



Rules and Regulations
GOVERNING THE USE OF PARKS
AND FACILITIES

ORDINANCE #10
REVISED 03/2025

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ORDINANCE NO. 10

General Use Ordinance

WHEREAS, on February 13, 1950 the Fox Valley Park District of Commissioners adopted an ordinance establishing and promulgating laws, rules and regulations for the safety and enjoyment of the public use of District facilities, programs, and services; and

WHEREAS, periodically the Fox Valley Park District Commissioners amends this ordinance, most recently this occurred on July 10, 1989; July 8, 1991; October 5, 2003; and December 13, 2004; April 9, 2007; December 12, 2011; June 11, 2012; December 9, 2019; March 11, 2024; and January 13, 2025.

WHEREAS, it has become necessary to amend, update and renumber certain parts and provisions of the laws, ordinance, and regulations of the Fox Valley Park District.

NOW THEREFORE, BE IT ORDAINED that, Ordinance 10, General Use Ordinance of the Fox Valley Park District is hereby repealed and re- enacted as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.01 DESIGNATION AND CITATION OF CODE

The rules and regulations contained in this ordinance of the Fox Valley Park District are intended to ensure the use and enjoyment of all District facilities. It is the intention of the Fox Valley Park District Board of Commissioners that not only will this ordinance be enforced, but that all appropriate provisions of state criminal law, especially those related to the use of drugs, liquor, or weapons, be enforced by the Fox Valley Park District Police. This ordinance is in no way intended to take the place of provisions of state, municipal or county law otherwise intended to ensure the safety and good conduct of any person making use of District facilities, programs, and services.

Section 1.02 DEFINITIONS

When used in the General Ordinances, the following terms shall have the meaning set forth in these sections:

1. **"Authorized Use"** – A use on District Property that has been authorized on that property by the Board through ordinance or resolution or by the District through the postings of a notice or the establishment of a written policy.
2. **"Board"** – The Board of Commissioners of the Fox Valley Park District.
3. **"District"** – The Fox Valley Park District.
4. **"Dusk"** – Means one hour past sunset.
5. **"District Property"** – Is all of the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District, including without limitation every building, shelter, street, sidewalk, trail, path, beach, park, playground, wilderness or open space, or other public place or facility and all District waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.
6. **"Employee"** – Any full or part time employee of the District.
7. **"Executive Director"** – The Executive Director of the District and any person to whom the Executive Director has delegated their authority.
8. **"Hours of Operation"** – The time periods during which a particular area of District Property is open to the public.
9. **"Legal Guardian"** - Means a person appointed guardian for, or given custody of, a minor by a Court of competent jurisdiction.
10. **"Minor"** - Means a person who has not attained 18 years of age.
11. **"District Police Officer"** – Any sworn officer of the District's Police Department who is certified by the Illinois Law Enforcement Training and Standards Board.

12. **"Permit"** – A license or other written document issued or granted by the District in accordance of this Ordinance or other Rules allowing the use of District Property for a particular purpose or function. Said license or other written document is subject to the terms and conditions specified in the writing so issued, as well as all applicable federal, state, local and District laws, ordinances, rules and regulation.
13. **"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.
14. **"Rules"** – Rules, regulations, or conditions applicable to permits or Authorized Uses that are established by the District through the posting of a notice, the establishment of a written policy, or through the issuance of a Permit.
15. **"Special Use Area or Facility"**- An area that may be designated by the District from time to time for a particular use that is best suited to a limited, specific, location where it can be conducted in an orderly manner that does not interfere with other uses of District Property. Special use areas include dog exercise areas and model aircraft areas.
16. **"Trail"** – Any Trail designated by the District for uses that include walking, hiking, jogging, skiing, or bicycling.
17. **"Vehicle"** – Any motorized device intended to transport a person or persons from one place to another, excluding motorized assist wheelchairs, single person mobility devices or pedal bicycles or Class I or Class II e-bikes provided such excluded devices are operated within speed limits imposed under this General Use Ordinance.
18. **"Bicycle"** – Every device propelled by human power upon which any person may ride, having two, three or four wheels, except scooters and similar devices. Low-speed electric bicycles equipped with fully operational pedals and an electric motor of less than 750 watts (Class I or Class II low speed electric bicycles) whose maximum speed on a paved level surface, when powered solely by such a motor is less than twenty (20) mph shall be considered a bicycle and all regulations, including speed limits, as such, shall continue to apply.

Section 1.03 RULES OF CONSTRUCTION

In construction of these Ordinances, the following rules of construction shall be observed.

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

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

May: The word "may" is permissible and discretionary.

Shall: The word "shall" is mandatory.

Section 1.04 RULES TO BE OBEYED

No person shall violate or disobey any rule of the District relating to the use and governance of District property. The District may issue such rules and regulations as are necessary to insure public health and safety in the use and enjoyment of any and all park facilities.

