



Legislation Text

File #: ORD21-1693, **Version:** 1

An Ordinance Adopting an Amended and Restated Chapter 94 (Parks and Recreation) of the Village Code of Ordinances

WHEREAS, after Village staff review, it has been determined that the efficient and safe administration of the park and recreational properties and facilities of the Village of Romeoville by and through its Department of Parks and Recreation would benefit from amended and restated ordinance provisions pertaining generally to the use of such properties and facilities; and

WHEREAS, Village staff has prepared a proposed amended and restated ordinance to provide for the efficient and safe administration of the park and recreational properties and facilities of the Village of Romeoville, as more fully hereinafter set forth; and

WHEREAS, the Village Board, after careful and due deliberation, has concluded that the amended and restated ordinance providing for the efficient and safe administration of the park and recreational properties of the Village of Romeoville is in the best interests of the health, safety, morals and welfare of the Village of Romeoville, its residents and the users of the park and recreational properties and facilities of the Village of Romeoville..

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF ROMEOVILLE, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: The Village of Romeoville Code of Ordinances is hereby amended by adopting those ordinance provisions attached hereto and incorporated herein by reference as Exhibit A as and for Chapter 94 of the Village Code of Ordinances.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

EXHIBIT A-AMENDED AND RESTATED CHAPTER 94 OF THE VILLAGE CODE OF ORDINANCES
(PARKS AND RECREATION)

VILLAGE OF ROMEOVILLE CODE OF ORDINANCES

CHAPTER 94-PARKS AND RECREATION

94.01 Purpose and Scope. The provisions of this Chapter 94 shall apply to and govern the use of all property and facilities owned by the Village that are from time to time held out for or opened to active or passive use by the public for park or recreational purposes. A list of such properties and facilities shall be established by the Department of Parks and Recreation, and shall be incorporated into this Chapter 94 as Appendix A thereto, and the Department of Parks and Recreation shall be authorized to update said Appendix A from time to time as necessary and without further action of the Corporate Authorities of the Village. However, the use for which the property or facility in question shall be held out or made available shall ultimately determine the applicability of this Chapter 94 to the property or facility in question notwithstanding the absence of the same from the list in Appendix A to this Chapter.

94.02 Definitions. Except as otherwise expressly provided for in this Chapter, the terms hereinafter set forth shall have the meanings hereinafter set forth and ascribed thereto.

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

“Agent” means any representative contracted to the Village of Romeoville or its Department of Parks and Recreation acting within the scope of his/her/their authority, such as caterers, outside vendors, etc.

"Aircraft" means any device that is used or intended to be used for human flight in the air.

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

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

“Area” shall mean a specific or designated location within any Department Property.

“Barbeque Grill” shall mean a fabricated metal or other container and grill, grate or other cooking surface designed for the combustion of any form of fuel to permit the cooking of food.

"Board" means the Corporate Authorities of the Village of Romeoville.

“Camp” or "Camping" shall include the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag, hammock, or other bedding material for use, setting up any temporary or permanent camping equipment including without limitation food preparation equipment, parking of a motor vehicle, motor home or trailer, or mooring of a vessel, for the apparent purpose of overnight occupancy; and/or in connection therewith, the use of Department Property for living accommodation purposes such as sleeping activities, or making preparations for sleeping activities, or storing personal property, or making preparations to store personal property, or making a fire or using a device to provide heat other than as may be permitted as part of a Department event or activity.

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

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

"Controlled Substance" is defined as provided in the Illinois Controlled Substances Act (720 ILCS 570/102 (f), 204, 206, 208, 210 and 212) as amended hereafter.

"Chief of Police" is the Chief of the Romeoville Police Department or such persons charged with or delegated such authority by the Chief of Police.

"Dawn" shall mean sunrise, as determined with reference to the U.S. Naval Observatory Astronomical Applications Department website.

"Department" means the Village of Romeoville Department of Parks and Recreation.

"Director" means the Director of the Department, or such persons designated by Chapter 94 of the Village Code of Ordinances to carry out actions as designated or directed by the Director and acting under authority from the Director.

"Department Property" is all of the property, real and personal, and all facilities of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by the Village of Romeoville and administered or operated by the Department, or otherwise in the possession or under the control or administration of the Department including without limitation every building, shelter, street, sidewalk, trail, path, beach, park, wilderness or open space, or other public place or facility and all Department Waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by the Village of Romeoville and administered or operated by the Department, or otherwise in the possession or under the control of the Department, from time to time held out for or opened to active or passive use by the public for park or recreational purposes. A list of such properties and facilities shall be established by the Department, and shall be incorporated into this Chapter 94 as Appendix A thereto, and the Department shall be authorized to update said Appendix A from time to time as necessary and without further action of the Corporate Authorities of the Village. However, the use for which the property or facility in question shall be held out or made available shall ultimately determine the applicability of this Chapter 94 to the property or facility in question notwithstanding the absence of the same from the list in Appendix A to this Chapter.

"Department Waters" shall include all water located on or adjacent to or flowing over land owned, leased, or generally administered or operated by the Village through the Department, including without limitation all natural or man-made lakes, rivers, creeks, streams, ponds, lagoons, bays, and drainage ways.

"Dusk" shall mean one (1) hour after sunset, as determined with reference to the U.S. Naval Observatory Astronomical Applications Department website.

"Superintendent" is the person immediately in charge of a given Department and its activities and to whom all employees of such department are directly responsible (e.g., Superintendent of Recreation and Superintendent of Parks).

"Drones" means any unmanned aircraft system that is capable of sustained flight or suspension in the atmosphere including unmanned aircraft commonly referred to as model airplanes, small unmanned aircraft or aerial systems, aerial hover craft and any other remotely piloted or unmanned aircraft of any kind.

"Drug Paraphernalia" is defined as provided by the Illinois Drug Paraphernalia Control Act (720 ILCS 600/1d)

as amended hereafter.

“Employee” shall mean any person on the payroll of the Village and Department, employed to perform tasks as assigned by the Director in accordance with the Village Code of Ordinances and applicable Village and Department policies.

“Facility” means any Department Property other than a building and includes, without limitation, parks, playgrounds, open space, paths, trails, pavilions, shelters, swimming pools, golf courses, tennis courts and basketball courts.

“Fireplace” shall mean a permanent structure of stone or masonry designed for an open fire, embers or ashes.

“First Amendment Rights” shall mean without limitation the exercise of any rights protected by the First Amendment to the United States Constitution, including but not limited to parades, demonstrations, marches, rallies, picketing, leafleting, advocacy, speaking events, religious services or political activities.

"Fish" or "Fishing" means taking or attempting to take aquatic life in or from any Department Waters by any method, and all other acts such as placing, setting, drawing or using any device commonly used for the taking of aquatic life whether resulting in such taking or not.

"ILCS" is the Illinois Compiled Statutes.

"Operator" means a person who operates, drives, controls, otherwise has charge of, or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

"Ordinance" means Chapter 94 of the Village Code of Ordinances, except as otherwise expressly stated.

"Police" shall include any sworn officer of the Romeoville Police Department.

"Permit" is the written authorization issued by or under the authority of the Department, by a Department officer or employee empowered to grant said authorization, in accordance with this Ordinance or as otherwise permitted by the Village Code of Ordinances, to a Person to engage in a particular act or acts on Department Property. Said authorization is subject to the terms and conditions specified in the Permit, license, or contract as well as all applicable federal, state, Village, and Department laws, ordinances, rules, and regulations.

"Person" is every natural person and every organization, firm, partnership, association, corporation, or entity of any kind or any employee, agent or officer thereof. This definition shall not include the Department and any authorized officer, employee (full or part-time, regular or short-term), or agent of the Department when acting within the scope of his authority.

