from classes. No minor child may be dropped off in the front of the facility or left unattended after completion of a class.

### **Section 2.26 Offering Articles For Sale.**

No person shall offer or exchange for sale any article or thing, or do any hawking, peddling, or soliciting, or buy any article or thing, or take up any collection or solicit or receive contributions of money or anything of value except when authorized to do so by permit, form or contract with the Director.

### **Section 2.27 Picnic.**

1. Persons or companies (ten or more individuals) wishing to hold a group picnic in any of the designated picnic areas must first obtain a picnic permit at the office of the Wauconda Park District and must meet all requirements as requested in the permit.
2. Authorizing permit must be displayed on the day and times shown and must be signed by an authorized representative of the Park District.
3. Alcohol is prohibited except where a permit has been obtained in accordance with the provisions of Chapter Four (4) of the Ordinance.
4. Rental fee may be applicable depending on the nature of the request.

### **Section 2.28 Photography- Commercial.**

1. No persons, business, group, or company shall take or cause to be taken any still or motion pictures or video recordings for commercial purposes or for use in commercial advertising without written permission of the Director and then only in accordance with the rules and restrictions duly set forth as part of such permission.
2. Any person who violates this policy shall be subject to exclusion from Park District activities and Park District property and may be further subject to referral to appropriate authorities for criminal prosecution.

### **Section 2.29 Piers.**

1. No pier, dock, wharfs, or slips for the docking of boats shall be installed on or adjacent to any Park District owned property unless such equipment is owned and operated by Wauconda Park District or a Wauconda Park District sponsored agency.
2. Wauconda Park District piers for docking and slips are available by registration only.
3. No swimming, fishing, loitering, roller-skating, skateboarding, diving, or skate shoes are allowed from pier areas at the marina.
4. No swimming, loitering, roller-skating, skateboarding, diving, or skate shoes are allowed from pier areas at the handicap accessible fishing pier except swimming as allowed under written authorization of the District as part of a District held or sponsored event.
5. No construction, additions, and/or modifications to the piers, slips, or lake area encompassed by the piers and slips are allowed at any time except bumpers to the pier for the protection of a boat and only as approved by the Director.

### **Section 2.30 Polluting.**

1. It shall be unlawful for any person, firm, corporation or organization, other than the District:
  - (a) To dump, discharge or leave, in or on any District property, or in any District roll-off box, dumpster or other District waste receptacle, any type of rubbish, trash, construction debris, household garbage, or landscape debris (including, but not limited to lawn clippings and leaves), with the exception of waste generated as part of an authorized activity, if such waste is promptly and properly disposed of in proper receptacles at the conclusion of the activity;
  - (b) To dump or leave bird seed or other feed which tends to attract birds, insects or animals on District property;
  - (c) To discharge onto any District property, any sump pump effluent;

- (d) To empty or drain onto any District property water of other contents of any privately-owned swimming pool;
- (e) To place or grow any vegetable garden, flower garden or composting area materials;
- (f) To plant any plants upon Park District property, or any portion thereof, except in an area approved and designated by the Director;
- (g) To construct, erect or place swing sets gyms, playground equipment, railroad ties, landscape ties, woodpiles, fences, shed, or other structures upon any Park District property, or any part thereof.

**Section 2.31 Private use of Playfields, Tennis Courts, Baseball Fields, Soccer Fields, Football Fields, Gym.**

1. No areas shall be reserved except designated playfields or courts including as but not limited to baseball, basketball, football, volleyball, soccer fields and tennis courts.
2. Reservations of such areas shall be authorized by reservation only by the Superintendent of Recreation or the Director.
3. No reservation shall be made for any organization known to the District to discriminate against person on account of skin color, race, national origin, or disability or any other protected class or characteristic.
4. No area shall be served exclusively for any one league or organization.
5. In scheduling the times, staff will take into account the hours at which there is demand for the use of the area and divide the hours of greater demand among various organizations.
6. Written public records shall be kept of all reservations in accordance with the terms for record retention as set forth by the State of Illinois.
7. The general public, organizations or teams can complete a request to reserve a field, or court through the administrative office of the District.

## **Section 2.32 Protection of Property:**

### 1. Damage to Landscaping:

- (a) No person shall pour or suffer or cause to be poured any brine or briny water, any automobile radiator drainage, any crankcase drainage, or any other liquid or substance, upon any grass, shrubbery or trees within any park of the District;
- (b) Washing any vehicle in any park, walkway or driveway in the District is prohibited other than by District employees of District Vehicles. Vehicle washing by any outside party for the purpose of fundraising must have a permit in accordance with the provisions outline in Chapter Four (4) of this Ordinance and must only occur in approved locations;
- (c) No person may use, or cause to be used, any chemical or biological pesticide or any other substance, measure or process designed to alter the anatomy or physiology of an organism for the purpose of directly manipulating their population without written permission of the Director and then only in compliance with all applicable Laws of the State of Illinois, the EPA and the United States, and Regulations of the District;
- (d) No person shall route or reroute any form of storm water, runoff from sump pumps or any other unnatural discharge of water onto Park District property without the written permission of the District.

