



ORDINANCE NO. 504

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

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TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
CHAPTER I	DEFINITIONS, CONSTRUCTION, AND SCOPE	1
1.01	Short Title	1
1.02	Definitions	1
1.03	Construction and Scope	3
CHAPTER II	SPECIFIC RESTRICTIONS ON CONDUCT AND BEHAVIOR	3
2.01	Aircraft/Model Aircraft	3
2.02	Alcoholic Liquor	4
2.03	Animals and Pets	5
2.04	Assault or Bodily Injury	6
2.05	Begging and Panhandling	6
2.06	Boating	7
2.07	Camping	7
2.08	Charitable, Religious, Political, or Non-Profit Activities	8
2.09	Commercial Sale, Exhibition, or Distribution of Goods or Services	8
2.10	Controlled Substances and Cannabis	8
2.11	Cooperation with Authorities	9
2.12	Disorderly Conduct	9
2.13	Display of Permit or Pass	9
2.14	Dumping, Pollution, Sanitation, and Litter	9
2.15	Erection of Structures/Wires	10
2.16	Fairs and Special Events: Sale and Distribution of Merchandise; Soliciting Contributions	10
2.17	Fires	10
2.18	Fishing	11
2.19	Gambling and Games of Chance	11
2.20	Hunting or Trapping	11
2.21	Interference with Other Users	11
2.22	Loitering in District Buildings	12
2.23	Misappropriation of Property	12
2.24	Mob Action	12
2.25	Parades, Public Assemblies, or Meetings	12
2.26	Posting Printed or Written Material in Designated Area	13
2.27	Posting Printed or Written Material on Public Places or Objects	13
2.28	Protection of Animals	13

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
2.29	Protection of Property	14
2.30	Public Indecency	14
2.31	Reporting Accidents	14
2.32	Restricted Areas	14
2.33	Restrictions Applicable to Specific Recreational Activities	15
2.34	Rest Rooms and Washrooms	16
2.35	Rollerskates, Skateboards, and Other Similar Objects	16
2.36	Selling or Distributing Printed or Written Material	17
2.37	Sledding, Ice Skating, and Snowmobiling	17
2.38	Sleeping on District Property	17
2.39	Smoking	18
2.40	Swimming	18
2.41	Weapons, Fireworks, Explosive, Rockets	18
CHAPTER III	MOTORIZED VEHICLES, PARKING, AND TRAFFIC CONTROL	18
3.01	All-Terrain Vehicles	18
3.02	Change of Oil/Cleaning	19
3.03	Driving Areas	19
3.04	Duty of Operator in Accidents	20
3.05	Intoxicated Operators	21
3.06	Minibikes and Trailbikes	21
3.07	Negligent Driving	21
3.08	Parking	21
3.09	Speeding	24
3.10	Traffic Signs and Signals	24
3.11	Unattended Motor Vehicles	24
3.12	Unauthorized Use of Parking Places Reserved for Handicapped Persons	25

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
CHAPTER IV	PARK HOURS, CLOSING, AND GENERAL OPERATION POLICIES	25
4.01	Hours	25
4.02	Special Closings	25
4.03	Use of Closed Property Prohibited	25
4.04	Schedules, Fees, Rules, and Regulations	26
4.05	Admission/Identification	26
4.06	Lost, Found, and Abandoned Property	26
4.07	Building Use	26
CHAPTER V	PERMITS AND OTHER AUTHORITY	26
5.01	Permits	26
5.02	Insurance and Hold Harmless Agreement	28
5.03	Restoration Deposit	29
5.04	Other Authority	29
CHAPTER VI	ENFORCEMENT	29
6.01	Police/Security Force	29
6.02	Rules to be Obeyed	29
6.03	Parties to Ordinance Violation	30
CHAPTER VII	PENALTIES	30
7.01	Revocation of Privileges; Fine	30
7.02	Restitution	30
7.03	Seizure/Removal/Impoundment of Property	30
7.04	Non-Exclusivity of Penalties	30
CHAPTER VIII	REPEAL	31
CHAPTER IX	SEVERABILITY	31
CHAPTER X	PUBLICATION AND EFFECTIVE DATE	31
10.01	Publication in Book Form	31
10.02	Effective Date	31

**AN ORDINANCE REGULATING THE USE OF THE PARKS
AND PROPERTY OWNED OR CONTROLLED BY THE
WINNETKA PARK DISTRICT**

CHAPTER I - DEFINITIONS, CONSTRUCTION, AND SCOPE

Section 1.01. Short Title. This Ordinance regulating the use of the parks and property owned or controlled by the Winnetka Park District shall be known and may be cited as the "Conduct Ordinance of the Winnetka Park District."

Section 1.02. Definitions. Unless otherwise expressly stated elsewhere in this Ordinance, for purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given herein:

1. "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 powerless flight.

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

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

4. "Board" means the Board of Park Commissioners of the Winnetka Park District.

5. "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.

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

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

8. "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.

9. "Director" is the Director of Parks and Recreation of the Winnetka Park District.

10. "District" is the Winnetka Park District, Cook County, Illinois.

11. "District Police Force" shall include the Director, all Department Heads, , and sworn officers of the Winnetka, Northfield and Glencoe Police Departments.

12. "District Property" is all of the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District including without limitation every building, shelter, street, sidewalk, trail, path, beach, park, wilderness or open space, or other public place or Facility and all District Waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.

13. "District Waters" shall include all water located on or adjacent to or flowing over land owned, leased, or generally administered or operated by the Winnetka Park District, including without limitation all natural or man-made lakes, rivers, creeks, streams, ponds, lagoons, bays, and drainage ways.
14. "Department Head" is the person immediately in charge of a given District department and its activities and to whom all employees of such department are directly responsible (e.g., Superintendent of Recreation and Superintendent of Parks).
15. "Facility" means any District Property other than a building, park or playground and includes, without limitation, golf courses, tennis courts, and basketball courts.
16. "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.
17. "ILCS" is the Illinois Compiled Statutes.
18. "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.
19. "Ordinance" means the Conduct Ordinance of the Winnetka Park District.
20. "Permit" is the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorization, to a Person to engage in a particular act or acts on District Property. Said authorization is subject to the terms and conditions specified in the Permit as well as all applicable federal, state, local, and District laws, ordinances, rules, and regulations.
21. "Person" is every natural person and every organization, firm, partnership, association, corporation, or entity of any kind or any employee, agent or officer thereof. This definition shall not include the District and any authorized officer, employee (full or part-time, regular or short-term), or agent of the District when acting within the scope of his authority.
22. "Possess" or "Possession" means exercising direct physical control or dominion, with or without ownership, over any kind of property, or archeological, cultural or natural resource.
23. "Refuse" includes without limitation trash, garbage, rubbish, waste, papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded material whether solid or liquid.
24. "Services" shall include but not be limited to labor, professional services, transportation, leasing or renting any article, object, privilege, or service, giving of instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.
25. "Smoking" means the lighting of cigarettes, cigars or pipes, the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.
26. "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.
27. "Vehicle" means every device in, upon, or by which a person or property is transported or drawn on land, whether motor powered or self-propelled, except baby carriages, or strollers, bicycles when properly used on walks or trails, and vehicles in the service of the District.

28. "Vessel" means every type or description of craft, other than a seaplane 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.

29. "Wildlife" shall include any water fowl, mammal, animal, amphibian, reptile, or bird or the young or eggs thereof, but excluding any domesticated dog or cat.

Section 1.03. Construction and Scope.