Section 1.05 UNREASONABLE EMISSION OF SOUND

Use of sound amplification devices on District property in any manner that emits sound as follows is prohibited:

- a. Sound which unreasonably interferes with the enjoyment of District property by other members of the public or which disturbs the peace.
- b. Sound at a decibel level in excess of that which is allowed by local, county or state law.

Section 1.06 CODE TO BE LIBERALLY CONSTRUCTED

All general provisions, terms, phrases, and expressions contained in these Ordinances shall be liberally construed in order that the true intent of the District be fully carried out.

Section 1.07 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 1.08 ORDINANCE PROVISIONS AS CONTINUANCE OF EXISTING ORDINANCES

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

Section 1.09 EFFECT OF REPEAL OF ORDINANCES: REVIVAL

- a. Neither the adoption of these Ordinances nor the repeal hereby of any ordinance of the District shall in any manner affect the prosecution for violations of such ordinance, which violations were committed prior to the effective date hereof, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof appertaining shall continue in full force and effect.
- b. Whenever any ordinance repealing a former ordinance, clause or provisions is repealed, such repeal shall not be construed as reviving such former ordinance, clause, or provision, unless expressly provided therein.

Section 1.10 CONFLICTING PROVISIONS

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

Section 1.11 REFERENCES INCLUDE AMENDMENTS: CONSTRUCTION

- e. Any reference in these Ordinances to an ordinance or provisions of these Ordinances shall mean such ordinance or provision as may now exist or is hereafter amended.
- f. Any references in these Ordinances to chapters, articles, divisions, or sections shall be to the chapters, articles, divisions, and sections of these Ordinances unless otherwise specified.

Section 1.12 AMENDMENTS AND REFERENCES TO ORDINANCES

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

Section 1.13 SEVERABILITY

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

Section 1.14 PUBLIC'S RESPONSIBILITY TO BE INFORMED

It is the public's responsibility to be aware of all park rules and regulations that may or may not be posted in the parks or trails. Specific prohibited activities, park hours, and other rules and regulations, which are referred to in this ordinance, are printed and are available for inspection at the District Administrative Office or the Department of Police and Public Safety.

Section 1.15 OTHER AGENCIES' AUTHORITY TO ENFORCE

All law enforcement agencies which have concurrent jurisdiction or whose corporate limits fall within the boundaries of the District and which have entered into an intergovernmental agreement with the District shall have full power and authority to act on behalf of the District in enforcing the provisions of this ordinance.

Section 1.16 EMPLOYEES EXEMPT

District employees, law enforcement officers, fire fighters, paramedics and emergency personnel are exempt from provisions of this ordinance when fulfilling their obligations and responsibilities. Contractors and other people authorized to use District property pursuant to a contract or license with the District may also be exempt from this ordinance, but only as necessary to perform in strict accordance with their contract or license.

ARTICLE 2 – RESTRICTIONS ON PERSONS AND PETS

Section 2.01 CRIMINAL ACTS PROHIBITED

No person shall commit any criminal act on District property as prohibited in the Criminal Code of the State of Illinois as set forth in 720 ILCS 5.1-1 et seq., as amended from time to time and as then in effect. The Criminal Code, as amended, is incorporated herein by this reference.

Section 2.02 HOURS OF OPERATION

- a. Parks and trails shall be open to the public every day of the year during designated hours. Hours for park and trail use shall be from dawn to dusk, unless otherwise authorized and as specific park use permits.
- b. Any section or part of any park may be declared closed to the public by the District, at any time and for any interval of time, either temporarily or at regular intervals and stated intervals (daily or otherwise) and either entirely or for merely certain uses as the District shall find necessary.
- c. No person shall remain on District property at a time when it is not open to the public, except when otherwise expressly authorized.

Section 2.03 PROPERTY DAMAGE

- a. No person shall cut, pick, mutilate, move or attempt to move or in any other way harm a tree, bush, shrub, flower, wildflower, turf, rock, stone, or other natural or fabricated formation on District property.
- b. No person shall deface or destroy any bench, sign, building or any other property under the control of the District.
- c. No person shall drive any motor vehicle or motorized vehicle as defined in the Illinois Vehicle Code, including a motorcycle, ATV, bicycle, horse, or similar animal on property of the District in such a manner to destroy or damage District property.
- d. No person shall build a fire of wood, charcoal or other material on the ground or any other place except as specifically designated by the District for such purpose and any fire of legal nature shall not be unduly large or dangerous to surroundings.

Section 2.04 ANIMAL RESTRICTIONS

- a. No person shall allow any domestic animal to run free without restraint on District property other than in those areas designated as

off leash. All domestic animals shall be restrained by a leash not to exceed ten (10) feet in length.

