

## **CHAPTER VIII PARK REGULATIONS**

### **Section 8.01 Abandonment of Property**

It is unlawful for any person to abandon any personal property on District property, including, but not limited to, cars, boats, appliances, garbage, furniture or refuse. The District may remove and destroy such property and assess the costs for such removal to the person abandoning the property.

### **Section 8.02 Advertising**

Advertising of a permanent form will be allowed only with Board approval. No person shall display, distribute, post or fix any placard, sign, handbill, pamphlet, circular, or any other written or printed material or objects containing advertising matter or announcements of any kind whatsoever in the property owned or controlled by the DeKalb Park District without prior permission of the Director and then only in full compliance with the terms of a valid contract or permit allowing the same. Displays may remain in view for the duration of the activity.

### **Section 8.03 Aircraft Control**

No person shall fly, cause to be flown, or permit any aircraft of any kind to be flown over the park system at any time at an elevation less than the minimum safety requirements established by the Civil Aeronautics Administration or other governmental authority or less than is reasonable and proper, or so as to endanger the safety of any person or property. No person shall land, cause to be landed, or permit any aircraft to land in the park system, except when required by unavoidable emergency. Sky diving over or onto lands owned or operated by the Park District is not permitted without advance approval by the Board of Commissioners.

No person shall fly, cause to be flown, or permit any model craft or hang-gliding device of any kind to be flown in the park system without a permit and then only in such places and times as the Park District may from time to time designate for the purpose.

### **Section 8.04 Alcohol, Drugs and Narcotics**

No person under the influence of alcohol, drugs or narcotics shall enter, be, or remain in the Park System. No person shall use or possess alcohol, drugs or narcotics as defined in the Illinois Revised Statutes on Park District properties except as the ordinance allows. Wine intended for use in services by religious organizations is permitted along with alcoholic beverages sold by the Park District as a duly licensed distribution point, including but not limited to the Community Center, Ellwood House Meeting Room and Golf Courses.

## **Section 8.05 Animals**

It shall be unlawful for any person having control of any dog or other animal to cause or permit such animal to be on any lands or properties owned by the DeKalb Park District including without limitation any street, sidewalk, path, parking lot or other public place or facility, unless it is on a leash not longer than fifteen feet and which leash is held by such individual, or if the dog or other domesticated animal is specially trained to assist the visually impaired or other persons with disabilities when the animal is accompanying the person with a disability for the purpose of providing such assistance. Such individual having control of such dog or animal must be in possession of a device for the removal of, and depository for the transportation of, animal excrement from the property and must remove any animal excrement deposited on Park District premises by such dog or animal in his control.

No person shall lead or allow being loose upon District property any horse, pony or other riding animal.

No person shall trap, catch, wound or kill, or treat cruelly, or attempt to trap, catch, wound or kill any bird or animal in any park.

No person may feed any wildlife including ducks, geese, squirrels or any other wildlife within the park system.

Any animal found within the park system, in violation of this section, may be apprehended, removed to an animal shelter, public pound, or any other place provided for that purpose, impounded, all at the expense of the owner.

## **Section 8.06 Bicycles**

Paved pathways in the parks are provided for use by pedestrians and bicyclists. Bicycles may be used elsewhere in the parks provided their use will not interfere with other park patrons or activities and provided that their use does not tend to injure, damage or destroy park land or park property. The permitted use of bicycles other than on paved path is intended for the convenience of the bicyclist, who should exercise due regard for and to the extent reasonably convenient should use existing bicycles paths, roadways, parking lots and bicycle racks wherever possible.

## **Section 8.07 Camping**

No person shall place, erect or use any hammock, swing, tent or other shelter or otherwise camp or sleep in the park system, except upon written permission of the Director.

### **Section 8.08 Closing Hours**

The District's parks shall be closed from 30 minutes after sunset, until 30 minutes before sunrise the following morning except parks having lighted athletic fields which shall close at 11:00 PM on days which have scheduled games and the Katz Dog Park which shall be open from sunrise until the lights are turned off in the evening, but no later than 9:00 PM. Closing hours of community recreation centers, rental shelters, and special events shall be specified from time to time by the Director. No person or property of any kind shall remain in the parks after closing time without permission from the Director.