(a) In the interpretation of this Ordinance, its provisions shall be construed as follows: (1) Where the context permits, words in the masculine gender shall include the feminine and neuter genders and words in the singular number shall include the plural number; (2) The word "shall" is always mandatory and not merely directory; (3) The word "may" is always permissive and upon the discretion of the District; (4) This Ordinance is in addition to and supplemental to all applicable state, federal, local, and District laws, ordinances, rules, and regulations including without limitation the Park District Code (70 ILCS 1205/1-1 *et seq.*); (5) The meaning of any term, phrase, or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase, or word is otherwise defined, construed or interpreted in such applicable federal, state, local, or District laws, ordinances, rules, or regulations; (6) The meaning of any term, phrase, or word not otherwise defined in this Ordinance or in such applicable federal, state, local, or District laws, ordinances, rules, or regulations shall retain its ordinary and properly understood meaning; (7) The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning or construction, nor be used in the interpretation, of any provision of this Ordinance; and, (8) An attempt to commit an act or engage in an activity prohibited under this Ordinance shall likewise be deemed prohibited in the same manner as the commission of such act or the engaging in such activity and subject to the same penalties.

(b) This Ordinance shall apply to and be enforceable within and upon all District Property, and shall regulate the use thereof by all Persons. However, no provision hereof shall make unlawful any act necessarily performed by any officer, employee or agent of the District, member of the District Police Force 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.

CHAPTER II - SPECIFIC RESTRICTIONS ON CONDUCT AND BEHAVIOR

Section 2.01. Aircraft/Model Aircraft.

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

(b) No Person shall land, cause to be landed, or permit or authorize the landing of any Aircraft on District Property, except when necessitated by unavoidable emergency.

Section 2.02. Alcoholic Liquor.

(a) No Person under the influence of Alcoholic Liquor, any other drug or drugs, intoxicating

compound, or a combination thereof, as defined in Section 11 – 501 of the Illinois Vehicle Code (625 ILCS 5/11-501), shall enter into, be, or remain on District Property.

(b) Except as provided in subsection (e) below, no Person, other than the District or its agent, shall sell or deliver any Alcoholic Liquor on District Property, unless said Person has first obtained a Permit therefor from the District.

(c) No Person shall bring into, possess, drink, consume, take, use, or transfer any Alcoholic Liquor on District Property without having first obtained a Permit therefor from the District unless he is in or on District Property where the possession, consumption, use, or transfer of Alcoholic Liquor is permitted.

(d) Every Person possessing, using, consuming, or transferring Alcoholic Liquor pursuant to this section, shall be subject to and shall comply with all applicable federal, state, local, and District laws, ordinances, rules, and regulations regarding the possession, use, consumption, or transfer of Alcoholic Liquor.

(e) The District, or its licensee(s) or permittee(s) may sell alcoholic liquor at retail in conjunction with the operation of the food service facility located in the clubhouse of the District's Golf Course, for consumption only in the food service area of the clubhouse, provided liquor sales are incidental and complementary to the sale and service of food, and further provided that such incidental and complementary sales of alcoholic liquor may include the occasional service of alcoholic liquor alone, and further provided that all such sales shall be in full compliance with the provisions, terms and conditions of Village of Winnetka Ordinance No. MC-10-2003. Persons using the Golf Course clubhouse may consume alcoholic liquor subject to the foregoing terms and conditions.

- (i) All District employees, licensees, permittees, and patrons who dispense or consume alcoholic liquor pursuant to this Ordinance shall strictly abide by all applicable state and local laws, policies, rules and regulations governing the sale, delivery, possession, use and consumption of alcoholic liquor, including, without limitation, the Liquor Control Act of 1934, as amended, Village of Winnetka Ordinance No. MC-10-2003, and any laws, policies, rules or regulations prohibiting the sale or service of alcoholic liquor to minors and intoxicated persons, and those governing the use or occupancy of Park District property.
- (ii) If the District permits one or more licensees or permittees to sell at retail alcoholic liquor at the Golf Course clubhouse pursuant to this Ordinance, the District shall require any such licensee or permittee to purchase from, and maintain at all times during the term of the license or permit in, a company or companies lawfully authorized to do business in the State of Illinois dram shop liability insurance in maximum coverage limits in accordance with the requirements of the Liquor Control Act of 1934, as amended, and such other insurance as will protect the licensee or permittee from claims set forth below which may arise out of, or result from, said sale of alcoholic liquor:
 - (A) claims under worker's or workmen's compensation, disability benefit and other similar employee benefit acts which are applicable to the sale of alcoholic liquor at the Golf Course clubhouse;
 - (B) claims for damages for bodily injury, occupational sickness or disease, or death of the licensee's or permittee's employees;
 - (C) claims for damages insured by usual dram shop, bodily injury, and property damage liability coverage for wrongful death, bodily injury or property damage to third parties arising out of or resulting from either the sale of alcoholic liquor or the licensee's or permittee's use District Property;

- (D) claims for damages to District Property, including, without limitation, the Golf Course clubhouse;
- (E) claims for damages because of bodily injury, death of a person or property damage arising out of ownership, maintenance or operation of any motor vehicle.

The insurance policy or policies required by this subsection (e)(ii) shall name the District as an additional insured.

- (iii) If the District permits one or more licensees or permittees to sell at retail alcoholic liquor at the Golf Course clubhouse pursuant to this Ordinance, the District shall require any such licensee or permittee to indemnify, defend and hold harmless the District, its Park Commissioners, officers, employees and agents (collectively, the “Indemnified Parties”) against and from any and all liability, loss, damage, cost or expense, including without limitation, attorney’s fees and court, arbitration or other alternative dispute resolution costs, which the Indemnified Parties may sustain, incur or be required to pay arising or resulting from injuries to, or deaths of persons, or damage to or loss or destruction of any property arising out of or connected with the activities of the licensee or permittee on District Property, including without limitation any loss, injury or damage resulting directly or indirectly from any negligence or intentional misconduct of the licensee or permittee or any of its directors, officers, employees or agents, or any other persons acting or purporting to act at the request of, on behalf of, at the direction of, or with the implied or actual consent of, the licensee or permittee.

Section 2.03. Animals and Pets.

(a) Except as otherwise provided in this Section 2.03, no Person shall bring or release onto District Property any Wildlife including without limitation any animal the capture or killing of which is authorized by the fish and game laws of the State of Illinois, or any other animal, including domesticated dogs, cats or other domesticated animal; provided, however, that the District may bring or release, or permit another Person to bring or release such proscribed animals onto District Property in conjunction with an activity or event conducted or sponsored by the District or in conjunction with a zoo, museum, nature center, or similar Facility controlled, permitted or licensed maintained by the District.

(b)

(b) Certain Parks and Centennial Beach: Domesticated dogs are allowed in Arborvitae Park, Bell Woods, Centennial Park, Crow Island Woods, Dunbaugh Park, Hill Road Park, Library Park, Merrill Park, Robert E. Burke Memorial Park, Sheridan Park, ~~Skokie Playfield~~*, Station Park and West Elm Park, provided that at all times they are on a leash not exceeding six (6) feet in length, are under the control of the owner or an agent of the owner and the owner or owner’s agent has in his or her immediate possession an appropriate bag, device or receptacle for the removal and transportation of dog excrement from such property and does, in fact, remove any excrement from District Property left by such dog. Domesticated dogs are allowed to be unleashed only on the sand area at Centennial Beach, and only if their owner has purchased a season dog pass and can provide proof of rabies shots; and provided they are under control of the dog’s owner or owner’s agent at all times and the owner or owner’s agent has in his or her immediate possession an appropriate device, bag or receptacle for the removal and transportation of dog excrement from such property.

~~The provisions of this subsection (b) shall remain in effect until April 10, 2009, at which time they shall be automatically repealed without any further action by the Board.*~~

(c) No Person shall bring a domesticated dog, cat, or any other animal onto or permit any animal

to remain on any portion of District Property where the presence of animals is not expressly permitted by Section 2.03 (b) of this Ordinance, except (i) in conjunction with an activity or event conducted or sponsored by the District; and (ii) dogs or other domesticated animals specially trained to assist the visually impaired or other Persons with disabilities, when they are accompanying the Persons with disabilities for purposes of providing such assistance .

