

**SCHAUMBURG PARK DISTRICT  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 20 – 12 - 3P**

**AMENDED AND RESTATED GENERAL USE ORDINANCE**

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**ADOPTED BY THE BOARD OF PARK COMMISSIONERS  
OF THE SCHAUMBURG PARK DISTRICT  
THIS 10<sup>TH</sup> DAY OF DECEMBER, 2020**

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**ORDINANCE NO. 20-12- 3 P**

**SCHAUMBURG PARK DISTRICT  
AMENDED AND RESTATED GENERAL USE ORDINANCE**

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

**WHEREAS**, the District has previously adopted an integrated *General Use Ordinance* addressing both public use and operational regulations, including Ordinance 14-6-5P and subsequent amendments thereto; and

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

**WHEREAS**, the District is authorized by the Park District Code to adopt a general use ordinance for the regulation of District Property, and this Amended and Restated General Use Ordinance shall be known and referred to as the "Schaumburg Park District General Use Ordinance" or the "General Use Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, as follows:

## **PREAMBLE AND GENERAL PURPOSE**

The parks, sports fields, pools, land, buildings, and other facilities and equipment owned, leased, operated, and/or managed by the Schaumburg Park District (the "Park Facilities") are held in trust by the Park District for the use and enjoyment of all of the Park District's residents and other patrons. Some park areas, buildings, and facilities such as designated play fields, courts, and the like are intended for use by individuals or small groups. Most of the Park Facilities, however, are intended and held for the use of the public generally and not for private use or commercial use. The Park District does provide for use of certain of the Park Facilities under limited and tightly regulated circumstances. At the same time, it is the Park District's policy not to authorize or allow use of parks by private persons or organizations for any assembly or event that would substantially interfere with or preempt the general public use of the Park Facilities or that would disturb or disrupt the general use of the parks or their neighbors.

The Park District is committed to providing quality recreational opportunities for all person regardless of age, sex, sexual orientation, race, creed, social or economic status, or special ability.

## **CHAPTER 1: GENERAL PROVISIONS**

### **Section 1.1 Applicability, Designation and Citation to this Ordinance.**

The rules and regulations set forth in this Ordinance shall apply to all uses of the Park District. The Ordinances embraced in this and the following chapters and sections shall constitute and be designated as "the General Use Ordinance of the Schaumburg Park District" and may be so cited, and is sometimes referred to herein as the "General Use Ordinance" or "this Ordinance".

**Section 1.2 Definitions.** When used in the General Use Ordinance, the following terms shall have the meaning set forth in these sections.

**"Amplified Sound"** means any use of microphones, amplifiers, speakers, or other devices to artificially increase sound level.

**"Applicant"** means any person (as that term is defined herein) applying to the Park District for a Permit.

**"Board"** means the Board of Park Commissioners of the Schaumburg Park District.

**"Concealed Handgun"** means a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

**"Conceal Carry License"** means a license issued by the Illinois Department of State Police to a specific person to carry a concealed handgun.



**"Court"** means the circuit court of Cook County which has jurisdiction of District legal disputes.

**"District"** means the Schaumburg Park District, Cook County, Illinois.

**"District Property"** means all of the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District, including without limitation every building, shelter, street, sidewalk, trail, path, beach, park, playground, conservation area, garden plot, athletic field, or open space, or other public place or facility and all District waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.

**"Executive Director"** means the Executive Director of the Schaumburg Park District or his or her authorized designee.

**"Handgun"** means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. "Handgun" does not include:

- (1) A stun gun or taser;
- (2) A machine gun as defined in item (i) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code;
- (3) A short-barreled rifle or shotgun as defined in item (ii) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012; or
- (4) Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch diameter, or which has a maximum muzzle velocity of less than 600 feet per second, or which expels breakable paint balls containing washable marking colors.

**"Ordinances"** means the General Use Ordinance of the Schaumburg Park District approved by the Board of Park Commissioners of the Schaumburg Park District and all amendments and supplements thereto, and such other ordinances of the District not in conflict with or repealed by this Ordinance.

**"Park Facilities"** means all parks, sports fields, pools, buildings, and all other facilities and equipment owned, leased, operated and/or managed by the District.

**"Permit"** means the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorization, to a person to do or engage in a particular act or acts on District Property and/or to use Park Facilities. 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.



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

**"School Hours"** means 7:00 a.m. until 3:30 p.m., Monday through Friday, both inclusive, from August 18<sup>th</sup> through and including June 20<sup>th</sup> of each year.

**"Sports Field"** means all fields designed or maintained for the primary purpose of playing a particular sport or sports.

**"State"** means the State of Illinois.

**Section 1.3 Rules of Construction** In construction of this Ordinance the following rules of construction shall be observed.

**And/Or**

"And" may be read "or" and "or" may be read "and" if the sense requires it.

**Gender**

Words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine.

**May**

The word "may" is permissible and discretionary.

**Shall**

The word "shall" is mandatory.

**Section 1.4 Applicability and Code to be Liberally Constructed.** The rules and regulations set forth in this Ordinance apply to all uses of District Property and/or Park Facilities. All general provisions, terms, phrases and expressions contained in this Ordinance shall be liberally construed in order that the true intent of the District be fully carried out.

**Section 1.5 Designations and Headings; Construction.** All designations and headings of chapters, articles, divisions and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such chapters, articles, divisions or sections, whether printed in boldface type or italics.

**Section 1.6 Application and Ordinance Provisions as Continuance of Existing Ordinances.** The rules and regulations set forth in this Ordinance apply to all uses of District Property and/or Park Facilities. All uses of District Property and/or Park Facilities shall be conducted in accordance not only with the provisions of this General Use Ordinance, but also with all other applicable District rules, regulations, codes, ordinances and policies, including, but not limited to, existing rules, regulations, codes, ordinances and policies not in conflict and/or repealed by this Ordinance. The



provisions appearing in this Ordinance, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the District and existing at the effective date of this Ordinance shall be considered as restatements and continuations thereof and not as new enactments.

**Section 1.7 Effect of Repeal of Ordinances; Revival.**

- a. This Amended and Restated General Use Ordinance amends and replaces Ordinance 14-6-5P and all subsequent amendments thereto. All other prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.
- b. Neither the adoption of this Ordinance nor the repeal hereby of any ordinance of the District shall in any manner affect the prosecution for violations of such ordinance, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.
- c. Whenever any ordinance repealing a former ordinance, clause or provisions is repealed, such repeal shall not be construed as reviving such former ordinance, clause or provision, unless expressly provided therein.

**Section 1.8 Conflicting Provisions.**

- a. If the provisions of different chapters, articles, divisions or sections of this Ordinance conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.
- b. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of that chapter.
- c. In the event of a conflict or inconsistency between any provision of the General Use Ordinance and any other District rule, regulation, code, ordinance or policy, the provisions of this Ordinance shall govern and control.

**Section 1.9 References Include Amendments; Construction.**

- a. Any reference in this Ordinance to an ordinance or provisions of this Ordinance shall mean such ordinance or provision as may now exist or is hereafter amended.



- b. Any references in this Ordinance to chapters, articles, divisions or sections shall be to the chapters, articles, divisions and sections of this Ordinance unless otherwise specified.

**Section 1.10 Amendments and References to Ordinances.** Any additions or amendments to this Ordinance, when passed in such form as to indicate the intention of the Board to make the same part of this Ordinance shall be deemed to be incorporated in this Ordinance so that a reference to the General Use Ordinance of Schaumburg Park District shall be understood to include them.

**Section 1.11 Severability.** It is declared to be the intention of the Board that the chapters, sections, subsections, paragraphs, sentences, clauses and words of these Ordinances are severable. If any chapter, sections, subsections, paragraph, sentences, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court or competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining chapters, sections, subsections, paragraphs, sentences, clauses and words of this Ordinance, since the chapters, sections or parts of sections would have been enacted by the Board without and irrespective of any unconstitutional or otherwise invalid chapter, section, subsection, paragraph, sentence, clause or word being incorporated into this Ordinance.

## **CHAPTER 2: PROTECTION AND USE OF DISTRICT PROPERTY**

### **Section 2.1 Public Use; Hours**

- a. Regular Hours. Except as otherwise provided below, the parks of this District shall be open to the public from 7:00 a.m. until 11:00 p.m. Parks and areas within parks that are open to the public different hours are as follows:
  - (1) Spring Valley Nature Sanctuary grounds shall be open from 8:00 a.m. until 8:00 p.m. April 1 through October 31, and from 8:00 a.m. until 5:00 p.m. from November 1 through March 31;
  - (2) Brandenburg; Elaine Bond; Einstein; Freedom; Knollwood; Ruth Macintyre Conservation Area; Kay Wojcik Conservation Area at Oak Hollow; Old Salem, and Sunset parks shall be open from 7:00 a.m. until sunset.
  - (3) The following areas within parks shall close at 9:00 p.m.: Prairie Park play and skate areas; Meineke basketball court; Linden basketball court; and Abrahamsen basketball court
  - (4) Pembroke basketball court shall close at sunset;



- (5) Timbercrest Hockey Rink shall be open Sunday through Thursday from 7:00 a.m. until 9:00 p.m., and Friday and Saturday from 7:00 a.m. until 11:00 p.m.

No person, except employees of the District, authorized Village and/or County police personnel whose duties require their presence, and members of the public participating in officially organized park programs, shall be on or in any park between such closing time and the following day when the park reopens.

Park Facilities with outdoor lighting shall remain open until five minutes after the lights are turned off. Only the lighted portion of such facilities shall remain open after sunset.

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

**Section 2.2 Bringing and Removing Plants, Shrubs or Trees Prohibited and Tree Preservation.** No person shall:

- a. Plant or bring into or upon District Property, or uproot or take from District Property, any tree, shrub, flower, vegetable plant, or other form of live vegetation, or portion thereof, except by written authorization of the District's Director of Parks and Planning.
- b. Remove any Protected Tree or otherwise violate the District's Tree Preservation Ordinance adopted on June 13, 2002 as Ordinance 02-06-2P, a copy of which is attached hereto as Appendix I and is readopted, restated and is expressly incorporated herein (the "Tree Preservation Ordinance"), as the same may be amended from time to time.

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

**Section 2.4 Criminal Trespass of Property.** No person shall:

- a. Enter or remain in any building or portion of District Property or in any Park Facility where persons are prohibited by the District from entering by sign or other notice including where use is restricted to persons of the opposite sex except as otherwise specifically provided in this Ordinance;
- b. Enter or remain in any District Property when it is closed to the public;



- c. Climb, walk or sit upon any sign, wall or fence under the control of the District;
- d. Go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture or structure where access is prohibited by signs or other notice or where access is restricted by fence or other physical barrier;
- e. Enter any District Property that is reserved or scheduled for a specific group or activity, unless such person is invited by the individual or group responsible for such activity unless such person has paid any applicable admission and/or registration fees.
- f. Encroach upon District Property by constructing any fence, play apparatus or any structure thereon, or plant any garden, shrub or tree thereon, or take, use, or assume any District Property for personal use without the written pre-approval of the Executive Director or his or her designee.

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

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



- f. Fasten any animal or attach any rope, sign, handbill or other things to any tree or shrub or to any protective device around any tree or shrub growing in or on the District Property;
- g. Allow any animal under the person's ownership or temporary care to injure or deface any tree, plant, shrub, lawn or grassplot in any manner whatsoever. An animal is under a person's temporary care if the animal was brought upon District Property by the person or by a minor under the person's temporary or permanent care;
- h. Fasten any bicycle, motorcycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or grass plot;
- i. Deface, destroy, cover or otherwise make unreadable any traffic warning or prohibitory sign or symbol in or on District Property;
- j. Mark, carve, bend, cut, paint, deface, breakdown, destroy, damage, alter, change, sever, uproot, excavate or otherwise remove, or attach or suspend any rope, wire or other material or contrivance to or from any District Property or to or from any Park Facility;
- k. Fail to maintain District Property in a neat and sanitary condition.
- l. Use any Park District playground equipment or sports apparatus in a manner for which it was not intended to weaken, damage, or destroy such equipment or apparatus.

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

- a. All outdoor swimming pools shall be open and in operation from approximately Memorial Day through Labor Day, weather and safety conditions permitting. Pools shall be open for public swimming during published and posted hours.
- b. No person shall enter the bathhouse or pool area without payment of the admission charge that is established by the District or without displaying proper season passes that are issued therefore.
- c. No person under nine (9) years of age shall be admitted to the pool area unless he or she is accompanied by a person legally possessing an adult pass (ages 16 years old and up) or an adult daily admission and demonstrating competency to assume full responsibility for the care and safety of the person under nine (9) years of age.
- d. If any person shall refuse to obey any orders of lifeguards, attendants, managers or any agent of the District, the District may immediately terminate or suspend such person's rights to use the pool and other District Property.



Lifeguards are responsible for enforcing safety rules and responding to emergencies. Parents, guardians, or other persons who are 16 years of age or older and accompanying a child who is under nine (9) years of age, shall supervise the child.

- e. No person shall attempt admission to the pool and such admission shall be refused if the person has contagious disease, infectious conditions such as colds, fever, ringworm, foot infections, skin lesions, diarrhea, vomiting, inflamed eyes, ear discharges, or any other condition which has the appearance of being infectious, or any excessive sunburn, abrasions which have not healed, corn plasters, bunion pads, adhesive tape, rubber bandages, or other bandages of any kind or if the persons appears to be under the influence of alcohol or exhibiting erratic behavior.
- f. Persons with qualifying disabilities under state and/or federal law that require reasonable accommodations to enjoy District Property should contact the Executive Director's office.
- g. Littering is prohibited; in addition, food and beverages are allowed in specifically designated concession areas by posting a written notice. Tobacco products and glass containers are prohibited.
- h. All persons are encouraged to take a shower before entering the pool area.
- i. Personal conduct within the pool facility must be such that the safety of self and others is not jeopardized. Running, boisterous or rough play, except supervised water sports, is prohibited.
- j. Only clean footwear, baby strollers, or wheelchairs are allowed in the pool area or bathhouse.
- k. Spitting, spouting of water, blowing the nose or otherwise introducing contaminants into the pool is prohibited.
- l. Glass, soap, or other material, which might create hazardous conditions or interfere with efficient operation of the swimming pool, are prohibited in the swimming pool or on the pool deck.
- m. Only a clean swimsuit or clean swim apparel may be worn in the pool. Unlined and cut off shorts or leotards are prohibited in the pool.
- n. All children who are not toilet-trained shall wear tightly fitting rubber, plastic pants, or approved swim diapers.
- o. Diving in water less than five feet deep is prohibited except when allowed for competitive swimming and training.
- p. Swimming is prohibited when thunder is heard or lightning is seen, including a 30-minute period after the last lightning or thunder is detected.

- q. Pools may be closed by authorized District personnel for cool air temperatures, mechanical problems or hazardous conditions.
- r. Flotation devices are only allowed in baby pools, at outdoor pools or the leisure pool at the District's Water Works facility.
- s. No person seven (7) years of age and older is allowed in any baby pool at the District's outdoor pools.
- t. All state, county and local health codes shall apply to the use of all District pools and shall be applicable to all pool patrons and users.
- u. Any person who refuses to obey pool rules or otherwise violates any other provision of this Ordinance may be temporarily dismissed or excluded by the District from further use of the pool in accordance with the provisions of Chapter 9 and the provisions of Chapter 10 of this Ordinance, in addition to being subject to the general penalties set forth in this Ordinance.

#### **Section 2.7 Public Assemblies.**

- a. No person shall do any of the following on District Property without first obtaining a Permit from the District in accordance with Chapter 6:
  - (1) Call or hold a public assembly, exhibition or entertainment of any description;
  - (2) Conduct any musical concert, play any amplified instrument, or set up or use any amplified sound communication system;
  - (3) Hold or attempt to hold any meeting, assembly, demonstration, celebration, parade, rally, religious worship, or any sponsored entertainment, social, recreational or athletic event.
- b. Any person issued a Permit by the District shall produce the Permit and exhibit it upon request of any District employee or officer.
- c. No person other than a District employee or officer shall disturb or interfere with any person occupying District Property under the authority of a Permit.