The District may close one or more District parks, building and facilities for any interval of time as deemed advisable and in the best interest of the public and the District.

### **Section 8.09 Clothing**

No person shall enter, appear, be or remain anywhere in the park system in a state of nudity or in an indecent or lewd attire.

### **Section 8.10 Commercial Photography**

No person shall take or cause to be taken any still or motion pictures (including video tapes), for purposes of advertising without first obtaining permission from the District.

### **Section 8.11 Damage to Property**

Unless authorized by a written agreement with the District or otherwise expressly permitted by the District, no person while on District property:

- (i) deface, disfigure, break, cut, tamper with or displace or remove in or from any District property or building, (ii) destroy, cut, break, injure, disturb, sever from the ground or remove any sod, soil, earth, rock, timber, wood, material, or growing thing including but not limited to any plant, flower, flower bed, shrub, tree growth or bring any tool or instrument intended to be used for cutting thereof, (iii) set fire to any trees, shrubs, plants, flowers, grass, or plant growth or allow any fire upon land to extend to the District property.

### **Section 8.12 Disorderly Conduct**

No person shall commit any act or use language which may be considered abusive, threatening, indecent, or a breach of peace or any act which may be defined as disorderly conduct under the Illinois Criminal Code, 720 ILCS 5/26-1,2,3, or 4.

### **Section 8.13 Electronic Devices**

No person shall use (i) 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, photographic camera, video camera, fiber optic camera, motion picture camera, television camera, camcorder, or videotaping device, or (ii) any cell phone of any type or kind regardless of its capacity or lack thereof to produce a visual image, in any restroom, locker room, lavatory, bathroom, shower facility, or dressing room, in any building or facility owned or under the control of the Park District.

#### **Section 8.14 Encroachment, Unlawful Construction or Maintenance**

No Person shall upon or in connection with any property owned and/or managed by the District:

- (a) Erect, construct, install, or place any structure, building, improvement, shed, fence, wall, dog run, dog house, tree house, playhouse, play equipment, TV or radio reception device, machinery, equipment, or apparatus of any type, whether stationary or moveable and whether permanent or temporary in character, or stockpile, store or place any organic or inorganic material used for the construction of such items on, below, over or across District property without the written authorization from the District, and then only in accordance with the terms and conditions set forth in a license agreement, easement or other written agreement. Corporations may be prosecuted for a violation of this Section when an agent of the corporation performs the conduct that is prohibited.
- (b) Perform, cause or authorize any mowing, trimming, cutting, or grooming of District property, or perform any similar grounds maintenance for any purpose, or in any like manner encroach onto District property from privately or publicly owned lands.
- (c) Place, stockpile or store any gravel, stone, dirt, sand, wood, lumber or any other organic or inorganic material on District Property.
- (d) Place any electrical wire, conduit, or pipe, or any public service or private utility, into, upon, above, or across or beneath District Property, unless a Permit, License, or Contract therefor has first been obtained from the District.
- (e) Plant vegetation of any kind on District Property without written authorization of the District.
- (f) Allow, authorize, build, construct, or place the discharge point of any sump pump, pool, water feature, or foundation drainage, or any storm water management measures, including but not limited to swales, drains and contouring, that directs or is intended to direct sump pump, foundation drainage discharge or storm water drainage, onto District Property. All

discharge of sump pumps and foundation drainage adjacent to Park property, shall be setback from the Park property line, in such a manner that the water flow is discharged onto the originating property and flows in accordance with Illinois drainage law.

- (g) Any person, who violates any part of this Section shall remove any encroachment from District Property, after receiving written notification of violation from the District and in accordance with the timeframe and removal specifications outlined in such notification. Any person receiving a notice of violation shall have 10 business days to appeal in writing to the District's Executive Director, who will rule on the merits of the appeal and determine necessary actions. If dissatisfied with the Executive Director's decision, the appellant(s) may appeal to the District's Board of Park Commissioners. The Board of Commissioners, in consultation with legal counsel if necessary, will make a final ruling on the merits of the appeal and respond in writing to the appellant(s).
- (h) The District may remove any encroachment(s) from District Property and assess the person(s) who violated this Section the cost of removing such encroachment(s), and such charge shall be in addition to and not in lieu of any other penalties or remedies provided for in this Ordinance or any applicable City of DeKalb ordinance and/or State law.
- (i) Any person who commits a violation of any part of this, in addition to any other civil or criminal penalty imposed, may be subject to a District ordinance fine of not more than five hundred dollars (\$500.00).