(d) Any animal found on District Property in violation of subsections (a) (b) or (c) may be apprehended, removed to an animal shelter, public pound, or other place provided for that purpose, and disposed of pursuant to the laws or ordinances of Cook County. The owner or Person responsible for such animal shall be responsible for all costs and expenses incurred or encumbered in the removal and housing of such animal and such charge shall be in addition to and not in lieu of any other penalties provided for in this Ordinance and any other applicable federal, state, local or District laws, ordinances, rules or regulations.

(e) Dogs for the visually impaired and other domesticated animals specially trained to assist Persons with disabilities are excluded from the prohibitions of this section when they are accompanying Persons with disabilities for purposes of providing such assistance.

Section 2.04. Assault or Bodily Injury.

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

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

Section 2.05. Begging and Panhandling.

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

(b) No person begging or panhandling on the Park District Property shall obstruct or impede pedestrians or Vehicles; harass park visitors with physical contact or persistent demands; misrepresent his affiliations; misrepresent what the solicited funds will be used for; or interfere, interrupt, or engage in conduct incompatible with the purpose of any program, activity, function, and/or special event conducted, sponsored licensed or otherwise permitted by the District; or coerce or intimidate another person into giving money, goods or services.

Section 2.06. Boating.

(a) No Person shall launch any Vessel in District Waters, except from such places as may be designated therefor, and then only in compliance with applicable federal, state, local, and District laws, ordinances, rules, and regulations.

(b) No Person shall use or employ any District Property designated such for the launching or removal of sail boats, power boats, or other Vessels, unless he has purchased and is displaying a current daily fee ticket or a current season Vessel launching permit.

(c) No Person shall allow any Vessel or watercraft equipment or accessories to remain on District Property beyond the close of the boating season designated by the District, other than in a storage area designated by the Park District.

(d) No Person may launch or remove a Vessel twelve (12) feet in length or longer on or from District Property unless said Vessel has been registered with the Illinois Department of Natural Resources under the Boat Registration and Safety Act, 625 ILCS 45/1-1 *et seq.*

(e) No Person may launch any personal watercraft (also known as a "jet ski") from Lloyd Beach, or any other property owned, operated, managed or controlled by the District, unless that watercraft displays a current season launch pass issued by the District, and unless the operator is (a) 18 years of age or older; or (b) is 12 years of age or older, and (i) is accompanied on the watercraft by, and under the direct control of, a parent, guardian or person at least 18 years of age designated by a parent or guardian, or (ii) is in possession of a Boating Safety Certificate issued by the Illinois Department of Natural Resources, Division of Education or a valid boating safety certificate issued by another state, a province of the Dominion of Canada, the U.S. Coast Guard Auxiliary or the U.S. Power Squadron.

(f) Any Person applying to the District for a season launch pass for a personal watercraft must (a) submit identification establishing to the reasonable satisfaction of the District that the applicant and all persons whom he or she authorizes by name to use his or her personal watercraft unaccompanied are 18 years of age or older; (b) submit a title or other documentation establishing to the reasonable satisfaction of the District that the applicant is the owner of the watercraft for which the pass is sought; and (c) agree in writing that the applicant and all authorized users of the personal watercraft for which he or she obtains the pass will familiarize themselves with all safety information furnished by the District and will obey all federal, state and local statutes, ordinances, rules and regulations relating to the use and operation of personal watercraft, including those issued by the District.

(g) Any Person who launches, or attempts to launch, a personal watercraft from Lloyd Beach, or any other property owned, operated, managed or controlled by the District, or who operates a personal watercraft, in violation of this Ordinance shall be subject to a fine of up to \$500 for each violation of this Ordinance.

Section 2.07. Camping. No Person shall place, erect, or use any hammock, swing, tent, shelter, or any other type of temporary or permanent housing or camping equipment on District Property, nor otherwise camp in any manner on District Property unless a Permit therefor has first been obtained from the District.

Section 2.08. Charitable, Religious, Political, or Non-Profit Activities.

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

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

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

(d) Soliciting votes and circulating petitions for or against candidate for election to public office or with respect to any referendum or other public question is permitted on District Property in areas open to the general public without a Permit, subject to the limitations set forth in paragraphs (e) and (f) of this Section 2.08.

(e) No Person shall engage in any activity described in subsections (a) through (d) of this Section 2.08 in District buildings or Facilities in rooms or other locations in which any program, activity, class, function or special event conducted, sponsored by the District is in progress.

(f) No Person engaged in the activities described in subsections (a) through (d) of this section shall obstruct or impede pedestrians or Vehicles, harass park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent 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.

Section 2.09. Commercial Sale, Exhibition, or Distribution of Goods or Services.

(a) 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, including without limitation the giving of instruction or lessons for a fee, upon District Property unless he has received a Permit, license or contract therefor from the District.

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

Section 2.10. Controlled Substances and Cannabis.

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

(b) No Person shall bring into, possess, take, use, sell, or transfer any Controlled Substance or Cannabis on District Property.

Section 2.11. Cooperation with Authorities.

(a) No Person shall physically hinder, threaten, resist, intimidate, disobey, or otherwise intentionally interfere with any member of the District Police Force or any District employee or agent in the performance of his duties.

(b) No Person shall falsely represent that he is, or otherwise pretend to be, a District officer or employee, a member of the District Police Force, or an agent or other representative of the District.

(c) No Person shall knowingly display a false, expired or revoked permit, pass or membership card, or give a false report or false information (including, without limitation, information requested in a Permit application) for the purpose of misleading a District employee or agent, or a member of the District Police Force in the conduct of his official duties.

Section 2.12. Disorderly Conduct.

- (1) A Person commits the offense of disorderly conduct when he knowingly:
 - (a) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
 - (b) Makes or causes to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection 2.12(b), excessively loud or unreasonable noise is defined as noise inconsistent with, or not attendant to, appropriate and customary park and recreational activities, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the circumstances. This section shall include, without limitation, the loud or amplified playing of any type of audio equipment, noisemaker, musical instrument, or sound equipment. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored or authorized by the District; or
 - (c) Uses obscene or abusive language or gestures, or threatens violence or injury to the person or property of others, in a manner intended and likely to incite or produce an immediate breach of the peace or violent or disorderly response; or,
 - (d) Congregates with other Persons on District Property with the intent to restrict vehicular or pedestrian traffic or with the intent to restrict the free ingress to or egress from District Property and fails to comply with a lawful order of the District Police Force to disperse.

Section 2.13. Display of Permit or Pass. Every Person shall produce or display a Permit or pass when requested to do so by any authorized Person for the purpose of enforcing compliance with any federal, state, local, or District law, ordinance, rule, or regulation, when such Permit or pass is required to engage in an activity on District Property.

Section 2.14. Dumping, Pollution, Sanitation, and Litter.

(a) No Person shall litter, cast, throw, drop, leave, scatter, place, pile, or otherwise dump, leave, or deposit in any manner any kind of dirt, rubbish, placard, handbill, pamphlet, circular, book, notice, paper of any kind, ashes, garbage, waste material, snow, ice, or other substance, whether liquid or solid, or any other refuse in or upon District Property except as specifically permitted by the District. Provided, however, that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of District Property shall be deposited in receptacles provided by the District for that purpose. Where receptacles are not provided, are missing, or are full to capacity, all such garbage, refuse, or other material shall be carried away from the area of use by the Person responsible for its creation and presence, and properly disposed of elsewhere.

(b) No Person shall urinate or defecate on District Property other than in toilets in rest room facilities expressly provided for such purposes.

(c) No Person shall drain refuse from a trailer or other Vehicle on District Property.

(d) No Person shall pollute or contaminate District Property or District Waters.

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

(i) (f) No Person shall dispose of human or animal waste on District Property except at designated locations or in fixtures provided for that purpose. Any Person violating this section may be assessed the cost of removing any such improperly deposited substance or material and such charge shall be in addition to and not in lieu of any other penalties provided for in this Ordinance or applicable federal, state, local, and/or District laws, ordinances, rules, and regulations.