"Possess" or "Possession" means exercising direct physical control or dominion, with or without ownership, over any kind of property, or archeological, cultural or natural resource.

"Refuse" includes without limitation trash, garbage, rubbish, waste, papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded material whether solid or liquid or otherwise.

"Services" shall include but not be limited to labor, professional services, transportation, leasing or renting any article, object, privilege, or service, giving of instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

"Smoking" means the lighting of cigarettes, cigars or pipes and the use of electronic vapor devices and also includes the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation and exhalation of smoke or vapor from these objects.

"Take" or "Taking" means to pursue, hunt, harass, lure, harm, shoot, trap or ensnare, gig or spear, net, capture, collect, kill, destroy, wound, or attempt to do any of the above.

"Vehicle" means any device, conveyance, or combination of conveyances, wheeled or without wheels, self-propelled or unpropelled or towed in, around or on which, a person or thing is or may be carried, including, but not limited to, bicycles, scooters, skateboards, segways, mini-bikes, motorcycles, snowmobiles, baby strollers, sleds, all-terrain vehicles, trucks and automobiles excepting those devices assisting mobility for disabled persons in accordance with the Americans with Disabilities Act and vehicles or equipment of the Village or the Department.

"Vessel" means every type or description of watercraft or object used or capable of being used as a means of conveyance or transportation on water, including without limitation boats, rafts, canoes, inner tubes, air mattresses, kayaks, jet skis, inflated devices, logs, branches, or any other buoyant object permitting or capable of free flotation. "Vessel" does not include personal floatation devices or equipment required for safety such as life vests.

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

94.03 Construction of Ordinance.

(a) In the interpretation of this Ordinance, its provisions shall be construed as follows:

(i) Where the context permits, words in the masculine gender shall include the feminine and neuter genders and words in the singular number shall include the plural number;

(ii) The word "shall" is always mandatory and not merely directory; (iii) The word "may" is always permissive and upon the discretion of the Department;

(iv) This Ordinance is in addition to and supplemental to all applicable state, federal, local, and Village laws, ordinances, rules, and regulations including without the provisions of the Village Code of Ordinances in addition to this Chapter 94 thereof;

(v) The meaning of any term, phrase, or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase, or word is otherwise defined, construed or interpreted in such applicable federal, state, Village, or Department laws, ordinances, rules, or regulations;

(vi) The meaning of any term, phrase, or word not otherwise defined in this Ordinance or in such applicable federal, state, Village, or Department laws, ordinances, rules, or regulations shall retain its ordinary and properly understood meaning;

(vii) The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning or construction, nor be used in the interpretation, of any provision of this Ordinance;

(viii) An attempt to commit an act or engage in an activity prohibited under this Ordinance shall likewise be deemed prohibited in the same manner as the commission of such act or the engaging in such activity and subject to the same penalties; and

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

(b) No provision of this Chapter 94 shall make unlawful any act necessarily performed by any officer, employee or agent of the Department or the Village when acting within the scope of his authority or in his line of duty, or any other Person summoned by thereby to assist him.

94.04 Protection and Use of Department Property.

(a) **Public Use Hours.** Except as otherwise provided in this Ordinance, the terms of any applicable permit issued by the Village or the Department, or in connection with a Department administered special event, Department property or facilities located outdoors shall be open to the public from sunrise in the morning until dusk in the evening of that same day and outdoor Department property shall be closed to the public from dusk each day until sunrise the following day, provided, however, that outdoor Department property or facilities with outdoor lighting intended to facilitate nighttime use thereof shall remain open until ten minutes after the lighting therefor has been turned off, or reduced to a level below the level required for conducting activities upon or using such property or facilities. The Department shall determine the hour at which outdoor lighting shall be turned off or reduced in intensity. The Department may periodically revise these hours to meet the needs for public use of Department property. Department property consisting of buildings or indoor facilities will be open at hours established by the Director. The Department may close one or more Department parks, properties, buildings, or facilities or any area 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 Department.

(b) **Prohibition of Outside Plants, etc.** No person shall bring into or plant or cultivate upon Department property any tree, shrub, or plant, or portion thereof, except by written authorization of the Department, or in connection with any Department sponsored program or activity (e.g., Community Garden).

(c) **Camping.** No person shall place, erect, or use any hammock, swing, tent, sleeping shelter or any other type of temporary or permanent camping equipment or otherwise camp in any manner, on Department property. The foregoing shall not prohibit the use of temporary canopies or shelters used for protection from sun or inclement weather for the benefit of spectators or participants in programs or events conducted by the Department, or for the use of tents for camping in programs otherwise authorized or approved by the Department, nor shall it prohibit the use of tents or canopies not more than 10' by 10' in size in connection with the use by rental or permit of a specific designated area of Department property.

(d) **Trespass to Department Property.** Except as otherwise allowed by this Ordinance or the Village Code of Ordinances, no person shall

- (i) Enter or remain in any of Department property or area thereof where persons are prohibited by the Department from entering by sign or other notice, including written notice delivered to an individual person and also including areas thereof the use of which is restricted to persons of the opposite gender except as otherwise specifically provided in these Ordinances;
 - (ii) enter or remain in any Department property at any time when it is closed to the public;
 - (iii) climb, walk or sit upon any sign, wall, tree or fence under the control of the Department;
 - (iv) enter or remain 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;
 - (v) enter any Department 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 or unless such person is a registered and authorized participant or member thereof and has paid any applicable admission and/or registration fees due and owing to the Department; or
 - (vi) enter or remain upon any Department property, in any case where the Village or the Department has revoked, terminated, forfeited or suspended the privileges of such person to use, enter or remain upon Department property or any area thereof as provided for in this Chapter.
- (e) **Damage to Department Property.** Except as otherwise allowed by this Ordinance or the Village Code of Ordinances, no person shall while in or upon Department property
- (i) deface, disfigure, break, cut, tamper with or displace or remove in or from any Department property or building or other part thereof, any table, bench, fireplace, coping, lamp post, fence, wall, signage, paving or paving material, water line or other public utility or parts or appurtenances thereof, or place or attach any sign, notice or placard whether temporary or permanent on any equipment, facilities or other Department property or appurtenances whatsoever, either real or personal;
 - (ii) 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 Department 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, other than in connection with a Department authorized program or activity (e.g., Community Garden);
 - (iii) set fire to any trees, shrubs, plants, flowers, grass, plant growth or living timber, or allow any fire upon land to extend into Department property;
 - (iv) cut, break or in any way injure, deface, destroy or alter any building, fence, monument, sculpture, bridge, or other structure or property contained therein;
 - (v) operate or drive any motor car, automobile or vehicle of any kind in or on Department 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 Department property or appurtenance of any kind;

- (vi) 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 Department property;
 - (vii) allow any animal under the person's ownership or temporary care to injure or deface any tree, plant, shrub, lawn or landscaped area in any manner whatsoever. An animal is under a person's temporary care if the animal was brought upon Department property by the person or by a minor under the person's temporary or permanent care;
 - (viii) fasten any bicycle, motorcycle, moped or other vehicle to or leave the same standing so as to injure any tree, shrub, lawn or landscaped area;
 - (ix) deface, destroy, cover or otherwise make unreadable any traffic warning or prohibitory sign or symbol in or on Department property;
 - (x) 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 Department property; or
 - (xi) depositing, leaving, placing or causing any garbage, refuse, litter or other unwanted or discarded matter to remain on any Department property excluding the placement of the same into appropriate receptacles provided by the Department for the collection of the same. In the event that any such receptacles provided by the Department for the collection of garbage, refuse or other discarded matter shall be incapable of receiving further deposits thereof, all persons possessing the same or having generated the same during their use of Department property shall be required to remove the same from the Department property for proper and otherwise lawful disposal. No person shall bring to any Department property any garbage, refuse or other discarded matter not generated upon Department property in connection with the lawful use thereof.
- (f) Use of Restrooms and Locker Rooms. All use of restrooms and locker rooms provided or made available by the Department shall be used in accordance with the following regulations:
- (i) every person shall cooperate in maintaining restrooms, washrooms and locker rooms in a neat and sanitary condition;
 - (ii) no person shall deposit objects of any kind other than toilet paper in the toilets or plumbing fixtures of a restroom, washroom facility or locker room;
 - (iii) no person shall use any camera, video recorder or other device to record or transmit visual image(s) in or from any rest room, washroom or locker room of the Department; and
 - (iv) Urinate or defecate upon any Department property other than in permanent or temporary toilet facilities provided by the Department for such purposes; and
 - (v) no person shall use any 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 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 Department.