- b. Unless authorized by the District, no person shall ride or lead a horse or similar animal anywhere on District property, except as expressly authorized by permit.
- c. No person shall hunt, trap, kill, disturb, molest, or destroy a nest of any bird or migratory waterfowl, or in any way harm or feed any wild animals within District property.
- d. With the exception of seeing-eye or assisting dogs, dogs or other domestic animals are not allowed in any District building unless otherwise authorized or approved.
- e. Dogs are not allowed on athletic playing fields of the District or in any other area where prohibited.
- f. It shall be the responsibility of the person who has control of an animal to promptly remove the animal's excrement.

Section 2.05 FISHING LICENSE REQUIRED

- a. Fishing on District waters is allowed unless otherwise prohibited by specific posting at a site.
- b. Any person fishing from the banks, bridges or watercraft on District property shall possess a valid Illinois Fishing License as required by law, with proper game stamps and abide by all game laws of the State of Illinois.
- c. No person shall kill any fish or other aquatic life or disturb a spawning bed in waters controlled by the District unless engaged in the lawful sport of fishing.

Section 2.06 HUNTING, FIREARMS AND EXPLOSIVES PROHIBITED

- a. No person, shall hunt game animals on District Property nor carry, possess, transport or discharge on or across District Property any firearm, B.B. or pellet or air powered gun, sling shot, stun gun, home-made cannon or any object of an explosive nature, including but not limited to fireworks or other objects or devices, nor any item manufactured or designed to discharge or propel an object in a manner similar to a firearm or other barreled instrument.
- b. No person shall possess, have, or carry any bow and arrow (except as specifically equipped and used for lawful fishing purposes), switchblade, hunting knife, dagger, metal knuckles, bludgeon, karate sticks, slingshot, or other dangerous weapon while on District property.

Section 2.07 ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCE PROHIBITED

- a. No person shall possess, consume, or transport in a vehicle any alcoholic beverage on District property unless authorized by permit. No alcoholic liquor shall be brought into District Property where alcoholic liquor is being lawfully sold, except such alcoholic liquor purchased from the District's authorized vendors. For these purposes, alcohol, alcoholic beverage, and alcoholic liquor shall have the meaning of "alcoholic liquor" as defined in the Illinois Liquor Control Code, 235 ILCS 5/1-1 et seq.
- b. No person shall enter or remain on District property in an intoxicated condition.

- c. While on District Property, no person shall use, possess or be under the influence of any substance, as defined in "Controlled Substance Act" (720 ILCS 570/100 et seq.) or cannabis, as defined in the "Cannabis Control Act" (720 ILCS 550/1 et seq.), or "intoxicating compounds", or under any of the substances listed in the "Use of Intoxicating Compounds Act" (720 ILCS 690/0.01 et seq.)

Section 2.08 TRESPASS TO LAND PROHIBITED

- a. No person shall wade or swim within any waters, detention areas or walk upon ice under the control of the District except where such activity is expressly permitted by signage indicating same.
- b. No person shall set a tent on District property without permission of the District.
- c. No person shall enter or remain in an activity or special use area sponsored or provided by the District where pre-registration, application, admission fee or membership in an organization is required, without first complying with the pre- registration, application, admission fee or membership requirements.
- d. No person shall climb, walk or sit upon any sign, wall or fence under the control of the District, nor shall any person go upon any grass plot or any portion of any District property where, by any sign or notice, persons are prohibited from going.
- e. No person shall make use of any District property as a place to sleep in a manner designed or calculated to act as a substitute for a residence or means of support.
- f. No person or persons shall loiter in a special use area or facility and not participate in the program or use of the facility as offered by the District. No person shall loiter or remain on District property either alone or in consort with other persons in such a manner that: (1) unreasonably obstruct the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impede or disrupt the performance of official duties by District employees; (3) prevent the general public from obtaining the administrative or recreational services provided on District property in a timely manner; (4) restrict vehicular or pedestrian traffic or restrict free ingress to and egress from District property; (5) remain in a location after being requested to leave, move, or disperse by any employee of the District.
- g. No person or persons shall loiter in District parking lots.

Section 2.09 DISORDERLY CONDUCT PROHIBITED

- a. No person shall transmit a call to a District official of a fire or police emergency knowing such call is in fact false.
- b. No person or persons shall engage in the lewd fondling of self or others or engage in sexual intercourse or deviate sexual conduct on District property.
- c. No person on District property shall engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to disturb public peace.
- d. No person shall act in such a manner as to cause alarm to another or provoke a breach of the peace on District property.
- e. No person shall cause a disturbance, hinder, intimidate, or obstruct a District official engaged in his or her official duties.

No one engaged in illegal activities shall remain on District property after being instructed to leave by a District official.