Section 2.15. Erection of Structure/Wires. No Person shall construct, build, erect, or otherwise place any building, tent, stand, scaffold, platform or other structure of whatever kind, whether stationary or moveable and whether permanent or temporary in character, or construct, run, string, or otherwise place any electrical wire, conduit or pipe, or any public service or private utility, into, upon, above, or across or beneath District Property, unless a Permit, license, or contract therefor has first been obtained from the District.

Section 2.16. Fairs and Special Events: Sale and Distribution of Merchandise; Soliciting Contributions. No Person shall sell and/or distribute merchandise or printed or written materials or solicit contributions, votes or signatures during fairs or special events conducted or sponsored by the District except at a fixed location designated by the District and unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. The District shall allocate space at the fixed location to applicants on a first-come, first-served basis until no more space remains available.

Section 2.17. Fires.

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

(b) No fire shall ever be left unattended. Every fire shall be under the continuous care and direction of a competent Person 18 years of age or older from the time it is kindled until the time it is completely extinguished. All fires must be properly and completely extinguished prior to any Person leaving the site of the fire.

(c) No Person shall throw or otherwise discard lighted or smoldering material in any manner that threatens or causes damage to, or results in the burning of, District property or park resources, or creates a safety hazard.

Section 2.18. Fishing.

(a) No Person shall fish or otherwise take aquatic life from District Waters except in areas designated by the District for such purposes.

(b) 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.

(c) Fishing in District Waters shall be conducted only by means of a hook and line, with the rod or line being closely attended.

(d) Every Person shall carefully and immediately return to the water from which it was taken any fish that does not conform to size or species restrictions imposed by any applicable federal, state, local or District law, ordinance, rule or regulation, or that the Person chooses not to keep.

(e) The provisions of this section apply to ice fishing.

Section 2.19. Gambling and Games of Chance. No Person shall play or engage in selling fortunes or futures, games of chance, or in any other device or game of chance, hazard or skill, either as bookmaker, dealer, player or otherwise, for the purpose of gaming or gambling for money or other valuable things on District Property, except at a fair, carnival, or other organized event conducted, sponsored or authorized by the District.

Section 2.20. Hunting or Trapping. No Person shall hunt or trap, nor bring any device for hunting or trapping into or onto District Property or District Waters.

Section 2.21. Interference with Other Users.

(a) No Person shall walk, act, or conduct himself upon any portion of District Property designated for a particular game, sport, event, amusement or other use in such a way as to interfere with the use of such portion by other Persons who are properly using the same for the particular game, sport, event, amusement or other use for which it has been designated.

(b) No Person shall unreasonably disturb or interfere with any Person occupying an area or participating in any activity on District Property under the authority of a Permit.

(c) No Person shall engage in any activity on District Property in a manner calculated or which is reasonably likely to endanger, injure, or damage Persons or property in any way.

Section 2.22. Loitering in District Buildings. No Person shall loiter or remain in any District building or Facility in such a manner that: (1) unreasonably obstructs the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impedes or disrupts the performance of official duties by District employees; or, (3) prevents the general public from obtaining the administrative or recreational services provided in the building or Facility in a timely manner, after being requested to leave by any member of the District Police Force, or where the District has posted a sign or signs that prohibit loitering.

Section 2.23. Misappropriation of Property.

(a) No Person shall knowingly obtain or exercise unauthorized control over the property of another.

(b) No Person shall knowingly obtain by deception control over property of another.

(c) No Person shall knowingly obtain by threat control over property of another.

(d) No Person shall knowingly obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen, where he:

(1) Intends to deprive the owner permanently of the use or benefit of the property; or,

- (2) Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or,
- (3) Uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

Section 2.24. Mob Action.

(a) No Person shall collect with other Persons, in bodies or in crowds of two (2) or more Persons without authority of law, for unlawful purposes or any purpose of disturbance or obstruction of the lawful activities of other Persons or otherwise disturb, obstruct, or interfere unreasonably with the lawful activities of other Persons using District Property in a manner which creates immediate violence or breach of the peace or threat thereof or endangers the person or property of others.

(b) No Person shall knowingly commit an act or engage in conduct that urges or incites other Persons to riot, engage in immediate violence or lawlessness, or commit any unlawful act.

(c) No Person shall organize, promote, encourage, or otherwise participate in a riot or other breach of the peace involving crowds of two (2) or more Persons gathered, without authority of law, for unlawful purposes or any purpose of disturbance or obstruction of the lawful activities of other Persons.

Section 2.25. Parades, Public Assemblies or Meetings.

(a) Public parades, processions, theatrical, dramatic or music presentations, meetings, assemblies, gatherings, and demonstrations, are permitted on District Property provided that, where the number of participants is reasonably expected to exceed twelve (12) or more persons and/or vehicles, a Permit therefor must first be obtained from the District in accordance with Chapter V of this Ordinance.

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

Section 2.26. Posting Printed or Written Material In Designated Area.

(a) The District shall designate an area for the posting of printed or written public information material ("Community Bulletin Board").

(b) No Person shall post, place, display, or cause to be posted, placed, or displayed any printed or written material on the Community Bulletin Board without presenting the material to the District. The District shall stamp and date the material as received, and post the material, space permitting, on the Community Bulletin Board unless the said material is obscene as defined in 720 ILCS 5/11-20. The material may remain posted for a period not to exceed one (1) week after which a Person may resubmit his public information notice for posting, space permitting.

(c) Space on the Community Bulletin Board shall be allocated on a first-come, first-served basis, except that the District's own printed or written public information may be given priority. Only one copy of each public information notice shall be posted.

(d) The District may remove printed or written material that has not been posted in accordance with this Section. The Person responsible for said posting shall be liable for the cost incurred in the removal thereof. The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specifically

incorporated in this Ordinance by reference for purposes of this section.

Section 2.27. Posting Printed or Written Material On Public Places and Objects.

(a) Except as provided in Section 2.26 of this Ordinance, no Person shall paint, write on, or in any way mark or deface, or post or otherwise affix, any printed or written words, symbols, materials, or other marks to or upon District Property or any thing or object located on District Property.

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

Section 2.28. Protection of Animals.

(a) No Person shall hunt, pursue, hurt, molest, wound, kill, trap, catch, poison, abuse, chase, shoot, touch, throw or propel objects at, endanger in any way, remove or cause to be removed, have in his possession, or release or cause to be released, any Wildlife on or upon District Property.

(b) No Person shall give or offer to any Wildlife any harmful, poisonous, or noxious substance on or upon District Property.

Section 2.29. Protection of Property.

(a) No Person shall mark, carve, bend, cut, paint, deface, affix any sticker or sign to, break down, destroy, damage, alter, change, sever, uproot, dig, excavate or otherwise remove, or attach or suspend any rope, wire, or other material or contrivance to, on, or from, District Property or any thing or object on or upon District Property, or otherwise take, damage or destroy such Property, thing or object unless a Permit, license or contract therefor has first been obtained from the District.

(b) No Person shall climb upon, walk on, hang from or stand or sit on, any plant, fence, structure, or other District Property of any kind except such benches or other property designated or customarily used for such purposes, or recreational equipment installed for such purposes.

(c) No Person shall bring into, throw, cast, drop, deposit, or otherwise leave or lay down any smoke bomb, stink bomb, or other offensive smelling compound on District Property.

(d) No Person shall bring any plant or portion of a plant or plant product onto District Property.

Section 2.30. Public Indecency.

(a) No Person shall perform or commit any of the following acts on District Property:

- (1) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12; or,
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the Person.

(b) No Person shall exhibit, sell, give away, offer to sell or give away, display or hold or place in such a manner as to be open to public view any obscene book, pamphlet, drawing, picture, photograph, video, model, cast, instrument, or any other obscene item while on or upon District Property. For purposes of this subsection, obscene shall have the meaning ascribed to it in 720 ILCS 5/11-20.