### **Section 8.15 False Pretenses**

It shall be unlawful for any person to use any pass, ticket, or identification card other than his or her own pass, ticket or identification card to gain entry or attempt to gain entry to, use or participate in any Park District program, league, facility grounds or event. It shall be unlawful for any person to alter, change, modify or copy any pass, ticket or identification card for the purpose of gaining entry to or entering or allowing another or others to gain entry to or to enter, use, or participate in any Park District programs, league, facility, grounds or event under false pretenses.

### **Section 8.16 Fireworks and Fires**

No person shall light or make use of any fires in the park system, except at such places as may be established for such purposes. Every fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is completely extinguished. Dumping of ashes from grills is prohibited unless designated containers are available. No person shall drop, throw away or otherwise scatter lighted or smoking material within the park system. It shall be unlawful for any person to start or spread any false alarm of fire within the park system. No person shall fire, discharge or

set-off any rocket, cracker, torpedo, squib or other fireworks or any substance unless written permission is given by the Executive Director.

### **Section 8.17 Fishing**

No person shall have in his possession or take or attempt to take any fish in any waters of the park system, except in designated areas and subject to rules as may be promulgated by the District and State of Illinois and subject to such rules set by the District from time to time. No person shall ice fish on the waters of the park system.

### **Section 8.18 Gambling**

No person shall gamble, as defined in Section 28-1, Chapter 38, Illinois Revised Statutes, within the park system.

### **Section 8.19 Games and Sports**

No person shall engage in any sport, game or amusement on District property except at such places and times as may be designated by the District and then only under such rules as are prescribed. Nor shall any person walk, remain or conduct themselves upon such portion of the park system designated for any particular game, sport or amusement in such a way as to interfere with the use of such portion by persons who are using the park system for a particular sport, game or amusement for which it has been designated. No person shall engage in any activity in a manner so as to endanger, injure, or damage persons or property in any way engaged in the proper use of the park system.

### **Section 8.20 Gifts and Gratuities**

No person may promise or tender to, nor may any park employee, officer or commissioner accept any property or personal advantage from any person which would influence the employment or function of the park employee, officer or commissioner.

### **Section 8.21 Golfing**

No person shall golf or practice golf on any property owned or controlled by the District, except at River Heights Golf Course and Buena Vista Golf Course, or in conjunction with organized, authorized supervised recreation programs approved by the District.

### **Section 8.22 Landscape**

No person within the park system shall damage, destroy, deface, or remove any temporary or permanent structures or landscaping placed there by the District. No person shall excavate or take soil of any kind from the park system.

### **Section 8.23 Loitering**

No person shall loiter or remain on District property either alone or in consort with other persons in such a manner that: (1) unreasonably obstructs the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impedes or disrupts the performance of official duties by District employees; (3) prevents the general public from obtaining the administrative or recreational services provided on District property in a timely manner; (4) restrict vehicular or pedestrian or restrict free ingress to and egress from District property; after being requested to leave, move, or disperse by any employee of the District, or where the District has posted a sign or signs that prohibit loitering.

#### **Section 8.24 Metal Detectors**

No person shall operate any device which is designed for the detection of metal objects on or below District property.

#### **Section 8.25 Minors**

No parent, guardian, or custodian of a minor shall knowingly assist or allow such minor to do any acts on District property in violation of any law ordinance or rule of the District. A minor is defined herein as any person who is under the age of eighteen (18) years.

The parent or legal guardian of an un-emancipated minor who resides with such parent or legal guardian shall be liable for damages caused by the willful or malicious acts of such minor as provided in the Illinois Parental Responsibility Act, 740 ILCS 115/1, et seq. This section shall not affect the recovery of damages in any other course of action where the liability of the parent or legal guardian is predicated on a common law basis.

#### **Section 8.26 Mob Action**

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

#### **Section 8.27 Obstructing Travel**

No person shall set, or cause to be set or placed, any goods, wares, merchandise or property of any kind so as to obstruct travel on District property.