### 2. Defacing Property:

- (a) No person shall climb any trees; damage, cut, carve, uproot, injure any tree of bark, pluck or pick any flowers, seeds or fruit, either wild or cultivated; or attach any wire, rope, or other contrivance to any tree or plant, or break, cut down, tramp upon, remove, urinate or defecate upon, or in any manner deface, mar, injure, mutilate any tree, shrub, flowerbed, turf, fence, roadway, parking area, statue, ornament, gate, building, structure, tool, implement, vehicle, car, light standard or any other equipment within any parks, boulevards or public places over which the District has jurisdiction by ownership, lease, or license, whether within or outside the boundary of the District;

- (b) No person shall deface, disfigure, break, cut, tamper with, displace, and remove from any park, building or part thereof, any table, bench, fire grill, coping, turf, roadway, parking area, statue, ornament, gate, tool, vehicle, light, flag or flagpole, lamppost, fence, wall paving or paving material, water line or other public utility or parts of appurtenances thereof, or any sign, notice, or placard whether temporary or permanent, equipment, facilities or other Park property or appurtenance whatsoever, either real or personal;
- (c) Nor shall any person dig in or otherwise disturb grass areas, or in any other way injure or impair the beauty or usefulness of any park;
- (d) No person shall maintain, cut, spray, prune, plow, excavate, and remove solid rock, stones trees, shrubs, or plants, downed timber or other wood or materials from any parks or make any excavation by tool, equipment, blasting, or other means any walkways, grass, flowerbeds, shrubs, trees, or any parts of ground owned or leased by the District unless authorization has been granted in writing by the Director or the person has been hired as a contractor by the District to handle or provide for such services;
- (e) No person shall climb any tree, nor climb, walk, stand, or sit upon any wall, building, fountain, fence, railing neither in any Park nor upon any other Park property not posted for such use or customarily used for such purposes.

### **Section 2.33 Public Assemblages.**

#### 1. Public Assemblages and Meetings:

- (a) No person, group of persons, association or corporation shall call or hold any public meetings or assemblages, demonstration, celebration, parade, rally, religious worship, social, recreational, or athletic event, or conduct any concert, performance or public exhibition or entertainment of any kind, in any of the parks or public places under the jurisdiction of the District unless and until a permit therefore has been first obtained from the District in accordance with Chapter Four (4) of this Ordinance;

#### 2. 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 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 provided that a permit therefore has first been obtained from the District in accordance with Chapter Four (4) of this Ordinance;
- (c) The sale or distribution of merchandise by charitable, religious, political or non- profit organizations is permitted on District property provided that a permit therefore has first been obtained from the District in accordance with Chapter Four (4) of this Ordinance;
- (d) Solicitation is permitted on District property, whether for votes or by circulation of petitions for or against any candidate for election to public office, or with respect to any referendum or other public question subject to vote, is permitted on District property in areas open to the general public without a permit, subject to the limitations set forth in paragraphs (2), (3) and (4) of this section.
- (e) No peddler, vendor or any other person involved in an endeavor for profit shall engage in the commercial sale, rental, exhibition or distribution of goods or services on District property, including without limitation the giving of instruction or lessons for a fee, unless and until a permit therefore has been first obtained from the District, in accordance with Chapter Four (4) of this Ordinance, or unless such peddler, vendor or other person has a contract therefore with the District;
- (f) No person shall display any placard or advertisement of any kind on District property or distribute or place any handbills, pamphlets, circulars, advertisements, notices or any other papers upon any structure or thing on District property, unless and until a permit therefore has been first obtained

from the District in accordance with Chapter Four (4) of this Ordinance;

3. No person shall engage in any activity (permitted or nonpermitted) described in subsection 1 of this section in District buildings or facilities in rooms in which any program, activity, class function or special event conducted or sponsored by the District is in progress.
4. No person engaged in the activities (permitted or nonpermitted) described in subsection 1 of this section shall obstruct or impeded pedestrian 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.
5. The permit must set forth the purpose of the proposed meeting or assemblage, the place and time sought and the approximate number of participants and spectators expected to be involved. All policies for requests for permits under Chapter Four (4) are applicable. Upon the receipt of such application, the Board of Commissioner or Director may grant or refuse to grant the same, in whole or in part, and no such meeting shall be held except with the permission so granted.