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

- a. Every person shall cooperate in maintaining restrooms, washrooms and locker rooms in a neat and sanitary condition.
- b. No person shall deposit objects of any kind other than toilet paper in the toilets or plumbing fixtures of a restroom, washroom facility, bath house, or locker room.



- c. No person shall enter into or remain in any restroom, washroom facility, bath house or locker room designated for the opposite gender, except that children 5 years of age and under may use restrooms, washrooms, bath houses and locker rooms designated for the opposite gender when a family facility is unavailable. Restrooms (only) identified by signage as gender neutral can be used by either gender.
- d. Individuals may not use restrooms, washrooms, bath houses, and locker rooms designated for families.
- e. No person shall use (i) an electronic, mechanical, manual, electric, digital, voltaic or other device, instrument or means capable of recording, producing, duplicating, reproducing, storing, copying, transmitting or displaying any visual, video, photographic, electronic, digital, recorded or other visual image, picture or representation, including, but not limited to, any camera, camcorder or videotaping device; or (ii) any cell phone of any type or kind regardless of its capacity or lack thereof to produce a visual image, in any restroom, locker room, lavatory, bathroom, shower facility, or dressing room, in any building owned, leased to or under the control of the Park District.

## **CHAPTER 3: ANIMALS**

### **Section 3.1 Animals and Pets**

- a. Except as provided for the K-9 Dog Park in Section 3.3 of this Chapter, no owner or person having control of any domesticated dog, cat, or any other domesticated animal shall cause or permit such animal to be on District Property unless the animal is on a leash which shall not exceed six (6) feet in length and such person has in his immediate possession a device for removal and a depository for the transportation of animal excrement from District Property.
- b. All owners or persons having control of any domesticated dog, cat, or other domesticated animal, shall remove any excrement from District Property left by such animal.
- 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 prohibited, except (i) in conjunction with an activity or event conducted or sponsored by the District, or (ii) dogs or other domesticated service 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 in accordance with the District's Americans with Disabilities Act (ADA) Policy adopted on March 10, 2011 by District Ordinance 11-03-2P, a copy of which is appended hereto as Appendix II, which policy is hereby readopted, restated, and is expressly incorporated herein (the "ADA Policy"), as the same may be amended from time to time.



- d. Any animal found on District Property in violation of subsections a. through c. may be apprehended, removed to an animal shelter, public pound, or other place provided for that purpose, and, unless the owner claims the animal and is financially responsible for violations of this Ordinance, disposed of pursuant to the applicable laws or ordinances of the State of Illinois and Village of Schaumburg. The owner or person responsible for such animal shall be responsible for all costs and expenses incurred or encumbered in the removal and boarding of such animal and such charge shall be in addition to and not in lieu of any other penalties provided for in this section and any other applicable federal, state, local or District laws, ordinances, rules or regulations.
- e. No person shall allow any animal to run uncontrolled upon any Park Property, whether licensed or not (except for dogs in the K-9 Dog Park in accordance with the K-9 Dog Park Rules, Regulation, and Etiquette and other provisions set forth in Section 3.3 of this Ordinance).

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

- a. No person shall bring or release any wildlife onto District Property; provided, however, that the District may bring or release, or permit another person to bring or release, such proscribed animals onto District Property in conjunction with an activity or event conducted or sponsored by the District or in conjunction with a zoo, museum, nature center, or similar facility maintained by the District.
- b. No person shall feed any wildlife on District Property.
- c. No person shall hunt, pursue, hurt, molest, wound, kill, trap, catch, poison, abuse, chase, shoot, touch, throw or propel objects at, endanger in any way, remove or cause to be removed, treat cruelly, or have in possession, any wildlife upon, over, or under District Property, except as expressly authorized and approved by the District.
- d. No person shall give or offer any harmful, poisonous, or noxious substance to any wildlife on District Property.
- e. No person shall touch, tease, frighten, disturb, or otherwise intentionally interfere with any wildlife while feeding, nesting, breeding, sleeping, resting, flying or engaging in any other activity on, upon, over or under District Property, except as expressly authorized and approved by the District.
- f. No person shall molest, touch, throw or propel an object at, destroy, dig up, crush, shake, rob or disturb, in any way tamper with or damage the nest,



lair, den, burrow, or home of any wildlife found on, upon, over or under District Property.

- g. Fishing is allowed in designated waterways in accordance with the rules and regulations of the Illinois Conservation Department.
- h. Wildlife on District Property may, in addition to the provisions of this Section 3.2, be protected as an endangered species under international, federal, state, county or local treaties, laws, statutes, ordinances rules or regulations.

**Section 3.3 Dog Park.** The District hereby adopts rules and regulations governing a dog park/temporary off-leash facility known as K-9 Dog Park, titled K-9 Dog Park Rules, Regulation, and Etiquette (the "Dog Park Guidelines"). Every dog owner and dog handler must abide by the rules and regulations set forth in the Dog Park Guidelines, as they may be amended from time to time. The Dog Park Guidelines provide, among other rules and regulations, all of the following rules and regulations:

- a. Permit and Pass Required. Every dog owner or dog handler must secure a dog park permit and pass prior to any use of any dog park or temporary off-leash facility. Access to dog parks and temporary off-leash facilities is limited only to persons with valid, current dog park permits and passes.
- b. Permit and Pass Application. Each application for a dog park permit and pass must be submitted to the Park District on forms provided by the Park District, which must include, among other information, all of the following:
  - (1) Waiver and Indemnity. Waiver, release, and indemnification provisions that must be signed by the applicant. All applicants must assume all risk of, and responsibility for, injury, damage, and loss relating to use of any dog facility.
  - (2) Proof of Examination. Written proof of any examination of the dog by a certified Doctor of Veterinary medicine, including information and vaccinations as provided on the application.
- c. Compliance with Posted Rules and Regulations Required. Every dog owner or dog handler must abide by posted rules and responsibilities.
- d. Young Children Prohibited. No child under the age of 11 years is permitted within a dog park or temporary off-leash facility at any time.
- e. Adult Supervision of Youth Required. Children between the ages of 11 and 17 years are not permitted within the dog park/temporary off-leash facility unless accompanied by an adult.
- f. Collars, Wearing of Tags Required. Every dog must wear a collar at all times while on any District Property, and must wear on that collar a current rabies tag.



- g. Enforcement, Fines. Dog park rules and regulations may be enforced by any Park District Ranger and by any employee of the District. Failure to comply with the rules and regulations may result in a fine of not less than \$50 nor more than \$1,000 for each offense and/or the revocation the dog owner's and/or dog handler's permit and pass issued pursuant to this section.

## **CHAPTER 4. PERSONAL CONDUCT.**

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

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

- a. No person shall offer for sale any articles or things, or conduct or solicit any business, trade, occupation, or profession on District Property without a Permit from the District.
- b. No person shall fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or objects containing advertising matter or announcements of any kind whatsoever on any District tree, shrub, post, building, gate, sign, or other District Property unless:
  - (1) The person or organization has obtained a Permit from the District;
  - (2) The District has expressly designated the area for such use;
  - (3) The person holds a valid picnic, camping, or special event Permit in which case the person may display signs to identify their location or direct others to such location, provided that such signs are temporary and are removed by the permittee at the termination of the activity and provided that such signs are no larger than 24" x 30" and are not attached to any tree shrub, post, building, gate, District sign, or other structure located on District Property; or
  - (4) The person or organization has entered a written Sponsorship Agreement with the District which authorizes the posting of such permanent signs, seasonal banner and/or temporary signs, and which agreement meets the Schaumburg Park District Sponsor Promotion Guidelines as they may be amended by the Board from time to time.



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

### **Section 4.3 Drones/Model Aircraft/Aircraft Regulations**

#### **a. Drone Regulations.**

##### **(1) Definitions.**

- (a) "Drone" means an unmanned aircraft system used for public, recreational or commercial purposes.
- (b) "FAA" means Federal Aviation Administration, or any successor Federal agency.

- (2) Drones may not be operated on, over or across District Property except to the extent permitted by this Section.
- (3) Except by the Schaumburg Park District, drones may not be operated on, over or across District Property without a written permit therefor issued by the Park District in accordance with this Section.
- (4) Subject to the limitations described in this Section, drones may be operated with a permit on, over and across only those parks and District Property listed in the permit therefor (if issued by the District), and only on the date(s) and times set forth in said permit.
- (5) Drones may only be operated on, over and across the specific parks and District Property listed in the permit, but only when there is not an organized recreational program or activity occurring thereon which is sponsored or permitted by the Park District, including but not limited to soccer or baseball games.
- (6) All drones must be operated within the eyesight of the operator.
- (7) Drone operation may only take place during the hours when the park is open.
- (8) All permits are issued specifically to a particular operator and a particular drone. Permits are not transferable or assignable without the Park District's advance written consent.
- (9) Applications for a permit must be submitted to the Director of Parks and Planning no less than ten (10) days before the operator plans to operate the drone on, over or across District Property.

- (10) A person is eligible to receive a permit to operate a drone on, or over, District property if:
  - (a) The drone is registered with the FAA and bears a tab/label/sticker describing the FAA registration number.
  - (b) For commercial drone operators:
    - (i) The operator has received all applicable licenses from the FAA for the operation of the drone for which a permit is sought.
    - (ii) The operator presents to the Park District proof of commercial general liability insurance, with any applicable drone operation exclusions deleted, providing coverage for personal injury, death, property damage and destruction, with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate.
- (11) The operator has not been removed from District Property for a previous violation of the regulations in this section.
- (12) The operator does not have a history of violating FAA guidelines for use of unmanned aerial systems.
- (13) By applying for and accepting a permit to operate a drone on, or over, District Property, the applicant/permit holder agrees to indemnify, defend and hold harmless the Park District from and against any and all costs, expenses, claims, liabilities or judgments, of whatever kind, nature or amount, relating to any personal injury, death, property damage or destruction, resulting from the operation of the drone.
- (14) No person shall fly, cause to be flown or permit or authorize the flying of a drone 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.
- (15) No person shall land or permit or authorize the landing of any drone on District Property unless a permit therefor has first been obtained from the District, except when necessitated by unavoidable emergency.

b. Model Aircraft Regulations.

- (1) No person shall fly or cause to be flown or permit or authorize the flying of model aircraft on, or over, District Property unless a permit has first been obtained from the District.



- (2) No person shall fly, cause to be flown or permit or authorize the flying of model 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.
- (3) No person shall land or permit or authorize the landing of any model aircraft on District Property unless a permit therefor has first been obtained from the District, except when necessitated by unavoidable emergency.

c. Aircraft Regulations.

- (1) No person shall parachute or otherwise descend from an aircraft into or onto District Property or cause, permit or authorize another person to parachute or otherwise descend from any aircraft into or onto District Property unless a permit therefor has first been obtained from the District, except when necessitated by unavoidable emergency.

**Section 4.4 Alcoholic Liquors/Intoxication.** The following terms shall have the following meanings for purposes of this section:

"Alcoholic liquor" shall have the meaning set forth in the Illinois Liquor Code, 235 ILCS 5/1-1 *et seq.*

- a. No person under the influence of alcoholic liquor shall enter into, be, or remain on District Property
- b. No person, other than the District or its authorized agents, shall sell or deliver any alcoholic liquor on District Property or in any Park Facility, unless said person has first obtained all applicable state and local liquor licenses, provides proof of dram shop liability insurance in sufficient insurance coverage limits as determined by the District, and obtains a Permit therefore from (or license agreement allowing the sale thereof) with the District.
- c. No person shall bring into, possess, consume, use, or transfer any alcoholic liquor on District Property without having first obtained a Permit therefore from the District unless he is in or on District Property where the possession or consumption of alcoholic liquor is allowed without a Permit, or unless the alcoholic liquor is legally possessed in an unopened container stored in the trunk of a motor vehicle. Every person possessing, using, consuming, or transferring alcoholic liquor pursuant to this section shall be subject to and shall comply with all applicable federal, state, local, and District laws, ordinances, rules, and regulations regarding the possession, use, consumption, or transfer of alcoholic liquor.



**Section 4.5 Assault, Battery, Fighting, and Reckless Conduct.** No person shall knowingly start a fight or fight or commit any assault, battery, or reckless conduct on District Property or in any Park Facility.

For purposes of this section:

A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

A person commits a battery if he intentionally or knowingly, without legal justification and by any means (1) causes bodily harm to an individual or (2) makes physical contact of an insulting or provoking nature with an individual.

A person commits reckless conduct when he causes bodily harm to or endangers the bodily state of an individual by any means if such person performs recklessly the acts which cause the harm or endangers safety regardless whether the acts are otherwise lawful or unlawful.

**Section 4.6 Begging and Panhandling**

- a. No person shall beg or panhandle on District Property or in any Park Facility, including, without limitation, in District buildings, facilities, parks, athletic fields, or playgrounds or the entrances or stairways of such buildings or facilities.
- b. No person begging or panhandling on District Property or in a Park Facility 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.
- c. No person shall establish any type of concession or do any hawking, peddling, soliciting or offer to sell or buy any article, alms, or take up any collection, solicit or receive any contribution of money or anything of value without authorization from the Executive Director or his or her designee.

**Section 4.7 Bicycling.**

- a. When two or more persons in a group are operating bicycles on District Property, they shall not ride abreast, but shall ride in single file.
- b. When riding a bicycle on Park Property, or when entering or exiting Park Property, the operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending



across any alleyway, yield the right-of-way to all pedestrians and vehicles approaching on said roadway.

- c. No person operating a bicycle on District Property shall carry another person on the same bicycle. This restriction does not apply to tandem bicycles.
- d. No person shall operate a bicycle on District Property between 30 minutes after sunset and 30 minutes before sunrise, without a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet and firmly attached to the bicycle, or without a red reflector firmly attached to the bicycle, which is clearly visible in the headlight beam of an automobile for a distance of 500 feet to the rear of the bicycle.
- e. No person may operate a bicycle on playgrounds, ball fields, tennis courts, or sidewalks except that small children riding three- or more-wheeled cycles may operate such cycles on sidewalks while under the supervision and control of an adult.
- f. No person shall ride a bicycle on any path on District Property where signs are posted prohibiting riding bicycles on those paths. Bicycles are permitted only on designated bike paths and are not permitted in Macintyre, Kay Wojcik Conservation Area, Oak Hollow or Spring Valley nature areas.
- g. Bicycles shall not, at any time, in any place on District Property, be indiscriminately parked by anyone in such manner as to actually or possibly interfere with pedestrians or automobiles. No person shall leave a bicycle lying on the ground or paving or set against trees or otherwise in a place on District Property other than a bicycle rack when such is provided and there is space available. No person shall move or in any manner interfere with, any bicycle which is properly parked, nor shall any person interfere with, or, in any manner, hinder any person from properly parking a bicycle.
- h. All bicycles, when operated on sidewalks, driveways, and on designated bicycle paths on District Property, shall be kept to the right and shall be operated as nearly practicable at the right-hand edge of the driveway, designated bicycle path, or sidewalk.
- i. No person shall operate a bicycle on District Property which is not equipped with a signaling device (bell, horn), in good working order and audible at a distance of 100 feet when sounded.
- j. No person shall operate a bicycle on District Property faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other persons and property.



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

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

**Section 4.9 Commercial Photography.** No person shall take or cause to be taken any still or motion pictures (including video tapes), make sketches or paintings for commercial purposes or for use in commercial advertising, without first obtaining a Permit from the District, and in addition shall comply with the Schaumburg Park District Advertising Guidelines as they may be amended by the Board from time to time.