#### **Section 8.28 Parking Lots**

No person shall, either alone or in consort with, or in conjunction with or together with, another or others, remain in or on, or loiter on or near, or congregate or assemble on, or play on any parking lot maintained by the District, or remain in, or near any parked motorized or non-motorized vehicle in or on any such parking lot, it being the declared intent of the Board that parking lots of the District are for the sole and exclusive purposes of the parking of motorized and non-motorized vehicles in an unoccupied state and for providing ingress and egress to the respective park properties. The playing of radios or other similar audio-electronic devices on, in or upon motorized or non-motorized vehicles parked on a parking lot of the District, or at a level in excess of 30 decibels on any parking lot, and the possession, use or consumption of alcoholic beverages, liquor or controlled substances or narcotics in, on or near a parking lot of the District are each hereby prohibited.

### **Section 8.29 Permits**

Applications for Permits shall be filed with the Director not less than fourteen (14) days nor earlier than the first Monday in the February of the applicable calendar year of the date on which it is proposed to conduct any activity in a park requiring a permit. Such application shall be sworn to and shall state:

1. The name of the person or organization wishing to conduct such activity;
2. If the organization is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
3. The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;
4. The name, address and telephone number of the person or organization to whom the Permit is desired to be issued;
5. The date when such activity is to be conducted;
6. The portion of the Park System for which such Permit is desired;
7. An estimate of anticipated attendance; and
8. The hour when such activity will start and terminate.

The Director may grant and issue the Permit if:



1. The proposed activity or use of the Park System will not unreasonably interfere with or detract from the general public enjoyment of the Park System;
2. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
3. The facilities desired have not been reserved for other use at the day and hour required in the application;
4. The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
5. The conduct of such activity will not require the diversion of so great a number of peace officers to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the City;
6. The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct;
7. Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit;
8. The person or organization desiring to engage in said activity, shall post with the Director, cash or surety bond in an amount sufficient to cover the costs of cleaning up all debris and trash that results from this activity and restoring the premises to neat and good order.

Each permit shall state the following:

1. Date of such activity;
2. The portion of the Park System thereof to be used; and
3. Hour when such activity will start and terminate.

The application may contain a requirement for an indemnity bond to protect the Park District from any liability of any kind or character, and to protect the Park District from property damage.

### **Section 8.30 Picnics**

No person without a permit shall hold a gathering at a District picnic shelter when said shelter has been reserved on a specific date at a specific time by an individual or group with a permit. Permit holders would be entitled to use of the designated area for the time as listed on the permit. All other use is on a first come first served basis.

### **Section 8.31 Play Classes and Camps**

No person or organization shall bring or cause to be brought into the park system any play class, camp, or other organized group of any kind, organized for profit except into the swimming pools of the District where each person entering must pay a daily admission.

Not for profit agency day camps, play classes or organized groups may use the facilities of the park system with the written permission of the Director.

### **Section 8.32 Power Driven Mobility Device**

No person shall upon, within or connection with property of the District: (i) Operate a Power-Driven Mobility Device unless said person is qualified under the ADA. (ii) Operate a Power-Driven Mobility Device except in a park or facility in which the general public is allowed. (iii) If used in a facility exceed 4mph or be operated in a manner that might jeopardize the safety of the operator, employees or participants. (iv) If used in a park or outside, exceed 6mph, posted park operating hours or be operated in a manner that might jeopardize the safety of the operator, employees or participants. (v) Carry another person on the frame of the device or any object on the frame that would make the device less stable.

Power Driven Mobility Device where used means wheelchairs, mobility scooters, electronic personal assistive mobility devices (EPAMDs) and specifically excludes riding lawn mowers, golf carts, wheelchairs with rubber tracks, gasoline powered, two wheeled scooters.

### **Section 8.33 Public Assemblies**

No person shall engage in, participate in, aid, form, or organize any assembly or group of people or make any speeches, or conduct any parades, musical program or festivals, in any park unless a Permit has been obtained from the Director, and unless that Permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to students' work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; nor to any governmental agency within the scope of its functions.