94.05 Personal Conduct and Behavior within or upon Department Property. All persons present upon Department property as permitted users thereof, as participants in programs or activities organized or coordinated by the Department or otherwise present thereon shall at all times adhere to the regulations on personal conduct and behavior within or upon Department property as hereinafter set forth in this Chapter 94.05. All such persons shall at all times also comply with the provisions of any site-specific regulations posted by the Director on any particular Department property or portion thereof, and upon such posting, all such site-specific regulations shall be enforceable by the Village and the Department in the same manner and to the same extent as the provisions of this Chapter set forth herein.

(a) Disorderly Conduct. No person shall knowingly within or upon Department property:

(i) Engage in behavior or speech that disrupts, alarms, disturbs, intimidates, or unreasonably interferes with others in the use of Department property and provokes a breach of the peace;

(ii) Make or cause to be made any excessively loud or unreasonable noise which disturbs the peace. For purposes of this subsection, noise shall be deemed to be excessively loud or unreasonable when it exceeds 60 DBA at a distance of 75 feet from the source, provided, however, that the foregoing shall not preclude proof that a noise is excessively loud or unreasonable and disturbs the peace by other means. This section shall not apply to the playing of any musical instrument, public speaking, or the amplification thereof, in conjunction with activities conducted, sponsored or authorized by the Department. A permit to exceed the noise limitations in this subsection will be granted for activities consistent with, or attendant to, appropriate and customary park and recreational activities that are reasonable for the location and time of day or night, or in connection with Department programs for which the issuance of such a permit is appropriate under the circumstances;

(iii) Shall use obscene or abusive language or gestures, or threatens violence or injury to the person or property of others, in a manner intended and likely to incite or produce an immediate breach of the peace or violent or disorderly response;

(iv) Shall congregate with other Persons on Department Property with the intent to restrict vehicular or pedestrian traffic or with the intent to restrict the free ingress to or egress from Department Property and fail to comply with a lawful order of the Police Department to disperse issued in response to acts likely to cause substantial harm, or under circumstances where it is reasonable to believe that the order is necessary to allow the Police Department to address a situation that threatens the public health, safety, or welfare;

(v) Engage in any hazardous recreational activity, sport, game, or amusement that constitutes a hazardous recreational activity which creates substantial risk of injury to a participant or a spectator including but not limited to those defined in 745 ILCS 10/3-109, et seq. An activity that may not be a hazardous recreational activity as enumerated in the above statute may become so due to the location of the activity or the proximity to those not participating;

(vi) 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 or under Chapter 134.01 of the Village Code of Ordinances; or

(vii) Commit any act in violation of Chapter 133 of the Village Code of Ordinances.

(b) Animals and Pets.

(i) No person shall bring or release onto Department property any Wildlife including without limitation any animal the capture or killing of which is authorized by the fish and game laws of the State of Illinois, or any other animal, except for domesticated dogs or cats subject to the restrictions contained in this section, provided, however, that the Department may bring or release, or permit another person to bring or release such proscribed animals onto Department property in conjunction with an activity or event conducted or sponsored or permitted by the Department.

(ii) No person shall feed any Wildlife on Department property.

(iii) No owner or agent of the owner having control of any domesticated dog, cat, or any other domesticated animal shall cause or permit such animal to be on Department property unless the pet is on a leash which shall not exceed ten (10) 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 such Property.

(iv) All owners or agents of the owner having control of any domesticated dog, cat, or other domesticated animal, shall remove any excrement from Department property left by such animal.

(v) No person shall bring a domesticated dog, cat, or any other animal onto or permit any animal to remain on any portion of Department property where the presence of animals is prohibited, except (i) in conjunction with an activity or event conducted or sponsored by the Department, and (ii) dogs or other domesticated animals specially trained to assist the visually impaired or other Persons with disabilities, when they are accompanying the Persons with disabilities for purposes of providing such assistance.

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

(vii) No person shall allow an animal, under their control, to chase, harass, wound or kill any domesticated or wild animal.

(c) Aircraft and Drones; Remote Control Vehicles.

(i) No person shall fly, cause to be flown or permit or authorize the flying of Aircraft of any kind at any time over Department 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 Department property.

(ii) No Person shall parachute or make an ascent or descent in an Aircraft into or onto Department property or cause, permit or authorize another Person to parachute or otherwise ascend/descend from an Aircraft into or onto Department property unless a Permit therefor has first been obtained from the Department in accordance with this ordinance, except when necessitated by unavoidable emergency.

(iii) No Person shall, upon or in connection with any property of the Department: start, fly or use any fuel-

powered, battery-powered or electric-powered model or toy or any radio controlled model car, vehicle, aircraft, boat or rocket or any like controlled or powered toy or model or drone unless the Department has designated such areas for such activities, issued a permit for such activities or designated the use of specific Department property for the conduct of a Department activity or program involving any of the foregoing. The Director may grant, upon due application no less than 30 days in advance, a permit for use of like toys or models or drones subject to FAA Part 101 for special events, instruction classes or other functions on a case by case basis.

(iv) No person shall operate, launch, take off, land, cause to launch, take off or land, or authorize the operation, take off, launching or landing of any Drones subject to FAA Part 107 of any kind from or on Department property without a permit, nor any Drones subject to FAA Part 101 except in designated areas or pursuant to a permit, and in no case:

(1) in violation of the Federal Aviation Administration rules, regulations and safety guidelines governing such flight;

(2) over or within fifty (50) horizontal feet of the property line of the following facilities: playground, tennis court, aquatic facility, golf course or skate park;

(3) directly over any person, group of people or occupied space;

(4) for the purpose of conducting surveillance (which is defined as the gathering of images, sounds, data or other information in a manner that intrudes upon the solitude, privacy or seclusion of a person or his/her private affairs or concerns), unless expressly permitted by law;

(5) that is equipped with a firearm or other Weapon or with the intent to use the Drone or anything attached to the Drone to cause harm to persons or property;

(6) whenever weather conditions would impair the operator's ability to do so safely; or

(7) in a reckless or careless manner

(v) The provisions of this Chapter 94.05(c) shall not apply to any Aircraft or Drones operated by the Village or by any other government agency.

(d) Alcoholic Liquor.

(i) No person, other than the Department or its agent, shall sell or deliver any Alcoholic Liquor on Department property, unless said person has first obtained a permit, license, or contract therefor from the Department or from the Village.

(ii) No person shall distribute to, provide to or allow any person under 21 years old to possess or consume Alcoholic Liquor on Department property. No person under the age of 21 years old shall possess or consume Alcoholic Liquor on Department property.