Section 2.31. Reporting Accidents. A Person involved in an incident on District Property resulting in personal injury or property damage, other than an accident reportable under section 3.08 of this Ordinance, shall report the incident to the District Police Force within twenty-four (24) hours after the incident.

Section 2.32. Restricted Areas.

(a) No Person shall enter or remain in any building or portion of District Property where Persons are prohibited by the District from entering, or, except as provided in Section 2.34(c) of this Ordinance, where use is restricted to Persons of the opposite sex as indicated by a sign or notice posted by the District.

(b) No Person shall enter or remain in any District Property when it is closed to the public.

(c) No Person shall enter any District Property which is reserved or scheduled for a specific group or activity, unless such Person is invited by the individual, group, or agency responsible for such activity and, if applicable, such Person has paid all appropriate admission and/or registration fees.

(d) No Person shall enter or remain in any portion of District Property if his admission privileges have been terminated, revoked forfeited or suspended pursuant to Section 7.01 of this Ordinance or of his permit, pass, ticket or membership card for admission to, or use of, the specific District Property which he enters has been suspended or revoked.

Section 2.33. Restrictions Applicable to Specific Recreational Activities.

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

(b) Baseball and Softball Playing.

(1) No Person shall engage in softball or baseball games except in those parks which have established diamonds and backstops constructed for that purpose, or such other areas as may be specifically designated by the District;

(2) In those parks having established softball or baseball diamonds, participation in softball or baseball in areas other than established diamonds is limited in accordance with signs or notices posted by the District;

(3) In those parks having established softball or baseball diamonds, the type of recreation on said diamonds shall be in accordance with posted signs or notices posted by the District.

(c) Picnics.

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

(2) No group of Persons exceeding ten (10) in number shall picnic on District Property unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance. The District may designate areas for preparing, consuming, and dispensing food,

beverages and other products. Persons holding a Permit and dispensing any of such products may do so only in the area designated in the Permit. In the event the dispensing of the permitted products is by sale, the Person must also comply with Section 2.09 of this Ordinance. No Person may dispense, prepare, consume, sell or otherwise use products, items or things otherwise prohibited in this Ordinance or any other federal state, local, or District law, rule, regulation or ordinance.

(d) Classes and Camps. No Person shall bring or cause to be brought onto District Property any class, play class, day camp, group lesson or similar organized group activity of any kind unless a Permit allowing such use or activity has first been obtained from the District in accordance with Chapter V of this Ordinance.

(e) Tournaments, Leagues, or Other Organized Recreational Activities. No Person shall utilize any District Property, including without limitation playing fields and other District Facilities, for tournaments, leagues, or other organized recreational activities and outings unless a Permit allowing such use or activity has first been obtained from the District in accordance with Chapter V of this Ordinance.

(f) This section does not apply to normal or scheduled District programs or activities. Where a conflict between normal or scheduled District programs or activities and a requested activity occurs, District programs and activities shall take precedence.

Section 2.34. Rest Rooms, Washrooms, and Locker Rooms.

(a) Every Person shall cooperate in maintaining rest rooms, washrooms and locker rooms on District Property in a neat and sanitary condition.

(b) No Person shall deposit objects of any kind, other than human waste and toilet tissue, in the toilets or plumbing fixtures of a rest room, washroom or locker room facility on District Property.

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

(d) No Person shall bring or use (i) any still camera, television or movie camera, camcorder, video recorder or transmitter or any other device capable of recording, filming or transmitting visual images; or (ii) any cellular telephone, into any restroom, locker room or washroom facility anywhere on District Property.

Section 2.35. Rollerskates, Skateboards, and Other Similar Objects.

(a) No Person using rollerskates, rollerblades, skateboards, rollerskis, coasting vehicles, or similar devices shall interfere with pedestrian use of sidewalks or Vehicle use of the streets, or otherwise act negligently, recklessly or without due caution, or in any manner so as to endanger any Person or property nor use same where such use has been posted as prohibited.

(b) No Person shall engage in skateboarding on District Property except on the paved area at the northwest corner of the A.C. Nielsen Tennis Center located at Skokie Playfield off Hibbard Road in Winnetka, Illinois (the "Designated Location"), provided that:

- (i) No Person shall skateboard at the Designated Location except between the hours of 8:30 a.m. and 8:30 p.m.
- (ii) No Person shall bring onto or place on District Property at or near the Designated Location any piece or type of equipment (other than a skateboard, helmet, knee and

elbow pads or other appropriate body protection equipment), apparatus or structure for use in connection with skateboarding, including, without limitation, ramps, pipes, and similar objects commonly used in connection with skateboarding.

- (iii) No Person shall engage in skateboarding or use a skateboard or use equipment or structures furnished by the District or anyone else for the purpose of skateboarding in such a manner as to cause damage to, or destruction, defacement or alteration of, District Property at or near the Designated Location. The foregoing prohibitions apply to all District Property, including mobile and fixed structures; provided that users of the Designated Location may apply wax to equipment furnished by the District for skateboarding, and may reposition within the Designated Location mobile (not fixed) equipment furnished by the District for skateboarding at the Designated Location.
- (iv) The Director is authorized and directed to establish such additional rules and regulations for skateboarding in or on District Property as he shall deem necessary to protect the public health, safety and welfare and to protect District Property and property adjoining District Property. The Director may cause signage to be posted at the Designated Location notifying the public of the designation of the location as a permitted skateboarding location, of the rules and regulations established pursuant to this Section 2.35(b) and that the Designated Location are unsupervised and that skateboarders use the Designated Location at their own risk.

As used in this Section 2.35, “skateboard” shall mean any board or platform to which wheels or rollers are attached or affixed and which is intended to be used or is used for the sport of skateboarding, and such other devices commonly known or soled to consumers as “skateboards.” The term “skateboard” does not apply to wheeled boards, platforms or other devices which are intended to be used and which are commonly used to transport property or to transport persons who are disabled or ill, when used for such purposes.

As used in this Section 2.35, “skateboarding” means the act of propelling or moving one’s body, or any portion thereof, by means of, or with the assistance of, a skateboard.

Section 2.36. Selling or Distributing Printed or Written Material.

(a) The distribution of printed or written material available without cost or donation is permitted on District Property.

(b) The sale or distribution for donation of printed or written material is permitted on District Property provided that a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

(c) Any Person engaged in the sale or distribution of printed or written materials under this Section 2.37 shall not obstruct or impede pedestrians or Vehicles, harass park visitors with physical contact or persistent demands, misrepresent the affiliations of those engaged in such activities, misrepresent whether the materials are available without cost or donation, or interfere, interrupt, or engage in conduct incompatible with the purpose of, any program, activity, function, and/or special event conducted or sponsored by the District.

Section 2.37. Sledding, Ice Skating, and Snowmobiling.

(a) No Person shall skate, sled, toboggan, innertube, ski, slide, or engage in similar activities on District Property except at such places and at such times as the District may designate for such purposes.

(b) No Person shall engage in any such activity in a reckless manner that endangers that Person or

others or at a speed greater than is safe and proper under the circumstances.

(c) No Person shall tow, push, pull, or otherwise propel another Person on skis, sled, or otherwise by use of any Vehicle on District Property.

(d) No Person shall drive, ride, or otherwise operate a snowmobile on District Property. For purposes of this subsection, a snowmobile shall be defined as any self-propelled vehicle intended for travel primarily on snow, driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

Section 2.38. Sleeping on District Property. No Person shall sleep on benches, sidewalks, parking lots, picnic grounds or tables, playgrounds or playground equipment, stairways or doorways of District buildings or other District Property so as to unreasonably obstruct or hinder the movement of other Persons or the use of Facilities.

Section 2.39. Smoking. Smoking or any use of a tobacco product is prohibited in all District buildings, ~~f~~Facilities, Parks, Beaches and ~~v~~District ~~V~~ehicles.