**Section 4.10 Disorderly Conduct.**

- a. No person shall commit any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.
- b. No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct, or assist in making any unreasonably loud noise, disturbance, breach of the peace, riot, or diversion which breaches the peace on District Property or in any District Facility, or gather with other persons in bodies or crowds for unlawful purposes, or for any purpose to the annoyance, obstruction or disturbance of other persons of normal sensibilities under circumstances in which such conduct tends to cause or provoke a disturbance.
- c. No person shall commit any other act which may be defined as disorderly conduct under the Illinois Criminal Code, 720 ILCS 5/26-1,2,3, or 4.

**Section 4.11 Drugs/Cannabis/Controlled Substances.**

- a. Definitions. For purposes of this section, the following words shall have the following meanings:

CANNABIS: Means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol



(THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" also means and includes for purposes of this section, cannabis flower, cannabis concentrate, and cannabis-infused product, unless those specific terms are used separately to differentiate separate regulations for any of them.

**CANNABIS CONCENTRATE:** Means a product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water ice, or dry ice; or butane, propane, CO<sub>2</sub>, ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

**CANNABIS CONTAINER:** Means a sealed, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

**CANNABIS FLOWER:** Means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

**CANNABIS-INFUSED PRODUCT:** Means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis, or cannabis concentrate that is not intended to be smoked.

**CONTROLLED SUBSTANCE:** Shall have the meaning ascribed to it in section 102 of the Illinois Controlled Substances Act<sup>1</sup>, as the same may be amended from time to time, which statute and definition as the same may be amended are hereby expressly incorporated herein.

- b. It shall be unlawful for any person under 21 years of age to knowingly possess cannabis within Park Facilities or upon District Property, unless said possession is authorized by the Compassionate Use of Medical Cannabis Program Act<sup>2</sup> or by the Community College Cannabis Vocational Pilot Program<sup>3</sup>, and in no event shall cannabis be used, smoked, consumed

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<sup>1</sup> 720 ILCS 570/100, et seq.

<sup>2</sup> 410 ILCS 130/1, et seq.

<sup>3</sup> 410 ILCS 705/Art. 25



or ingested by any person under 21 years of age while in any Park Facilities or while upon Park Property. For purposes of this subsection, "knowingly" means consciously aware of the presence of cannabis or awareness of the substantial probability of the presence of cannabis.

- c. No person who is 21 years of age or older shall knowingly possess cannabis within any Park Facilities or while upon District Property unless or except:
  - (1) If otherwise authorized by the Cannabis Regulation and Tax Act<sup>4</sup>, but in any event it shall be unlawful for any person who is 21 years of age or older and a resident of the State of Illinois to knowingly possess in excess of 30 grams of cannabis flower; in excess of 500 milligrams of THC contained in cannabis-infused product; or in excess of 5 grams of cannabis concentrate within Park Facilities or while upon District Property. The possession limits are to be considered cumulative.
  - (2) If otherwise authorized by the Cannabis Regulation and Tax Act<sup>5</sup>, but in any event it shall be unlawful for any person who is 21 years of age or older and a non-resident of the State of Illinois to knowingly possess in excess of 15 grams of cannabis flower; in excess of 2.5 grams of cannabis concentrate; or in excess of 250 milligrams of THC contained in a cannabis-infused product within Park Facilities or while upon District Property. The possession limits are to be considered cumulative.
  - (3) If permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act.<sup>6</sup>
  - (4) In a vehicle that is reasonably secured and with the cannabis in a cannabis container that is reasonably inaccessible to the driver and occupants of the vehicle.
- d. No person who is 21 years of age or older shall knowingly use, smoke, consume or ingest cannabis or any cannabis product in any Park Facility or upon Park Property.
- e. No person who is 21 years of age or older shall knowingly smoke cannabis in a Park Facility or upon District Property where smoking is prohibited under the Smoke Free Illinois Act.<sup>7</sup>
- f. No person who is 21 years or age or older shall knowingly smoke or vape cannabis in any Park Facility or upon District Property where smoking and/or vaping are prohibited under Section 4.30 of this General Use Ordinance.

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<sup>4</sup> 410 ILCS 705/1-1, et seq.

<sup>5</sup> 410 ILCS 705/1-1, et seq.

<sup>6</sup> 410 ILCS 130/1, et seq.

<sup>7</sup> 410 ILCS 130/1, et seq.



#### **Section 4.12 Dumping, Polluting, and Littering**

- a. No person shall litter, cast, throw, drop, leave, scatter, place, pile, or otherwise dump, or deposit in any manner any kind of dirt, rubbish, placard, handbill, pamphlet, circular, book, notice, flyer, other promotional material, paper of any kind, ashes, garbage, waste material, snow, ice, grass clippings, tree or shrub limbs, branches or trimmings, rubbish, manure or waste substance of any kind, or other substance, whether liquid or solid, or any other refuse in or upon District Property or in any Park Facility 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 garbage receptacles provided by the District for that purpose. Where garbage 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 or in any Park Facility other than in toilets in restroom facilities expressly provided for such purposes.
- c. No person shall drain refuse from a trailer or other vehicle on District Property.
- d. No person shall bathe or wash themselves or food, clothing, dishes, or other property at water outlets, fixtures or pools on District Property, except at those areas designated by the District for such use.
- e. No person shall pollute or contaminate District Property.
- f. No person shall dispose of fish remains on District Property, except as expressly permitted by the District.
- g. No person shall dispose of human or animal waste on District Property except at designated locations or in fixtures provided for that purpose.
- h. Any person violating this section shall be assessed the cost of removing any such improperly deposited substance or material and such charge shall be in addition to and not in lieu of any other penalties provided for in these Ordinances or applicable federal, state, local, and/or District laws, ordinances, rules, and regulations.

**Section 4.13 Fire.** No person shall light, maintain, or make use of any fire on District Property, except at such places and at such times as the District may designate for such purpose and under such rules as may be prescribed by the District. In the event the District permits a person to use such a fire the person shall comply with the following requirements in addition to any other rules as may be prescribed by the District:



- a. No fire shall ever be left unattended. Every fire shall be under the continuous care and direction of a competent adult from the time it is kindled until the time it is completely extinguished.
- b. Small fires contained in grills for the sole purpose of grilling food shall be allowed only in areas designated for picnics, must be properly and completely extinguished prior to any person leaving the site of the fire.
- c. Dumping of hot coals or ashes from grills without having first thoroughly extinguished all hot coals or ash with water is strictly prohibited. Any such extinguished coals or ash shall only be disposed of in garbage receptacles provided by the District.
- d. No person shall throw or otherwise discard lighted or smoldering material in any manner that threatens, causes damage to, or results in the burning of District Property or other District resources, or creates a safety hazard.

**Section 4.14 Fireworks.** No person shall offer for sale, expose for sale, sell, possess, use, discharge, set off or explode any firecracker, torpedoes, skyrockets, roman candles, bombs, sparklers, rocket, squib or other fireworks of like construction, or anything containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks, on District Property without first obtaining a Permit from the District, or unless authorized to do so by contract with the District. No such Permit shall be issued unless the applicant shall have first submitted to the District:

- a. A plan which assures the proposed activity will be conducted safely; and
- b. Proof of commercial general liability insurance coverage, and if necessary commercial umbrella insurance, with a limit of not less than \$2,000,000, each occurrence. If such CGL policy contains a general aggregate limit, the policy must be endorsed to apply separately to the event and location for which the applicant is seeking a permit. Any such CGL insurance shall be issued by an insurance company with a rating of not less than A- VII in the most recent edition of the A.M. Best's Key Rating Guide, if the insurance company providing the CGL policy has not obtained a Best's rating, or it is less than A- VII, then no permit will issue. The District shall be included as an insured under the CGL using an additional insured endorsement and with coverage of liability as determined by the District.

**Section 4.15 Gambling/Fortune Telling.** No person shall play or engage in selling fortunes or futures, games of chance or in any other device or game of chance, hazard or skill, either as bookmaker, dealer, player or otherwise, for the purpose of gaming or gambling for money or other valuable things on District Property, except at a fair, carnival or other organized event conducted permitted by the District.

**Section 4.16 Games and Sports.** No person shall engage in any sport, game, or amusement on District Property or in any Park Facility where prohibited by



the District. Nor shall any person walk, remain, or go upon any portion of District Property or in any Park Facility designated for any particular game, sport, or amusement in such a way as to interfere with the use of that portion of District Property and/or Park Facility by persons who are using the same for the particular sport, game or amusement for which it has been designated. No person shall engage in any permitted activity in a rough or reckless manner so as to endanger, injure or damage any person or property in any way.

No person shall use a golf club, baseball bat, tennis racket, or other device, to strike, hit, propel or otherwise throw any object, such as balls or rocks, on District Property, except in designated areas for such purpose, and only as such device is intended to be used.

Activities such as golf, archery, and radio operated miniature airplanes, remote controlled boats, with combustible engines and remote controlled cars shall only be allowed on Park Property as part of a District recreation program under District supervision in designated areas or with written permission for that use from the District. Radio operated electric boats are permitted on Volkening Lake with a permit.

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

**Section 4.18 Hitchhiking.** No person shall solicit a ride nor stand in or near a roadway on District Property for the purpose of soliciting a ride from the operator of any vehicle.

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

**Section 4.20 Indecent Conduct.**

- a. No person shall commit any indecent, lewd or lascivious act on District Property, or utter any lewd or offensive words within the hearing of another person.
- b. No person shall appear on District Property in a state of nudity or make any indecent exposure of his person or be guilty of any other lewd or indecent act or behavior.

**Section 4.21 Loitering.** No person shall loiter or remain on District Property or in any Park Facility either alone or in consort with other persons in such a manner that: (1) unreasonably obstructs the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impedes or disrupts the performance of official duties by District employees; (3) prevents the general public from obtaining the administrative or recreational services provided on District Property or in any Park Facility in a timely manner; (4) restrict vehicular or pedestrian traffic or



restrict free ingress to and egress from District Property or a Park Facility; after being requested to leave, move, or disperse by any employee of the District, or where the District has posted a sign or signs that prohibit loitering.

#### **Section 4.22 Minors.**

- a. No parent, guardian, or custodian of a minor shall knowingly assist or allow such minor to do any acts on District Property or in any Park Facility in violation of any law, ordinance or rule of the District. A minor is defined herein as any person who is under the age of eighteen (18) years.
- b. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for damages caused by the willful or malicious acts of such minor as provided in the Illinois Parental Responsibility Act, 740 ILCS 115/1, *et seq.* This section shall not affect the recovery of damages in any other course of action where the liability of the parent or legal guardian is predicated on a common law basis.

**Section 4.23 Mob Action.** No person shall engage in mob action. Mob action consists of any of the following: (i) the use of force or violence disturbing the public peace by two (2) or more persons acting together without authority of law; or (ii) the assembly of two (2) or more persons to do an unlawful act; or (iii) The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law or for the purpose of exercising correctional powers or regulative powers over any person by violence.

**Section 4.24 Obstructing Travel.** No person shall set, or cause to be set or placed, any goods, wares, merchandise, equipment, vehicle or property of any kind so as to obstruct travel on District Property, or on paths, sidewalks and/or driveways located on or emerging from District Property, except for District personnel or persons or entities issued a Permit or authorized in writing by the District to do so.

#### **Section 4.25 Picnics.**

- a. Picnics may be held in any unrestricted area on District Property not specifically set aside for other recreational activity. A Permit is required for group picnics involving fifteen (15) or more persons. Groups of less than fifteen persons do not require a Permit unless the group desires to reserve a designated area or shelter to the exclusion of others.
- b. No person shall use, infringe upon or disturb a group in possession of a valid Permit, except under permission by the group possessing such Permit.
- c. Every person or group of persons shall relinquish the use of District Property, park areas, or Park Facility, or area or portion thereof to any person or group of persons that has obtained a valid Permit from the District



for use of said District Property, park area, Park Facility, or area or portion thereof.

**Section 4.26 Resisting or Interfering with Officer.** No person shall:

- a. Resist any police officer or Park Ranger, or District employee or official in the discharge of his/her duties;
- b. In any way interfere with or hinder or prevent any police officer or Park Ranger, or District employee or official from discharging his/her duty as such police officer, Park Ranger, or District employee or official, or offer or endeavor to do so;
- c. In any manner assist any person in the custody of any member of any police force, officer or Park Ranger to escape or attempt to escape from such custody, or attempt to rescue any person in custody.

**Section 4.27 Skateboarding.** No person using roller skates, in-line skates, skateboards, roller skis, coasting vehicles, or similar devices on District Property shall interfere with pedestrian use of sidewalks or use of the streets by vehicles, or otherwise act negligently, recklessly or without due caution or in any manner so as to endanger any person or property. No person shall use such devices on any tennis court or on any District Property where such use has been posted as prohibited.

**Section 4.28 Sleeping in Parks/Vagrancy.**

- a. No person shall sleep on District Property between 10:00 p.m., and 6:00 a.m., except when authorized to do so by a Permit from the District.
- b. No person shall use District Property or Park Facility in a manner designed or calculated to act as a substitute for a residence or means of support.

**Section 4.29 Sledding/Snowboarding/Ice Skating.**

- a. No person shall ice skate, sled, toboggan, inner tube, ski, snowboard, slide, or engage in similar activities on District Property except at such times and places as the District may designate for such purposes.
- b. No person shall engage in any such activity in a reckless manner that endangers that person or others, or at a speed greater than is safe and proper under the circumstances.
- c. No person shall tow, push, pull, or otherwise propel another person on skis, sled, or other sliding device by use of any vehicle on District Property.

**Section 4.30 Smoking.** The following terms shall have the following meanings for purposes of this Section:



**“Enclosed area”** means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls within partitions and no windows, exclusive of doorways that extend from the floor to the ceiling.

**“Enclosed or partially enclosed park facility”** means any sports pavilion, stadium gymnasium, health spa, arena, swimming pool, skating rink or other similar space where members of the public assemble to engage in physical exercise or participate in athletic or recreational activities or to witness sports, cultural, recreational or other events and which constitutes an enclosed or partially enclosed sports arena under the Smoke Free Illinois Act (410 ILCS 82/1, *et seq.*).

**“Park licensed property”** means any District Property and/or Park Facility, or portions thereof which is leased to a private third party individual or entity or to which a private third party individual or entity has been granted a license or permit by the Park District to use all or a portion of District Property and/or enclosed or partially enclosed Park Facilities.

**“Smoke”** or **“smoking”** means the carrying, smoking, burning, vaping, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, electronic cigarette, vape, hookah, tobacco, alternative tobacco or nicotine product, weed, herbs, or use of any kind of smoking equipment. “Alternative tobacco or nicotine product” includes synthetic tobacco products which are intended to replicate tobacco and tobacco products. “Electronic cigarette” or “vape” means any electronic device that provides a gas or vapor derived from nicotine and/or other chemicals and inhaled by the user simulating smoking. The term “electronic cigarette” or “vape” includes electronic cigars, electronic pipes, electronic hookah pipes, vape pens, advanced personal vaporizers, box mods or other devices capable of delivering aerosolized nicotine alternative tobacco or nicotine products or other chemical through inhalation. Smoke or smoking does not include smoking that is associated with a native recognized religious ceremony, ritual or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a, for which all applicable federal, state, county, local and Park District permits, if any, have been procured.

The definitions of **“enclosed or partially enclosed sports arena”** and **“public place”** set forth in Section 10 of the Smoke Free Illinois Act (410 ILCS 82/10) are hereby adopted and are expressly incorporated herein and made a part of this Ordinance by reference.

- a. Smoking on District Property, Park licensed property, on or in Park Facilities, Sports Fields and in enclosed facilities on District Property, enclosed or partially enclosed Park Facility, or in a building or enclosed area on District Property or Park licensed property, or in an enclosed or partially enclosed Park Facility, is prohibited, unless it is expressly exempt under subsection d. of this Section 4.30. No person shall smoke on District Property, on any Park licensed property, on or in any Park Facility, on any



Sports Field, in any building or enclosed facility on District Property, or in any enclosed or partially enclosed Park Facility, unless it is expressly exempt under Section d. of this Section 4.30.

