

ARTICLE II

PARK USAGE RULES AND REGULATIONS

SECTION A. SPORTS AND RECREATION

(II.A.1.) GAMES AND SPORTS

No person shall engage in any sport, game, recreational activity or amusement in the Park System except in such portions as may be designated and then only under rules and regulations as may be prescribed by the Park Board.

(II.A.2.) USE OF PLAY EQUIPMENT BY ADULTS PROHIBITED

No adult person or physically mature adolescent shall, in any manner, use any of the playground apparatus or devices meant exclusively for the use of children.

(II.A.3.) PARK DISTRICT ATHLETIC FIELDS

All organized team activities, including, but not limited to games and practices with coach and/or parent present, on any Park District athletic field must be issued a permit by the Athletic Supervisor.

(II.A.4.) LESSONS AND INSTRUCTIONS

No person may use Park District property, land or other facilities for private lessons, instructional purposes, or any other services for monetary gain unless they are employees of the Park District or specifically authorized to do so by the Executive Director, which authorization may be terminated immediately upon verbal notice by the Executive Director.

(II.A.5.) NONDISCRIMINATION ON PARK PROPERTY

While on Park District property, land, or facilities, users shall adhere to the nondiscrimination requirements of federal, state, and local laws and regulations. These include but are not limited to the 1964 Civil Rights Act, the Americans with Disabilities Act, and the Illinois Human Rights Act.

SECTION B. PROHIBITIONS AGAINST ACTIVITIES

(II.B.1.) SMOKING

No person shall smoke, use, or ingest any substance containing cannabis, any tobacco product (excluding smokeless tobacco), electronic cigarette, alternative nicotine product, tobacco accessory or smoking herb at, in, or on any property owned, leased, managed, used or controlled by the Park District including, but not limited to, all buildings, parks, gyms, offices, pools, common areas, open spaces, and parking lots. For purposes of this subsection, the following shall apply:

“Alternative nicotine product” means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

“Cannabis” shall be defined as set forth in Section 1-10 of the Cannabis Regulation and Tax Act (410 ILCS 708/1-1, *et seq.*).

“Electronic Cigarette” means: (1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or (3) any solution or substance, whether or not it contains nicotine intended for use in the device. Electronic cigarette includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

“Nicotine” means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

“Smokeless tobacco” means any tobacco products that are suitable for dipping or chewing.

“Smoking herbs” means all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the *Datura* genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

“Tobacco accessories” means cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products or of other substances.

“Tobacco product” means any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. Tobacco product includes any component, part, or accessory of a tobacco product, whether or not sold separately.

(II.B.2.) ANIMALS

There shall be no pets of any kind in the park system at any time unless they are part of a Park District sponsored program or event. Service animals, trained to perform a task related to the disability of the service animal’s handler, are permitted in Park District sites and facilities anywhere a pedestrian may go. Service animals must be housebroken and under control at all times.

(II.B.3.) FIREARMS AND FIREWORKS

No person shall carry or discharge firearms, or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of an explosive nature in the park system unless authorized by the Board.

(II.B.4.) WEAPONS

No person shall bring, attempt to bring, carry, have in his or her vehicle, or use in any way, any knife having a blade longer than 3 inches, or air gun, pellet gun or sling shot in any park. No person shall bring, attempt to bring, carry or use in any way, any bow or arrow in any park, unless in a directly supervised park program.

(II.B.5.) THROWING STONES

No person shall throw or cast stones or other missiles within the park system.

(II.B.6.) MODEL AIRCRAFT

No person shall fly any motorized model aircraft, including drones for personal or professional use in the park unless they are under adult supervision, have been issued a permit from the Park District office and can see that the area is clear of all persons and activities.

(II.B.7.) GOLFING

No person shall drive, chip, or putt any golf balls within district parks. Swinging of golf clubs or any other golfing activity is strictly prohibited.

(II.B.8.) TRAFFIC CONTROL DEVICES

No person shall disobey traffic control devices, such as barricades and stop signs, nor shall anyone park in restricted areas and no parking zones.

(II.B.9.) VEHICLES

No person shall operate any motor vehicles on park district pathways and grounds except upon the established roadways, drives, or parking lots unless authorized by the Park Board. No person shall possess, operate or park any mini-bike, snowmobile, or unlicensed motor vehicle anywhere in the park system.

(II.B.10.) OTHER POWER DRIVEN MOBILITY DEVICES USED BY PERSONS WITH DISABILITIES

Per the Americans with Disabilities Act, persons with disabilities may use other power driven mobility devices in Park District facilities and parks. These devices need not necessarily have been designed by the express purpose of aiding in the mobility of a person with a disability. Examples include but are not limited to, a Segway™ or a golf cart. When in use, these devices:

- Must be operated safely and always driven on the right side of the circulation path

- Must, if indoors, not exceed 4 mph
- Must, if outdoors, not exceed 8 mph
- Must, in all venues, yield to pedestrians
- Must, if indoors, be an electric motor only

(II.B.11.) IMPROPER SPEECH AND CONDUCT

No person shall use any abusive, threatening, insulting, indecent, profane or obscene language, or language calculated to occasion a breach of the peace, nor do any indecent act or behavior in the park system.