### **Section 8.34 Refuse**

No person shall deposit or leave any garbage, debris, refuse or other material of any kind on the park system grounds or waters, nor discharge any injurious or vile substance of any kind upon the property of the District. Paper, glass, cans, garbage and other refuse of every kind, resulting from picnics or other proper use of the park system, shall be deposited only in receptacles provided for the purpose, and no person shall litter, suffer or cause the park system to be littered in any way.

### **Section 8.35 Restricted Areas**

No person shall enter upon any portion of the park system where entry is prohibited by the District by sign or other suitable notice. No person shall enter or attempt to enter any building area or facility in the park system which is closed to the public, or is under construction in an unfinished state, or scheduled for a specific group or activity unless invited to same; nor shall any person not invited or not having paid an admission fee, when such is charge, enter an area, building or place when it has been rented or otherwise reserved.

### **Section 8.36 Selling**

No peddler, vendor or any other person involved in an endeavor for profit shall engage in the commercial sale, rental, exhibition, or distribution of goods or services, including without limitation the giving of instruction or lessons for a fee, upon District Property unless he has received a permit, license or contract therefore from the District.

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

### **Section 8.37 Skating and Sledding**

No person shall skate, sled, toboggan, ski, slide, snowboard, inner tube, or carry on to similar activity in the park system except as such places and times as the District may designate for the purpose. No person, while engaged in such activity shall conduct himself in such a manner as to annoy others or endanger, injure or damage persons or property in any way.

### **Section 8.38 Skateboarding**

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

No person shall violate the rules established for the Skate Park: (i) Protective equipment is required to be used during skating activities; (ii) Personally owned ramps, boxes, or other devices may not be brought to the facility, (iii) Glass objects and containers are prohibited, (iv) Participants skate at their own risk and are responsible for inspecting equipment prior to use.

### **Section 8.39 Sleeping in the Park System**

No person shall place, swing, occupy or use a hammock in the Park System, nor shall any person, sleep or otherwise remain in the Park System between the hours of dusk and dawn, unless a Permit has been obtained from the Director.

No person shall use District property in a manner designed or calculated to act as a substitute for a residence or means of support.

### **Section 8.40 Smoking**

#### **Section 8.40(A): Definitions**

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

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

“Park property” means any land, building, enclosed or partially enclosed park facility, or other public place which is owned, leased or operated by the DeKalb Park District, and includes portions of land and buildings owned by the park district which is leased to a private third party individual or entity or to which a private third party individual or entity has been granted a license by the park district to use all or a portion of its land, buildings and/or enclosed or partially enclosed park facilities.

“Smoke” or “smoking” means the carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, tobacco, weed, herbs or any kind of smoking equipment (i.e. E-cigarettes, or other vaporizing devices). Smoke or smoking does not include smoking that is associated with a native recognized religious ceremony, ritual or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a, for which all applicable federal, state, county, local and park district permits, if any, have been procured. E-cigarettes are battery-powered devices that are designed to mimic cigarettes by vaporizing a nicotine-laced liquid that is inhaled by the user. The use of e-cigarettes in workplaces and public places is a significant public health concern, not only because of their unregulated constituents and the potential health impact of the vapor on users and bystanders, but also because e-cigarette use causes public confusion as to where smoking is allowed, resulting in compliance problems with smoke free laws.

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

**Section 8.40 (B): Smoking in Park District Buildings Prohibited**

Smoking in park district buildings, enclosed facilities on park property, enclosed or partially enclosed park facility, or within fifteen (15) feet of any entrance, exit, window that opens or ventilation intake that serve any park district building, enclosed area on park property, or enclosed or partially enclosed park facility, is prohibited. No person shall smoke in any park district building, enclosed facility on park property, or enclosed or partially enclosed park facility, or within fifteen (15) feet of any entrance, exits, window that opens or air intake that serve a park district building, enclosed area, or enclosed or partially enclosed park facility where smoking is prohibited.