- f. No person shall solicit or offer a sexual act from another while on District property.
- g. No person or persons shall enter, gather, or loiter on District property while wearing clothing, hats or other items or display any items known to be gang colors, gang emblems or other gang insignia with the intent to reflect gang affiliation or to disrupt the peace. Further, no person shall communicate gang related messages through the use of hand signals or other means of communication while on District property with the intent to reflect gang affiliation or to disrupt the peace.
- h. No person shall use District property as a place to panhandle or beg for money.
- i. No person or persons shall loiter in the parks in such a manner as to obstruct pedestrian or vehicle movement.
- j. Golfing or practicing golf is not allowed in community or neighborhood parks. Golf play or practice is limited to areas designated as golf driving ranges, golf practice areas and golf courses, subject at all times to payment of any applicable fees or charges relating to same.
- k. Urinating or defecating at a location or in a receptacle not approved by the District for such purposes is prohibited.

Section 2.10 MOTORIZED PERSONAL WATERCRAFT AND MOTORIZED MODEL AIRCRAFT AND BOATS

- a. Paddle boats, row boats, or row boats with electric trolling motors, canoes, kayaks, rafts, tubes, floats, paddleboards, and sailboats are allowed only at designated lakes within District property, provided they do not exceed 16 feet in length. Designation shall be by signage posted at the location indicating approved activities for that location.
- b. No person shall operate a jet, motorized (gas or electric powered) recreational watercraft that the rider sits or stands upon on waters controlled by the District.
- c. Any person operating, or any passenger in a boat operated on a body of water owned or under control of the District, shall abide by all requirements of the Boat Registration and Safety Act, as prescribed in 625 ILCS 45/1-1 et. Seq.
- d. Motorized model aircraft and boats shall be operated only in designated areas of the District property, where posted signage indicates such activities are allowed. Operation of motorized model aircraft and boats shall be conducted in accordance with all posted rules and in accordance with any applicable statutes. No person shall operate a motorized model aircraft or boat in a manner that interferes with the use of park facilities by other users or in a manner which threatens harm to others or District property.

Section 2.11 LITTER

- a. No person shall discard any paper, bottles, cans or other form of packaging, rubbish or garbage on District grounds except in receptacles provided for such purpose.
- b. No person shall abandon, or unload any used property, rubbish, or vehicles on District property.
- c. No person shall bring any household garbage, yard waste, building materials, trash, rubbish or other matter onto District property or leased lands and leave such with the intent of disposing it.
- d. 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 this Ordinance or applicable Federal, State and/or District laws, rules, and regulations.

Section 2.12 ARTICLES FOR SALE

- a. No person on District property shall display or otherwise offer any article, goods, or service for sale or accept donations for such article, goods or service unless expressly authorized in writing by the District.
- b. Unless otherwise authorized, no person shall display or post any placard or advertisement on District property.

Section 2.13 USE OF PLAYGROUND EQUIPMENT

Persons shall use playground equipment in a manner for which it is intended and shall refrain from using playground equipment in a manner which threatens to harm other persons or damage their property or property of the District, including activities which may result in damage to the playground equipment being improperly used.

Section 2.14 GAMBLING

No person shall engage in games of chance, wager on the outcome of any sporting event or activity, or use any gambling device on District property.

Section 2.15 PARENTAL RESPONSIBILITY

The provisions of the Illinois Parental Responsibility law (740 ILCS 115/1 et. Seq.) are incorporated herein by this reference. The District expressly reserves the right to enforce the Illinois Parental Responsibility Law to its fullest extent, as the District deems necessary or advisable.

In addition to the obligations under the Illinois Parental Responsibility Law, if an unemancipated minor residing with a parent or legal guardian commits a second violation of this or any other ordinance, law or statute on District property, it shall be presumed, in the absence of evidence to the contrary, that the minor committed the violation with the knowledge and permission of said parent or legal guardian. Said parent or legal guardian of the unemancipated minor is subject to prosecution as if he or she committed the second offense upon the occurrence of the events described in

(a) and (b) below:

- a. Said parent or legal guardian has received a written notice of the first offense and stating parental responsibility for any subsequent violation, either by registered mail or by personal service, from the Fox Valley District Police following an adjudication or a non-judicial sanction.
- b. Said minor is found to be in violation of this or any other ordinance, law, or statute within one (1) year following issuance of the notice set forth in (a) above.

Section 2.16 RESTROOMS AND WASHROOMS

The District shall provide and designate as a "Gender Neutral Restroom" those single (or single family use) restrooms in its facilities that provide for lockable, single person use to be identified by statutorily required signage to accommodate all genders and families, all in accordance with the Illinois statutory requirements. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex unless such person suffers from a disability or a special need requiring the assistance of another person who is of the proper sex for such restroom

or washroom. No person shall deposit objects of any kind other than bodily waste and toilet paper in the toilets or plumbing fixtures of a restroom, washroom, or locker room on District property.

Section 2.17 IMPERSONATION OF OFFICER

No person shall falsely represent or impersonate a District Police Officer or pretend to be a Official.