(II.B.12.) DRUNKENNESS/INTOXICATING LIQUORS

No intoxicated person shall enter, be or remain in the park system, nor shall any person bring within, sell, give away or drink any intoxicating liquors in the park system, unless specifically authorized by the Executive Director and after obtaining the appropriate documentation from the State of Illinois and/or Cook County.

(II.B.13.) FIRES

No person shall light or make use of any fire in the park system, except such portions thereof as may be designated for such purpose and then only under such regulations as are prescribed.

- i. Charcoal grills throughout parks
- ii. Approved fire pit use at Walker Park

(II.B.14.) PROTECTION OF BIRDS AND ANIMALS

No person shall trap, catch, wound, kill or treat cruelly or attempt to trap, catch, wound, or kill any bird or animal in the park systems. Nor shall any person molest or rob any nest or spawning ground of any bird, fish or animal in the park system. The Park District reserves the right to mitigate birds that have become a nuisance to the community.

(II.B.15.) BREACH OF PEACE/DISORDERLY CONDUCT

No person shall make, countenance or assist in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace in the park system, or be guilty of any disorderly conduct herein, or join with other persons in groups, or crowds for unlawful purposes or for any purpose to the annoyance or obstruction or disturbance of other persons.

(II.B.16.) RESISTING OR INTERFERING WITH OFFICER

No person shall resist any commissioner, police officer, or park personnel of the District in the discharge of his duty or fail or refuse to obey any lawful command of any such commissioner, police officer, or park personnel from discharging his duty or in any manner assist or give aid to any person in custody escaping or attempting to escape from custody or rescue or attempt to rescue any person when in such custody.

(II.B.17.) RESTRICTED PARTS OF THE PARK

No person shall enter upon any portion of the park system where persons are prohibited from going as indicated by sign or notice.

(II.B.18.) DAMAGE TO PARK PROPERTY

No person shall cut, break, climb on or in any way injure or deface any tree, shrub, plant, turf or any of the buildings, fences, bridges, lamps or posts or other structure or property within the park system.

(II.B.19.) OBSTRUCTING TRAVEL

No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind so as to obstruct travel in the park.

(II.B.20.) VIOLENCE

It is the policy of the Park District to foster an environment that is free from violence. To assist in providing a safe environment for employees, visitors and residents, the Park District has a zero tolerance to violence policy. Violence against any employee, visitor or customer will not be allowed or tolerated. Any act of violence by any employee of the Park District will be subject to disciplinary action up to and including termination of employment. Any violence committed by any visitor or customer to the Park District will result in an action up to and including removal from Park District programs and/or facilities.

(II.B.21.) CELLULAR TELEPHONES AND CAMERAS

The Park District is aware that many cellular telephones have picture taking ability. Therefore, use of cellular telephones in bathrooms and any other designated changing area is strictly prohibited. Use of cameras of any sort in bathrooms and changing areas is strictly prohibited.

(II.B.22.) OFFERING ARTICLES FOR SALE

No person shall offer for sale or exchange, any article or thing unless authorized by the Executive Director or Park Board; or do any hawking, peddling or soliciting; or buy or offer to buy an article or thing; or take up any collection or solicit or receive contributions of money or anything of value in the park system, except when authorized to do so by permit or contract with the Park Board.

(II.B.23.) BEGGING

No person shall beg or solicit alms in the park system.

(II.B.24.) HINDERING EMPLOYEES

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

(II.B.25.) UNAUTHORIZED MEETINGS AND ENTERTAINMENT

Other than the Park Board, and committees and groups authorized by the Park Board, no person shall call or hold any meeting or give any concert or public entertainment of any kind in the park system without the express consent of the Executive Director or Park Board.

(II.B.26.) SOLICITATION/ADVERTISEMENTS

No person shall display any placard or advertisement 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, nor post, stencil or otherwise affix any notice, bills, advertisement or any other papers upon any structure or thing in or about the park system except as authorized by the Executive Director or Park Board.

(II.B.27.) DUMPING ARTICLES

No person shall deposit, dump, throw or place any coal, ashes, dust, manure or rubbish in or upon any part of the park system. Paper, garbage or refuse matter shall not be so deposited except in receptacles provided for that purpose. The use of any park system trash can or dumpster for personal disposal; the use of any park system waterway, drainage, and/or sewer connection for personal disposal is strictly forbidden.

(II.B.28.) FORTUNE TELLING/GAMBLING

Except as authorized by the Illinois Gaming Board, no person shall tell fortunes, play at games of chance or use any gambling device in the park system. Exceptions may be made for special events with Park Board approval.