- b. Intentionally Omitted.
- c. Smoking in any Park District vehicle or on any Park District motorized equipment is prohibited. No person shall smoke in any vehicle or on any motorized equipment which is owned, leased or operated by the Park District unless specifically exempt under subsection d. of this Section 4.30.
- d. Notwithstanding any other provisions of this Section 4.30 of this Ordinance, smoking is only allowed in the following areas on District Property and in the following Park District vehicles, which are exempt from the prohibition against smoking as set forth in subsections a. and/or c. of this Section 4.30:
  - (1) On the Schaumburg Golf Club golf course and in golf carts operated at the Schaumburg Golf Club, or in the parking lot on the Schaumburg Golf Club property.
  - (2) On the Walnut Greens Golf Course and in golf carts operated at the Walnut Greens Golf Course, or in the parking lot on the Walnut Greens golf course property.
  - (3) In designated outdoor smoking areas immediately adjacent to the clubhouse at the Schaumburg Golf Club which have been conspicuously posted and marked to allow for smoking.
  - (4) In designated outdoor smoking areas immediately adjacent to the clubhouse at the Walnut Greens Golf Course which have been conspicuously posted and marked to allow for smoking.

#### **Section 4.31 Sound and Power Amplification.**

- a. No person shall generate any amplified sound or play or operate any sound amplification devices including public address systems, musical instruments and the like, or operate any other power amplification device or musical instrument on District Property without a Permit from the District, and no such permit shall be issued or maintained where sound produced by such devices is judged by the Executive Director or his or her designee to be a public annoyance.
- b. No person shall make or causes to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection, excessively loud or unreasonable noise is defined as noise inconsistent with or not reasonably attendant to appropriate and customary park and recreational activities, considering the nature and purpose of the actor's conduct, location, time of day or night, and other factors that would govern the conduct of a reasonably prudent person under the



circumstances. This subsection shall include, without limitation, the loud or amplified playing of any type of audio equipment, radio or stereo, noisemaker, musical instrument, or sound equipment. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored, licensed or otherwise permitted by the District.

#### **Section 4.32 Swimming and Boating.**

- a. No person shall bath, swim, wade, float, splash, or otherwise enter District waters other than at a designated swimming area. Users of designated swimming areas shall comply with all policies, rules and regulations as the District may designate for such activities, including those pertaining to swimming pools.
- b. No unauthorized person shall bring into, attempt to launch, use or navigate any boat, yacht, canoe, raft or other watercraft upon the waters of any water course, lagoon, lake, pond or slough on District Property.

**Section 4.33 Tennis Courts and Facilities.** For the purposes of this Section, the term "tennis court" shall include "pickleball" courts, but shall not include a "multi-use" court. A tennis court shall be distinguished from a multi-use court by the presence of a tennis net or poles for the hanging of a tennis net. The following shall apply to tennis courts:

- a. No person shall be in possession of, bring upon, ride or use any bicycle, scooter or skate board upon any tennis court or on the asphalt areas surrounding or between any tennis court(s) and/or between any tennis court(s) and any fence that fully or partially encloses such tennis court(s).
- b. No person shall wear, skate, or use any roller blades upon any tennis court or on the asphalt areas surrounding or between any tennis court(s) and/or between any tennis court(s) and any fence that fully or partially encloses said tennis court(s).
- c. No person shall bring upon or allow any dog, cat, domesticated animal or wild animal kept as a pet, whether licensed or not, and whether leashed or not, upon any tennis court or on the asphalt areas surrounding or between any tennis court(s) and/or between any tennis court(s) any fence that fully or partially encloses said tennis court(s).
- d. The SCHAUMBURG TENNIS PLUS PROHIBITED CONDUCT AND SANCTIONS AND RESTRICTIONS GOVERNING TENNIS LESSONS AT OUTDOOR TENNIS COURTS heretofore adopted by Ordinance 11-5-3P, which are attached hereto as Appendix III and expressly incorporated herein, and are hereby restated, ratified, confirmed and codified and the sanctions, penalties and procedures authorized therein are hereby restated, ratified, confirmed and may be imposed in lieu of or in addition to any fine that may be imposed under Chapter 8, Section 8.3, any temporary



dismissal from District Property and Park Facilities pursuant to Chapter 9, or any exclusion from District Property or Park Facilities pursuant to Chapter 10, of this General Use Ordinance of the District.

**Section 4.34 Throwing Missiles.** No person shall throw or cast any stones or other missiles on District Property, except where such throwing or casting is involved in a recognized game or recreational activity, and then only upon such portions of District Property as may be designated.

**Section 4.35 Unlawful Assemblies.** It shall be unlawful to collect, gather or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose, or for any person to join in or stay with or near any such gathering. It shall be unlawful for any person or groups of persons to perform any concert or provide any public entertainment of any kind on District Property without the express consent of the Park Board.

**Section 4.36 Weapons and Firearms.**

- a. No person other than police officers shall bring, attempt to bring, carry, have in his vehicle, or use in any way, any gun or firearm or portion thereof upon District Property, except as provided in subsection f. of this Section 4.36.
- b. No person shall bring, attempt to bring, carry, or have in his vehicle, or use in any way, any knife having a blade longer than 3 inches, any air gun, pellet gun, BB Gun, or sling shot on District Property.
- c. No person shall bring, attempt to bring, carry, have in his vehicle, or use in any way, any explosives, ammunition, or bottles of gasoline with a rag attached.
- d. No person shall bring, attempt to bring, carry or use in any way, any bow or arrow upon District Property except as approved by the District as part of a directly supervised park program.
- e. No person shall use or explode any rocket, toy pistol, toy cannon, toy cane, or toy gun in which explosives are used, or use or explode any blank cartridge, on District Property except that starter pistols may be used for sporting or athletic events authorized by the District.
- f. Notwithstanding the provisions of Subsection a. of this Section 4.36, a person who has been issued a Conceal Carry License may not carry a Concealed Handgun on any public parks, athletic area, or athletic facility under the control of the District, provided nothing in this subsection shall prohibit the holder of a Conceal Carry License from carrying a Concealed Handgun about his or her person (i) while on a trail or bikeway if only a portion of the trail or bikeway includes a public park, or (ii) on or about his or her person within a vehicle in a parking area on District Property if the Handgun and/or ammunition therefor are stored in a locked vehicle in a glove compartment or console that completely enclose the Handgun and/or



ammunition therefor, or within a locked container out of plain view within said locked vehicle in the parking area on District Property; or (iii) on or about his or her person while carrying a Concealed Handgun in the immediate area surrounding his or her vehicle in a parking area on District Property only for the limited purpose of storing or retrieving a Handgun within the vehicle's trunk provided the Handgun for which that person has a Conceal Carry License is unloaded prior to exiting the vehicle. Even if a person has been issued a Conceal Carry License, no person shall carry or possess a Concealed Handgun (1) in any building or portion of a building under the control of the District; (2) on any public playground on District Property; (3) on any District Property and the parking lots and parking areas therein where any portion of the District Property (i) is used as a pre-school or child care facility, including but not limited to the Pat Shepard Center, the Community Recreation Center and the Meineke Recreation Center; or (ii) or where alcohol is served on the premises, including the Schaumburg Golf Club, and Schaumburg Tennis Plus.

**Section 4.37 Metal Detectors.** No person shall operate any device which is designed for the detection of metal objects on or below District Property.

## **CHAPTER 5. VEHICLES**

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

**Section 5.1 ATV's and Off-Highway Motorcycles.** No person shall drive or operate any ATV or off-highway motorcycle on District Property, except under the following circumstances:

- a. In such areas and at such times as are specifically designated by the District;
- b. When such vehicles are used by law enforcement officers or District employees or agents for law enforcement or District purposes; or
- c. In the case of an emergency.

**Section 5.2 Handicapped Parking.** The following provisions of the Illinois Vehicle Code: 625 ILCS 5/11-1301.1 (persons with disabilities-parking privileges-exemptions), 5/11-1301.2 (special decals for a person with disabilities parking), and 5/11-1301.3 (Unauthorized use of parking places reserved for persons with disabilities) are hereby expressly incorporated herein by this reference and adopted herein as Sections 5.2.a., 5.2.b., and 5.2.c. and made a part hereof as though fully set forth herein. Any person violating this Section of the General Use Ordinance shall be fined not less than \$250.00 nor more than \$1,000.00 for each such offense. The parking spaces on District property designated as being reserved for persons with disabilities are marked and signed in accordance with State statute.



**Section 5.3 Driving Under the Influence.** No person shall drive or otherwise operate nor attempt to drive or otherwise operate a vehicle on District Property while under the influence of alcoholic liquor, cannabis, controlled substance, or any other intoxicating compound, drugs, or any combination thereof.

**Section 5.4 Driving Upon Sidewalk.** No person shall drive any motor vehicle District Property upon a sidewalk or sidewalk area, bike path or multi-purpose path located on District Property except upon a permanent or duly authorized temporary driveway or for routine maintenance, utility or emergency service or for special delivery or pickup involving goods or customer services.

**Section 5.5 Mufflers** No person shall operate a motor vehicle on District Property, which is not equipped with a muffler adequate to deaden the sound of the engine.

**Section 5.6 Parking, Standing, or Stopping.**

- a. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the keys.
- b. No person shall park a vehicle on District Property except in established or designated parking areas, in accordance with the posted directions and markings or with the directions of any attendant who may be present.
- c. No person shall park any vehicle or allow any vehicle to remain parked on District Property beyond the normal closing hour of the District, except when a different closing hour has been designated by the District for that area or unless express written permission therefore has first been obtained from the District.
- d. No person shall stop, stand, or park any vehicle on District Property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no person shall stop, stand, or park any vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict with other traffic or when in compliance with the directions of a District employee:
  - (1) On the left side of any roadway;
  - (2) On parkways, lawn areas, and grounds;
  - (3) In front of a public or private driveway;
  - (4) Within any intersection;
  - (5) Within any crosswalk;
  - (6) Within 20 feet of any intersection or crosswalk;



- (7) Within 30 feet of any stop sign or traffic control signal, other than in a marked parking space;
- (8) On the roadway side of any vehicle stopped or parked at the edge or curb of the roadway ("double parking");
- (9) In a position to block another vehicle lawfully parked;
- (10) On any sidewalk;
- (11) At any place where official signs or other markings prohibit parking, or where curbs have been painted yellow;
- (12) Within 15 feet of a fire hydrant;
- (13) In a fire lane or within 8 feet of the entrance to a fire lane on District Properties with designated fire lanes marked on the pavement and signed on such District Property;
- (14) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly signposted);
- (15) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (16) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- (17) Upon any bridge or other elevated structure upon a roadway, or within a roadway tunnel;
- (18) On any railroad tracks or within 50 feet of the nearest rail of a railroad crossing;
- (19) On a controlled access roadway;
- (20) In the area between roadways of a divided highway, including without limitation crossovers;
- (21) At any place or time where a permit or sticker is required by the District for parking unless the required permit or sticker has been obtained and is displayed on the vehicle; and
- (22) It shall be unlawful to park any vehicle longer than two (2) consecutive hours during School Hours upon any parking space on Park Property designated as being reserved for District Patrons.



- e. No person shall park a vehicle upon any roadway or in any public off street parking facility on District Property for any of the following purposes:
  - (1) To display such vehicle for sale; or
  - (2) To perform maintenance or repair of such vehicle, except for repairs necessitated by an emergency; or
  - (3) To sell goods or services from such vehicle.
- f. Notwithstanding any contrary provision contained in this section the operator of an authorized emergency vehicle may park or stand irrespective of the provisions of this Ordinance.
- g. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- h. Except as otherwise provided, every vehicle stopped or parked upon a one-way roadway on District Property shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement.
- i. Penalty Provisions for Parking Violations.
  - (1) 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 section 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.
  - (2) 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 section 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 section.
  - (3) Whenever any vehicle has been parked in violation of these section prohibiting or restricting vehicular standing or parking, the person in whose name the vehicle is registered with the Secretary of State of Illinois shall be prima facie responsible for the violation and subject to the penalty therefore.
  - (4) Whenever any vehicle is parked in violation of any parking provision of this section, 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.

- (5) 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.
- (6) Any violation of the parking provisions of this section or any provision of the Illinois Vehicle Code prohibiting or restricting vehicular standing or parking shall be a civil offense punishable by fine, and no criminal penalty, or civil sanction other than that prescribed in this section, shall be imposed.
- (7) 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.
- (8) If the respondent requests a court hearing to contest the cited violation or violations, the office of the Deputy Director of the District shall arrange such a hearing and shall notify the respondent in writing of the time and place of the hearing.
- (9) A notice sent pursuant to this section shall state that failure to pay the indicated fine or failure to request a court hearing will constitute a debt due and owing the District, and as such may be collected in accordance with applicable law. Payment in full of any fine and/or penalty resulting from a standing or parking violation shall constitute a final disposition of that violation.

#### **Section 5.7 Riding Outside Vehicles.**

- a. No person shall ride upon the fenders, running boards, bumpers, hood, or any other exterior part of any vehicle on District Property.
- b. No person shall cling or attach himself, his vehicle, or any other object to any other vehicle on District Property.

#### **Section 5.8 Right-of-Way.**



- a. Every operator of a vehicle shall yield the right-of-way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection on District Property.
- b. Every operator of a vehicle shall exercise due care to avoid colliding with pedestrians upon any roadway or driveway on District Property, shall give warning to any pedestrian in the roadway or driveway by sounding the horn when necessary, and shall exercise proper precaution upon observing any child, confused person, or disabled person upon a roadway or driveway.
- c. Every pedestrian crossing at a roadway or driveway on District Property at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right-of-way to vehicles upon the roadway or driveway.
- d. Except as otherwise provided herein, the operator of a vehicle approaching an intersection on District Property shall yield the right-of-way to a vehicle that has already entered the intersection from a different roadway. When two (2) vehicles approach an unmarked intersection from different roadways or driveways at approximately the same time, the operator of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

**Section 5.9 Snowmobiles.** For purposes of this subsection, a "snowmobile" shall be defined as any self-propelled vehicle intended for travel primarily on snow, driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

No person shall drive, ride, or otherwise operate a snowmobile on District Property.

**Section 5.10 Speed Limit.** No person shall operate, propel or cause to be propelled a vehicle on any road, drive, or parking area at a speed greater than the speed limit posted along the right-of-way or, in the absence of such posted limit, at a speed in excess of 10 miles per hour.

**Section 5.11 Towing of Abandoned, Hazardous, or Illegally Parked Vehicles.**

- a. The Executive Director, or his or her designee, is hereby authorized, immediately and without prior notice, to cause to be towed away any vehicle parked or left unattended on any District property under the following circumstances:
  - (1) Where a vehicle is parked or left unattended on District Property in a manner which endangers public safety by:
    - (i) Creating an immediate danger to the health, safety or welfare of the public; or



- (ii) Significantly impeding the orderly movement of traffic or poses a potential danger to pedestrians or operators of the vehicle or other vehicles.

- (2) Where a vehicle is parked or left unattended in violation of Sections 5.2 or 5.6 herein; providing signs have been posted providing notice that unauthorized vehicles will be towed at the owner's expense in accordance with Section 4-203(f)(5) of the Illinois Vehicle Code (625 ILCS 5/4-203(f)(5)).

b. Post-Towing Hearing Procedures.