Section 2.18 POLITICAL ACTIVITY LIMITATIONS

No person shall place any sign, distribute any handbill, or otherwise promote a political candidate, cause or referendum by posting materials on District property without authorization in connection with an

event for which proper registration has been made with the District. Notwithstanding the foregoing, nothing set forth herein shall limit a political candidate, candidate's committee, political party, or political action committee from licensing or renting any facility of the District for a political event, fundraiser, or similar event on the same terms available

to the general public and displaying signs, distributing handbills and promoting the political candidate on the day of the event within the room or other licensed or rented area of the facility where the event is held, nor shall the District be prohibited from hosting polling places for any elections. Further, nothing herein shall be construed nor applied in a manner which violates a person's rights of free speech under the Constitutions of the United States and State of Illinois.

Section 2.19 PRIVATE OR PERSONAL ENRICHMENT PROHIBITED

The subject of District facilities for private or personal compensation, remuneration, monetary gain, or other commercial benefit without an approved agreement with the District or paying established fees and charges is not permitted.

Section 2.20 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.

Section 2.21 CLEAN AIR ORDINANCE

Definitions.

All terms in this section shall be interpreted to consistent with definitions provide by the State of Illinois General Assembly Act 410 ILCS 82/10.

- A. Smoking in public places, places of employment, and District-owned or-operated vehicles is prohibited.
- B. Smoking is prohibited in all Park District facilities and in all parks or other areas owned or operated by or otherwise under the jurisdiction of the Park District.
- C. A special use permit may occur only when/if recommended by staff and approved by the Executive Director in connection with certain activities to be conducted amongst consenting adults, in open air spaces, away from assemblies of the general public.

Exception: Adult smoking is permitted beyond 50 feet of enclosed/ partially- enclosed spaces on golf course playing fields in the company of consenting adults and absent assembly by the general public.

- D. Consistent with the prohibition of smoking as described above:
1. "No Smoking" signs with the universal symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it,) shall be clearly and conspicuously posted by the operator, manager, or other person in control of that place, in 780 each public place and place of employment where smoking is prohibited.
 2. At every entrance, a conspicuous sign shall be posted clearly stating that smoking is prohibited.
 3. All ashtrays shall be removed from any area where smoking is prohibited by this Section 2.21 by the operator, manager, or other persons having control of the area.
- E. Any person or entity that violates this Section 2.21 shall be liable to punishment by a fine as below provided.
4. For a first offense in any 12-month period, the fine for violation of this Section 2.21 shall be \$125.00.
 5. For a second offense, within one year of the date of conviction for a prior violation hereof, the fine for violation of this Section 2.21 shall be \$250.00.
 6. For each succeeding violation within one year from the date of such first conviction, the fine for violation of this Section 2.21 shall be \$500.00.
- F. No minor person shall be permitted at any time or place within any area owned or operated by or otherwise under the jurisdiction of the District, to smoke, chew, or otherwise consume or use or possess tobacco, medicinal or recreational marijuana, cigarette, cigar, pipe, smokeless, or chewing tobacco, vapors, or other form of tobacco or tobacco product, nor to smoke any other materials.

Section 2.22 PHOTO AND VIDEO

Photos and video footage are periodically taken of people participating in a Fox Valley Park District program or activity, attending a class or event, or using District facilities or property. Please be aware that by registering for a program or class, participating in an activity, attending an event, or using District facilities or property, you authorize the District to use these photos and video footage for promotional purposes in District publications, advertising, marketing materials, brochures, event flyers, social media (including Facebook, YouTube, Instagram, Twitter, and other social media sites operated by the District), and the District's website without additional prior notice or permission and without any compensation to you. All photos and videos are property of the District.

Section 2.23 UNMANNED AIRCRAFT SYSTEMS (UAS)

1.0 Policy Statement

It is the Policy of the Fox Valley Park District (District) to regulate the use and operation of Unmanned Aircraft Systems (UAS), a.k.a. drones, within the jurisdiction of the District for all hobby, recreational, commercial use or other forms of UAS. The District has set forth this policy and related procedures to control and ensure the proper and safe operation of UAS within designated flying areas.

This Policy shall be applicable to those UAS weighing between 0.55 pounds and 4.0 pounds. Any UAS weighing less than .055 pounds is not subject to this Policy, and any UAS weighing more that 4.0 pounds is strictly prohibited within the jurisdiction of the District.

1.1 Purpose

Due to the growing prevalence of UAS, including drones and model airplanes, that has created potential public safety concerns; whereas, the unregulated use of drones throughout the Fox Valley Park District poses a threat to the public health and safety and the enjoyment of all visitors to our parks, the District has set forth rules and regulations for any operator of a drone or other UAS on and over District Jurisdictional property.

1.2 Definitions

"Commercial Use": shall mean aircraft devices flown for monetary compensation including, but not limited to the selling of photos/videos taken by a UAS or for engineering/surveying purposes. Violations will be enforced by the penalties and fines within this policy. Video surveillance is strictly prohibited.

"District or Park District": shall mean the Fox Valley Park District, Aurora, Illinois.

"Drone": shall be synonymous with Unmanned Aircraft Systems (UAS).