(II.B.29.) PUBLIC ASSEMBLIES

(a) Generally

- (i) Public assemblies in or upon property owned by the Park District constituting a traditional public forum or a designated public forum shall be authorized as provided in this subsection. Public assemblies in or upon property owned by the Park District constituting a nonpublic forum shall be prohibited.
- (ii) The following Park District-owned property, or specific areas thereof, shall constitute designated public forums:
 - (A) a meeting room in which an open meeting is being conducted by the Park District; and,
 - (B) an accessory walkway used for public access to a building in which an open meeting is being conducted by the Park District.

(b) Scheduling. Public assemblies in or upon a traditional public forum shall be authorized at such times as the location is open for use to the general public, but only to the extent there is no conflict with another public assembly or other prescheduled activity, event, or use at the selected location. Public

assemblies in or upon a designated public forum shall be authorized at times as designated by the Park District.

(c) Permit Required. No person shall organize, conduct or participate in a public assembly in or upon property owned by the Park District, which is reasonably anticipated by the organizer to include 50 or more participants, without a permit.

(d) Permit Expiration. A permit for a public assembly shall be valid for no longer than the date and time-period specified on the permit. No permit shall be issued for a period in excess of two (2) consecutive days.

(e) Exemptions. No permit shall be required for any person to organize, conduct or participate in a:

- (i) spontaneous public assembly in or upon a traditional public forum;
- (ii) in a planned public assembly in or upon a traditional public forum, which the organizer reasonably anticipates will include less than 50 participants; or,
- (iii) in a public assembly in a designated public forum.

Public assemblies otherwise exempt from the permit requirements of this subsection shall be governed by all other time, place and manner regulations set forth herein.

(f) *General Standards for Public Assemblies.*

- (i) The use of a bullhorn, radio, or other sound amplification device shall be limited to outdoor fora. Any such device shall be capable of being carried to and from the public assembly location by a single person on foot. Such devices shall not be dependent on Park District-supplied auxiliary power for operation.
- (ii) Except in areas designated for vehicular use by the general public, the operation of a vehicle or other motorized device (excluding motorized devices permitted for use under the law due to special circumstances) on or through Park District property shall be prohibited.
- (iii) To the greatest extent possible, participants travelling to and from a public assembly location shall do so uniformly, grouped within a single mass, using improved walkways and sidewalks, and shall otherwise proceed in a reasonably safe and expeditious manner. To the extent streets must be crossed, participants shall yield to cross-traffic of motor vehicles until such time as motor vehicle traffic will allow for the safe passage of participants through the intersection. No participant shall approach a motor vehicle that is moving, nor shall he make physical contact with a motor vehicle without the driver's permission.
- (iv) During the public assembly, all participants shall remain on the route and/or at the location selected by or given to the organizer. Public assemblies having movement shall proceed uniformly, and shall remain grouped within a single mass, using improved walkways and sidewalks to the greatest extent possible.

- (v) Participants of a public assembly shall not physically or unreasonably interfere with another activity, event, or use taking place or ongoing at the general location at which the public assembly is to occur.
- (vi) All participants of a public assembly shall be governed by and comply with Federal, State, and local laws, as well as the rules, regulations and polices of the Park District.
- (vii) No participant of a public assembly shall build, erect, affix, or otherwise attach any item or structure to Park District property so as to cause damage thereto, or in such a location as would impede pedestrian or vehicle travel.
- (viii) All participants shall, and the organizer shall be responsible for ensuring, the locations affected by a public assembly remain clean, free of litter and damage, and otherwise in their pre-assembly state.
- (ix) The organizer of the public assembly, or his designee, shall at all times maintain a physical presence at the public assembly, and shall be visible and available to be contacted by Park District officials at all times. Any such person shall be deemed to have authority to act on behalf of the organizer.
- (g) *Standards for Designated Public Forums.*
 - (i) Activities in meeting rooms in which an open meeting is being conducted by the Park District are limited to such dates on which the meeting is scheduled, and at such times as the chairperson shall open the meeting to public participation or otherwise recognize the speaker. All persons engaged in such activities shall be subject to such ordinances, policies and rules governing participation as adopted by the public body conducting business therein, including limits on time, relevancy, and standards of decorum.
 - (ii) Activities on or upon any accessory walkway used for public access to a building in which an open meeting is being conducted by a public body are limited to such dates on which the meeting is scheduled, and no sooner than one (1) hour before nor later than one (1) hour after said meeting. No person shall engage in such activities on an accessory walkway within ten (10) feet of any public entrance/exit to/from said building, or so as to unreasonably impede or block pedestrian access to or from said building. Nothing herein shall prevent any person from approaching another person on said accessory walkway within said zone with permission.
- (h) *Permit Application.* Any person required to obtain a permit before organizing, conducting or participating in a public assembly shall file the following with the Executive Director:
 - (i) an application in writing, on a form to be furnished by the Park District, which shall consist of the following information:

- (A) name, address, age and telephone number of the applicant (and, at the option of applicant, an e-mail address and/or fax number), which shall be confirmed through the applicant's driver's license, state identification card or other legally recognized form of identification;
 - (B) if applicant is acting on behalf of another person, the name, address and telephone number of the said person (and, at the option of applicant an e-mail address and/or fax number);
 - (C) name, address, and telephone number of any sponsoring organizations;
 - (D) a notarized statement from the principal of each organizing party authorizing applicant to act on the organizing party's behalf and to execute such documents on their behalf as may be required under this subsection;
 - (E) the applicant's primary and secondary choices for the date and location of the public assembly;
 - (F) if any paths or walkways are to be used for the public assembly, the applicant's first and second choices for the route of travel;
 - (G) an approximate number of participants;
 - (H) the approximate time of commencement and conclusion of the public assembly;
 - (I) a statement as to whether or not the applicant, or the person on whose behalf the applicant is acting, or any sponsoring organization, has been convicted of or pleaded guilty to a felony or misdemeanor, the nature of the offense, and the date of the conviction or plea;
 - (J) a statement as to whether the applicant, the person on whose behalf the applicant is acting, or any sponsoring organization has had a permit denied, suspended or revoked for noncompliance with this subsection in the past;
 - (K) the number of persons, along with their names, addresses, and telephone numbers, to be charged with clean-up, and any equipment furnished for said activity, which shall be no less than 4 persons per 50 participants; and,
 - (L) a statement from the applicant acknowledging the organizing parties' responsibility for expenses that may be assessed pursuant to paragraphs (n) and (o).
- (ii) A non-refundable application processing fee in the amount of \$25.00 for each public assembly;
 - (iii) Proof of security, at applicant's own expense, through the following means:
 - (A) an executed letter from applicant, under oath, agreeing that organizing parties (to be named specifically) will defend, indemnify and hold harmless the Park District, its officers, employees and agents ("Park District Parties"), against, and to protect, save and keep harmless from, and to pay on behalf of or reimburse as and when incurred, any and all liabilities, obligations, losses, damages, penalties, demands, claims, actions, suits, judgments, settlements, costs, expenses and disbursements (including reasonable attorney's fees) ("Claim") of whatever kind and nature, including personal injury, death and property damage, including damage or destruction of real and personal property owned by the Park District, incurred by any person, related to the negligence or intentional acts or omissions of the organizing parties, their officers, employees, agents and any participants, during the public assembly. The letter must contain a clause that the

obligation to indemnify and hold harmless Park District Parties will survive the termination or expiration of the permit; and,

- (B) a certificate of insurance in the amount of \$1,000,000.00 worth of General Liability coverage, for liabilities, obligations, losses, damages, penalties, demands, claims, actions, suits, judgments, settlements, costs, expenses and disbursements (including reasonable attorney's fees) ("Claim") of whatever kind and nature, including damage or destruction of real and personal property owned by the Park District, incurred by any person, related to the negligence or intentional acts or omissions of the organizing parties, their officers, employees, agents and any other participants, during the public assembly. The policy shall name the Park District as an additional insured on a primary, non-contributory basis and must be valid for dates being no later than five (5) days prior to the public assembly and one day after the public assembly. Each such certificate shall contain an affirmative statement by the issuer that said policy will not be cancelled or amended without the Park District's express written consent. The certificate shall provide that the coverage afforded shall apply as primary insurance and that any policy maintained by the Park District shall be non-contributory. The policy shall include a contractual endorsement for coverage of the organizing parties' obligation to defend, indemnify and hold harmless the Park District as provided herein.

- (iv) The insurance requirement shall be waived by the Executive Director, upon the written request of the applicant, if: (A) the requirement would be so financially burdensome that it would preclude the public assembly; or (B) the applicant provides written proof to the Park District that at least two (2) insurance companies have refused to underwrite the policy for reasons related to risks associated with attendee response to the public assembly.
 - (i) *Application Review.*
 - (i) The Executive Director shall issue an oral decision to approve or deny a permit, provided there exists no basis to conditionally deny a permit pursuant to paragraph (j), within sixty (60) hours of receipt of the application. In the event the Executive Director fails to make an oral determination within said time-period, the permit shall be issued, and only subject to suspension or revocation as provided herein.
 - (ii) The Executive Director shall issue a permit provided there exists no reason to deny the same for the reasons identified in paragraph (j) within twelve (12) hours after the expiration of the oral determination period. In the case of a denial, the written decision shall be issued no later than twenty-four (24) hours after oral notification is provided.
 - (iii) If, within the sixty (60) hour review period, the Executive Director determines that the applicant is at risk of having the permit denied for those reasons identified in paragraph (j)(i), or (j)(iv)-(vii) a conditional denial shall be issued subject to applicant's ability to cure the identified conditions within twenty-four (24) hours. The applicant's failure to satisfy the conditions of a conditional denial within said twenty (24) hour cure-period, shall result in the denial of the permit.