(iv) No person shall bring into, possess, consume, take, use, or transfer any Alcoholic Liquor on Department property unless he is in or on Department property where the possession, consumption, use, or transfer of Alcoholic Liquor is permitted by the Village Code of Ordinances, and then only in compliance with the requirements of the Village Code of Ordinances (including all license and permit requirements), or unless the

Alcoholic Liquor is legally possessed in an unopened container stored in the trunk of a motor vehicle. The Department may, at its discretion, from time to time designate by placement of appropriate signage that the possession, consumption or use of Alcoholic Liquor may be permitted on specific Department property in connection with special events conducted, organized or sponsored by the Department, and nothing herein shall be deemed to limit the authority of the Village to adopt appropriate licensing and permitting ordinance to provide for the manner in which Alcoholic Liquor may be possessed, sold, consumed or used on Department Property.

(v) Every person possessing, using, consuming, or transferring Alcoholic Liquor pursuant to this section, shall be subject to and shall comply with the Liquor Control Act of 1934 and all other state, local, and Department laws, ordinances, rules, and regulations regarding the possession, use, consumption, or transfer of Alcoholic Liquor.

(e) Bicycles, Roller blades, Roller Skates, Skateboards and Scooters.

No person shall upon or in connection with any Department property:

(i) Ride a bicycle, roller blade, roller skate, scooter or skateboard on any path, trail, roadway, athletic field, spectator area, public areas, or other area designated and posted by the Department as prohibiting bicycles, roller blades, roller skates, scooters or any relevant combinations of the above. Bicycles, roller blades, roller skates, scooters and skateboards shall only be used on designated bike trails.

(ii) Carry another person on the handlebars, frame, and fender or so ride a bicycle except on a suitable seat attached thereto for such a purpose or operate a bicycle in a reckless manner to endanger pedestrians, the rider, or riders thereon.

(iii) Park or leave unattended bicycle, skateboard or scooter so to impede, travel upon or block any pedestrian or vehicular traffic or access way in any park.

(iv) Fail to ride a bicycle on the right hand side of any road, trail or path as conditions shall permit.

(v) Ride a bicycle on any path or trail more than two (2) abreast or on any parking lot, roadway or road used by the public for regular motor vehicle access in any other manner than single file.

(vi) Operate a bicycle, roller blade, roller skate, scooter skateboard, or other non-motorized vehicle in a way that would endanger the operator or any other person present on any Department property.

(vii) No person shall be permitted to roller skate, skateboard or roller blade in or on any facility that is posted as prohibiting roller skating or roller blading.

(viii) No person shall cling or attach himself or his bicycle to any other moving vehicle, or attach himself to any other moving vehicle while skateboarding, roller skating, rollerblading, or riding a scooter.

(ix) No person shall operate a bicycle on Department 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. Nothing herein shall be deemed to authorize bicycling or other

use of Department property during any hours or times when the same shall otherwise be closed to public use.

(x) No person shall operate a bicycle, roller skate, roller blade, scooter or skateboard faster than is reasonable and proper, and each of the same shall be operated with reasonable regard for the safety of the rider and of other persons and property.

(xi) Nothing in this Chapter 94.05(e) shall be deemed to apply in any way to the use of any assistive mobility device used by any person with a disability on any Department property.

(xii) As used in this Chapter 94, "bicycle" shall mean every device propelled by human power upon which any person may ride, having one wheel, two tandem wheels, or three or more wheels, except scooters, roller skates, skateboards and similar devices, and in addition thereto shall also include any Class 1 electric bicycle as defined by the Illinois Vehicle Code when operated by any person age 16 or over.

(f) Fires and Grills.

(i) No person shall light, maintain, or make use of any fire on Department property, except within charcoal grills supplied by the Department upon Department property, and then only to the extent necessary to ignite the charcoal for use in connection with the burning of the charcoal to permit ordinary cooking use thereof in such grills.

(ii) No person shall throw or otherwise discard lighted or smoldering material in any trash receptacle or otherwise in any manner that threatens or causes damage to, or results in the burning of, Department property or resources, or creates a safety hazard.

(iii) Grills. No person shall use any grill on Department property other than the charcoal grills supplied by the Department on Department property, or a propane grill temporarily present upon Department property pursuant to a permit issued by the Department to use a designated area or portion of Department property which shall be removed after the conclusion of the activities for which the permit was issued.

(iv) The provisions of this Chapter 94.05(f) shall not apply to the Department and authorized participants in connection with any activity or special event organized and sponsored by the Department.

(g) Fireworks and Pyrotechnics. No person shall possess, use, sell or exchange any form of fireworks or pyrotechnics of any kind or description on Department property, including but not limited to any fireworks or pyrotechnics defined or regulated by the provisions of Chapter 91 of this Code, as well as any other devices or items referenced in said Chapter 91 but not proscribed or prohibited by Chapter 91, provided, however, that the Village and the Department shall be exempt from the provisions hereof in connection with the presentation of fireworks or pyrotechnics displays in connection with special events or observances within the Village, including but not necessarily limited to Independence Day, Romeofest and other similar or comparable events or occasions.

(h) Metal Detectors. No person shall bring into or use any device or instrument used to detect metallic objects upon Department property other than in connection with utility location requests in accordance with applicable law.

(i) Interference with Activities or other Users. No person shall walk, act, or conduct himself upon any Department property designated for a particular game, sport, event, amusement or other use in such a way as to

unreasonably interfere with the use of such portion by other persons who are properly using the same for the particular game, sport, event, amusement or other use for which it has been designated, nor shall any person engage in any otherwise permitted activity or use of Department property in a reckless manner that endangers or injures any persons or property in any way. In addition, no person shall unreasonably disturb or interfere with any person occupying an area or participating in any activity on Department property under the authority of any permit issued by the Village or the Department in connection therewith, or pursuant to a valid reservation of an area of Department property approved by the Department.

(j) Winter Sports/Activities.

(1) No person shall skate, sled, toboggan, inner tube, ski, snowboard, slide, or engage in similar activities on Department Property except at such places and at such times as the Department may designate for such purposes, nor engage in any such activities at such places, that are closed due to inadequate snow covering or other environmental conditions, or when notified of such conditions by any Village or Department employee authorized to control such activities. No person shall otherwise enter upon any frozen Department waters to skate, slide or walk for any purpose.

(ii) No person shall skate, sled, toboggan, inner tube, ski, snowboard, slide or engage in similar activities on Department property, contrary to Winter Sports/Activities rules and regulations, as published and posted by the Department on Department property for control of such activities.

(iii) 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.

(iv) No person shall tow, push, pull, or otherwise propel another person on skis, sled, or other sliding device by use of any vehicle on Department property.

(v) No person shall bring onto any frozen Department waters, any race boat or wind-driven-like device or other vehicle.

(vi) No person shall operate, drive, ride, park, or sit upon while stationary a snowmobile on Department property. For purposes of this subsection, a snowmobile shall be defined as any self-propelled vehicle intended for travel primarily on snow, driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

(k) Swimming and Boating.

(i) No person shall at any time swim, wade or bathe in any Department waters or in any pond, lake, creek, stream, river or other body of water whether natural or artificial upon any Department property.

(ii) No person shall at any time operate, possess or use any vessel on any Department waters or on any pond, lake, creek, stream, river or other body of water whether natural or artificial upon any Department property.

(iii) The foregoing provisions of this Section 94.05(k) shall not apply to any activities of the Village or other governmental agency acting within the scope of their jurisdiction or authority.

(l) Team Sports. No person shall upon or in connection with any Department property play or engage in any team sport or game such as, but not limited to, baseball, football, soccer, volleyball, horseshoes, or softball, except in those areas of Department property designated for use as athletic fields, and only in such a manner as to not interfere with other persons using said athletic areas, and under such rules and regulations as may be prescribed by the Director.