"FAA": Federal Aviation Administration

"FVPD": Fox Valley Park District

"Hobby or Recreational Use": shall mean that the UAS is flown for enjoyment and recreational interest only. This type and classification or use is permitted within the approved flying areas within the District's jurisdictional property.

"Model Aircraft": shall mean a UAS that is capable of sustained flight in the atmosphere, is flown within visual line-of-sight of the person operating it and is flown for hobby and recreational purposes.

"Operator": shall mean the person or Operator of the UAS that is initiating a computer system that pilots, steers, directs, flies or manages the UAS.

"Park Flyer": shall mean any model aircraft, including fixed wing or rotary models, weighing less than 2 pounds, incapable of reaching speeds greater than 60 mph. The aircraft must be electric, or rubber powered, or of any similar quiet means of propulsion and must be remotely controlled or flown with a control line, always remain within the operator's line of sight, and must always be flown safely by the operator.

"Unmanned Aircraft Systems" (UAS): shall mean an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft. For purpose of this policy, UAS are limited to drones weighing between .55 pounds and 4.0 pounds, and Park Flyers weighing between .55 pounds and 2.0 pounds.

1.3 Operating Regulations

The District, as a means of regulating the operation of UAS on District Jurisdictional property and ensuring the safety and enjoyment of all park visitors, has instituted the following Operating Regulations incorporated into this Policy.

- a. No person shall operate a UAS in District Jurisdictional airspace for the purpose of conducting surveillance.

- b. No person shall operate a UAS in District Jurisdictional airspace within five (5) miles of an airport.
- c. No person shall operate a UAS in District Jurisdictional airspace that is equipped with a firearm or weapon system.
- d. No person shall operate a UAS in District Jurisdictional airspace with the intent to use such UAS or anything attached to such UAS to cause harm to persons or property.
- e. No person shall operate a UAS in District Jurisdictional airspace within one-quarter mile of an open-air assembly (defined as a gathering of ten (10) or more people, school, hospital, or place of worship).
- f. No person shall operate a UAS in District Jurisdictional airspace at an altitude higher than four hundred (400) feet above ground level.
- g. No person shall operate a UAS in District Jurisdictional airspace outside the line-of-sight of the Operator.
- h. No person shall operate a UAS in District Jurisdictional airspace while under the influence of alcohol, drugs, intoxicating compounds, or any combination thereof.
- i. No person shall operate a UAS in District Jurisdictional airspace whenever weather conditions would impair the Operator's ability to operate the UAS in a safe manner.
- j. No person shall operate a UAS in District Jurisdictional airspace any time the park property is closed due to an event or hours of operation.

1.4 Flying Sites

Approved flying sites within District Jurisdictional limits include the following parks. Within these parks, there are designated flying areas that are clearly marked for the safe operation of UAS.

Flying a UAS at park sites other than those listed constitutes a violation and is subject to the penalties called for under Section 1.6, "Violation-Penalty".

District authorized flying sites can be found at the following park locations:

- a. Stuarts Sports Complex
- b. Arrow Wood Park
- c. Lincoln Park
- d. Hurds Island
- e. Butterfield Park
- f. Wheatland Park

1.5 Commercial Operation

The operator of UAS on FVPD property for commercial applications must first obtain and abide by all FAA commercial operating rules and regulations. In addition, the operator must fill out a "Commercial Use of Parks License Application" with the Park District and have this application approved by the Park District's Marketing Department. The application can be downloaded from the District website at www.foxvalleyparkdistrict.org.

1.6 Violation-Penalty

Any person, who violates any of the provisions of this Policy, or any rule or regulation promulgated thereunder, will be fined not less than \$50.00 or more than \$500.00 for each offense.

1.7 Promulgate Rules and Regulations

The Executive Director, or at the direction from the Park Board of Commissioners, in consultation with the corporation counsel, is authorized to promulgate rules and regulations necessary or appropriate to implement the requirements of this Policy. Such duly promulgated rules and regulations shall be posted by the Executive Director and/or his/her designee on the District's website.

1.8 Exemptions

Government entities including law enforcement agencies, fire protection districts, and local municipalities are exempt from the provisions of this policy, as long as, such entities apply for a Certificate of Waiver (FAA rule 14CFS, Part 107) allowing small UAS operation to deviate from certain rules, as long as the FAA finds that the proposed operation can be performed safely.