### **Section 2.34 Public Indecency.**

No persons shall commit an act of public indecency as defined in Illinois law, 720 ILCS 5/11-9, as may be amended from time to time.

### **Section 2.35 Refuse and Trash.**

1. No person shall litter, or suffer or cause to be littered any of the grounds, driveways, fountains, gardens, walkways, restrooms, shelters, or other structures of the District, by scattering or leaving paper, garbage, bottles, cans, boxes of other refuse therein, except in receptacles provided.
2. No person shall bring in, dump, deposit, or leave any bottles, broken glass, ashes,



paper, fill, boxes, manure, cans, dirt, rubbish, waste, garbage or refuse, yard waste such as grass clippings, weeds, tree limbs, other landscaping waste, or other trash, motor vehicle waste such as oil, gas, fluids etc. or litter in any park.

3. Persons using any park for a specific recreational activity shall dispose of any trash or litter from such activity in the receptacles provided on the premises.
4. Provisions listed under Section 2.41 Sanitation shall apply also.

**Section 2.36 Remote Controlled Models.**

No remote or wire controlled models shall be operated in any park, unless the area is designated for that purpose pursuant to a written sign and/or posted notice.

**Section 2.37 Restrooms, Washrooms, Locker rooms.**

1. No persons shall enter into or remain in any toilet, restroom, bathhouse, pavilion or structure or section thereof, which has been reserved and designated for use of the opposite sex, with exception made for children less than five (5) years of age accompanied by an adult.
2. Use of cell phones with cameras, recording devices, cameras, video or any such device is prohibited.

**Section 2.38 Resisting or Interfering with Official, Park Employee or Representative.**

No person shall resist any park commissioner, police officer, park employee or agent in the discharge of his duty, or fail or refuse to obey any lawful command of any such commissioner, police officer, or park employee or agent.

**Section 2.39 Restricted Part of the Park District.**

1. No person shall enter upon any portion of the park system where entry is prohibited by the District by sign or notice.
2. No person shall enter or attempt to enter any building, area or facility in the park system, which is closed, under construction in an unfinished state, or scheduled

for a specific group or activity unless invited to such activity.

3. No persons shall, if not neither invited nor having paid an admission fee, when such is charged, enters an area, building or closed area that has not been rented or otherwise reserved.

#### **Section 2.40 Rules and Regulations.**

The Board shall from time to time promulgate and make reasonable rules and regulations governing the use of the various areas, facilities, devices and vehicles within the parks and such rules and regulations shall become binding and effective upon their being adopted or posted at the entrance to the facility or areas governed by them, and shall be enforced with the same force and effect as the other provisions of these Ordinances.

#### **Section 2.41 Sanitation.**

1. No persons shall spit on District property.
2. No persons shall urinate or defecate on District property other than in toilets in rest room facilities expressly provided for such purposes.
3. No person shall drain refuse from a trailer or other vehicle on District property.
4. No person shall bath or wash himself or food, clothing, dishes, clean fish or other property at water outlets, fixtures or swimming areas on District property except at those areas designated by the District for such purpose.

#### **Section 2.42 Seizure of Property.**

Property may be seized or impounded pursuant to the provisions of Section 5.06.

#### **Section 2.43 Skating, Ice.**

1. No person shall skate upon any natural ponds or creeks found upon Park District property.
2. Skating is only allowed in designated areas posted by a sign and as deemed by the Park District.

3. Skating is only allowed when conditions allow as marked by a green flag or appropriate signage.
4. Skating is only allowed when the green flag is present and/or at the dates and times of normal park hours as posted.
5. No person, while engaged in such activity, shall conduct himself in such a manner to annoy others or to endanger, injure or damage persons or property in any way.
6. All persons engaged in skating must obey the rules established by the Park District.

**Section 2.44 Sledding.**

No person shall sled, toboggan, snowboard, or alpine ski in any parks.

**Section 2.45 Smoking.**

1. Smoking is prohibited in all enclosed public places of the Wauconda Park District.
2. Smoking is prohibited in all Park District vehicles.
3. Smoking is prohibited within fifteen (15) feet of any entrance, exit, window, door, vent or any other area of air intake owned and or operated by the District in accordance with this Ordinance and the Smoke Free Illinois Act.
4. Smoking is also prohibited on or in any Park District owned or operated equipment.

**Section 2.46 Snowmobiling.**

1. No person shall drive any snowmobile into any park, or ride or operate any snowmobile or other motorized vehicle designed for travel on snow in any park unless written authorization has been given by the District.

**Section 2.47 Solicitation; Offering for Sale or Selling; Advertisements and Circulars.**

All provisions as listed under Section 2.33 Public Assemblages and Chapter Four (4) permits will apply.