- (1) The owner of any vehicle which has been towed pursuant to this Section and the lienholder, if any, shall be given written notice, sent by personal delivery or certified mail, return receipt requested, and said notice shall specify the time, date and place in which a hearing will be held to determine whether said vehicle was towed for proper cause and whether said vehicle owner should be responsible for payment of towing and storage fees. Such notice shall include a description of said vehicle, its present location, and the facts and provisions of this Ordinance on the basis for which said vehicle was towed and stored, a statement that the District has towed the vehicle at the owner's expense, a description of the owner's right to contest the legality of the towing, and a telephone number. Said notice shall be mailed or delivered by personal delivery as provided above within forty-eight (48) hours of the towing of vehicle.
- (2) All hearings will take place at the District office located at 235 East Beech Drive, Schaumburg, Illinois, 60193, and will be held not less than ten (10) days from the date on which the vehicle was towed.
- (3) A licensed attorney appointed by the Board, or if the Board has not done so, by the Executive Director, shall act as the Hearing Officer.
- (4) At said hearing, the vehicle owner shall be allowed to present evidence and cross examine witnesses. The vehicle owner may have an attorney present at the vehicle owner's expense.
- (5) All hearings shall be tape recorded, and the record of such hearing shall contain the date and time of the hearing, the names of the parties, and the finding(s) and ruling. The Hearing Officer's decision, including the facts and findings supporting his or her decision, shall be mailed by certified mail, return receipt requested, to the vehicle owner within five (5) business days of said hearing. A copy of the decision shall also be given to the District's attorney, and to any vehicle owner's attorney who was present at the hearing.
- (6) If the Hearing Officer rules in favor of the vehicle owner, then any and all fines and fees shall be waived, and/or any fines and fees paid by the vehicle owner to the District's relocater shall be refunded to said vehicle



owner. If the Hearing Officer rules that said vehicle was properly towed, then the vehicle will not be released until the owner pays all fines and towing and storage fees.

- c. Procedure for Redemption of Impounded Vehicle by Owner. Before the owner or person legally entitled to possession of any impounded vehicle shall be permitted to remove such vehicle, he or she shall furnish evidence of his or her identity, ownership or legal right to possession of said vehicle, and upon delivery, shall sign a receipt for such vehicle, and shall pay all towing, storage and related towing fees unless a determination has been made that the vehicle was improperly towed pursuant to Subsection b. of this Section 5.10.
- d. Identification of Vehicle Owner. The identity of the registered owner of the vehicle, lien holder, lessee, or other legally entitled person shall be obtained pursuant to Sections 4-205 and 4-206 of the Illinois Vehicle Code (625 ILCS 5/4-205 and 5/4-206). Notwithstanding any other provision of this General Use Ordinance, in the event that said identification cannot be obtained due to the registered owner's or lessee's failure to have current license plates, or registered decals, or other information that makes identification reasonably ascertainable, the District shall not be responsible for obtaining said owner's identification or giving notice to said owner, lessee, lien holder or other legally entitled person.

**Section 5.12. Penalties.** Except for persons violating Section 5.2, any person violating any of the provisions of any other sections of Chapter 5 of this General Use Ordinance shall be fined not less than Thirty-Five Dollars (\$35.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and in the event a vehicle is parked or left standing in violation of Sections 5.2 and/or 5.6 of this Chapter and is towed pursuant to Section 5.1, the owner or lessee of said vehicle, in addition to any fine imposed, shall pay any towing, storage and/or related towing fees charged by the towing relocater.

## **CHAPTER 6. PERMITS**

**Section 6.1 Permit Process.** For purposes of this Chapter, the term "exercise of First Amendment rights" shall include, without limitation, parades, marches, demonstrations, rallies, religious services, speeches, solicitation of votes or contributions, petition signatures, or picketing.

**Section 6.2 Permits Required.** Any person seeking (a) to use any District Property and/or Park Facility for any sports activity, picnic, public assembly, or other activity or event involving more than 15 persons; or (b) to engage in any activity on any District Property and/or at or in any Park Facility creating or emitting Amplified Sound shall first obtain a Permit. The Executive Director may impose conditions on any Permit to ensure compliance with this Ordinance.



**Section 6.3 Application for Permit.** 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 requires a permit in order to engage in a particular use or activity.

**Section 6.4 Form of Application.** Every person requesting a Permit shall complete and file a written application with the Executive Director or his or her designee on forms provided by the District and pay applicable application fees at the District's administrative offices located at 235 East Beech Drive, Schaumburg, Illinois. The application shall be dated and stamped when received and a receipt shall be issued to the Applicant.

**Section 6.5 Authority to Issue Permit.** Subject to any restrictions or conditions imposed by the Board, the Executive Director shall issue a Permit to any Applicant who has demonstrated compliance with all applicable provisions of this Ordinance. Every application that does not demonstrate compliance with all restrictions or conditions imposed by the Board or all applicable provisions of this Ordinance shall be denied.

**Section 6.6 Order of Processing Applications.** Each application for a permit shall be considered by the Executive Director in the order in which that application was received by the Park District.

**Section 6.7 Time Period for Decision.** The Executive Director, using a pre-printed form provided by the Park District, shall either issue or deny a Permit (except for applications involving the exercise of First Amendment rights) within ten (10) business days after receipt by the District of a properly completed application therefor. For applications for Permits involving the exercise of First Amendment rights, the Executive Director shall issue or deny a Permit request within three (3) business days after receipt by the District of a completed application therefor. The Executive Director may extend the applicable 10-day or 3-day time period for good cause determined by the Executive Director and with written notice of that extension to the Applicant, but for applications involving the exercise of First Amendment rights, not extended more than an additional two (2) business days. If the Executive Director does not act within the 10-day period, or the 3-day period if applicable, or any extension of such period, then the application for a Permit shall be deemed to be denied by the Executive Director as of the last day of the applicable time period for decision.

**Section 6.8 Grounds for Denial.** The Executive Director shall deny any application for a Permit if any one of the following grounds is established:

- a. Previous Misrepresentation. The Applicant, or the person on whose behalf the application is made, has made any material misrepresentation on any previous occasion regarding the nature or scope of an event or activity.
- b. Violation of Permit. The Applicant, or the person on whose behalf the application is made, has violated the terms of a prior Permit.



- c. Incomplete Application. The Applicant has not properly completed and executed the Permit application, including all required attachments and submissions.
- d. Fee. The Applicant has not tendered the required application fee with the application or has not tendered the required user fee, insurance certificate, or security deposit within the times prescribed by the Executive Director.
- e. Falsehood or Misrepresentation. The Applicant has submitted an application for a Permit with a material falsehood or misrepresentation.
- f. Legal Incompetence. The Applicant is legally incompetent to contract or to sue and be sued.
- g. Conflicting Prior Application. The Park District previously has received an application for a Permit for the same time and place requested by the Applicant, and a Permit has been or will be granted to that prior Applicant.
- h. Conflicting Program. The time and place of the proposed use conflicts with a program or event scheduled by the District.
- i. Heavy Park Use. The time and place of the proposed use coincides with a time of traditionally, or expected, heavy park use by the general public, such as a federal or local holiday, a regularly occurring local event, the commemoration of a significant anniversary or event, or a previously announced special event, except for an application that includes the exercise of First Amendment rights, the Executive Director shall make every reasonable accommodation to nevertheless issue the Permit, but may include reasonable time, place and manner conditions and restrictions to protect the health and safety of the Applicant, other users, neighboring property owners, the public and District employees.
- j. Prohibition or Inconsistency. The Applicant's requested use is prohibited by, or substantially inconsistent with, the provisions and policies of this Ordinance.
- k. Unreasonable Danger to Persons, Property. The Applicant's requested use would present an unreasonable danger to the health or safety of the Applicant, or other users, of neighboring property owners, of the public, or of District employees.
- l. Unreasonable Danger to Park District Property. The Applicant's requested use would present an unreasonable danger to District Property.
- m. Noncompliance with the General Use Ordinance, or other District Rules and Regulations. The Applicant has not, or cannot, comply with requirements of this Ordinance or any other applicable District rule, regulation, code, ordinance, or policy.



- n. **Noncompliance with Law.** The Applicant has not, or cannot, comply with requirements of any federal, State of Illinois, County of Cook, MWRD, or Village of Schaumburg statute, law, rule, regulation, code, ordinance or policy.
- o. **Prohibited Use.** The Applicant's proposed use is prohibited by law.
- p. **Previous Damage or Debts.** The Applicant, or the person on whose behalf the Application is made, previously has damaged District Property or Park Facility and has not paid for such damage, or the Applicant, or the person on whose behalf the Application is made, has other outstanding debts to the District.
- q. **District Property or Facility Unavailability.** The District Property or Park Facility requested by the Applicant is not in use because of repairs, remodeling, or rehabilitation.
- r. **Cumulative Requests.** The application is one of a series of requests for the same District Property or Park Facility that cumulatively would unreasonably interfere with the use of that location by the District patrons.
- s. **A prior application for a Permit for the same date, time, and location has been or will be granted and the use authorized by that Permit does not reasonably allow multiple occupancy of that particular location by more than one permittee.**
- t. **The proposed use is of such a nature that it cannot reasonably be accommodated in the particular location applied for, considering, without limitation, the likelihood of such things as damage to District Property, Park Facility, District resources or facilities, damage to an environmentally sensitive or protected area's ecosystem, impairment of a protected area's atmosphere of peace and tranquility, unreasonable interference with District functions, buildings, facilities, operations, programs or activities, or unreasonable interference with the use or purpose of the District Property applied for.**
- u. **The proposed use would substantially impair the operation or use of Park Facilities or services of District concessionaires or contractors.**
- v. **The proposed use would so dominate the use of District Property and/or Park Facilities as to preclude other persons from using and enjoying them.**

**Section 6.9 Issuance or Denial of Permit.** If the application is approved, the District shall issue a written Permit to the Applicant. If the application is denied, the District shall issue the Applicant written reasons for denying the application.

**Section 6.10 Right of Appeal.** If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration, or time of the activity, the District will make a reasonable effort to arrange an alternative location, duration,



or time that is acceptable to the Applicant. If the District denies an application for any other reason, or the Applicant is dissatisfied with such Permit as issued, he may appeal the decision to the Board.

**Section 6.11 Appeal Process.** If the Executive Director denies an application, then the Applicant may appeal that denial to the Board in writing. The Applicant shall request the appeal in writing within five business days after notice of the denial has been issued by the Executive Director. The Board shall consider the Applicant's appeal at the next regularly scheduled meeting of the Board or at a special meeting called for that purpose. The Board shall render its decision in writing to the Applicant within five business days after that meeting. If the Board denies the appeal, then the decision shall state the reasons for such denial. The decision of the Board shall be final. The Applicant may seek review of the Board's decision in the Circuit Court of Cook County, Illinois, in accordance with the Illinois Administrative Review Law, or for decisions regarding applications involving the exercise of First Amendment rights, the Applicant may appeal the decision to the appropriate state or federal court.

**Section 6.12 Additional Prerequisites to Permit.** Any Permit granted by the District shall contain lawful prerequisites to the issuing of the Permit and restrictions on the conduct of the permitted use including without limitation: payment of a reasonable fee; general liability insurance; an agreement to indemnify and hold the District harmless; and if alcoholic liquor is proposed to be served (i) dram shop/liquor liability insurance coverage, (ii) an agreement to fully indemnify and hold the District harmless from any liability or costs resulting from the sale, service or consumption of alcoholic beverages (as provided herein); and (iii) a copy of any local liquor license or permit as may be required under the ordinances of the Village of Schaumburg and/or the County of Cook as may be applicable; a requirement that the persons involved in the use observe all federal, state, local, County, and District laws, statutes, rules, regulations and ordinances; time, duration, and location restrictions; restoration deposit; a written agreement by the Applicant to fully restore any District Property soiled or damaged by the use; and, any reasonable restriction necessary for the efficient and orderly contemporaneous administration of the use, other activities with a Permit and regular District uses, functions, programs, and activities.

**Section 6.13 Exclusive Use by Permittee.** Any person holding a valid Permit issued by the District for use of District Property may use that District Property or specified portion thereof, to the exclusion of any other person except the District and its employees and authorized agents.

**Section 6.14 Additional Conditions May Be Added.** Subject to the terms of subsection 6.12 above, the District may make necessary changes or place necessary additional restrictions on any Permit after it has been issued.

**Section 6.15 Suspension or Revocation of Permit.** Violation of the terms, restrictions and conditions contained in the Permit may result in the suspension or revocation of the Permit.

**Section 6.16 Limit on Permit.** Unless as specifically provided elsewhere in the Ordinances, no Permit shall be issued for a period in excess of seven (7)



consecutive calendar days. A Permit may be extended for like periods of time pursuant to a new application, unless another person has requested use of the same location and use of that location by more than one permittee is not reasonably possible.

**Section 6.17 Permit Fee Waiver.** For uses involving the exercise of First Amendment rights, the District may waive any application or Permit fees if the applicant demonstrates that the cost of such fees is prohibitive. An applicant must request such a waiver in writing. The decision to waive fees for such use shall be based solely on the applicant's inability to pay and financial hardship of the applicant.

## **CHAPTER 7. INSURANCE.**

It shall be the policy of the District to require any commercial or not-for-profit corporation, entity, or organization making use of District Property or Park Facilities, and any person making use of District Property or Park Facilities at which alcoholic liquor or alcoholic beverages are proposed to be served, to provide insurance coverage at least as follows:

**Section 7.1 Commercial General and Umbrella Liability Insurance.** Commercial general liability (CGL) and, if necessary, commercial umbrella insurance, with a limit of not less than \$1,000,000 each occurrence.

CGL insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 10 93, or a substitute form providing equivalent coverage, and shall cover liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed business contract).

If alcoholic beverages are used, distributed, or sold, then liquor liability and Dram Shop/liquor liability coverage also shall be provided with a limit not less than \$1,000,000 per occurrence.

The District shall be included as an insured under the CGL, using ISO additional insured endorsement CG 20 26 or a substitute providing equivalent coverage, and under the commercial umbrella, if any. This insurance shall apply as primary insurance with respect to other insurance or self-insurance afforded to the District.

**Section 7.2 Business Auto and Umbrella Liability Insurance.** If applicable, business auto liability and, if necessary, commercial umbrella liability insurance with a limit of not less than \$1,000,000 each accident. Such insurance shall cover liability arising out of any auto included owned, hired and non-owned autos.

Business auto insurance shall be written on Insurance Services Office (ISO) form CA 00 01, CA 00 05, CA 00 12, CA 00 20, or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage equivalent to that provided in the 1990 and later editions of CA 00 01.



**Section 7.3 Workers Compensation Insurance.** If applicable, workers compensation and employers liability insurance. The commercial umbrella and/or employers liability limits shall not be less than \$1,000,000 each accident for bodily injury by accident or \$1,000,000 each employee for bodily injury by disease.

**Section 7.4 General Insurance Provisions.**

- a. Evidence of Insurance. The existence of all required insurance coverage must be certified by an applicant for a Permit, and no Permit shall be issued until all required insurance coverage has been secured and proof of such coverage has been filed with the District. The District may require certificates of insurance and applicable policy endorsements reflecting required coverage. The failure of the District to demand any required certificate, endorsement, or other evidence of full compliance with these insurance requirements, or the failure of the District to identify a deficiency from evidence that is provided, shall not be construed as a waiver by the District of the group's obligation to maintain such insurance.
- b. Right to Prohibit Use. The District shall have the right, but not the obligation, to prohibit a group from using any District Property or Park Facility until required certificates or other evidence of insurance are received and approved by the District.
- c. Revocation if Noncompliance. The District may revoke any Permit or other permit or approval upon the failure to acquire and maintain the insurance required by this Chapter.

**Section 7.5 Waiver or Modification of Insurance Requirement.** An organized group may request a waiver or modification of the insurance requirements of this Chapter. When a planned activity involves the exercise of First Amendment rights and the Board does not have a regular meeting scheduled before the planned activity date, the Executive Director and the President of the Park District Board of Commissioners, based on all of the circumstances, may modify or waive one or more of the insurance requirements of this Chapter 7, which circumstances shall include consideration of safety issues, liability issues, and various risk factors, including, without limitation, the nature and duration of the proposed use and the proposed activities, the locations of the use and activities, the risks generally associated with the activities; otherwise, any such waiver or modification may only be granted by the Park Board. In the event any such waiver or modification is granted without the approval of the Board, the Executive Director and Board President shall immediately notify the full Board that such waiver or modification has been granted and the basis for that decision. Under no circumstances shall any decision to modify or waive a requirement be based on any consideration of race, color, religion, national origin, or any other class or status protected by law.