ARTICLE 3 – RESTRICTIONS ON VEHICLES, BICYCLES AND OTHER CONVEYANCES

Section 3.01 RESTRICTIONS ON VEHICLE AND BICYCLE MOVEMENT

- a. All terms under this Section shall have the meanings assigned under the Illinois Vehicle Code 625 ILCS 5/1-1 et seq., including Micro Mobility Devices. "Micromobility Devices" defined therein refers to a range of small, lightweight vehicles operating at speeds typically below 15 miles per hour and driven by users personally with no more than two passengers on seats designed for carrying same. For these purposes, Micromobility Devices include unicycles, bicycles, tricycles, shared or tandem bicycles, Electronic Personal Assistive Mobility Devices (as defined under the Americans with Disabilities Act and expressly permitted hereunder), scooters and manually self-powered skateboards; however, Micromobility Devices expressly do not include "low speed electric scooters" as defined in the Illinois Vehicle Code under 625 ILCS 5/1-140.11, which are not permitted within the District property, except as permitted to be used as a reasonable accommodation consistent with the Americans with Disabilities Act as provided under Section 3.01(n) below.
- b. Any vehicle entering District property shall abide by all applicable sections of the Illinois Vehicle Code, Chapter 625 ILCS 5/1-1 et seq.
- c. All persons operating any vehicle or bicycle shall obey all signage regarding the movement or operation of such vehicle or bicycle unless otherwise instructed by a police officer.
- d. No person except those having contracted business with the District shall drive a vehicle of gross weight of more than 10,000 lbs. on any pavement within District property.
- e. No person shall operate a vehicle, motorcycle or ATV on District trails unless otherwise expressly authorized by the District or except as required to be permitted under Federal or State law.
- f. Driving, riding or otherwise operating snowmobiles is prohibited on District property.
- g. Any person operating a vehicle on the trail system within District property shall do so in a safe manner at a speed no greater than 15 M.P.H. or at a lesser speed where hazards or conditions so dictate or as otherwise posted. In all other non-trail areas of the

District property a maximum speed of twenty (20) miles per hour shall apply unless otherwise provided herein or posted by the District as a lesser alternate maximum M.P.H.

- h. Any person operating a vehicle on District property shall yield the right-of-way to any pedestrian and bicycle traffic and make every attempt possible to avoid a collision with a pedestrian, vehicle, bicycle, or other object or property. Any person operating a bicycle or other non-motorized cycle shall likewise yield the right-of-way to pedestrians.
- i. No person shall drive any automobile, truck, motorcycle, or other motorized vehicle within District property except upon the parking lots and roadways provided for driving or parking the same unless instructed otherwise by a police officer. For these purposes, bicycles and so-called Class I or Class II e- bikes as defined herein shall constitute bicycles and shall expressly be permitted to ride on bicycle trails on District property, but shall be governed by speed limits otherwise imposed in this General Use Ordinance.
- j. No person on District property shall fail to obey any police officer or District employee who is authorized and instructed to direct traffic.
- k. No person on District property shall operate or attempt to operate a motor vehicle while in an intoxicated condition.
- l. No person on District property shall ride upon the fenders or any other outside part of any vehicle.
- m. No person on District property shall change any parts, maintain, or make repairs to any vehicle, except such emergency repairs necessary to remove such vehicle.
- n. No person shall drive a vehicle or ride a bicycle on any sidewalk on District property. Sidewalk as used herein means a walkway designated for pedestrian use only. Bike trails shall be expressly permitted to be used by the general public for bicycles and e-bikes as provided under Article 3, Section 3.01(i) above. For these purposes, a single-person motorized wheel chair or similar single-person mobility device designed to assist a person with mobility limitations shall not be considered to be a motorized vehicle nor otherwise excluded from use on District property. Such devices are intended to promote single person mobility, while remaining subject to general limitations hereunder as relating to speed and safety; such devices are also commonly referred to as Electronic Personal Assistive Mobility Devices and are expressly permitted hereunder at all locations of District property, and are expressly permitted in all District areas open to the public, generally.

Section 3.02 RESTRICTIONS ON VEHICLE PARKING

- a. Any vehicle parked or standing on District property in violation of any law, ordinance, or rule is hereby declared to be a public nuisance. Such vehicle may be removed and the owner or person entitled to possession of the vehicle shall be liable for all towing, storage and other charges arising out of any action taken hereunder.
- b. No person shall park or drive any vehicle on District property on any area covered by sod, dirt or other areas not designed for such traffic or usage unless instructed to do so by a District official or police officer.
- c. No person shall drive or park any vehicle in any area which is posted to prohibit or restrict such parking or driving.
- d. No vehicle may be left unattended on any roadway on District property or obstruct a boat landing or traffic.
- e. No person shall park a vehicle on District property in a handicapped reserved space unless such vehicle is clearly marked by a properly issued and effective handicap sign or license plate duly issued by the State of Illinois or local government body.

- f. No person shall park any vehicle adjacent to a curb painted yellow or red, which shall in all events be deemed and shall constitute a prohibited parking area.
- g. No person shall allow a vehicle to be parked on District property unless the vehicle operator or passengers are then entering, leaving, or using the facilities of the District or participating in its programs. No parking is permitted at a District facility during the hours the facility is closed to the public, except for times immediately prior to its opening or closing for the day.