(m) Golf. No person shall upon or in connection with any Department property possess, swing, or make use of any golf club to hit golf balls within or into any Department property in such a manner as to put those persons who are occupying any park at risk of injury.

(n) Fishing. Fishing shall be prohibited on all Department waters where so indicated by posted signage authorized by the Department. Where not prohibited, fishing shall be conducted in accordance with all applicable laws and regulations of the State of Illinois, and any violation thereof shall likewise be deemed to be a violation of this ordinance.

(o) Hunting and Trapping; Wildlife Protection.

(i) No person shall hunt nor trap any Wildlife, nor bring any device for hunting or trapping Wildlife into or onto Department property or Department waters. The preceding sentence shall not apply to persons or firms retained by the Village or Department for the control and removal of nuisance wildlife from Department property or Department property, nor to any law enforcement officer or animal control officer of the Village when acting to enforce the provisions of Chapter 90 of the Village Code of Ordinances or otherwise in an official capacity.

(ii) No person while in or upon any Department property or Department waters shall pursue, hurt, molest, catch, injure, kill, poison, tease, torment, abuse, chase, touch, throw objects at or endanger in any way any Wildlife, nor shall any person while in or upon any Department property or Department waters disturb, touch, damage, tamper with or in any way harm any nest, lair, den, burrow or other dwelling place of any Wildlife. The preceding sentence shall not apply to persons or firms retained by the Village or Department for the control and removal of nuisance wildlife from Department property or Department property, nor to any law enforcement officer or animal control officer of the Village when acting to enforce the provisions of Chapter 90 of the Village Code of Ordinances or otherwise in an official capacity.

(p) Picnics. Picnics shall be permitted only at the Nancy Aldridge Pavilion at Village Park, and at the Pete Capone Pavilion at O'Hara Woods/Conservation Park, on a first come, first served basis, subject to the prior reservation of such facilities through the Department. Reservations for these facilities are likewise available on a first come, first served basis. Use of such facilities shall be subject to this Chapter 94.

(q) Commercial Photography. Photography (including both the taking of still pictures and the taking of movies or motion pictures, regardless of the specific technology used in connection therewith) by commercial photographers is allowed on Department property without a permit under the following conditions: 1) that the photography and associated activity do not, regardless of duration, unreasonably interfere with usage by other persons; 2) in addition, no one location within a park may be used by the photographer for more than 15 minutes for any of the photographic activities; and 3) in addition, no one park may be used by the photographer for more than an aggregate total of 60 minutes on any single calendar day for any of the photographic activities. Photographers desiring to engage in commercial photography on Department other than in accordance with the foregoing conditions may apply for a commercial photography/filming permit under Chapter 97 of the Village Code of Ordinances.

(r) Commercial Use of Department Property for Sale, Exhibition, Distribution or Provision of Goods and Services. No person shall, without a general use permit issued pursuant to Chapter 94.05(s) and a license agreement with the Village, enter upon or use Department property for any sale, exhibition, distribution or provision of goods or services for any type of consideration, including but not limited to the conduct of classes or any form of instruction in any activity or discipline. Any license agreement shall be in such form as the Department may from time to time require, and the form thereof may vary for different specific facilities or properties of the Department. Current forms of license agreements for the use of Department property are provided in Appendix A to this Chapter 94. A license agreement may contain appropriate language referring to the issuance of the required general use permit in lieu of the separate issuance of such general use permit. No license agreement shall be available for any activity reasonably determined by the Department to be in competition with Department programs, activities or events, or which would interfere with the conduct of Department programs, activities or events; without otherwise limiting the generality of the foregoing, food or beverage vending or service shall be deemed to be in competition with Department programs and activities at any time when any Department operated or licensed food vending facility is in operation in the particular area of the Department property in question. No person permitted to use Department property pursuant to any such license agreement shall in any way interfere with or obstruct other persons in their lawful use of Department property, or interfere with or hinder the conduct of programs and activities authorized, sponsored or conducted by the Department. Notwithstanding anything herein to the contrary, the foregoing provisions of this Chapter 94.05(r) shall not apply to authorized participants in any activity, program or special event authorized, sponsored or conducted by the Village or the Department.

(s) General Use of Department Property. Department property shall in the first instance be available for programs, activities and events undertaken by, organized by, sponsored by or otherwise under the auspices of the Village or the Department. Subject to the foregoing, Department property shall otherwise be generally available for public recreational and athletic use not inconsistent with the nature and characteristics of the particular area or portion of Department property and its intended purposes. The following listed uses of Department property, by virtue of their nature or the number of participants involved in such uses, are inconsistent with the general availability of Department property for public recreational and athletic use, and require a general use permit, where the same are not conducted by the Village or the Department, or in connection with any program, activity or event undertaken by, organized by, sponsored by or otherwise under the auspices of the Department:

- (i) A public assembly, parade, demonstration, political activity, picnic, or other event involving the exercise of First Amendment rights involving more than thirty (30) individuals;
- (ii) Any exhibit, music or dramatic performance, fair, circus, concert, play, church service, radio or television broadcast, other than a news transmission;
- (iii) Exhibit or display of any motion picture, television program, light or laser light display, or similar event;
- (iv) Operation of any vehicle, except upon a publicly dedicated street, alley, designated vehicle parking area or driveway or other thoroughfare which may abut or traverse Department property;
- (v) Creation or emission of amplified sound, except from a radio, sound recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner as not to interfere with the use and enjoyment of Department property by another person;

- (vi) Station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- (vii) Conduct of any class, play class, day camp, individual or group lesson or instruction or similar activity;
- (viii) Conduct an organized sporting event or league;
- (xi) Exhibition or display on Department property a tame, nondomestic supervised and controlled animal for limited noncommercial or promotional purposes;
- (xii) Operation or use of any form of powered or motorized ride or amusement device;
- (xiii) Commercial use of Department property as contemplated by Chapter 94.05(r).

Department property general use permits may be applied for, and shall be processed and approved in accordance with the provisions of Chapter 94.07. Where a license agreement is also required for the use of Department property, the general use permit may be approved or issued by appropriate reference in any such license agreement.

Notwithstanding the application for or approval of any general use permit under this Chapter 94, all use of Department property pursuant to any general use permit shall be subject to all otherwise applicable ordinances of the Village, including this Chapter 94, including but not limited to those provisions thereof that require any other permit or agreement for the conduct of the activity in question.

The provisions of this Chapter 94.05(s) shall not apply to the use of Department property by the Village, the Department, including uses for activities or events sponsored, administered or organized by the Village or the Department, or other governmental agencies acting within their lawful authority.

(t) **Tobacco Products Use.** Any use of tobacco products shall be prohibited within all buildings located on Department property, and within all vehicles owned or operated by the Department. In accordance with the Smoke Free Illinois Act, smoking as defined in such Act shall be prohibited within any buildings or indoor spaces on Department property and within any area located within 15 feet from entrances, exits, openable windows and ventilation intakes to prevent the entrance of tobacco smoke through the same. Smoking and the use of tobacco products shall otherwise be prohibited on all Department property with the exception of designated vehicle parking area and adjacent streets or roads where parking is permitted, and any specified areas of Department property designated as smoking or tobacco use areas, where otherwise in compliance with the Smoke Free Illinois Act. Tobacco products shall mean and include all forms of tobacco, whether designed or intended to be smoked, chewed or otherwise consumed and all alternative nicotine products. “Alternative nicotine products” means any product or device not consisting of or containing leaf tobacco that provides for or facilitates the ingestion into the body of nicotine by any means, including but not limited to the inhalation of any vapors or gases containing nicotine, but excluding any product approved by the United States Food and Drug Administration as a tobacco cessation product, tobacco dependency product, or medical treatment and marketed exclusively therefor.