**Section 2.48 Tennis Court Rules of Usage.**

1. Persons may only use courts for the purpose intended.
2. Courts are on a first come first serve basis unless reserved for District instructional purposes and cooperative use agreements.
3. Players must give up courts every hour on the hour or make arrangements with those waiting. Player must hang racquet to reserve court.
4. Court hours will correspond to the posted hours of operation of the park location.
5. No skateboards, skate shoes, bicycles, motorized vehicles, or scooters are allowed on tennis courts.

**Section 2.49 Traffic Officers.**

All persons making use of drives, streets, entrances or exits of District property or Village of Wauconda property while traffic control is being handled by any Park or Village employee shall observe the orders and directions of such officers, and shall stop their vehicles when directed to do so, shall not start their vehicles until directed to do so and shall drive the same only in such directions as the officer on duty shall designate.

**Section 2.50 Use of Playground Equipment by Adults.**

No adult person shall in any manner use any of the playground apparatus or devices meant exclusively for the use by children or use any of the equipment in a reckless, abusive, or careless manner or in any way that its use is not intended.

**Section 2.51 Vehicles.**

1. General Rules:
  - (a) No persons shall operate, or cause to be operated, any motor vehicle within or upon any area of the Park system, without prior written authorization from the Director, except upon the roadways and parking areas established for that purpose.

- (b) No persons shall operate, or cause to be operated, any motor vehicle on District property that is not licensed or permitted to be operated on the roads, streets and highways of the State of Illinois without written authorization from the Director and then only in those areas specified and in accordance with the rules and restrictions duly set forth;
- (c) Vehicles not so licensed and, therefore subject to the provisions of the subsection include, but are not limited, to snowmobiles, go carts, trail bikes, mini bikes, and other such all-terrain, off-the- road vehicles;
- (d) No persons shall operate, move, or cause to be operated or moved, any vehicle closed in as a result of the closing of the park at the proper posted time, without permission of the Director or until such time that the park is officially opened;
- (e) No persons shall violate any sections of the Illinois Vehicle Code, 625 ILCS 5/1- 100 et. seq.;
- (f) No persons shall park a vehicle in a designated handicapped parking zone, which shall be in accordance with the posted directions, markings, or directions of any attendant present, unless authorized to do so by appropriate designation;
- (g) Posted speed limits must be obeyed at all times.

## 2. Right-of Way:

- (a) No persons shall operate a motor vehicle in such a manner as to fail to yield the right-of –way to pedestrians, bikers, and equestrians, or to deprive or unreasonably interfere with the equal rights of any other person to use the property of the District;
- (b) No person shall park or let stand any vehicle at any time in such manner that it creates an unsafe condition; partially or totally restricts or impedes another vehicle or the normal traffic flow in any parking lot, driveway, entrance or exit; or impedes ingress and egress to and from any parking lot, sidewalk, doorway or recreational area located on District Property;

- (c) No person shall park a vehicle overnight without request granted by the Director including in the case of mechanical failure. At the end of the 24 hour period the vehicle shall be towed away at the owner's expense;
- (d) No persons shall park in the District lots for any reason other than the explicit use of the District properties and or amenities. If owner is determined as not present on District property or participating in a District event then vehicle may be towed at Owner's expense;
- (e) No person shall operate a vehicle in such a manner as to cause or produce unnecessary loud, raucous, excessive or unusual noise by any means, including but not limited to, the racing of the motor, lack of a muffler or use of a muffler cutout, tire friction upon rapid turning or weaving, spinning of the wheels from standing or slow moving positions producing very sudden unnecessary motor acceleration, or by continuous unnecessary sounding of a horn or other signal device.

3. Driving While Under the Influence of Intoxication Liquor or Drugs:

No person shall drive, operate, or be in possession or control of, or attempt to drive or operate any vehicle on any Park District property while under the influence of intoxicating liquor or drugs or a controlled or a look-alike substance.

4. Signs:

- (a) The District's Director is hereby authorized to cause signs to be posted in all parking areas on District property, which signs shall state the parking restrictions established in paragraphs 1 and 2 of this Section, and shall further state that vehicles parked in violation of such restrictions may be towed by the District;
- (b) Such signs shall also provide information necessary to contact appropriate District or police officials to determine the location of towed vehicles and the means of reclaiming them.

5. Citations and Warnings:

- (a) Pursuant to the Intergovernmental Agreement entered between the District and the Village of Wauconda for enforcement of the District's Rules and Regulations, the Wauconda Police Department is hereby authorized to issue a citation to any vehicle, which is parked in violation of the parking restrictions or moving violations established in paragraphs 1, 2, and 3 of this Section, which citation shall state the violation of a specific ordinance, and the amount required to settle the violation pursuant to the District's Rules and Regulations;
- (b) Such citation shall inform the owner of the vehicle that upon failure to settle, a complaint may be filed charging the owner with such violation.