Section 3.03 BICYCLING

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 3.04 SKATEBOARDING

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

ARTICLE 4 – PERMITS AND ENFORCEMENT REGULATIONS

Section 4.01 PERMITS

- a. Any act prohibited by or under this ordinance or any other ordinance or rule of the District, provided such act is not otherwise prohibited by law or ordinance, shall be lawful to the extent authorized, or permitted under the provisions of a permit issued or permission granted by the District.
- b. No person shall use District property for any of the following uses unless the person has first obtained and is in physical possession of a permit allowing such use.
 1. Picnics for 25 or more individuals.
 2. Use of District property designated as a special use area.
 3. Taking any still or motion pictures, or painting or drawing any pictures for commercial purposes.
 4. Distributing or posting on District property any handbill, pamphlet, or other written or printed material or seeking or soliciting charitable donations.
 5. Offer or provide any goods or services for sale or conduct or solicit any business, trade, occupation, or profession.
 6. Generate live music with or without or amplified sound, except as to District sponsored musicians and performers.
 7. Use of District property when it is not open to the public.
 8. Uses that are intended or likely to prevent other members of the public from simultaneously using or enjoying a particular area of the District property including weddings, receptions, meetings, assemblies, rallies, pickets, speeches, and addresses.
 9. Use of District structures or other areas of the District property if the District has determined that the orderly use of such buildings or areas require a written reservation system.
 10. Use of a hot air balloon, airplane, glider, hang glider, kite, or parachute to ascend from or descend to District property.

11. To service, sell, or host an event where alcoholic beverages are consumed.
 12. Conducting organized contests, exercise classes, or sports including any team sport or game such as baseball, football, field hockey, volleyball, lacrosse, soccer, or horseshoes.
 13. Any activity for which a fee is charged for parking or participation.
 14. Riding any animal or providing any ride in which a vehicle is pulled or moved by an animal.
 15. An event that makes use of a mechanical or inflatable amusement device, portable restrooms, or tents.
 16. Distribution of food and/or beverage for a fee or as a fundraising activity.
- c. Contact the District regarding obtaining special permits relating to mobility assistance devices (other than single person mobility assist bicycles or similar single user mobility assist devices, which are expressly permitted by Federal statute).

Section 4.02 PROCESSES RELATED TO VEHICLE PARKING VIOLATIONS

Vehicle parking is allowed in designated spaces.

- a. Parking violations shall be paid within 10 days of issuance, at a fine set by the District. All fines unpaid after 10 days shall be subject to a penalty, and/or processed within the court system or other measures of collection as approved by the District.
- b. Except as provided in this Section to the contrary, it shall be the responsibility of the registered owner and lessee of any vehicle parked in violation of this section to comply with the payment of the prescribed fines, and it shall not be an affirmative defense that the vehicle was not under his/her control at the time of violation.

Section 4.03 EJECTIONS AND BANNING INDIVIDUALS FOR REPEATED ORDINANCE VIOLATIONS

Any District official shall have the authority to remove from District property any person acting in violation of this Ordinance.

In addition to the penalties provided under Section 4.05 hereof, an individual who is cited 3 or more times in 180 calendar days for any of the following violations is subject to being banished from District property for 180 calendar days from the date of such third citation:

1. Present in a park or facility while in an intoxicated state.
2. Disorderly Conduct – fighting, public urination, causing or participating in a public disturbance.
3. Possession or sale of drugs, alcohol, or drug paraphernalia.
4. Making a park as a place to sleep in a manner designed or calculated to act as a substitute for a residence or means of support.
5. Present in a park when the park is closed.

Banishment shall be noted on the citation served upon the person being banished and shall be subject to appeal by the banished person to the Chief of Police of the District. In the event any citation relied upon for banishment is dismissed by the Court or upon appeal the Chief of Police determines that banishment should not apply to the circumstances, the banishment shall be deemed immediately terminated.

Section 4.04 REMEDIES

Nothing in this ordinance shall be construed to prevent or preclude the District from pursuing any remedy including civil remedies at law or equity, to correct or abate any violation of this Ordinance.

Section 4.05 PENALTIES

Any person violating or disobeying any clause or provision of any section, other than Section 3.02 or 2.21, of this Ordinance or any of the other regulatory state statute, ordinance, or rules of the District shall be guilty of a misdemeanor, may be forthwith ejected from the park property and subject to banishment (for a reasonable time as determined by the Chief of Police based on the results of any investigation of the incident) if the incident involves theft of property, fighting, or other civil disturbance where safety concerns justify it; may have any permits or passes previously issued forfeited; and shall be fined upon conviction not less than Seventy -five Dollars (\$75.00) and not more than five hundred dollars (\$500.00) for each offense, the fine to be recovered in manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which violation occurs or continues.

Any person violating subsections a-d or f-h of section 3.01 of this ordinance shall be fined \$30.00. Persons violating subsection e section 3.01 of this ordinance shall be fined at the prevailing statutory fine as set by the State of Illinois.



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