(Amended July 22, 2010)

Section 2.40. Swimming. No Person shall bathe, swim, wade, float, splash, or otherwise enter District Waters except at such times and places and in compliance with all policies, rules and regulations as the District may designate for such activities.

Section 2.41. Weapons, Fireworks, Explosives, Rockets. No Person shall bring onto, carry, have in his possession or on or about his person, concealed or otherwise, or use, fire, set off or otherwise cause to explode, discharge or burn, or throw onto or while on District Property any bludgeon, black-jack, billy club, sand-club, sand-bag, metal knuckles, throwing star, switchblade knife, ballistic knife, any other dangerous knife (including without limitation a dirk, dagger, or stiletto), razor, broken bottle or other dangerous piece of glass, firearm, pistol, revolver, rifle, shotgun, automatic weapon, firearm silencer, air gun, pellet gun, stun gun or taser, bow and arrow, slingshot, any weapon capable of discharging a projectile by air, spirit, gas or explosive, any explosive substance, rocket, firecracker or other firework, missile, bomb, grenade, or other explosive device, liquid or gaseous substance, any other dangerous weapon, or any object whose intended use is as a weapon, not specifically named herein. All weapons named herein shall have the definitions, if any, set forth in 720 ILCS 5/24-1.

CHAPTER III - MOTORIZED VEHICLES, PARKING, AND TRAFFIC CONTROL

Section 3.01. All-Terrain Vehicles. No Person shall drive, ride, or otherwise operate an all-terrain Vehicle on District Property. For purposes of this section, an all-terrain Vehicle shall be defined as any motorized off-highway device 50 inches or less in width, having a manufacturer's dry weight of 600 pounds or less, travelling on three (3) or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control.

Section 3.02. Change of Oil/Cleaning. No Person shall change the oil or grease of, or wash, clean or polish Vehicles on District Property, unless a Permit therefor has first been obtained from the District in accordance with Chapter V of this Ordinance.

Section 3.03. Driving Areas. No motor Vehicle shall be driven or otherwise operated upon District Property except over and upon such roadways, parking lots, or other areas designated by the District for use by motor Vehicles. A bicycle path shall not be deemed a roadway for the use of motor Vehicles under this section.

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

Section 3.05. Intoxicated Operators.

(a) No Person shall drive or otherwise operate nor attempt to drive or otherwise operate a Vehicle on District Property while under the influence of intoxicating liquor, drugs, or a combination of liquor and drugs.

(b) Upon trial for such offense, in addition to other evidence, evidence of the amount of alcohol in the Person at the time of the act alleged, as shown by a chemical analysis of his breath, blood, urine, saliva, or other bodily substances, is admissible, and the result of such analysis shall give rise to the presumptions set forth in Section 11-501.2(b) of the Illinois Vehicle Code (625 ILCS 5/11-501.2(b)) which provision is specifically incorporated in this Ordinance by reference.

Section 3.06. Minibikes and Trailbikes. No Person shall drive, ride, or otherwise operate any minibike or trailbike on District Property. For purposes of this section, every motor Vehicle which is self-propelled by power obtained by the combustion of gasoline which is designed with a seat or a saddle for the use of the rider, and is designed to travel mostly off-road on not more than three (3) wheels shall be a minibike or trailbike.

Section 3.07. Negligent Driving. No Person shall drive or otherwise operate a Vehicle on District Property negligently, recklessly or without due caution, or in any manner so as to endanger any Person or property. All Vehicles shall be driven or otherwise operated on the right side of any roadway open to travel, except when passing other Vehicles.

Section 3.08. Parking.

(a) No Person shall park a Vehicle on District Property in other than established or designated parking areas, and such shall be in accordance with the posted directions and markings or with the directions of any attendant who may be present.

(b) No Person shall park any Vehicle or allow any Vehicle to remain parked in any area of District Property beyond the normal closing hour of the park system or specific park or Facility, except when a different closing hour has been designated by the District for that area or unless permission therefor has first been obtained from the District.

(c) No Person shall stop, park, or place any Vehicle on District Property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no Person shall stop, park, or place any Vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict with other traffic or when in compliance with the instructions of a member of the District Police Force: (1) on the left side of any roadway; (2) on parkways, lawn areas, and grounds; (3) in front of a public or private driveway; (4) within any intersection; (5) within any crosswalk; (6) within 20 feet of any intersection or crosswalk; (7) within 30 feet of any stop sign or traffic control signal, other than in a marked parking space; (8) on the roadway side of any Vehicle stopped or parked at the edge or curb of the roadway (“double parking”); (9) in a position to block another Vehicle lawfully parked; (10) on any sidewalk; (11) at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow; (12) within 15 feet of a fire hydrant; (13) in a fire lane or within 8 feet of the entrance to a fire lane; and, (14) at any place or time

where a pass or sticker is required by the District for parking unless the required pass or sticker has been obtained and is displayed on the Vehicle.

(d) No Person shall park a Vehicle upon any roadway or in any public off-street parking Facility on District Property for any of the following purposes:

- (1) To display such Vehicle for sale; or,
- (2) To perform maintenance or repair of such Vehicle, except for repairs necessitated by an emergency; or,
- (3) To sell goods or services from such Vehicle.

(e) The operator of an authorized emergency Vehicle, as defined in section 3.09 of this Ordinance, may park or stand irrespective of the provisions of this Ordinance.

(f) Every Person in whose name a Vehicle is registered pursuant to law and who leases such Vehicle to others, after receiving written notice of a violation of this Ordinance involving such Vehicle, shall upon request provide the District with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such Vehicle.

(g) No Person who is the lessor of a Vehicle pursuant to a written lease agreement shall be liable for the violation of any parking or standing regulation of this Ordinance involving such Vehicle during the period of the lease provided that upon the District's request received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The driver's license number may also be requested by the District if needed for enforcement of this Ordinance.

(h) Except as otherwise provided, every Vehicle stopped or parked upon a two-way roadway on District Property shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(i) No Person shall move a Vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(j) Except as otherwise provided, every Vehicle stopped or parked upon a one-way roadway on District Property shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(k) Penalty Provisions for Parking Violations.

(1) Whenever any Vehicle shall have been parked in violation of any section of this Ordinance prohibiting or restricting vehicular standing or parking, the Person in whose name the Vehicle is registered with the Secretary of State of Illinois shall be prima facie responsible for the violation and subject to the penalty therefor.

(2) Whenever any Vehicle is parked in violation of any parking provision of this Ordinance, any law enforcement officer observing such violation may issue a parking violation notice, and serve the notice on the owner of the Vehicle by handing it to the operator of the Vehicle, if he is present, or by affixing it to the Vehicle in a conspicuous place. The issuer of the notice shall specify on the notice his identification number, the particular parking regulation allegedly violated, the make and state registration number of the cited Vehicle, and the place, date, time, and nature of the alleged

violation and shall certify the correctness of the specified information by signing his name to the notice.

(3) A parking violation notice issued, signed, and served in accordance with this section, or a copy of such notice, shall be deemed prima facie correct and shall be prima facie evidence of the correctness of the facts shown therein. The notice or copy thereof shall be admissible in any subsequent administrative or legal proceeding.

(4) Any violation of the parking provisions of this Ordinance or any provision of the Illinois Motor Vehicle Code prohibiting or restricting vehicular standing or parking shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in this Ordinance, shall be imposed.

(5) Any Person who violates or fails to comply with any provision of this section shall be fined \$25.00 for each offense.

(6) Any Person on whom a parking violation notice has been served shall within fourteen (14) days from the date of the notice either pay the indicated fine or, in the manner indicated on the notice, request a court hearing to contest the charge, violation, or violations.

(7) If no response is made in accordance with subsection (k)(6) of this section, the Clerk of the Circuit Court shall serve a second notice of violation, by first-class mail, postage prepaid, to the address of the registered owner of the cited Vehicle as recorded with the Secretary of State of Illinois. The notice shall specify the date of a violation, and make and state registration of the cited Vehicle, the Ordinance or Code provision violated, the applicable fine and penalty in an amount equal to the relevant fine to be paid by the final notice date or request for hearing. The final notice date for payment shall be 21 days from the initial due date.