6. Settlement Procedures:

- (a) Pursuant to any citation issued in paragraph 5 of this Section, the person cited may settle and compromise the violation by paying the applicable amount of fine to the Village of Wauconda, at the Village Hall, 101 N. Main Street, Wauconda, Illinois, and a receipt will be issued for the money so received;
- (b) In the event that the person to whom the citation issued fails to settle and pay the fine within thirty days after the citation date, the Village of Wauconda Police Department is authorized to cause a notice to appear to be issued and served upon such person, and to file and prosecute a complaint in the Judicial Circuit Court of Lake County.

7. Illegally parked vehicles may be towed and/or impounded in compliance with Section 5.06.

8. Incorporation of State Statutes:

In addition to the provisions of this Ordinance 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 11 and 12 of the Illinois Vehicle Code (625 ILCS 5/11-111 et seq. and 625

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

**Section 2.52 District Waters.**

1. No person shall swim in any of the lakes, ponds, or creeks found in the park system unless in areas designated and permitted to do so by the District by posted sign.
2. No person shall operate any type of water vehicle in, on, or upon any waters of the park system unless such vehicle is allowed under Section 2.08 Boats.
3. No person or company shall be allowed to pump water from any of the park systems lakes, ponds, or creeks without permission by the Director.
4. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any swimming area, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution or the hindrance of the use of said water.
5. No operation of watercraft in swim areas.
6. No person shall wade/swim in any ponds, lakes, pools, streams or water causeways except at such places and times as may be designated by posted sign by the District and then only in accordance with the rules and regulations and restrictions promulgated by the District.

**CHAPTER III ACTIVITY AND PROGRAM RULES AND REGULATIONS:**

The rules and regulations contained in this section shall govern participants in all programs and activities, including all organized activities of the District and use of District facilities and parks, to wit:



### **Section 3.01 Program Conduct.**

No participant or visitor shall behave in any manner, which is against the Behavior Policy, which includes but it not limited to abusive, profane, insulting, disrespectful to staff or equipment, inappropriate, in comment, action, or gesture, physically intimidating, potentially or actually physically harmful, or which involves physical contact outside of the scope of an athletic event or program in which the participant is engaged, toward any other participant, visitor, or staff of the District.

### **Section 3.02 Ejection From a Program or Premises.**

The program or activity leader or employee may eject for the day any participant or visitor for any of the above mentioned violations with no refund (if a fee was paid). Upon notification, the corresponding Supervisory personnel may investigate the facts and circumstances related to the alleged violation, and determine whether any standard of conduct has been violated.

### **Section 3.03 Suspension from a Program or Premises.**

The corresponding Personnel may impose a sanction as set forth in paragraph (a) of this Section, subject to appeal as set forth in paragraph 3 hereof.

- a) The Supervisor, under the authority of the corresponding Superintendent, in his or her discretion, may ban or sanction participants or visitors who violate the District's standards of conduct as follows:
  - 1) Any participant or visitor who commits abusive, profane, insulting or potentially physically harmful acts, harass a referee, improperly list themselves as a District resident or eligible player in a league, or appear on site/field after being suspended or ejected from a league shall be suspended for a minimum of one (1) game if in a sport program and up to a maximum of six (6) months and/or suspension from the league. For occurrence outside of a game or league patrons may be suspended from any District facility or park for one (1) day up to (6) months. If two or more acts of this nature occur within the

same season or calendar year, the participant or visitor must petition the Director for reinstatement after serving the necessary suspension period(s). The Director shall reinstate said participant or visitor upon a showing that similar violations by the participant or visitor will not reoccur.

- 2) Any participant or visitor who commits physical contact, physical intimidation or physical harm shall be suspended by the Superintendent of Recreation or Risk Manager from participation in District programs, activities, facilities or parks for a minimum of two (2) weeks to one (1) year and/or suspension from the league, ban from the District facilities or programs in whole or in part for up to a maximum of a lifetime ban.
- 3) Upon imposition of any suspension or sanction hereunder, the Superintendent of Recreation or Risk Manager shall advise the participant in writing of the ban, and report such, in writing, to the Director and the Board of Park Commissioners.
- 4) Any participant or visitor who is banned shall have the right to appeal to the Director within five (5) days of the original notice to the participant of imposition of the ban.
- 5) The Director shall schedule a meeting with the appellant in the presence of the Board of Commissioners within fourteen (14) days after an appeal notice, and at such meeting the participant or visitor shall be entitled to present his or her version of the facts as they may see fit. Following the meeting, the Director will notify the appellant of the Park District decision, in writing, within seven (7) days after the meeting. The Director shall also give written notice of the appeal meeting and the final decision to the Board of Park Commissioners.
- 6) The participant or visitor must petition in writing to the Director for reinstatement. Upon receipt of a petition the Director will forward the petition to the Board of Commissioners and the patron will be allowed to appear before the Board to request reinstatement. Reinstatement

may be granted after patron has served the required suspension period at the discretion of the Director and the Board of Commissioners.