**Section 7.6 Changes Without Notice.** The Board may modify any or all of the requirements of this Chapter at any time, in the exercise of its discretion to reflect greater or lesser limits in consideration of the factors set forth in Section 7.5 of this Chapter.



## CHAPTER 8. ENFORCEMENT, FINES AND DISCRETIONARY REWARD

**Section 8.1 Park Rangers.** The District Park Rangers shall be the conservators of the peace on District Property and in Park Facilities, and shall be responsible for the enforcement of all District ordinances, rules, and regulations on District Property and in Park Facilities. The District's Park Rangers and authorized District employees shall have the authority to enforce this General Use Ordinance.

**Section 8.2 Other Law Enforcement Authorities.** All Village law enforcement authorities within the District's corporate limits, and all county, state and other law enforcement authorities shall be authorized to enforce all laws, regulations, and ordinances, including the General Use Ordinance of the Schaumburg Park District and other District ordinances, on District Property and in Park Facilities.

### **Section 8.3 General Penalty.**

- a. In all cases where the same offense is made punishable or is created by different clauses or sections of this General Use Ordinance, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided that the revocation of a license or Permit or fine imposed in an administrative hearing shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
- b. Where an act or omission is prohibited or declared unlawful and no penalty or fine or imprisonment is otherwise provided, the offending person shall be fined not less than \$50 nor more than \$1,000 for each offense. Each day that a violation continues shall be deemed a separate offense.
- c. In case of amendment of any section of these Ordinances containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall relate to the section so amended or the amending section, whether re-enacted in the amendatory ordinance or not unless such penalty is specifically repealed therein.
- d. Whenever a finding of guilty is entered by the Court or a plea of guilty is entered by a defendant, the Court may, in addition to fine imposed, enter an order to pay restitution with restitution to be in an amount not to exceed actual out-of-pocket expenses or loss proximately caused by the conduct of the defendant. The Court shall determine the amount and conditions of payments.
- e. Whenever the Court finds any person guilty of failing to pay a fine assessed for violation of a District ordinance, and such person is subsequently incarcerated for contempt of court based on such violation, there shall be allowed a credit of twenty dollars (\$20.00) for each day of incarceration to be applied to that person's outstanding fine.



- f. No provisions of this Ordinance designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided in this General Use Ordinance for a failure to perform such duty, unless the intention of the Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.
- g. Nothing in this Ordinance shall be construed to prevent or preclude the lawful use by the District of a civil remedy at law to correct an abuse or loss suffered by the District as a result of a violation of this General Use Ordinance, or any law of the State of Illinois.

**Section 8.4 Discretionary Authority to Offer Reward.** The Board of Park Commissioners on behalf of the District, acting in their sole discretion, may offer a reward for any information leading to the arrest and conviction of any person(s) who has (have) committed any offense involving any District Facility or District Property, real or personal, owned, leased, or otherwise under the jurisdiction of the District, including, but not limited to, the violation of any provisions of Section 2.5 of the General Use Ordinance, or any of the following criminal offenses: Criminal damage to property (720 ILCS 5/21-1); criminal damage to firefighting apparatus, hydrants, or equipment (720 ILCS 5/21-1.1); criminal defacement of property (720 ILCS 5/21-1.3); criminal trespass to vehicles (720 ILCS 5/21-2); criminal trespass to real property (5 ILCS 5/21-3); criminal damage to government supported property (5 ILCS 5/21-4); criminal trespass to state supported land (5 ILCS 5/21-5); criminal trespass to restricted areas and restricted landing areas at airports (720 ILCS 5/21-7); arson (720 ILCS 5/20-1); and aggravated arson (720 ILCS 5/21-1.1).

- a. Said reward may be issued only after approval of said reward by a majority of Park Commissioners present at a regularly scheduled or special meeting of the President and Board of Park Commissioners where a quorum is present, and said reward shall be limited to the provisions of Subsection c. of this Section 8.4.
- b. If any person arrested for a violation of Section 2.5 of the General Use Ordinance or for any of the above criminal offenses pleads not guilty and/or if the District elects to file a lawsuit against any person who is alleged to have damaged any District Facility or District Property and/or his or her parents, the District may make it a condition of receipt of said reward that the person furnishing said information against any such vandal fully cooperate, including giving testimony, if necessary, in any criminal and/or civil proceeding.
- c. Any reward offered or given/issued pursuant to this Section 8.4 shall be awarded an amount not to exceed \$10,000 depending on the nature and severity of the alleged criminal offenses(s), as determined by the Board of Park Commissioners.



**Section 8.5 Rules and Regulations.** The Board shall from time to time promulgate and make reasonable rules and regulations governing the use of the various areas, facilities, devices and vehicles within its parks and buildings, and such rules and regulations shall become binding and effective upon their being posted at the entrance to the District Property, Park Facilities, or areas governed by them, and shall be enforced with the same force and effect as the other provisions of this General Use Ordinance.

## **CHAPTER 9: TEMPORARY DISMISSAL FROM DISTRICT PROPERTY AND PARK FACILITIES.**

**Section 9.1 Schaumburg Tennis Plus Temporary Dismissal Rules Separate.** Except for the Schaumburg Park District Tennis Plus Prohibited Conduct and Sanctions and Restrictions Governing Tennis Lessons at Outdoor Tennis Courts attached hereto as Appendix III, which are re-adopted and restated herein but are limited to policies and procedures concerning Schaumburg Tennis Plus and unauthorized tennis lessons on the District's outdoor tennis courts, the following additional penalties may be imposed for repeated violations of the General Use Ordinance of the Schaumburg Park District by persons on all other District Property and District Facilities.

**Section 9.2 Definition of Temporary Dismissal.** "Temporary Dismissal" under this Chapter 9 means removal and exclusion from all District Property and Park Facilities for a 24-hour time period as provided in this Chapter 9.

**Section 9.3 Persons Subject to Temporary Dismissal.** Any person who violates (a) any provision of this Ordinance; (b) any other existing District rule, regulation, code, ordinance, or policy; or (c) any State of Illinois or Village of Schaumburg statute, code or ordinance while on any District Property and/or in any Park Facility is subject to Temporary Dismissal.

**Section 9.4 Persons Authorized to Effect a Temporary Dismissal.** The following persons may effect a Temporary Dismissal: the Executive Director, the District's Director of Operations, Superintendent of Recreation Facilities, and all other Park District representatives authorized by the Executive Director of the District. A person authorized under this Section 9.4 is referred to as a "Dismissal Officer".

**Section 9.5 Basis for Determination of Temporary Dismissal.** The determination whether to temporarily dismiss a person rests in the sound exercise of discretion by the Dismissal Officer and may be based either on observations by the Dismissal Officer, or on any report that would ordinarily be relied upon by a law enforcement officer to determine probable cause, or both.

- a. Time Period of Dismissal. Each Temporary Dismissal is for a period of 24 hours after service of the Dismissal Notice under subsection b. of this Section.
- b. Dismissal Notice. A person who is temporarily dismissed under this Chapter will receive a written Dismissal Notice from the Dismissal Officer



that states (1) the date and time of issuance, (2) the general location at which the notice was issued, (3) a statement that the individual may not enter any Park Facility for 24 hours after receipt of the notice, and (4) a statement that violation of the terms of the notice may lead to arrest and prosecution for criminal trespass.

**Section 9.6 Violation of Dismissal Notice.** The violation of any Dismissal Notice is a violation of this Ordinance. A person who violates a Dismissal Notice is subject to being excluded from District Property and/or Park Facilities under Chapter 10 of this Ordinance and to arrest and prosecution for criminal trespass.

## **CHAPTER 10: EXCLUSION FROM DISTRICT PROPERTY AND PARK FACILITIES.**

**Section 10.1 Schaumburg Tennis Plus Exclusion Rules Separate.** Except for the Schaumburg Park District Tennis Plus Prohibited Conduct and Sanctions and Restrictions Governing Tennis Lessons at Outdoor Tennis Courts attached hereto as Appendix III, which are readopted and restated herein but are limited to policies and procedures concerning Schaumburg Tennis Plus and unauthorized tennis lessons on the District's outdoor tennis courts, the following additional penalties may be imposed for repeated violations of this General Use Ordinance by persons on all other District Property and District Facilities.

**Section 10.2 Definition of Exclusion.** "Exclusion" under this Chapter 10 means removal and exclusion from all District Property and Park Facilities for a period of days as provided in this Chapter 10.

**Section 10.3 Persons Subject to Exclusion.** A person is subject to Exclusion if he or she has received two or more citations during any 60-day period for violation of (a) any provision of this Ordinance; (b) any other existing District rule, regulation, code, ordinance, or policy; or (c) any State of Illinois or Village of Schaumburg statute, code, or ordinance while on District Property or in any Park Facility. A citation that has been dismissed is not counted when determining whether a person is subject to Exclusion.

**Section 10.4 Persons Authorized to Effect an Exclusion.** The following persons may effect an Exclusion: the Executive Director, the District's Director of Operations, Superintendent of Recreation Facilities, and all other District representatives authorized by the Executive Director. A person authorized under this Section 10.4 is referred to as an "Exclusion Officer".

**Section 10.5 Basis for Determination of Exclusion.** The determination whether to exclude a person is based on previously issued citations as provided in Section 10.3 of this Chapter 10, without regard to the pendency or disposition of any of those citations, and any current citation for violation of this Ordinance or any other District code, ordinance, or regulation,



- a. Time Period of Exclusion. The time period of any Exclusion is based on the sound exercise of discretion by the Exclusion Officer and must fall within the following parameters:
- (1) A person who has accumulated two citations or has been the subject of one Temporary Dismissal, during the 60-day period preceding the issuance of the current citation, or who has accumulated three citations in the 12-month period prior to issuance of the current citation, may be excluded for any period of days up to 60 days after receipt of the Exclusion Notice.
  - (2) A person who has accumulated three citations, or has been the subject of two or more Temporary Dismissals, during the 60-day period preceding the issuance of the current citation, or who has accumulated four citations in the 12-month period prior to issuance of the current citation, may be excluded for any period of days up to 180 days after receipt of the Exclusion Notice,
  - (3) A person who has accumulated four or more citations, or has been the subject of three or more Temporary Dismissals, during the 60-day period preceding the issuance of the current citation, or who has accumulated five citations in the 12-month period prior to issuance of the current citation, may be excluded for any period of days up to 365 days after receipt of the Exclusion Notice.
- b. The determination of the Exclusion Officer not to exclude a person eligible for Exclusion under this Section 10.5 at one time does not preclude that Exclusion Officer or any other Exclusion Officer from excluding that person at any time that person remains, or again becomes, eligible for Exclusion.
- c. Exclusion Notice. A person who is excluded under this Chapter 10 will receive a written Exclusion Notice from the Exclusion Officer that states (1) the date and time of issuance, (2) the general location at which the notice was issued, (3) the time period of Exclusion, (4) a statement that the individual may not enter any Park Facility during the period of Exclusion, (5) a statement that violation of the terms of the notice may lead to arrest and prosecution for criminal trespass, and (6) a statement that the Exclusion Notice may be appealed under this Chapter 10. An Exclusion commences immediately after receipt of the Exclusion Notice.

**Section 10.6 Appeal of Length of Exclusion.** Any person who receives an Exclusion Notice for a time period longer than seven days may appeal the length of the Exclusion to the Executive Director of the District. A written request for appeal, signed by the appellant, must be received at the District's Administrative Office at 235 East Beech Drive, Schaumburg, Illinois, 60193, within five days after issuance of the Exclusion Notice. The request for appeal must state an address and one or more telephone numbers at which the appellant can be reached readily during a regular business day.



- a. The filing of an appeal does not postpone the immediate commencement of the Exclusion.
- b. If a request for an appeal is received, then the Executive Director or his or her designee must conduct a hearing on the appeal as follows:
  - (1) The District, within three working days after receipt of the request for appeal, must notify the appellant of the date, time, and place of the hearing, which hearing date may not be less than five business days after the notice is given. The notice may be sent by U.S. mail or provided by telephone.
  - (2) If the appellant is unable to attend the hearing as scheduled, then the appellant must contact the Executive Director's office at least three business days before the hearing date and request that the hearing be rescheduled. The failure to contact the Executive Director is grounds for dismissal of the appeal.
  - (3) The hearing will be conducted at the District's Administrative Office and does not need to be a public hearing. At the hearing, the appellant may give testimony in support of his or her appeal and present facts, circumstances, evidence, and witnesses to rebut the bases for the length of the Exclusion. The appellant also may ask questions of any witnesses who testify in support of the length of the Exclusion. Rules of evidence and procedure need not be strictly applied. The Executive Director or designee may examine witnesses, including the Exclusion Officer and may set the date of the hearing and continue the hearing to a date certain if necessary to accommodate the scheduling of witnesses, including the Exclusion Officer.
  - (4) If on the date set for hearing the appellant fails to appear and is not represented at the hearing by his or her attorney, then the Executive Director or designee nevertheless may proceed with the hearing, consider the facts, circumstances, and evidence relevant to the length of the Exclusion, and make his or her determination in the absence of the appellant and his or her attorney.
  - (5) Within five business days after the conclusion of the hearing, the Executive Director or designee must issue a written determination on the appeal. The Executive Director or designee may reduce the time period of the Exclusion to any number of days not less than the number of days the appellant has been Excluded, or the Executive Director or designee may sustain the length of the Exclusion, or based on aggravating evidence presented at that hearing the Executive Director or designee may increase the length of the Exclusion. The determination of the Executive director or designee is final.

**Section 10.7 Violation of Exclusion Notice.** The violation of any Exclusion Notice is a violation of this Ordinance. A person who violates an Exclusion Notice is



subject to further exclusion from District Property and Park Facilities under this Chapter 10 and to arrest and prosecution for criminal trespass.

**CHAPTER 11: POLICY REGARDING DISPLAYS AND SYMBOLS IN PARKS.**

It is the policy of the District that privately sponsored, unattended displays and symbols are not an appropriate use of District Property, that such displays and symbols are not allowed on or within District Property, and that such displays and symbols are not eligible for a Permit, except in accordance with the Schaumburg Park District Sponsor Promotion Guidelines, and the Schaumburg Park District Advertising Guidelines, as each may be amended by the Board. Other activities of a speech or assembly nature and activities involving the exercise of First Amendment rights are permitted on District Property or within Park Facilities only upon the issuance of a Permit as provided in this General Use Ordinance.

**EFFECTIVE DATE.** This Ordinance shall be in full force and effect upon its passage and approval.

**ROLL CALL VOTE:**

AYES: Commissioners DiMaria, Schmidt, Daniels, Longmeyer, and Johnson

NAYS: None


ABSENT: None

PASSED: December 10, 2020

APPROVED: December 10, 2020

  
\_\_\_\_\_  
President

**ATTEST:**

  
\_\_\_\_\_  
Secretary

**CERTIFICATION**

I, the undersigned, do hereby certify that I am the Secretary of the Schaumburg Park District, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 20-12- 3P, enacted on December 10, 2020, and approved on December 10, 2020, as the same appears from the official records of the Schaumburg Park District.

  
\_\_\_\_\_  
Secretary



APPENDIX I

ORDINANCE 02 - 06 - 2P

TREE PRESERVATION ORDINANCE

BE IT ORDAINED by the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, as follows:

SECTION ONE: Intent and Purpose.