- (iv) The Executive Director shall grant or deny a permit subject to a conditional denial no later than twelve (12) hours after the submission of the information intended to cure the conditional denial or expiration of the conditional denial cure period, whichever is earlier. If, at the expiration of said period the Executive Director has not provided notice to the applicant that the permit is approved or denied, the Executive Director shall issue a permit to the applicant. Once issued, the permit shall only be subject to suspension or revocation.
- (v) Permit applications shall be reviewed and permits issued or denied on a first-come first-serve basis with respect to other public assemblies and other scheduled activities, events, or uses of Park District property.

- (j) *Permit Denial.* The Executive Director may deny a permit for any of the following reasons, which shall be noted in writing on the application:
 - (i) the application for a permit (including any required attachments and submissions) is not fully completed and executed;
 - (ii) the application contains falsified information or misrepresentations;
 - (iii) the applicant is legally incompetent to contract or to sue or be sued;
 - (iv) an applicant or any organizing party is affiliated with a previous public assembly for which payment or reimbursement to the Park District remains due or owing under this subsection;
 - (v) an organizing party has had a permit denied, suspended or revoked under this subsection within the immediate past two (2) years, unless it can be shown that the basis for the previous action no longer exists;
 - (vi) the public assembly is scheduled for a location, day or time prohibited by this subsection;
 - (vii) the public assembly will conflict with or unreasonably interfere with another activity, event, or use scheduled at the general location on the date and time proposed; or,
 - (viii) an organizing party has been convicted or pleaded guilty to a felony or misdemeanor involving mob action, rioting or other similar offense, or any aggravated violent acts against persons or property, within the ten (10) years preceding the date of application.

- (k) *Notice and Review of Permit-Exempt Public Assemblies.*
 - (i) An organizer of a public assembly otherwise exempt from the permitting requirements of this subsection by paragraphs (e)(i)-(ii) shall provide advanced written notice of a public assembly, along with the indemnification letter referenced in paragraph (h)(iii)(A), not less two (2) hours prior to a spontaneous public assembly and twenty-four (24) hours prior to any other type of public assembly. Notice shall be provided to the Executive Director in person, facsimile transmission or email.
 - (ii) The notification shall disclose the following information:
 - (A) the name of the organizer;

- (B) the name of any person on whose behalf the organizer is acting;
- (C) name of any sponsoring organizations;
- (D) the location of all aspects of the public assembly;
- (E) anticipated timing for all aspects of the public assembly;
- (F) the approximate number of participants; and,
- (G) information by which a Park District official can immediately contact the organizer to have a contemporaneous discussion by telephone, email or in person, as may be selected by the organizer, as to any safeguards or changes necessitated to mitigate unreasonable risks to public safety or any logistical concerns.

- (iii) If a public assembly would not be allowed, if the organizer was required to obtain a permit, for the reasons identified in paragraph (j)(i)-(v), or (viii), the Executive Director shall make immediate contact with the organizer to advise that the public assembly is prohibited unless the disqualifying event is cured prior to the public assembly. If a public assembly would not be allowed, if the organizer was required to obtain a permit, for the reasons identified in paragraph (j)(vi)-(vii), the Executive Director shall make immediate contact with the organizer and attempt to come to an agreement as to an alternative location, date, time or route of travel, for the public assembly. In the event the organizer and Executive Director cannot come to an agreement as to an alternative, the Executive Director shall instruct the organizer that the public assembly shall be allowed and conducted in the manner proposed in an alternative that is least restrictive to the organizer's plans of all alternatives proposed.
- (iv) In the event the Executive Director does not contact the organizer before one (1) hour prior to the public assembly, the public assembly shall be permitted to proceed as proposed in the organizer's notification.
- (v) Public assemblies not requiring a permit shall be subject to cancellation/termination by the Park District for those grounds a permit for a public assembly may be suspended or revoked, provided any reference to application of paragraph (l) shall mean notification. Organizers of permit-exempt public assemblies shall be afforded the same procedural protections in such circumstances as organizers subject to the permit requirements.

- (l) *Permit Suspension and Revocation.* Any permit may be suspended or revoked for the following reasons:
 - (i) fraud, misrepresentation or false statement contained in an application;
 - (ii) participant violations of the law, including the provisions of this policy, while engaged in public assembly activities;
 - (iii) conducting a public assembly so as to unreasonably endanger the health, safety and welfare of the public; or,
 - (iv) expiration, cancellation or revocation of security posted by the applicant.
- (m) *Permit Suspension and Revocation Procedure.*