Future participation may be denied if the Director and Board determines that it is likely such conduct will reoccur or that the reinstatement of such participant or visitor would not promote the safety and welfare of other participants, visitors or staff.

- 7) The Director under the guidance of the Board of Commissioner will inform the patron of the Board's decision regarding reinstatement.

## **CHAPTER IV PERMITS**

### **Section 4.01 Activities Requiring Permit.**

Where the applicable section of these Rules and Regulations, or any other District Ordinance, Policy, Rule or Regulation requires a permit in order to engage in a particular activity or use of District parks or facilities, a permit will be issued or denied by the Director for all permits, excluding permits issued under Section 2.02, 2.33 1. 2. (a) (b) (c) (e), and 2.27 (3) which will be issued or denied by the Board, upon proper written application on forms as provided by the District. 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.

### **Section 4.02 Permit Regulations.**

Permits required under this Ordinance shall be considered and granted or denied in accordance with the following guidelines:

- a) Except as otherwise provided herein, applications for permits must be received by the Director at least twenty-one (21) days prior to the requested activity or use of District parks or facilities, but not more than ninety (90) days prior to the date on which such activity or use is scheduled;
- b) The application will be dated and stamped when it is received, and a copy will be issued to the applicant;

- c) Except for permits to be issued under Section 2.33 2 (c) (d) (e), all other permits to be issued under Sections 2.33 and 2.47 shall be issued by the Director, and the Director shall notify the Board of the action taken, within forty-eight (48) hours, except said permit shall be denied within said forty-eight (48) hours if any of the following apply:
- (1) The proposed activity violates any Federal, State, Local or District Law, Rule or Regulation; or
  - (2) The applicant, persons connected or affiliated with the applicant, have on prior occasions damaged Park District property and have not paid for such damages, or the applicant has other outstanding debts to the District; or
  - (3) The application for permit contains a material falsehood or misrepresentation; or
  - (4) A prior application for a permit has been filed for an activity or use for the same date, time and location has been or will be granted, and the activity or use authorized by such permit does not reasonably allow multiple occupancy of the particular location by more than one permittee; or
  - (5) The proposed activity or 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 issues 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 or Village functions, buildings, facilities, operations, programs or activities, or unreasonable, unsafe or potentially unsafe interference with the activity or use of the District's property applied for; or
  - (6) The application for permit (including any required attachments and submissions) is not fully completed and executed; or

- (7) The applicant has not tendered any applicable fees or documents required by District rule or Ordinance; or
  - (8) The applicant is legally incompetent to contract or to sue and be sued;
  - (9) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of District employees or the public; or
  - (10) The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Park District concerning the sale or offering for sale of any good or services.
- d) For applications for permits required under Sections 2.01, 2.08, 2.12, 2.21, 2.23, 2.27, 2.32, 2.33 and any other section of these Rules and Regulations, any other District Ordinance, Rule or Regulation not involving the exercise of First Amendment rights (specifically excluding Section 2.33 (1) (a), the Director shall approve or deny the application within fourteen (14) calendar days from its receipt. However, the Director may extend the time for such action provided that it notifies the applicant within twenty-four (24) hours after the Director's receipt of the application. Such notice shall specify the time within which the District will approve or deny the application. In all cases, the Director shall notify the Board of the action taken.
- e) The Director is authorized to seek reasonable information regarding any proposed use, activity or privilege and require a record of such information on a permit application.
- f) No person shall misrepresent, falsify, or withhold such require information.

#### **Section 4.03 Permit Approval or Denial.**

If the application is approved, the Director shall issue a written permit to the applicant. If the application is denied, the Director shall issue written reasons for such denial to the applicant.

1. Application Denial:

- (a) If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration or time of the activity or use, the Director will make a reasonable effort to arrange an alternative location, duration or time for the activity or use through discussions with the applicant.
- (b) If the Director denies an application under Sections 2.33 (except for Section 2.33 (2) (b) (c) (e) of these Rules and Regulations), or the applicant is dissatisfied with the permit as issued, the applicant may appeal the decision to the Board of Park Commissioners within five (5) calendar days after the decision is rendered. The Board shall consider the appeal within no more than fourteen (14) days after receipt of the appeal, and the applicant may appear before the Board and be represented by counsel if it so chooses. 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 Director shall be final.