(8) If the respondent requests a court hearing in person to contest the cited violation or violations, the Clerk of the Circuit Court shall notify the respondent in writing of the time and place of the hearing.

(9) A notice sent pursuant to subsections (k)(6), (7), and/or (8) shall state that failure to pay the indicated fine or failure to request a court hearing will constitute a debt due and owing the District, and as such may be collected in accordance with applicable law. Payment in full of any fine and/or penalty resulting from a standing or parking violation shall constitute a final disposition of that violation.

(10) The Clerk of the Circuit Court shall notify the County State's Attorney of each respondent who fails to make payment or who fails to request a court hearing pursuant to subsections (k)(6), (7), (8), and/or (9). Upon being notified by the Clerk of the Circuit Court, the County State's Attorney shall institute a civil action against the respondent in an amount of the fine plus a penalty double the relevant fine and costs. Any action instituted and proceeding therein shall be conducted in accordance with the Rules of the Circuit Court of Cook County, the Code of Civil Procedure and the laws, rules and regulations of the State of Illinois.

(l) Vehicle Impoundment. Any Vehicle parked in violation of this Section 3.08 shall be subject to impoundment pursuant to Section 7.03 below.

Section 3.09. Speeding.

(a) No Person shall drive or otherwise operate a Vehicle on District Property at a speed greater than is reasonable and safe under the circumstances, having due regard for traffic, pedestrians, weather conditions and the intended use of the roadway and at no time at a speed greater than 15 miles per hour.

(b) No Person shall drive or otherwise operate a Vehicle on District Property at a speed which

endangers the safety of any Person or property.

Section 3.10. Traffic Signs and Signals.

(a) No Person shall fail to observe and obey all traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers, and any other sign posted by the District for safeguarding life and property.

(b) No Person shall deface, injure, move, or otherwise interfere with any traffic sign or signal on District Property.

Section 3.11. Unattended Motor Vehicles. No Person driving, operating, or otherwise in charge of a motor Vehicle on District Property shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the keys. When the motor Vehicle is standing upon any perceptible grade, the Person shall set the parking brake thereon and turn the front wheels to the curb or side of the roadway.

Section 3.12. Unauthorized Use of Parking Places Reserved for Handicapped Persons.

(a) For purposes of this section, handicapped person means every natural person who is unable to walk 200 feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device, or a wheelchair or without great difficulty or discomfort due to the following impairments: neurological, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs.

(b) No Person shall park on District Property any motor Vehicle which is not bearing registration plates or decals issued to a handicapped person, pursuant to 625 ILCS 5/3-616, 11-1301.1, 11-1301.2, or to a disabled veteran pursuant to 625 ILCS 5/3-609 of the Illinois Vehicle Code which provisions are specifically incorporated in this Ordinance by reference, as evidence that the Vehicle is operated by or for a handicapped person or disabled veteran, in any parking place, including without limitation any private or public off-street parking Facility, specifically reserved by the District, by the posting of an official sign as designated under 625 ILCS 5/11-301, for motor Vehicles bearing such registration plates. Any motor Vehicle bearing a handicapped license plate or a handicapped parking decal or device containing the international symbol of access issued to handicapped persons by any local authority, state, district, territory or foreign country shall be recognized by the District as a valid license plate or device and receive the same parking privileges as handicapped residents of this State.

(c) The District may remove or cause to be removed to the nearest garage or other place of safety any Vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plates or a special decal or device as required by this section.

(d) Any Person found guilty of violating the provisions of this section shall be fined \$250.00 in addition to any costs or charges connected with the removal or storage of any motor Vehicle authorized under this section.

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

Section 4.01. Hours.

(a) Except as otherwise provided in this Section 4.01, District Property shall be open to the public from 6:00 a.m. until 10:00 p.m. of that same day and District Property shall be closed to the public from 10:00

p.m. each day until 6:00 a.m. the following day.

(b) Outdoor Facilities that are artificially lighted shall remain open to the public until 10:30 p.m.

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

Section 4.02. Special Closings. The Board or the Director may close one or more District parks, buildings, and Facilities or any part thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and either entirely or merely to certain uses, as deemed advisable and in the best interest of the public and District.

Section 4.03. Use of Closed Property Prohibited. No Person shall use, occupy, be in, or remain upon District Property or leave any personal property in or upon District Property which is closed to the public, or after closing hours, unless permission therefor has first been obtained from the District.

Section 4.04. Schedules, Fees, Rules, and Regulations. Time schedules for the operation of, and the activities to be conducted on, District Property and the amount of Facility, Permit and program fees, may be reviewed and approved periodically by the Board. As permitted by law, fees charged non-residents of the District need not be the same as fees charged residents of the District. The Board may otherwise establish policies, rules and regulations for proper conduct by Persons using District Property. Specific policies, rules and regulations pertaining to District Property and programs may be posted at or on the applicable District Property and/or published in District program brochures or otherwise made available to the users of District Property, who shall be charged with actual knowledge thereof and shall obey or comply with all such policies, rules and regulations. All Persons shall abide by all District policies, rules and regulations and with the direct orders or requests of employees and agents of the District when using District Property.

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

Section 4.06. Lost, Found, and Abandoned Property.

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

(b) Property left unattended for longer than twenty-four (24) hours or unattended property that interferes with any park visitors' safety, orderly management of the park area, or presents a threat to park resources may be impounded or removed by the District at any time. The owner of such property shall be responsible and liable for all costs and expenses associated with the impounding, removal, storage, or other disposal of the property.

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

(d) Unattended property that has been impounded or property that has been found shall be stored for a minimum period of thirty (30) days. Unless claimed by the owner, the property may be claimed by the

finder of such property unless the finder is an employee, officer, or agent of the District or Board. All property not claimed shall be disposed of as the District deems appropriate.

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

CHAPTER V - PERMITS AND OTHER AUTHORITY

Section 5.01. Permits.

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

(b) Every Person requesting a Permit shall complete and file a written application with the Director, on forms provided by the District, and pay applicable application fees at the District's administrative offices located at 540 Hibbard Road, Winnetka, Illinois. When received, the application shall be dated and stamped as received and a receipt issued to the applicant.

(c) Except as provided in subsection 5.01(c)(1), applications for Permits must be received by the District at least forty-eight (48) hours prior to the activity for which a Permit is sought.

(1) This application deadline shall not apply to applications for Permits under sections 2.02, 2.09, 2.33 and any other section of this Ordinance or any other District ordinance, rule, or regulation not involving the exercise of First Amendment rights. For such Permits, applications must be received by the District at least three (3) weeks prior to the requested activity.

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

- (1) The proposed activity violates any federal, state, local, or District law, rule, or regulation; or,
- (2) A prior application for a Permit for the same date, time, and location has been or will be granted and the activities authorized by that Permit do not reasonably allow multiple occupancy of that particular area; or,
- (3) The proposed activity is of such a nature that it cannot reasonably be accommodated in the particular location applied for, considering, without limitation, the likelihood of such things as damage to park resources or Facilities, damage to an environmentally sensitive or protected area's ecosystem, impairment of a protected area's atmosphere of peace and tranquility, unreasonable interference with District functions, buildings, Facilities, operations, programs or activities, or unreasonable interference with the use or purpose of the District Property applied for; or,
- (4) The proposed activity would substantially impair the operation or use of Facilities or services of District concessionaires or contractors; or,
- (5) The proposed activity would so dominate the use of District Property as to preclude other Persons from using and enjoying the park.

(6) This subsection 5.01(d) is not applicable to applications for commercial activity Permits under sections 2.09 and 2.16 of this Ordinance and Permits for alcohol under section 2.02. The District reserves the right to exercise its discretion in issuing Permits under sections 2.02, 2.09 and 2.16.