- (i) Any permit issued under this subparagraph may be suspended or revoked by the Executive Director after notice and a hearing. Pre-deprivation notice and a hearing need not be given if Executive Director determines that: (A) there is an insufficient amount of time available to afford those rights before the public assembly is to occur; and, (B) an immediate suspension is necessary due to an unreasonable risk posed to the public health, safety or welfare. In such cases, a permit shall be immediately suspended pending a post-deprivation hearing on the suspension or revocation, as the case may be.
- (ii) In the case of a pre-deprivation hearing, the Executive Director shall issue a notice to the permittee setting forth the time and place of the hearing. The notice shall consist of the charges for which the permit's suspension or revocation is being considered. A hearing pursuant to this section shall occur no earlier than forty-eight (48) hours nor later than fourteen (14) days from the date of issuance of the notice. The permittee shall be responsible for obtaining a court reporter in order to preserve the record. After the hearing, the Executive Director shall orally issue a decision to suspend or revoke a permit. If the decision is to suspend or revoke, said suspension/revocation shall take effect immediately. The Executive Director shall issue a written decision setting forth his/her decision and the basis for the ruling no later than forty-eight (48) hours after conclusion of the hearing.
- (iii) In the case of a post-deprivation hearing, the Executive Director shall issue a notice to the permittee setting forth the time and place of the hearing. The notice shall consist of the charges for which the permit's suspension or revocation is being considered. A hearing pursuant to this paragraph shall occur no later than forty-eight (48) hours after the Executive Director has orally advised the permittee that the permit is suspended. The Park District shall be responsible for obtaining a court reporter in order to preserve the record. After the hearing, the Executive Director shall orally issue a decision to reinstate the permit, or to suspend or revoke the permit. If the decision is to suspend or revoke, said suspension/revocation shall continue in full force and effect as stated in the decision. The Executive Director shall issue a written decision setting forth his/her decision and the basis for the ruling no later than forty-eight (48) hours after the conclusion of the hearing.

- (n) *Public Safety; Expenses.*
 - (i) Organizing parties shall be jointly responsible, at their own expense, for reimbursing the Park District for the costs associated with providing personnel and equipment to the public assembly. The amount shall be based upon a specific number of persons and equipment required, multiplied by the applicable rate established by their respective collective-bargaining agreements, contracts, ordinance or, if contracted out to a third-party, by their contract rates. Copies of the applicable rates may be obtained from the Executive Director.
 - (ii) The Park District's expenses shall be calculated using the following ratios and methodology, which shall apply to all public assemblies:
 - (A) there shall be one (1) peace officer on foot per fifty (50) participants in a traditional public forum, but in no event less than one (1) peace officer;
 - (B) there shall be one (1) peace officer in a police vehicle per one (100) participants;

- (C) there shall be two (2) EMT personnel and one (1) ambulance per two hundred (200) participants;
 - (D) there shall be one (1) Park District employee per fifty (50) participants, but in no event less than one (1) Park District employee; and,
 - (E) Police, EMT, and Park District personnel shall be posted at their respective position one (1) hour prior to the public assembly and one (1) hour after termination of the public assembly.
- (iii) The Park District shall have the discretion to assign additional peace officers, EMTs, Park District employees or equipment in and around the public assembly as public safety may require, but at no expense to the organizing parties. The Park District's inability to supply additional personnel or equipment shall not constitute grounds for denying, suspension or revocation of a permit.
- (o) *Clean up; Repair of Property.*
- (i) Organizing parties shall be jointly responsible, at their own expense, to clean and remove litter from the property on which the public assembly occurred so as to restore it to its pre-public assembly condition no later than three (3) hours after the conclusion of the public assembly.
 - (ii) In the event the organizing parties fail to provide personnel and equipment for post-event clean up, or fail to complete the same in a satisfactory manner, personnel from the Park District (of a total number, including such Park District employees as may have been already assigned, of no greater than was to be provided by organizer) shall be charged with that responsibility, and the organizing parties shall be responsible for reimbursing the Park District for those expenses according to their hourly rate established by contract or ordinance.
 - (iii) Organizing parties shall reimburse the Park District for the costs to repair or replace any Park District-owned property damaged, defaced, or destroyed by participants of the public assembly.
- (p) *Post-Public Assembly Expense Recovery.*
- (i) Within thirty (30) days after the conclusion of a public assembly, the Executive Director shall issue an itemized invoice to the organizing parties detailing any expenses owed in accordance with the provisions of paragraphs (n) and (o), provided that no public safety expenses shall be charged for public assemblies that are concluded in less than two (2) hours.
 - (ii) The organizer shall pay the invoice in full no later than thirty (30) days after its date of issuance.
 - (iii) The balance of any outstanding expenses that are in arrears shall accrue interest in the amount of 9% per annum.