(u) **Reporting Accidents.** Any person involved in any accident or incident of any kind resulting in or involving any personal injury or damage to any property shall report the same to the Director within 24 hours after the accident or incident in question, except as otherwise required under this Chapter or the Village Code of

Ordinances or applicable law. Without otherwise limiting the generality of the foregoing, Department employees shall additionally

(v) **Age-Designated Equipment.** Where signage posted at or in the vicinity of any Department park or playground indicates that any playground or other recreational equipment located therein is designated and intended for use only by persons within a certain age range, no person not within the designated age range shall use any playground or recreational equipment so designated, provided, however, that nothing herein shall restrict or limit supervision by any parent or guardian of any person within the designated age range while using such playground or other recreational equipment.

(w) **COVID-19 Public Health Emergency; Governmental Directives.** As of the date of the adoption of this Chapter 94, the State of Illinois is under a gubernatorial disaster declaration related to COVID-19, and is further subject to the provisions of one or more other Executive Orders, declarations, proclamations, regulations, rules or laws pertaining to COVID-19 (collectively, the foregoing shall herein be referred to as the “Governmental Directives”) issued by the Governor of the State of Illinois or other governmental authorities (including but not limited to the Village) that affect, impact or regulate the use of Department property or facilities, and which may conflict with the otherwise applicable provisions of this Chapter 94. The Village reserves all rights to take all actions required to implement, comply with and enforce the provisions of the Governmental Directives as may be required from time to time, notwithstanding any conflict between the Governmental Directives and the otherwise applicable provisions of this Chapter 94, and further advises the public that the implementation of, compliance with and enforcement of the Governmental Directives may have the effect of limiting, restricting, terminating or prohibited otherwise permitted or permissible uses of Department property or facilities. Without otherwise limiting the generality of the foregoing, the Village reserves the right to terminate or suspend any general use permits, license agreements, use agreements, other approvals, programs, activities or events at all or any Department property or facilities as may be required by the Governmental Directives, or to modify or amend the same as it deems necessary to comply with, implement or enforce the Governmental Directives. All public use of the Department’s property and facilities shall at all times comply with the Governmental Directives. The preceding provisions shall apply in like measure to any other public state of emergency for which a gubernatorial disaster declaration applicable to the Village shall be issued.

94.06 Motor Vehicles

(a) **All-Terrain Vehicles, etc.** No person shall, in or upon any Department property, operate any all-terrain vehicle, golf cart, off highway motorcycle or go-kart. The provisions of this Chapter 94.06(a) shall be inapplicable to the use of any of the foregoing when used by the Village or the Department.

(b) **Motor Vehicle Operation Locations.** No motor vehicles shall be operated on Department property except upon areas thereof surfaced with asphalt, concrete or comparable hard surfaced pavement contained within an area of Department property designed, designated, intended and held out for motor vehicle operation, including roads, streets, parking areas and driveways, to the exclusion of all hard surfaced areas not so designed, designated, intended or held out, including but not limited to recreational trails. The provisions of this Chapter 94.06(b) shall not apply to any Village or Department motor vehicle operation, or to any operation or parking of a motor vehicle as directed by a Village or Department employee.

(c) **Motor Vehicle Operator Responsibility in Event of Accident.** No operator of any motor vehicle involved in any accident involving such motor vehicle resulting in any damage to property or injury to persons shall leave the scene of the same without first providing his name and residence address to any injured person

or affected party and the Romeoville Police Department.

(d) Emergency Vehicles.

(i) For purposes of this section, emergency vehicles shall include all ambulances, fire trucks, police, fire, and other vehicles used to protect and promote the public health, safety, and welfare.

(ii) The provisions of this Chapter 94.06(d) regulating the movement or parking of vehicles on Department property shall not apply to the operator of any emergency vehicle when responding to an emergency call or pursuing an actual or suspected violator of the law.

(iii) Every person operating a vehicle on Department property shall, at the immediate approach of an emergency vehicle making use of its warning system signals, yield the right-of-way and shall stop, if possible, and pull to the side of the road and remain in such position until the emergency vehicle has passed, unless otherwise directed by a member of the Village Police Department.

(e) Obedience to Traffic Controls. No person shall fail to comply with any posted traffic control device or sign on Department property, or fail to comply with the order or direction of any Village or Department employee directing traffic or the movement or location of motor vehicles on Department property.

(f) Application of State Statutes and Village Ordinances. No person shall operate any motor vehicle upon Department property in any manner that would violate the provisions of Chapters 6, 11, or 12 of the Illinois Vehicle Code, which provisions are hereby specifically incorporated into this Chapter 94, or the provisions of Chapters 72, 73, 74 or 75 of the Village Code of Ordinances, provided, however, that in establishing a violation of any of such provisions of the Illinois Vehicle Code or the indicated chapters of the Village Code of Ordinances, it shall be sufficient in connection therewith to allege and prove that a motor vehicle was operated upon Department property, in lieu of alleging and proving that the motor vehicle was operated upon any public highway or road.

(g) Minibike and Trailbike Operation. No person shall operate any two wheeled vehicles powered by internal combustion engines on Department property, except that motorcycles otherwise lawful to be operated on highways or public streets within the State of Illinois may be operated in the areas designated by this Chapter 94.06 for motor vehicle operation.

(h) Motor Vehicle Parking.

(i) No person shall park a vehicle on Department property in other than areas improved and established for vehicle parking or in areas otherwise designated by the Department for parking, and all parking shall be in accordance with the posted directions and markings or with the directions of any Village or Department employee who may be present.

(ii) No person shall park any vehicle or allow any vehicle to remain parked in any area of Department property beyond the normal closing hour of the park system, except when a different closing hour has been designated by the Department for that area or unless permission therefor has first been obtained from the Department. In no event shall any vehicle except Department vehicles be parked on Department property later than 12:00 a.m., except with the approval of the Department, which approval shall automatically be deemed given in connection with activities or events conducted by the Department.

(iii) No person shall stop, park, or place any vehicle on Department property so as to obstruct or interfere with traffic or travel or endanger the public safety, and no person shall stop, park, or place any vehicle in any of the following places except when otherwise designated, or when necessary to avoid conflict with other traffic or when in compliance with the instructions of a member of the Romeoville Police Department: (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; (14) at any place or time where a permit or sticker is required by the Department for parking unless the required permit or sticker has been obtained and is displayed on the vehicle; (15) at any marked parking space NOT entirely within the designated lines.

(iv) No person shall park a vehicle upon any roadway or driveway or in any public off-street parking facility on Department property for any of the following purposes: (1) to display such vehicle for sale; (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.

(v) The operator of an authorized emergency vehicle, as defined in section 3.07 of this Ordinance, may park or stand irrespective of the provisions of this Chapter 94.06.

(vi) 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 Chapter 94.06 involving such vehicle, shall upon request provide the Department 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.

(vii) 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 Chapter 94.06 involving such vehicle during the period of the lease provided that upon the Department'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.

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

(ix) 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.

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

(xi) Enforcement Provisions for Parking Violations:

(1) Whenever any vehicle shall have been parked in violation of any section of this Chapter 94.06 prohibiting or restricting vehicular standing or parking, the person in whose name the vehicle is registered with the Secretary of State of Illinois shall be prima facie responsible for the violation and subject to the penalty therefor.

(2) Whenever any vehicle is parked in violation of any parking provision of this Chapter 94.06, any Romeoville Police Department 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.

(3) A parking violation notice issued 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.

(i) Riding Outside Vehicles. No person shall ride upon the fenders, hood, running board, trunk, bumpers, truck bed or any other exterior portion of any vehicle not designed and intended for the carriage of passengers. The preceding sentence shall not apply to Department or Village vehicles or to vehicles participating in Department or Village activities, including but not necessarily limited to parades or hayrides.