2. Application Approval:

- (a) Any permit granted by the Director may contain lawful prerequisites to the issuance of the permit, and restrictions on the conduct of the permitted activity or 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 activity or use, and a requirement that the persons involved in the activity or 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 activity or use; and any reasonable restrictions necessary for the efficient and orderly contemporaneous administration of the activity or use, other activities with a permit, or regular District uses, functions,

programs and activities.

**Section 4.04 Permit Usage.**

1. Any person holding a valid permit issued by the Director for an activity or use on particular District property or any portion thereof may use such property or portion to the exclusion of any other person except the District.
  - a) Subject to the terms of paragraph 1(a) (b) of this Section, the Director may make necessary changes, or place necessary restrictions on any permit after it has been issued.
  - b) Violation of the terms, restrictions and conditions contained in any permit may result in the suspension or revocation of the permit.
  - c) Except for permits granted under Sections 2.33 (except Section 2.33 2(b) (c) (e)) of these Rules and Regulations, no permit shall be issued for a period in excess of seven (7) 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 such location by more than one permittee is not reasonably possible.
  - d) For permits granted under Sections 2.33(except Section 2.33 2 (d) (f) of these Rules and Regulations), the Board shall determine the length of time that a permit will be valid.
  - e) Except for permits involving the exercise of First Amendment rights, the applicant shall acquire a general liability insurance policy to protect it and the District from liability resulting from the activity or use of District property for which the permit is to be issued, and shall provide a certificate of insurance naming the District as additionally insured and an indemnify and hold harmless agreement 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 persons associated with the applicant, to the Director before the Director or Board issues any permit to an otherwise acceptable applicant.

- f) For activities or uses involving the exercise of First Amendment rights, the Director may waive the requirement of insurance if the applicant Demonstrates that it cannot procure general liability insurance, or that the cost of procuring such insurance is prohibitive. An applicant must request such a waiver in writing.

## 2. Restoration/ Restitution

- a) The Director shall, except as provided below, require a restoration deposit as a prerequisite to the issuance of a permit that will have the impact of potential cost cleanup to Park District property and shall be based on same. The Director shall refund the deposit if the person responsible for the permitted activity or use cleans up all refuse caused or left by the activity or use or its participants, and restores District property to the condition it was in prior to the use, to the Director's satisfaction.
- b) If the District is required to clean up or restore District property after the permitted activity or use, the person responsible for the permitted activity or use shall reimburse the District for all costs and expenses associated with the cleanup and restoration.
- c) The cost of the cleanup and restoration shall be deducted first from the restoration deposit. If any funds remain after the cleanup and restoration costs have been paid, they will be returned to the permittee. If the costs and expenses for the cleanup and restoration exceed the amount of the restoration deposit, the Director reserves the right to bill the permittee and to pursue any and all legal remedies.
- d) The Director may accept a written agreement to clean up and restore District property after the permitted activity or use, if the applicant can demonstrate that payment of a restoration deposit would create an undue financial hardship. If the permittee does not satisfactorily perform according to the agreement, the District reserves the right to bill the permittee and pursue any and all legal remedies.



3. Activities or uses otherwise prohibited under these Rules and Regulations, or any other District Ordinance, Policy, Rule or Regulation, may be conducted under a permit issued under this Section, if the Director determines that permitting such an activity or use will not be detrimental to District property and neighboring properties, and will not result in unreasonable risk of injury to persons or property, and if the applicant seeking to engage in such an activity or use enters an agreement with the District to conduct such activity or use subject to appropriate restrictions and conditions to protect the public interest, as such an agreement may be authorized by the Board.

## **CHAPTER V REMEDY FOR VIOLATION OF RULES AND REGULATIONS**

### **Section 5.01 Fines.**

1. Any person, firm, corporation or organization violating any clause or provision of this Ordinance shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than five-hundred dollars (\$500.00) for each offense upon conviction and in addition, the District may seek an order from any Court of competent jurisdiction requiring restitution for actual damage resulting from the violation of any provision of this Ordinance.
2. Each day that any violation of any provision of this Ordinance continues shall constitute a separate offense.
3. In each case in which such compromise payment is made, the District shall waive further prosecution of the alleged violation. After twenty-one days from the date of the citation alleging the violation, any person who has not settled and compromised the charge may be given a notice of date for a court appearance.

### **Section 5.02 Two Penalties One Judgment.**

In all cases where the same offense shall be made punishable or shall be created by different clauses or sections of this or any other Ordinance or Statue, the police or other duly sworn peace officer or person prosecuting may elect under which to proceed but no more that one judgment shall be had against the same person for the

same offense in criminal matters. Nothing herein shall prevent the imposition of separate civil penalties in a criminal action.