- (q) *Appeals, Generally.* Any person aggrieved by the action or decision of the Executive Director to deny, suspend or revoke a permit under this subsection shall have the right to appeal such decision as follows: (i) to the President of the Board of Park Commissioners; (ii) to the Board of Park Commissioners; or, (iii) to a court of competent jurisdiction. This paragraph is designed to provide three separate and distinct means of effectuating review. Exhaustion of remedies before one shall not preclude review by another. Provided, however, once a method of review has been selected, the election shall be exclusive and final, and the remedy shall be exhausted before any further appeal may be initiated, unless otherwise provided by law.
- (r) *Appeals to President.*
- (i) Any person aggrieved by the action or decision of the Executive Director to deny, suspend or revoke a permit under this subsection shall have the right to appeal such decision to the President of the Board of Park Commissioners. An appeal to the President shall be filed within fourteen (14) days of filing of the Executive Director's decision. The date of filing shall be measured from the date on which the written decision was postmarked.
- (ii) An appeal shall be perfected by filing a written statement with the Executive Director setting forth the grounds for the appeal. If a written decision was provided to the appellant from the Executive Director, a copy of that decision shall be attached to the appellant's written statement. In the event that no written decision was provided, an appellant must set forth the basis for the Executive Director's action as was transmitted orally. After the receipt of said appeal, the Executive Director shall schedule the appeal with, and forward all relevant documents to, the President.
- (iii) A hearing shall be set by the President no later than forty-eight (48) hours from the time on which an appeal is received, and shall be scheduled for a date that is no later than seven (7) days after the appeal was received. Notice of the time and place of the hearing shall be given to the appellant. An appellant shall be given notice of the hearing at least twenty-four (24) hours before the hearing.
- (iv) The Executive Director's decision to deny, suspend or revoke a permit shall be presumed valid.
- (v) A hearing before the President shall be *de novo*. An applicant may be represented by an attorney, issue subpoenas, and present documentary evidence and witness testimony. An applicant shall have the right to cross-examine a witness testifying in opposition to his/her case. The formal rules of evidence will not apply at the hearing.
- (vi) A court reporter will be provided by the Park District in order to preserve the record for appeal.
- (vii) The President's decision to affirm or reverse the decision of the Executive Director shall be limited to the facts presented to it at the hearing. The decision to affirm or reverse the Executive Director's decision must be based upon the reasons contained in this subsection but may not be limited to the reason stated by the Executive Director.

(viii) A decision to affirm or reverse a decision of the Executive Director shall be made by the President orally at the conclusion of the hearing. A written decision setting forth the President's findings of fact and determination shall be issued within forty-eight (48) hours of the conclusion of the hearing. Any person aggrieved by a decision of the President may appeal that decision to a court of competent jurisdiction as provided by law. The time period by which an applicant has the right to appeal the decision of the President shall begin to run upon receipt of the written decision but not later than three (3) days after the written decision is post-marked.

(s) *Appeals to Board of Park Commissioners.*

(i) Any person aggrieved by the action or decision of the Executive Director to deny, suspend or revoke a permit under this chapter shall have the right to appeal such decision to the Board of Park Commissioners. An appeal to the Board of Park Commissioners shall be filed within fourteen (14) days of filing of the Executive Director's decision. The date of filing shall be measured from the date on which the written decision was postmarked.

(ii) An appeal shall be perfected by filing a written statement with the Executive Director setting forth the grounds for the appeal. A copy of Executive Director's written decision shall be attached to the appellant's written statement. After the receipt of said appeal, the Executive Director shall schedule the appeal for the next regularly scheduled meeting of the Board of Park Commissioners. Provided, however, if said appeal is received within forty-eight (48) hours of a regularly scheduled meeting, said appeal shall be heard at the following regularly scheduled meeting.

(iii) A hearing shall be scheduled no later than thirty-three (33) days from the date on which an appeal is received. Notice of the time and place of the hearing shall be given to the appellant. An appellant shall be given notice of the hearing at least two (2) days before the hearing.

(iv) The Executive Director's decision to deny, suspend or revoke a permit shall be presumed valid.

(v) A hearing before the Board of Park Commissioners shall be *de novo*. An applicant may be represented by an attorney, issue subpoenas, and present documentary evidence and witness testimony. An applicant shall have the right to cross-examine a witness testifying in opposition to his/her case. The formal rules of evidence will not apply at the hearing.

(vi) A court reporter will be provided by the Park District in order to preserve the record for appeal.

(vii) The Board of Park Commissioners' decision to affirm or reverse the decision of the Executive Director shall be limited to the facts presented to it at the hearing. The decision to affirm or reverse the Executive Director's decision must be based upon the reasons contained in this chapter but may not be limited to the reason stated by the Executive Director.

(viii) A decision to affirm or reverse a decision of the Executive Director shall be made by a majority vote of the Board of Park Commissioners present at the meeting. A written decision setting forth the Board of Park Commissioners' findings of fact and determination shall be issued within five (5) days of the conclusion of the hearing. Any person aggrieved by a decision of the Board of Park Commissioners may appeal that decision to a court of competent jurisdiction as provided by law. The time period by which an applicant has the right to appeal

the decision of the Board of Park Commissioners shall begin to run upon receipt of the written decision but not later than three (3) days after the written decision is post-marked.

- (t) *Appeals to Judiciary.* Any person aggrieved by the action or decision of the Executive Director to deny, suspend or revoke a permit under this subsection, or a ruling sustaining a decision by the Executive Director by the President or Board of Park Commissioners, shall have the right to appeal such decision to a court of competent jurisdiction by way of common-law *certiorari*.
- (u) *Penalties.* Any person violating the provisions of this subsection shall be fined not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each offense. Each day that a violation continues shall be deemed and constitute a separate offense.
- (v) *Definitions.* The following words, terms, and phrases, and their derivations, when used in this subsection, shall have the meanings ascribed to them in this paragraph, except where the context clearly indicates a different meaning:

Attendee means a person attending an activity that is not affiliated with an organizing party, and is simply present to view, listen or interact with participants.