(j) Right of Way.

(i) 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 Department property.

(ii) Every operator of a vehicle shall exercise due care to avoid colliding with pedestrians upon any roadway on Department property, shall give warning to any pedestrian in the roadway by sounding the horn when necessary, and shall exercise proper precaution upon observing any child, confused person, or disabled person upon a roadway.

(iii) Every pedestrian crossing at a roadway on Department 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.

(iv) Except as otherwise provided herein, the operator of a vehicle approaching an intersection on Department property shall yield the right-of-way to a vehicle which has already entered the intersection from a different roadway. When two (2) vehicles approach an unmarked intersection from different roadways 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.

(k) Vehicle Speed. Except for emergency vehicles, no person shall operate any motor vehicle on any Department property at a speed which endangers the safety of persons or property, at any speed greater than what is reasonable and safe under the circumstances (such as but not limited to weather, presence of pedestrians and other vehicles and the intended use of the area on which the vehicle is being operated), or at any speed in excess of twenty miles per hour.

(l) Unattended Motor Vehicles. No person driving, operating, or otherwise in charge of a motor vehicle on

Department property shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the keys. When the motor vehicle is standing upon any perceptible grade, the person shall set the parking brake thereon and turn the front wheels to the curb or side of the roadway.

(m) **Vehicles Subject to Tow.** Any unattended vehicle parked in violation of any of the provisions of this Chapter shall be subject to tow pursuant to Chapter 81 as an unlawful vehicle, where notice of the potential for such tow has been reasonably provided at the Department property where the unattended vehicle in question has been parked.

94.07 Department Property Use by Permit-General Use Permit

(a) The Department may, after receipt of a completed application and any applicable fees due in connection therewith, issue a permit for the use of Department Property where the provisions of this Chapter or other provisions of this Code provide for the availability of a permit for the proposed use in question (including general use permits contemplated by Section 94.05(s) of this Chapter), and where the provisions of Appendix A -1 have designated the particular Department property or relevant portion thereof as a location for which a permit may be issued for the proposed use in question. All persons desiring a general use permit for the use of Department property shall file an application therefor and submit the same to the Department, on forms as provided from time to time by the Department. Unless otherwise specifically provided by this Chapter or elsewhere in this Code, all general use permit applications shall be submitted to the Department at least 7 calendar days prior to the desired date of use of Department property. Where a license agreement is also required by any provision of this Chapter for the use of the Department property in question, the issuance of the general use permit may be effectuated by the inclusion of appropriate reference thereto in any such license agreement.

(b) Upon receipt of a completed application and payment of any applicable fees due in connection therewith, and upon payment of any applicable general use permit fee, the Department shall issue the general use permit that is the subject of the application within a reasonable time after such receipt, and in any event prior to the proposed desired date of use of Department property unless:

(i) The desired date of use is in conflict with any previously approved or scheduled use of the same Department property or portion thereof, and the Department property in question cannot reasonably accommodate both the proposed use and the previously approved or scheduled use at the same time;

(ii) The proposed use conflicts with or is in competition with programs or activities provided, sponsored or conducted by the Department;

(iii) The proposed use would conflict, compete with or otherwise impair the operations of Department concessionaires or contractors operating on department property under license or agreement with the Village;

(iv) The proposed use of the Department property or any portion thereof is prohibited by or inconsistent with the designed and intended use of the Department property in question, and with any site-specific rules posted at the particular Department property by the Director;

(v) The proposed use of the Department would effectively preclude all other use of the Department property in question by the general public or others during the period of the proposed use;

(vi) The proposed use violates any federal or state law, any provision of this Chapter, or any provision of the

Village Code of Ordinances, including but not limited to provisions of this Chapter or the Village Code that require another permit in addition to a general use permit, including but not limited to commercial photography permits under Chapter 97 of this Code, or and liquor license or permit required under Chapter 112 of this Code; and

(vii) The nature of the proposed use of the Department property is such that it cannot reasonably be accommodated at the particular Department property in question under the circumstances, including but not limited to the risk of damage to Department property or facilities, the risk of damage to environmentally sensitive areas, the impairment of the ability of others to use those portions of the Department property in question that are not subject to or included with the proposed application during the period of the proposed use of the Department property, unreasonable conflict or inconsistency with the designed and intended purpose of the Department property in question, or unreasonable conflict or inconsistency with the operations and functions of the Department and its buildings, facilities, programs and activities.

(c) Notwithstanding any contrary provision of this Section 94.07, the Department reserves the right to defer consideration of any application for a general use permit that involves or requires the issuance of any liquor license or other permit by the Local Liquor Control Commissioner unless and until the Local Liquor Control Commissioner shall have first issued the liquor license or other permit in question. Likewise, the department reserves the right to defer consideration of any application for a general use permit involving commercial activities under Chapter 94.05(r) unless and until the Department and the applicant shall have negotiated a mutually agreeable license agreement relating to the proposed use of the Department property for such commercial activity, or to condition its approval of any such application on the mutual execution of such a license agreement.

(d) Notwithstanding any contrary provision of this Section 94.07, applications for general use permits required under this Chapter only involving the exercise of First Amendment Rights shall be submitted for review not less than three working days prior to the desired date of the proposed use of the Department property, and the Department shall act upon the same before the desired date and time of the proposed usage of the Department property. To facilitate the conduct of any activities for which such a general use permit is sought, the Department shall make available a designated area available to the permit applicant that provides the applicant with the ability to engage in its desired activities while at the same time avoiding or minimizing conflicts with other uses and users of Department property or facilities; likewise, such a designated area shall be similarly made available to groups or persons seeking to conduct activities involving only the exercise of First Amendment Rights even though no permit is required for the particular activities in question under the provisions of this Chapter. Use of any such designated area provided by the Department shall in all cases be at the sole and voluntary discretion of the applicant or the persons or entities seeking to use Department property or facilities for the exercise of First Amendment Rights, and the usage or nonusage of such a designated area shall not be considered in connection with the review and approval of any general use permit application or other application hereunder. Applicable application or permit fees may be waived by the Department if the applicant demonstrates that the amount of the same is prohibitive to the applicant. Likewise, the Department may waive any applicable requirement for general liability insurance or modify the applicable limits of such insurance under this Section 94.07 if the applicant demonstrates that it is not financially able to acquire general liability insurance with the limits required by the Department hereunder. Similarly, security deposit amounts may be waived or reduced if the applicant demonstrates that the amount of the same is prohibitive to the applicant, and the applicant agrees in writing to perform any required cleaning, repair or restoration activities occasioned by its use of Department property, in a form reasonably acceptable to the Village.

(e) If the application is approved, the Department may issue a written general use permit to the applicant. If

the application is denied, the Department shall explain the reasons for denying the application. Denials of applications may be appealed pursuant to the provisions of Section 42A.20 of the Village Code of Ordinances, provided, however, that Department decisions on denials applications involving the issuance of liquor licenses or other permits by the Local Liquor Control Commissioner and applications involving commercial activities under Chapter 94.05(r) shall be final, where the denial of the application in question rests in whole or in part on the nonissuance of any license or permit by the Local Liquor Control Commissioner, or where the denial rests in whole or in part on the inability of the Department and the applicant to execute a mutually satisfactory license agreement for applications involving commercial activities under Section 94.05(r).

(f) If an application is denied on the basis of a scheduling conflict or inappropriateness of the location, duration, or time of the activity, the Department will make a reasonable effort to arrange an alternative that is acceptable to all parties.