While allowing for reasonable improvement of park land within the Schaumburg Park District (the "Park District"), it is the stated public policy of the Park District to add to the Tree population within the Park District, where possible, and to maintain, to the greatest extent possible, existing Trees within the Park District. The planting of additional Trees and the preservation of existing Trees in the Park District is intended to accomplish, where possible, the following objectives:

- A. To preserve Trees as an important public resource enhancing the quality of life and the general welfare of Park District residents and enhancing the Park District's unique character and physical, historical and aesthetic environment.
- B. To promote environmental quality and preservation of exiting natural areas.
- C. To enhance and preserve the air quality of the Schaumburg Park District through the filtering effect of Trees on air pollutants.
- D. To reduce noise within the Schaumburg Park District through the baffle and barrier effect of Trees on the spread of noise.
- E. To reduce topsoil erosion through the soil retention effect of Tree roots.
- F. To reduce energy consumption through the wind break and shade effects of Trees and adjacent to building and facilities.
- G. To preserve and enhance nesting areas for birds and other wildlife which in turn assist in the control of insects.
- H. To reduce storm water runoff and the costs associated therewith and replenish ground water supplies.

SECTION TWO: Definitions

- A. The language in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:



1. The singular number includes the plural number and the plural the singular.
2. The word "shall" is mandatory, the word "may" is permissive.
3. The masculine gender includes the feminine and neuter.

B. Whenever in this Ordinance the following words and phrases are used with the first letter in the upper case, they shall, for the purposes of this Ordinance, have the meanings respectively ascribed to them in this Section, except when the context otherwise indicates.

1. "Aggregate Diameter" means the combined diameter of a multiple trunk Tree measured at Breast Height.
2. "Caliper" means the diameter of a Tree trunk six inches (6") above the existing grade or proposed planted grade. Caliper is usually used in reference to nursery stock for new plantings.
3. "Park District" means the Schaumburg Park District, Cook County, Illinois. For purposes contained herein, the "Park District" shall refer to the authority responsible for enforcement of the provisions contained herein.
4. "Diameter Breast Height" or "DBH" means the diameter of a Tree measured at four and one-half feet (4½') above the existing grade at the base of the Tree.
5. "Protected Tree" means any Tree on Park District owned property regardless of the size. The trees excluded from "protected" status are any of the exotic invasive species such as buckthorn (Genus: Rhamnus) and honeysuckle (Genus: Lonicera).
6. "Regulated Public Utility" means any utility certificated by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the Schaumburg Park District.
7. "Remove" or "Removal" means the causing or accomplishing of the actual physical removal of a Tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.
8. "Root Zone" means the area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one foot (1') for every inch of DBH and/or drip line of the tree depending on species.



9. "Tree" means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown or evergreen foliage.

10. "Tree Preservation Area" means that area of a parcel of land owned by Schaumburg Park District within which all Trees shall be protected.

11. "Tree Preservation Plan" means a written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve existing Trees during construction and shall include a Tree Survey.

12. "Tree Removal". Written permission is needed in order to Remove any Protected Tree on property of the Park District.

13. "Tree Survey" means a graphic display of all existing Trees upon Park District Property which survey shall also contain the approximate outline of the Root Zone of each such Tree.

14. "Offense" means any violation contained within this Tree Ordinance as stated.

### SECTION THREE: General Regulations.

A. Unless otherwise specifically authorized in this Code, it shall be unlawful for any person without written permission from the Park District to Remove, injure, destroy or undertake any procedure the result of which is to cause the death or substantial destruction of any Protected Tree on Park District Property. Written permission authorizing the Removal of such Trees may be given by the Park District, but not necessarily limited to, the following reasons:

1. The Tree is dead or dying
2. The Tree is diseased
3. The Tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes a hazard to persons or property
4. Removal of the Tree is consistent with good forestry practices

B. In furtherance of the goals contained in Subsection (A) above, the Park District shall give written permission where it is determined by the Park District that Removal of the Tree from Park District Property will avoid or alleviate an economic hardship or hardship of another nature. If any Contractor is to be used, then a Certificate of Insurance must be provided to the Park District before any work may proceed.



- C. Upon receipt of Written Permission, the permittee:
1. Shall replace the Protected Tree so Removed in each of the following instances:
    - a. In the event the Removal of a Protected Tree(s) will avoid or alleviate an economic hardship or hardship of another nature.
    - b. In the event a Protected Tree is damaged or injured by other than natural causes to the extent that it is likely to die or become diseased, or it constitutes a hazard to persons or property.
    - c. In the event a Protected Tree has been Removed without written permission.
  2. May not be required to replace the Protected Tree, in the event the Park District determines that Removal of the Protected Tree is consistent with good forestry practices.
  3. Minimum 2 year warranty and maintenance bond required on all trees that have been replaced.
  4. Shall make all replacements with a new Tree or saplings of not less than two and one-half inches (2½") caliper, the total aggregate caliper of all such Trees and/or saplings used as replacements shall equal or exceed the diameter of the Protected Tree(s) so Removed. Such replacement shall be made within twelve (12) months of the date of the Removal of any Protected Trees for which such replacement is required. The Tree may be selected from the following lists, with final species selection in each instance being approved by the Park District:

#### Deciduous Trees

<u>Common Name</u>	<u>Botanical Name</u>
Linden	Tilia species
Maple (excluding Silver Maple and other similar softwood species)	Acer species
Hackberry	Celtis species
Ginkgo	Ginkgo species
Oak	Quercus species
Ash	Fraxinus species
Thornless Honeylocust (cultivars)	Gleditsia species
Cork Tree	Phellodendron species
Pear	Pyrus species



## Evergreen Trees

<u>Common Name</u>	<u>Botanical Name</u>
Fir	Abies species
Pine	Pinus species
Spruce	Picea species
Arborvitae	Thuja species
Yew	Taxus species
Cedar	Juniperus species
Juniper	Juniperus species

## Recommended Native Species

### Native Oaks

Bur Oak	Quercus macrocarpa
Swamp White Oak	Quercus bicolor
Northern Red Oak	Quercus rubra
White Oak	Quercus alba
Hill's Oak	Quercus ellipsoidalis

### Native Maples

Sugar Maple	Acer saccharum
Black Maple	Acer nigrum
Red Maple	Acer rubrum

### Other Native Large Trees

Hackberry	Celtis occidentalis
White Ash	Fraxinus americana
American Linden	Tilia americana
Shagbark Hickory	Carya ovata
Black Walnut	Juglans nigra
Ohio Buckeye	Aesculus glabra

### Native Flowering & Small Trees

Downy Hawthorn	Crataegus mollis
Iowa Crabapple	Malus ioensis
River Birch	Betula nigra
Ironwood	Ostrya virginiana
Redbud	Cercis canadensis
Wild Plum	Prunus americana
Shadbush	Amelanchier arborea
Black Alder	Alnus glutinosa



#### SECTION FOUR: Tree Preservation Involving Construction

A. In connection with projects involving excavation, earth moving, demolition, and/or construction, a Tree Preservation Plan shall be filed with the Park District. The Tree Preservation Plan shall specify the following:

1. Building Activity Area upon the parcel of land and the Tree Preservation Area on Park District Property (Note: The Tree Preservation Area shall be protected physically from the Building Activity Area by a barrier to prevent impingement of construction vehicles, material, spoils, and equipment into or upon the Tree Preservation Area)

2. The general contractor, who shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Tree Preservation Areas so that all Protected Trees in the Tree Preservation Areas shall be preserved.

B. Written Permission shall be given only in the event the Park District finds that all responsible efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing Protected Trees as follows:

1. Building placement and driveway, walkway and parking areas shall be designed in such a way as to avoid unnecessary removal of Protected Trees.

2. The required drainage and grading plan shall be developed in such a way as to avoid removal of Protected Trees wherever possible and to protect remaining Protected Trees located in the Tree Preservation Area from risk of loss through change in grade or moisture.

3. Proposed placement of all utility service lines shall be shown on the Tree Preservation Plan. Every effort shall be made to protect existing Protected Trees during the placement of utility service lines including auguring and/or jacking as opposed to open cutting as appropriate. A copy of Tree Preservation Plan and this ordinance shall be submitted to the appropriate Regulated Public Utilities in order to alert said Regulated Public Utilities to the proposed placement of the regulated utility service lines.

4. Preliminary landscape planning shall have been accomplished to reflect Tree replacement required by this Ordinance and shall include preservation of existing healthy Protected Trees.



5. The Root Zone of Protected Trees on which construction activity will take place shall be carefully reviewed and considered during the preparation of the Tree Preservation Plan. Every effort should be made during the architectural layout and design of the proposed development to preserve Protected Trees on adjacent areas through sensitivity to the Root Zones of said Protected Trees.

C. No building which may affect Park District Property shall take place unless the Tree Survey and Tree Preservation Plan have been filed.

1. Work shall not begin on the site until the site has been inspected by the Park District for compliance with the Tree Preservation Plan.

2. An approved Tree Preservation Plan shall be available on the building site before work commences and at all times during construction of the project. The general contractor shall be responsible for notifying all other contractors involved with a given project of the Tree Preservation Plan.

D. During construction, all reasonable steps necessary to prevent the destruction or damaging of Protected Trees (other than those specified to be removed) shall be taken, including, but not limited to, the following:

1. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted within the Tree Preservation Area. No excess soil, additional fill, liquids or construction debris shall be placed within the Root Zone of any Tree that is required to be preserved.

2. Appropriate protective fencing shall be temporarily installed for protection of remaining Protected Trees.

3. All required protective fencing or other physical barrier must be in place around the Tree Preservation Area and approved by the Park District prior to beginning construction. The fencing or other physical barrier must remain in place during the entire construction period to prevent the impingement of construction vehicles, materials, spoils, and equipment into or upon the Tree Preservation Area. All fencing must be secured to metal posts driven into the ground, spaced no further than ten feet (10') apart.

4. No attachments, fences or wires, other than those approved for bracing, guying or wrapping, shall be attached to Trees during the construction period.

5. Other measures such as construction pruning and root pruning of Protected Trees directly impacted by construction must be indicated on the plan or on an accompanying sheet and approved by the Park District.



6. Unless otherwise authorized by the Park District, no soil is to be removed from within the Root Zone of any Protected Tree that is to remain.

7. All utilities, including service lines, shall be installed in accordance with the Tree Preservation Plan. Regulated Public Utilities which have been notified of the Tree Preservation Plan shall be responsible for adhering to said Tree Preservation Plan during installation of necessary utility service lines.

E. It shall be unlawful for any person, firm or corporation to fail to abide by the terms of any Tree Preservation Plan.

F. If, in the opinion of the Park District, the necessary precautions as specified in the Tree Preservation Plan were not undertaken before construction commenced or are not maintained at any time during construction, a stop work order shall be issued by the Park District until such time as compliance takes place.

#### SECTION FIVE: Emergencies

A. In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or Removal of a Protected Tree(s), Tree Removal may take place if authorized staff of the area that the tree is located in grants permission.

B. In the event of such an emergency, it shall be lawful to proceed with the cutting of the Tree or Trees to the extent necessary to avoid immediate danger or hazard. In such event the person causing the cutting shall report the action taken to the Park District within forty-eight (48) hours.

#### SECTION SIX: Maintenance.

The care of all Trees will follow good horticultural practice as provided in ANSI A300 - 1998 (or most current edition) "Standards for Tree Care Operations".

#### SECTION SEVEN: Appeals

If an adjoining property owner disagrees with the Park District's decision related to this Ordinance, then the adjoining property owner may appeal in writing to the Director of the Park District any decision made by the Park District staff within thirty (30) days of the decision being rendered. If not satisfied with the decision made by the Director, the adjoining property owner may appeal in writing to the Board of Park Commissioners within thirty (30) days of the decision being rendered by the Director.



SECTION EIGHT:           Penalty

A.     Whoever violates any of the provisions of this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Each day during which a violation continues or is permitted shall be construed a separate and distinct offense.

B.     Whoever violates any of the provisions of this ordinance or who shall interfere with the execution or enforcement of the same shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

SECTION NINE:           SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION TEN:           REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION ELEVEN:       EFFECTIVE DATE. This Ordinance shall be in full force and effect upon its passage and approval.



ROLL CALL VOTE:

AYES: Commissioners Tucknott, Wroblewski, Longmeyer, Daniels and Johnson

NAYS: None

ABSENT: None

PASSED: June 13, 2002

APPROVED: June 13, 2002

  
\_\_\_\_\_  
President

ATTEST:  
  
\_\_\_\_\_  
Secretary

CERTIFICATION

I, the undersigned, do hereby certify that I am the Secretary of the Schaumburg Park District, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 02 - 06 - 2P, enacted on June 13, 2002, and approved on June 13, 2002, as the same appears from the official records of the Schaumburg Park District.

  
\_\_\_\_\_  
Secretary



APPENDIX II

ODINANCE NO. 11 – 03 - 2P

AN ORDINANCE ADOPTING THE SCHAUMBURG PARK  
DISTRICT ADA POLICY AND AMENDING THE PARK  
DISTRICT'S PERSONNEL POLICY MANUAL

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BE IT ORDAINED by the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, as follows:

SECTION ONE: The Board of Park Commissioners hereby adopts the Schaumburg Park District Americans with Disabilities Act (ADA) Policy, a copy of which is attached hereto and incorporated herein (the "Policy").

SECTION TWO: The Park District Executive Director, or her designee, is authorized and directed to perform such acts as required under the Policy, and/or as otherwise required by law, to implement said Policy and provide the ADA accommodations provided for therein.

SECTION THREE: A copy of the Policy shall be posted on the Park District's website and filed with the Park District Secretary. The Park District Executive Director, or her designee, shall provide a copy of the Policy to all employees of the Park District, and a copy of the Policy shall also be made available to all members of the public who request a copy of the Policy.

SECTION FOUR: Section III-A-31 of the Park District's Personnel Policy Manual is amended by adding the following thereto: "Any violation by any Park District employee of the Park District's ADA Policy and/or Identity-Protection Policy, copies of which are attached hereto and incorporated herein, shall be grounds for discipline, up to and including discharge."



SECTION FIVE: Nothing herein shall be construed as altering the "at will" status of any Park District employee.

SECTION SIX: SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION SEVEN: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall effective upon its passage and approval.

ROLL CALL VOTE:

AYES: Commissioners *DiDaria, Langmeyer, Schmidt + Johnson*


NAYS: *None*

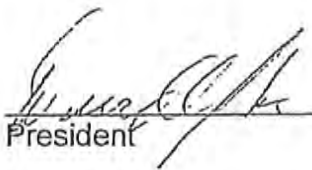
ABSENT: *Commissioner Daniels*

PASSED: March 10, 2011

APPROVED: March 10, 2011

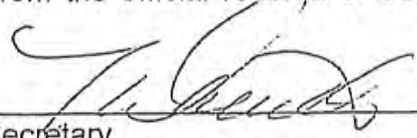
Attest:

  
Secretary

  
President

#### CERTIFICATION

I, the undersigned, do hereby certify that I am the Secretary of the Schaumburg Park District, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 11 - 03 - 2 P, enacted on March 10, 2011, and approved on March 10, 2011, as the same appears from the official records of Schaumburg Park District.

  
Secretary



### APPENDIX III

## THE SCHAUMBURG TENNIS PLUS PROHIBITED CONDUCT AND SANCTIONS, AND RESTRICTIONS GOVERNING TENNIS LESSONS AT OUTDOOR TENNIS COURTS

### SECTION 1: SCOPE.

These rules and regulations shall govern members, guests and non-member participants in all athletic and physical activity programs of the Park District's Schaumburg Tennis Plus indoor tennis complex located at 1416 North Payne Road, Schaumburg Illinois (alternatively "STP" or the "Tennis Club"), and shall govern and restrict who may teach tennis lessons on outdoor tennis courts owned or leased by the Park District. These rules and regulations shall be administered by the Executive Director (the "Director") and the Superintendent of Recreation (the "Superintendent") Tennis Club Manager, or either of them, or may be alternatively assigned to such other member of the Park District staff as designated by the Director at his or her discretion.