Board of Park Commissioners means the Board of Park Commissioners of the Pleasant Dale Park District.

Executive Director means the executive director of the Pleasant Dale Park District.

President means the president of the Board of Park Commissioners of the Pleasant Dale Park District or his/her designee.

Organizer means any person organizing, promoting or conducting an activity, either individually or on behalf of, or with the sponsorship of, another person.

Organizing party means any organizer, the person on whose behalf the organizer is acting, and/or any sponsoring organization.

Participant means an organizing party, its officers, employees and agents, and any other person participating in an activity and subject to or under the influence, direction or control of an organizing party.

Person means any individual, corporation, company partnership, group, association, organization, unit of government, or other entity, whether for-profit or not-for-profit.

Planned public assembly means a public assembly organized and conducted in response to some news, event, and/or activity coming into public knowledge more than seventy-two (72) hours prior to such public assembly.

Public assembly means an organized gathering of two (2) or more persons on public property attempting to draw the attention of the public for the purpose of influencing, educating, or enlisting support for or against, a religion, philosophy, ideology, person, political party, issue, candidate, use, practice, idea, event, activity or other thing, having no specific or direct relationship or significance to the location of the activity.

Sponsoring Organization means any person supplying persons, equipment, materials, goods, funding, services, or other things to an organizer, the person on whose behalf the organizer acts, or participants, in assistance or in furtherance of an activity.

Spontaneous public assembly means a public assembly organized and conducted in response to some news, event, and/or activity coming into public knowledge less than seventy-two (72) hours prior to such public assembly.

(II.B.30) STRUCTURES

- A. Unless authorized by the Executive Director or Park Board, it shall be unlawful for any person to place, erect, build or attach any permanent or temporary structure on, upon or to any real property, natural or man-made, within the park system.
- B. Any person found to be in violation of any provision of this subsection shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00). Each violation, or day said violation is permitted to continue, shall constitute a separate offense.

SECTION C. MISCELLANEOUS

(II.C.1) PARK EQUIPMENT AND VEHICLES

No person shall operate any Park District equipment or vehicle unless they are a Park District employee or Commissioner that has been appropriately trained, or if the person has secured permission from the Executive Director.

(II.C.2) HOURS OF OPERATION

All parks are closed from 10:00 p.m. to 6:30 a.m. daily except by permit or during park district special events. No person shall remain in the park system, sleep in any park, nor place, swing, occupy or use a hammock therein between 10:00p.m. and 6:30 a.m. unless so authorized by the Executive Director. Athletic field lights will be illuminated no later than 10:45pm unless so authorized by the Executive Director. Park district building hours of operation will vary depending on the season.

(II.C.3.) PARKING

- A. It shall be unlawful for any person to park, keep, or leave standing a motor vehicle in any space designated for Authorized Vehicles only, in any lane designated for moving traffic, a driveway, fire lane, crosswalk, or in any other space or area where public parking is not designated as intended and permitted.
- B. It shall be unlawful for any person to park, keep, or leave standing any motor vehicle which is not properly displaying registration plates or parking decals issued to a person with disability or to a veteran with a disability in any parking space specifically reserved for motor vehicles displaying such registration plates or in a designated access aisle adjacent thereto, in violation of Section 11-1301.3(a) of the Illinois Vehicle Code (625 ILCS 5/11-1301.3).
- C. Unless otherwise authorized by the Park District, it shall be unlawful for any person to park, keep, or leave standing between the hours of 10:00 PM through 6:00 AM any recreational vehicle, commercial vehicle, bus, commuter van, road/truck tractor, box truck, tow truck, tanker, livestock carrier, semi-trailer, truck having an Illinois (or extra-jurisdictional equivalent) Class C or higher classification, or any other vehicle or combination vehicles having greater than two (2) axels, on any property owned or controlled by the Park District.
- D. Any person found to be in violation of any provision of this section shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each violation, or day said violation is permitted to continue, shall constitute a separate offense. In addition to any fine that may be imposed hereunder, any vehicle parked in violation of this section is subject to being towed at the direction of the Park District or municipal police department having jurisdiction at the owner's expense.
- E. The Park District has the right, and as needed, will charge for parking during Park District special events.

SECTION D. PENALTY

Any person violating any clause or provision of any section of this Article II of the Pleasant Dale Park District Policy Manual, as adopted by ordinance, shall be fined not less than seventy-five dollars (\$75.00) nor more than five hundred dollars (\$500.00), except as otherwise noted, for each offense upon conviction thereof, which fine may be paid at the Park District headquarters located at 7425 South Wolf Road, Burr Ridge, Illinois (known as "Walker Park").

The Park District Board of Commissioners reserves the right to unilaterally amend or change any of the policies contained within this policy manual at any time.