### **Section 5.03 Civil Suits.**

Nothing in this Ordinance shall be construed to prevent or preclude the lawful use by the District of civil remedy at law, to correct an abuse or loss suffered by the District as a result of violation of this Ordinance or any Laws of the State of Illinois.

### **Section 5.04 State, United States, and Local Laws.**

1. All persons within the parks of the Wauconda Park District are subject to all Ordinances, Rules, and Regulations of the District as well as all applicable Laws of the United States, State of Illinois, and Lake County, Illinois as amended and changed from time to time.
2. The laws include, but are not limited to, the Illinois Vehicle Code, the Criminal Code of the State of Illinois and Game and Fish Codes of the State of Illinois as amended and changed from time to time.
3. No person shall commit a violation of local, state or federal laws or regulations while on Park District property.

### **Section 5.05 Defacing Property.**

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 the purposes of this section.

### **Section 5.06 Impoundment.**

1. The District may impound park patron property by removing it to a designated impoundment area or by forbidding such property from being moved from its location during the period of impoundment.
2. The Director may impound patron property, or may allow city, state or federal

officials to impound such property for the following reasons:

- (a) when the patron property is located on park property without a required valid permit;
  - (b) when the patron property presents an unreasonable danger of injury to persons or property on park property;
  - (c) when the patron property has been reported stolen and the patron is not present at the location or recovery;
  - (d) when the patron property is abandoned or left unattended;
  - (e) when the park patron fails to pay fines or fees lawfully imposed by the District; or
  - (f) when there is other cause justifying impoundment under state or federal law.
3. Upon impoundment patron property, the Director shall record the name and description of the impounded property; the circumstances under which it was impounded; the time, method, and place of impoundment; and a description of the condition of the property at the time it was impounded.
4. Whenever the Director has impounded patron property, he/she shall immediately ascertain, if possible, the name of the owners or other persons legally entitled to possession of such property, and thereafter shall immediately cause a notice to be sent by certified or registered United States mail, return receipt requested, to such owners and such other persons entitled to possession, if known. Such notice shall contain a full description of the patron property, the circumstances of its impoundment, and whether it is impounded and shall request that the recipient immediately contact the Director. The notice shall;
- (a) Specify the action of the Director proposes to take in addition to impoundment;
  - (b) Specify the ordinance or rules of the District allegedly violated, if any;
  - (c) Briefly state the factual basis of any alleged violation; and
  - (d) Inform the patron of the procedure and deadline for appeal.
5. The Director or his/her designee shall personally meet with the person or persons notified under this Section 5.06 (4) above, as soon after sending of such notice as

can be arranged. The purpose of such meeting is to explain the circumstances of the impoundment and receive from the owner any information bearing on whether the impoundment shall be continued. Upon conclusion of this meeting, the Director may:

- (a) Determine that the patron property was improperly impounded, in which cases he/she immediately release the property to any authorized person without charges.
  - (b) Determine that the patron property was properly impounded. In such case, the Director shall determine whether the property should remain impounded pending proceedings, if any, on the charges that led to the impoundment. If the Director allows the patron property to be released, he/she shall do so upon payment of the reasonable charges incurred by the District in moving and storing the property during impoundment. The Director may order the impoundment continued pending such further proceedings if he/she finds probable cause to believe that:
    - i. the property, if released to its owner, would pose a clear and present danger to the safety of persons or property,
    - ii. the continued impoundment of the patron property is necessary in connection with state or federal legal proceedings; or
    - iii. The owner has failed or refused to correct an existing violation of this chapter, above.
  - (c) Release the impounded patron property to the custody of Federal, State, or City authorities.
6. If the owner, in the notice of impoundment, was notified of charges of violation of a District ordinance or rule, the owner shall have the right to appeal such charges and receive a hearing thereon according to the proceedings. The Director shall, upon conclusion of those proceedings, make such disposition of the impounded patron property as may be appropriate in compliance with law.
7. If any impounded patron property remains unclaimed by the owner or person legally entitled to possession thereof for a period of thirty days or more after the

date the notice of impoundment was sent to the owner or person entitled to possession of said patron property, the Director may cause the impounded property to be transferred to the Wauconda Police Department to be disposed in accordance with “The Law Enforcement Disposition of Property Act,” 765 ILCS 1030/0.01, et seq.

#### **CHAPTER VI SEVERABILITY**

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

#### **CHAPTER VII EFFECTIVE DATE**

This Ordinance shall take effect and be in force ten days after the date of its passage, approval and publication in book or pamphlet form as provided herein.

#### **CHAPTER VIII REPEAL**

All District Ordinances, and parts of Ordinances, and all Resolutions, Policies, Rules and Regulations, orders, or any parts thereof in conflict or inconsistent with this Ordinance or any provisions of this Ordinance are hereby repealed.