### SECTION 2. DEFINITIONS.

A. "Tennis Lesson" means the act or instance of instructing, training, coaching or teaching of tennis stroke techniques and tennis fundamentals where the instructing player feeds or tosses five (5) or more tennis balls in succession, to one or more players on the other side of the net in conducting or directing one or more tennis drills or in conjunction with tennis instruction.

B. "Immediate Family Member" means a person related by blood, marriage or adoption who is that person's parent, child or sibling, or who is that person's step-father, step-mother, step-child, grandchild, or grandparent.

C. "School Team Coach" means the head coach and/or any assistant coach of any high school tennis team or college tennis team providing a Tennis Lesson during any scheduled practice upon any STP tennis court or outdoor tennis court owned or leased by the Park District to one or more players on that high school tennis team roster or college tennis team roster.

D. "Tennis Professional" means an individual who provides tennis lessons for money on a full or part time basis, and/or an individual who is a present or past member of (a) the U.S. Professional Tennis Association ("USPTA") and who has been certified by the USPTA as an accredited professional coach, tennis teaching professional, or certified professional (level 3, 2 or 1); and/or (b) the Professional Tennis Registry ("PTR") formerly known the USPTR, who has been certified by the PTR as a professional, instructor, or associate instructor.

E. "Authorized Tennis Professional" means a Tennis Professional who is (1) an employee of the Park District; or (2) an employee of an entity that is under contract



with the Park District to (a) provide Tennis Lessons at STP and/or any outdoor tennis courts owned or leased by the Park District, (b) provide supervision and tennis services of the Park District's tennis operation at STP, and/or (c) furnish and employ a Tennis Director and Tennis Professional to provide Tennis Lessons at STP and outdoor summer tennis lessons and programs offered by the Park District at various outdoor tennis courts owned or leased by the Park District; or (3) a School Team Coach providing a Tennis Lesson to members of his or her high school or college tennis team.

F. "Unauthorized Tennis Lesson" means a Tennis Lesson conducted by any person for money, and/or a Tennis Lesson conducted by a person who is not an Authorized Tennis Professional, on any STP tennis court, or on any outdoor tennis courts owned or leased by the Park District, except for (i) a Tennis Lesson conducted by a person who is a School Team Coach to members of the tennis team that he or she coaches, or (ii) a Tennis Lesson given to an Immediate Family Member of the tennis instructor and not more than two other individuals on a single tennis court with the tennis instructor and his or her Immediate Family Member.

### **SECTION 3: STP PROHIBITED ACTIONS AND BEHAVIOR.**

No member, guest or non-member participant shall, in connection with his or her use of the Tennis Club:

A. Behave in any manner which is abusive, profane, insulting, physically intimidating, potentially or actually physically harmful, or which involves physical contact outside of the scope of the athletic event in which the member, guest or non-member participant is engaged, toward any other member, guest or non-member participant. The Superintendent shall determine whether a member, guest or non-member participant has violated the aforesaid standard of conduct after investigating the facts and circumstances related thereto, including, but not limited to, having heard the said member, guest or non-member participant's version of the occurrence. Upon determination that the aforesaid standard of conduct has been violated, the Superintendent may impose any sanction hereinafter provided, subject to appeal as hereinafter set forth.

B. Consume, possess or be under the influence of any type of alcoholic beverage, cannabis, narcotic, illegal drug or controlled substance.

C. Use abusive, profane or other provoking language to other players, officials, spectators or Park District employees or volunteers, or any employee of any entity with which the Park District has contracted with to provide Tennis Lessons and/or supervision of the Park District's tennis operations, and to hire Tennis professionals to provide Tennis Lessons.

D. Commit any crime or aid or abet another person(s) in the commission of any crime in the Tennis Club and/or on Park property.

E. Conduct, teach or give an Unauthorized Tennis Lesson.



F. Receive a Tennis Lesson from or participate in a tennis drill conducted by an Unauthorized Tennis Professional.

G. Violate any other Park District ordinance, rule or regulation.

#### **SECTION 4. NO UNAUTHORIZED TENNIS LESSONS.**

A. No person shall conduct, teach or give a Tennis Lesson for money or other consideration on any STP tennis court, or on any outdoor tennis court owned or leased by the Park District except (1) an Authorized Tennis Professional, (2) to an Immediate Family Member of the person giving the Tennis Lesson, and if an Immediate Family Member is on a tennis court receiving a Tennis Lesson, up to two additional people on the same court, or (3) a School Team Coach to one or more members on the high school or college tennis team roster of the school that employs said School Team Coach.

B. No Tennis Professional shall conduct, teach or give an Unauthorized Tennis Lesson to one or more persons on any STP tennis court, or on any outdoor tennis court owned or leased by the Park District.

#### **SECTION 5. STP MEMBER PENALTIES AND SANCTIONS.**

The Superintendent, in his or her reasonable discretion, may sanction members who violate any of the aforesaid prohibited actions and behavior and/or requirements, as follows:

A. Any member who commits physical intimidation and/or physical harm shall be suspended by the Superintendent from participation in Park District athletic or physical activity programs, and shall be banned from the Tennis Club for the term of said suspension, for a minimum of two (2) weeks up to a maximum of two (2) years. On a second or subsequent similar violation (or a first violation depending on the severity of the violation), the member must petition the Director for reinstatement after serving the suspension period in order to again participate in Park District programs and shall be banned from the Tennis Club facilities, and the Director may bar that member from any future participation if he or she determines that it is likely such conduct will reoccur or otherwise that reinstatement of that member would not promote the safety and welfare of other members or staff.

B. Any member who commits abusive, profane, insulting or potentially physically harmful acts shall be suspended for a minimum of one (1) day up to a maximum of six (6) months. On a second or subsequent similar violation, the member must petition the Director for reinstatement after serving the suspension period, in order to again participate in Park District programs, and the Director shall reinstate said member upon a showing that similar violations by the member will not reoccur.

C. The membership of any member who commits any crime, or aids or abets another in the commission of a crime on park property, or who violates any Park District ordinance, rule or regulation, may be suspended for a period of up to one (1) year and



may be banned from the Tennis Club depending on the severity of the violation, and said suspension and ban, if applicable, and subject to the reinstatement provisions hereinafter set forth depending on the severity of the violation.

D. The membership of any member who commits a violation of Section 3 or 4 by conducting a Tennis Lesson for money, or an Unauthorized Tennis Lesson, or by receiving an Unauthorized Tennis Lesson on any STP tennis court shall be suspended by the Superintendent for a minimum of two (2) weeks up to a maximum of four (4) weeks for a first violation, and during the suspension period may not use any STP tennis courts. On a second or similar violation of Section 3 or Section 4 by the same member occurring more than twenty-four hours after the first violation thereof occurred, said member shall be suspended for a minimum of four (4) weeks up to a maximum of six (6) months, but the member must petition the Director for reinstatement after serving the second suspension period in order to again use any STP tennis court, and the Director shall reinstate said member upon a sufficient showing that a similar violation by the member will not reoccur.

E. Upon imposition of any sanction hereunder, the Superintendent shall advise the member in writing of the sanction via certified mail, return receipt requested, and by regular mail, and report the same in writing to the Director and the Board of Park Commissioners.

#### **SECTION 6. STP MEMBER APPEALS.**

Any member who is sanctioned hereunder shall have the right to appeal the Tennis Club Manager's finding that a member committed any prohibited actions and behavior, or gave an unauthorized tennis lesson, and the decision of imposition of the sanction, suspension, banishment of a member and/or the forfeiture of the membership fee by filing a written notice of appeal with the Director within fourteen (14) days of the mailing of the decision by the Superintendent. Failure to appeal the decision of the Superintendent within said fourteen (14) days waives the member's right to appeal the decision. Upon receipt of a timely Notice of Appeal, the Director shall thereupon schedule a meeting with the member within five (5) days of receipt of said Notice of Appeal, and at such meeting the Director shall have the authority to request any employees of the District who observed any prohibited conducted or unauthorized tennis lesson to be present, and the member shall be entitled to present his or her version of the facts and present such evidence as the member may see fit. Said meeting shall be informal in nature and formal rules of evidence shall not apply, however hearsay evidence shall be admissible only and to the extent it is the type commonly relied upon by a reasonably prudent person in the conduct of their affairs. Within ten (10) days of the conclusion of said meeting, the Director shall notify the member of his or her decision in writing (the "Director's Sanction Decision"). The Director's Sanction Decision shall be made with due regard for the best interests of the District and its operations and/or the safety and welfare of the Park District's participants and facility users who may come into contact with the participant, and all evidence presented and the statements and/or testimony, if applicable, of the witnesses and participants, including that of the member and any other witnesses he or she may have. The Director's Sanction Decision shall be given by the Director to the Board of Park



Commissioners. In the event the Superintendent's decision to suspend or banish an individual or participant is over-turned by the Director, the member shall be refunded the pro-rated amount of user fees paid for the period of such suspension and/or banishment, if any, prior to the Director's decision to over-turn such suspension and/or banishment.

#### **SECTION 7. STP MEMBER REINSTATEMENT.**

Upon the completion of the period of suspension or banishment of any individual who is required to seek permission of the Director to be allowed to resume participation in the programs of the District or use of its facilities as provided herein, such individual must apply to the Director for reinstatement. The Director shall thereupon schedule a meeting with the participant regarding the proposed reinstatement and at such meeting the participant shall be entitled to present his or her reasons for the proposed reinstatement and such evidence as the participant sees fit, and the Director shall notify the participant in writing of the Director's decision within ten (10) days of said meeting. The final determination by the Director shall be absolute and shall be made with due regard for the best interests of the District and its operations and/or the safety and welfare of the Park District's participants and facility users who may come into contact with the participant, the likelihood that future violations of the same or similar nature will cease in the future, and all evidence and recommendation of its staff, witnesses and participants including that of the participant seeking reinstatement in making his/her final determination.

#### **SECTION 8. STP GUEST AND NON-MEMBER PARTICIPANT PENALTIES AND SANCTIONS.**

The Superintendent, in his or her reasonable discretion, may sanction guests and non-member participants who violate the aforesaid prohibited actions and behavior and/or requirements, as follows:

A. Any guest or non-member participant who commits physical intimidation and/or physical harm shall be banned by the Superintendent from participation in Park District athletic or physical activity programs and use of the STP tennis courts, and all other Park District facilities and properties (except in conjunction with the exercise of certain First Amendment rights set forth in any such ban notice) for a minimum of two (2) weeks up to a maximum of two (2) years, depending upon the severity of the violation.

B. Any guest or non-member participant who commits abusive, profane, insulting or potentially physically harmful acts shall be banned for a minimum of one (1) day up to a maximum of six (6) months from participation in Park District athletic and physical activity programs and depending on the severity of the violation, may be banned for all of the Park District facilities and properties for the term of the ban (except in conjunction with the exercise of certain First Amendment rights set forth in any such ban notice).

C. Any guest or non-member participant who commits any crime, or aids or abets another in the commission of a crime on park property, or who violates any Park



District ordinance, rule or regulation, may be banned for a period of up to two (2) years depending on the severity of the violation.

D. Any guest or non-member participant who commits a violation of Section 3 by conducting a Tennis Lesson for money or an Unauthorized Tennis Lesson shall be banned from the use of the STP tennis courts and the STP facility and property by the Superintendent for a minimum of two (2) weeks up to a maximum of four (4) weeks for a first violation. On a second or similar violation of Section 3 or Section 4 by the same guest or non-member participant occurring more than twenty-four hours after the first violation thereof occurred, said guest or non-member participant shall be banned from the use of the STP tennis courts and the STP facility and property for up to one (1) year.

Upon imposition of any sanction hereunder, the Superintendent shall endeavor to advise the guest or non-member participant, as the case may be, in writing of the sanction via certified mail (or e-mail if e-mail address is known), and report the same in writing to the Director and the Board of Park Commissioners, provided the guest or non-member participant furnished the Park District with an accurate address, or the e-mail address is known.

#### **SECTION 9. STP GUEST AND NON-MEMBER PARTICIPANT APPEALS.**

Any guest or non-member participant who is sanctioned hereunder shall have the right to appeal the Superintendent's finding that a member committed any prohibited actions and behavior, or gave an Unauthorized Tennis Lesson, and the decision of imposition of the sanction, banishment and/or the forfeiture of any fee by filing a written notice of appeal with the Director within fourteen (14) days of the mailing of the decision by the Superintendent, provided the guest or non-member participant furnished the District with an accurate name and address or e-mail address, otherwise the time period within which said guest or non-member participant may appeal shall be within fourteen (14) days of the decision of the Superintendent. Failure to appeal the decision of the Superintendent within said fourteen (14) days waives the member's right to appeal the decision. Upon receipt of a timely Notice of Appeal, the Director shall thereupon schedule a meeting with the member within five (5) days of receipt of said Notice of Appeal, and at such meeting the Director shall have the authority to request any employees of the District who observed any prohibited conducted or Unauthorized Tennis Lesson to be present, and the sanctioned guest or non-member participant shall be entitled to present his or her version of the facts and present such evidence as the member may see fit. Said meeting shall be informal in nature and formal rules of evidence shall not apply, however hearsay evidence shall be admissible only and to the extent it is the type commonly relied upon by a reasonably prudent person in the conduct of their affairs. Within ten (10) days of the conclusion of said meeting, the Director shall notify the guest or non-member participant of his or her decision in writing (the "Director's Sanction Decision"). The Director's Sanction Decision shall be made with due regard for the best interests of the District and its operations and/or the safety and welfare of the Park District's participants and facility users who may come into contact with the participant, and all evidence presented and the statements and/or testimony, if applicable, of the witnesses and participants, including that of the guest or



non-member participant and any other witnesses he or she may have. The Director's Sanction Decision shall be given by the Director to the Board of Park Commissioners. In the event the Superintendent's decision to banish an individual or participant is overturned by the Director, the guest or non-member participant shall be refunded the pro-rated amount of any prepaid user fees.

#### **SECTION 10. FINES AND SANCTIONS FOR VIOLATING OUTDOOR TENNIS COURTS PROHIBITED ACTIONS AND BEHAVIOR.**

In addition to the general penalty provisions set forth in paragraph 25, Chapter III, Park Use Ordinances of the District, a person who receives two or more citations for a violation of paragraphs 31, 32 or 33 of the Park Use Ordinances within any 60 day period, or a Tennis Professional who receives two or more citations for a violation of this Appendix I for conducting an Unauthorized Tennis Lesson on any outdoor tennis court owned or leased by the District within any 60 day period shall be subject to exclusion. The violator of any such provision shall be issued a Notice of Exclusion by the Superintendent excluding him or her from Park District outdoor tennis courts for a period ranging from one (1) day to one (1) year.

#### **SECTION 11: APPEAL OF EXCLUSION.**

The decision to exclude any violator issued a Notice of Exclusion may be appealed to the Director within fourteen (14) days of receipt of the Notice of Exclusion by the violator. Director shall have the authority to request any employees of the District who observed any prohibited conducted or Unauthorized Tennis Lesson to be present, and the sanctioned person shall be entitled to present his or her version of the facts and present such evidence as the member may see fit. Said meeting shall be informal in nature and formal rules of evidence shall not apply, however hearsay evidence shall be admissible only and to the extent it is the type commonly relied upon by a reasonably prudent person in the conduct of their affairs. Within ten (10) days of the conclusion of said meeting, the Director shall notify the person alleged to have committed a violation of his or her decision in writing (the "Director's Sanction Decision"). The Director's Sanction Decision shall be made with due regard for the best interests of the District and its operations and/or the safety and welfare of the Park District's participants and park users who may come into contact with the alleged violator, and all evidence presented and the statements and/or testimony, if applicable, of the witnesses. The Director's Sanction Decision shall be given by the Director to the Board of Park Commissioners.

#### **SECTION 12.**

Any person who enters upon any tennis court, Park District facility or property from which he or she has been suspended, banned or excluded during any such period of suspension, banishment or exclusion, may be arrested for trespassing.