(e) The District shall have at least twenty-four (24) hours after receiving a permit application to review the application. However, for applications under section 2.17 of this Ordinance, the District shall have at least forty-eight (48) hours after receiving an application to review the application. For applications under sections 2.02, 2.09, 2.33 and any other section of this Ordinance or any other District ordinance, rule, or regulation not involving the exercise of First Amendment rights, the District shall have at least two (2) weeks after receiving a permit application to review the application. However, the District reserves the right to take additional time to review any application. If the District determines that it will exercise this right, it shall notify the applicant within twenty-four (24) hours after the District's receipt of the application.

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

(g) If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration, or time of the activity, the District will make a reasonable effort to arrange an alternative that is acceptable to all parties. If an application under sections 2.08, 2.25 or 2.36 is denied, or the applicant is dissatisfied with such Permit as issued, he may appeal the decision to the Board within ten (10) days after the decision is rendered. If the Board rejects the appeal after full review, or if time for full review is not available, the applicant may appeal the decision to the appropriate state or federal court. All other decisions on the issuance of Permits by the District are final.

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

(i) Any Person holding a valid Permit issued by the District for use of District Property shall take precedence for use of that District Property over any Person other than the District.

(j) The District may make necessary changes or place necessary additional restrictions on any Permit after it has been issued.

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

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

(1) This subsection shall not apply to Permits granted under section 2.09 of this Ordinance. For Permits granted under section 2.09, the District shall determine the length of time that a

Permit will be valid.

- (2) This subsection shall not apply to Permits granted under section 2.36 of this Ordinance for newsracks or newsstands. Such Permits granted under section 2.36 shall be issued for a period of six (6) months.

Section 5.02. Insurance and Hold Harmless Agreement.

(a) Except as provided in subsections 5.02(a)(1) and (a)(2), every applicant for a Permit shall acquire general liability insurance to protect himself and the District from liability resulting from his use of District Property and provide proof of such insurance to the District before the District will issue a Permit to an otherwise valid applicant. The District must be named on such policy as additional insured. Where possible, an applicant may acquire a rider to the District's insurance policy at the applicant's cost and expense. Applicants should contact the District's administrative office for more information.

- (1) For activities involving the exercise of First Amendment rights, including without limitation parades, public gatherings, speeches and rallies, this requirement may be waived by the District if the applicant can demonstrate that he or his organization cannot procure general liability insurance or that the cost of procuring such insurance or acquiring a rider to the District's insurance policy is prohibitive.
- (2) No applicant for a Permit required by Section 2.33 (c)(2) for a picnic or other similar event which or fewer Persons are expected to attend shall be required to comply with this Section 5.02.

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

Section 5.03. Restoration Deposit.

(a) A restoration deposit may be required for any Permit. The District shall refund the deposit if the Person responsible for the activity cleans any refuse caused or left by the activity or the activity's participants and restores District Property to the condition it was in prior to the activity to the District's satisfaction. If the District is required to clean up or restore District Property after the activity, the Person responsible for the activity shall reimburse the District for all costs and expenses associated with the clean-up and restoration. The cost of the clean-up and restoration shall be taken from the restoration deposit. If there are any funds remaining after the clean-up and restoration costs have been subtracted, they shall be returned to the appropriate Person. If the costs and expenses for the clean-up and restoration exceed the amount of the restoration deposit, the District reserves the right to pursue any and all legal options.

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

Section 5.04. Other Authority. Activities otherwise prohibited under this Ordinance, or any other District ordinance, policy, rule, or regulation may be conducted or engaged in by a Person, his agents and/or employees, if done in strict conformance with the provisions of an agreement with the District which has been

duly authorized by the Board.

CHAPTER VI - ENFORCEMENT

Section 6.01. Police/Security Force.

(a) The District Police Force shall be the conservators of the peace on District Property, and shall be responsible for the enforcement of all federal, state, local, and District laws, rules, and regulations on District Property.

(b) The members of the District Police Force shall have the authority to eject from District Property, arrest, or issue citations to any Person who violates any applicable federal, state, local, or District law, rule, or regulation on District Property.

Section 6.02. Rules to be Obeyed. No Person shall violate or disobey any provision of this Ordinance or any other District ordinance, policy, rule or regulation regulating conduct or activities on District Property even though the same may not have been posted. No Person shall violate or disobey the directions or instructions

contained in any notice or sign posted by the District relating to the use of District Property, or the directions or instructions of any member of the District Police Force, or any employee of the District seeking to enforce compliance with federal, state, local or District laws, rules, or regulations.

Section 6.03. Parties to Ordinance Violation.

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

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

(c) It is unlawful for the owner or any other Person employing or otherwise directing the operator of any Vehicle, to request or knowingly permit operation of any such Vehicle on District Property in any manner contrary to this Ordinance.

CHAPTER VII - PENALTIES

Section 7.01. Revocation of Privileges; Fine. Any Person violating or disobeying any section or part of this Ordinance, or any other District ordinance, policy, rule, or regulation, may be forthwith evicted from District Property, may have his admission rights to District Property terminated, revoked, forfeited or suspended for the remainder of the season, and/or may, upon conviction, be fined not more than \$1,000.00 for each offense.

Section 7.02. Restitution. In addition to, or instead of, the fines and penalties provided for in Section 7.01, any Person violating or disobeying any section or part of this Ordinance, or any other federal, state, local, or District law, rule, or regulation, may be required to make restitution for damage resulting from such violation(s). The provisions of the Illinois Parental Responsibility Law (740 ILCS 115/1 *et seq.*) are specific-

ly incorporated in this Ordinance by reference for purposes of this section.

Section 7.03. Seizure/Removal/Impoundment of Property. Any property, substance, or thing brought into, utilized, placed, or left on District Property in violation of this Ordinance, or any other District ordinance, rule, or regulation may be removed, seized, and destroyed in the case of property and substances referred to in sections 2.02, 2.03, 2.10, 2.35 and 2.41, or seized and impounded in the case of any other property, substance or thing (including, without limitation, Vehicles). Property so impounded shall not be returned to the owner(s) thereof until such Person(s) provides the District with acceptable proof or evidence of ownership and until such Person(s) has reimbursed the District in full for all costs and expenses to the District of such impoundment including without limitation any removal and storage charges. Property not claimed by the rightful owner(s) thereof within sixty (60) days after such impoundment may be sold by the District which shall be entitled to the entire proceeds thereof, or otherwise disposed of. Any motor Vehicles towed and/or impounded shall be disposed of according to the applicable laws of the State of Illinois.

Section 7.04. Non-Exclusivity of Penalties. The penalties provided for in this Chapter 7 are in addition to and not exclusive of any other remedies available to the District as provided by applicable law. The penalties provided for in section 7.01 may be imposed or assessed in addition to and not necessarily in lieu of the penalties provided for in section 7.02, and vice versa.

CHAPTER VIII - REPEAL

All District ordinances, resolutions, policies, rules and regulations or parts thereof in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.

CHAPTER IX - SEVERABILITY

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

CHAPTER X - PUBLICATION AND EFFECTIVE DATE

Section 10.01. Publication in Book Form. In lieu of other publications, this Ordinance shall be published in book or pamphlet form, and when so published, shall become effective with the same force and effect as if otherwise published. Such book or pamphlet shall be received as conclusive evidence of the passage and legal publication of this Ordinance in all courts and other places without further proof of the passage and publication of this Ordinance.

Section 10.02. Effective Date. This Ordinance shall take effect and be in force ten (10) days after the date of its passage, approval, and publication in book or pamphlet form as provided for herein.

PASSED by roll call vote this 22nd day of July, 2010.

ROLL CALL VOTE:

AYE: _____

NAY: _____

ABSENT: _____

APPROVED this 22nd day of July, 2010

President, Board of Park Commissioners of the
Winnetka Park District

ATTESTED and RECORDED this 22nd day
of July, 2010.

Secretary, Board of Park Commissioners
of the Winnetka Park District