(g) Any general use permit granted by the Department may contain lawful conditions to the issuing of the general use permit and restrictions on the conduct of the permitted activity including without limitation: general liability insurance coverage; an agreement to fully indemnify and hold the Department harmless from any liability or costs resulting from the activity; a requirement that the persons involved in the activity obey or comply with all federal, state, local, and Department laws, rules, and regulations; time, duration, and location restrictions; security deposit; a written agreement by the applicant to fully restore any Department property soiled or damaged by the activity; and, any reasonable restriction necessary for the efficient and orderly contemporaneous administration of the activity together with other user activities for which a general use permit has been issued, general public use of Department property and regular Department uses, functions, programs, and activities. The Department reserves the right to amend each general use permit after issuance to add additional conditions or restrictions necessary to protect Department property, the operations and functions of the Department and its activities, and other lawful users of Department property.

(h) The Department retains the right to suspend or revoke a previously issued general use permit upon written notice to the holder thereof upon the occurrence of any violation of the terms and conditions thereof, or upon the occurrence of any violation of this Chapter, Village code, or other applicable law. A suspension or revocation may be appealed pursuant to the provisions of Section 42A.20 of the Village Code of Ordinances.

(i) General use permits may be issued for a maximum length of seven (7) consecutive calendar days, except for general use permits involving commercial activities under Section 94.05(r), the duration of which shall be subject to the discretion of the Department. A general use permit may be extended for like periods of time upon a subsequent application, subject to the Department's prior receipt of an application for a general use permit for the same location at the same time, where both proposed uses of the Department cannot be accommodated concurrently.

(j) Except as otherwise provided in this Section 94.07, all general use permits applicants shall, upon approval of a general use permit application, provide the Department with proof of general liability insurance coverage with limits acceptable to the Village and the Department, but in no event shall such limits be less than one million dollars combined single limit per occurrence for personal injury (including death) and property damage, and not less than three million dollars in the aggregate. The Village and its officials, employees, agents and volunteers shall be named as additional insured under such coverage by written endorsement. All such insurance shall provide that it is primary and noncontributory to any insurance coverage of the Village. No permit will be issued without proof of such insurance coverage notwithstanding the approval of the application except as otherwise specifically provided for in this Section 94.07. Notwithstanding the foregoing, no insurance coverage shall be required under a general use permit where the permit application demonstrates

that the permit is for a private, noncommercial social gathering, including but not necessarily limited to picnics, birthdays parties, graduation parties and the like, unless the general use permit application in question indicates or demonstrates that the proposed activities to be conducted under the permit being applied for involve the use of third party compensated vendors, and in such a case, the proposed third party vendor shall be required to supply insurance coverage that complies with the requirements hereinabove stated.

(k) All general use permit applicants must execute an indemnification agreement in favor of the Village, in such form as the Village may from time to time require, which agreement shall provide that as a condition of the issuance of the general use permit requested by the applicant, the applicant shall indemnify, defend and hold the Village harmless from any and all liabilities, costs, damages and claims arising from the applicant's use of the Department property pursuant to such permit, or from the actions or failures to act of the applicant or of any participant, member, volunteer, agent, employee or associate of the applicant.

(l) The Department shall require security deposits in connection with each general use permit issued. The amount of the deposit shall be determined by the Department with reference to the nature of the proposed use of the Department property, the specific Department property to be used, and the reasonably anticipated potential cleaning, repair or restoration costs associated therewith. Deposits shall be refunded within a reasonable time after the use of the Department property in all cases where the Department is not required to clean, repair or otherwise restore the Department property after the permittee's use thereof. In any case where the Department is required to clean, repair or otherwise restore Department property after a permittee's use thereof, the permittee shall be responsible to the Village for all costs incurred by the Department in connection therewith, and the deposit shall not be returned unless and until the Village is fully reimbursed within 15 days after invoicing the permittee for all such costs. In the event that the Village is not so fully reimbursed, the Village may apply the amount of the deposit towards reimbursing the Department's incurred costs, and may further take such other actions as necessary to collect any amount of such costs remaining unpaid after the application of such deposit.

(m) Notwithstanding the unavailability of a general use permit for a particular activity or Department property, the Village, through the Department, shall retain the authority to approve the conduct of particular uses or activities at or on particular Department property, but only in accordance with the terms of a use agreement acceptable to the Village and the Department.

94.08 Violations, Enforcement and Suspension/Revocation of Permits and Privileges.

(a) All persons present on any Department property, and all participants, attendees or volunteers in any activity, program or event conducted, organized or sponsored by the Department shall at all times comply with the provisions of this Chapter, the Village Code, other applicable law, and any consistent supplementary rules that may be issued from time to time by the Director concerning the use of Department property, or the conduct of, participation in, or attendance at activities, events or programs conducted, organized or sponsored by the Department, together with any directions or instructions of any Village or Department employee seeking to enforce compliance with any of the same.

(b) Any person violating or disobeying any section or part of this Chapter, other than or any other Village or Department ordinance, policy, rule, or regulation, may be forthwith evicted and removed from District property, may have his admission privileges relating to Department property revoked, or suspended for such period of time as the Director or her designee shall determine, subject to the guidelines hereinafter set forth, and/or may, upon conviction, and unless otherwise specified herein, be fined in an amount not less than \$100.00 and not more than \$750.00 for each offense and/or required to perform community service work. Proceedings to

enforce against violations of this Chapter may be commenced in the 12th Judicial Circuit Court or alternatively before the Village Administrative Hearing Officer pursuant to Chapter 42A.

(c) Any person who upon any Department property commits any violation of the provisions of this Chapter, the Village Code, or applicable state or federal law as hereinafter classified may, in addition to any other penalties provided for by this Chapter, be subject to having his or her privilege to enter upon such Department property and up to all other Department property suspended for up to the number of days as hereinafter indicated. Notice of such a suspension shall be provided to the violating party in writing, and may be provided by the Director, any superintendent, any of their designees, or by any sworn officer of the Village Police Department. Entry upon the Department property designated in a notice of suspension shall be deemed to violate this Section 94.08(C), and shall further be referred for enforcement under Section 94.04(d) and Section 132.28 of the Village Code and/or applicable provisions of state law.

Class 1 Violations-10 Day Suspension

All violations of Section 94.04, except as otherwise indicated herein

All violations of Section 94.05, except as otherwise indicated herein

All violations of Section 94.06, except as otherwise indicated herein

All violations of Section 94.07, except as otherwise indicated herein, including all violations of any permit issued under Section 94.07

Class II Violations-30 Day Suspension

Violations of Section 94.04(e)

Violations of Section 94.04(f)(iii) and 94.04(v) through 94.04(viii)

Violations of Section 94.05(a)

Violations of Section 94.05(b)(vii)

Violations of Section 94.05(c)

Violations of Section 94.05(d)

Violations of Section 94.05(f)

Violations of Section 94.05(g)

Violations of Section 94.05(i)

Violations of Section 94.05(j)(iv) or 94.05(j)(vi)

Violations of Section 94.05(o)

Violations of Section 94.06(a)

Violations of Section 94.06(b)

Violations of Section 94.06(c)

Violations of Section 94.06(g)

A second Class 1 violation by any party having previously committed any Class 1 violation

Class III Violations-60 Day Suspension

A third or subsequent Class 1 violation by any party having previously committed two or more Class 1 violations

Second or subsequent Class II violations by any party having previously committed one or more Class II violations

Appeals of any notice of suspension issued hereunder may be had in accordance with the provisions of Chapter 42A of the Village Code of Ordinances.

(d) In addition to any other penalty or enforcement provision of this Chapter or the Village Code, any person violating any provision of this Chapter or the Village Code or other applicable state or federal law shall be liable to make restitution to the Village in an amount equal to the reasonable cost to repair to restore or repair any damage or loss caused to the Village by such violation.