**Section 8.40 (C): Designation of Other Non-Smoking Areas**

Smoking is prohibited in the following designated areas of non-enclosed areas of park property, including outdoor areas:

- (i) Within fifty (50) feet of all athletic fields, bleachers, hard court play surfaces, swimming pools, playgrounds, shelters and dog park, unless specifically exempted within the Ordinance.
- (ii) Within fifty (50) feet from a designated park program being operated on park property at which members of the public are visibly present.
- (iii) Within fifty (50) feet of the area in which a park district special event is conducted on park property.
- (iv) On other non-enclosed areas of park property where smoking is prohibited and said areas are conspicuously marked by no smoking signs.**

**Section 8.40 (D): Exemptions**

Notwithstanding any other provisions of this Ordinance, smoking is only allowed in the following areas on park district property and in the following park district vehicles:

- (i) On the River Heights and Buena Vista golf courses and in golf carts operated on the golf courses.

**Section 8.41 Snowmobiles**

No person shall drive, ride, or otherwise operate a snowmobile on District property. A snowmobile is defined as any self-propelled vehicle intended for travel primarily on snow, driven by a track or tracks in contact with snow, and steered by ski or skis in contact with snow.

**Section 8.42 Soccer Goals**

No person shall move or alter goals in any manner except in case of emergency or with the permission of the DeKalb Park District.

**Section 8.43 Soliciting**

No person shall solicit, peddle, or beg for any purposes within the park system. No person shall take up any collection or solicit or receive contributions of money or anything else of value in the park system without first obtaining a permit from the Director.

#### **Section 8.44 Sound and Energy Amplification**

No person shall play or operate any sound amplification devices including public address systems, musical instruments and the like, or operate any other energy amplification device or musical instrument without permission from the Executive Director or his/her designee. Permission will not be granted when it is deemed that sound produced by such devices is a public annoyance.

No person shall make or cause to be made any excessively loud or unreasonable noise which disturbs the peace. Excessively loud or unreasonable noise is defined as noise inconsistent with or not reasonable to park and recreation activities. This shall include the loud or amplified playing of any type of audio equipment, radio, or stereo, noisemakers, musical instrument, or sound equipment. This section will not apply to activities conducted, sponsored, licensed or otherwise permitted by the District.

#### **Section 8.45 Swimming**

No person shall bathe, swim, wade, float, splash, or otherwise enter District waters other than that designated as a swimming pool. Users shall comply with all policies, rules and regulations as the District may designate for those pertaining to swimming pools.

#### **Section 8.46 Traffic**

(a) Speed Limit: No person operating a vehicle shall violate regulatory and speed restrictions which may be from time to time adopted by the District and posted. No person shall operate any bicycle, motor vehicle or other conveyance on any roadway, sidewalk, driveway or parking lot in the Park System faster than 15 miles per hour or in any manner endangering persons or property. The speed limit for a Power Driven Mobility Device will not exceed 6mph.

(b) Roadways: Unless authorized by the Director, no person shall operate any motor vehicle except upon the parking lots and roadways provided for driving or parking the same.

(c) Rules and Regulations: No person shall operate or park any motor vehicle except in accordance with the laws of the City of DeKalb.

(d) Obstructing Travel: No person shall set or place or cause to be set or placed, any goods, wares or merchandise or property of any kind so as to obstruct travel in any park.

(e) Parking of Vehicles: No person shall park a vehicle on District property in such a manner as to obstruct traffic flow. No person shall park a vehicle overnight between 2:00 AM and 5:00 AM or as posted, on District property without prior written permission from the Director, except in the event of an emergency situation, in which the person shall notify the District of the nature of the emergency through any one of its agents and/or employees. Emergency parking shall be no longer than 48 hours. The District shall not be liable for any damage occurring to any vehicle and/or property contained in it.

Vehicles improperly parked in the park system shall be towed away at the owner's expense.

(f) All Terrain Vehicles are prohibited in the park system with the exception of those utilized by the District for programming and maintenance purposes.

## **Section 8.47 Tree Protection**

### **Definitions:**

**Diameter at Breast Height (DBH):** The diameter in inches of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade level.

**Protected Tree:** A "protected tree" means any desirable tree that has a DBH between ten (10") and twenty inches (20").

**Heritage Tree:** A "heritage tree" means any desirable tree that has a DBH of greater than twenty inches (20"). Trees that have received special care provided by the DeKalb Park District for the treatment or prevention of disease or infestation may also be considered a heritage tree.

**Hazard Tree Assessment:** International Society of Arboriculture Tree Hazard Evaluation Form, 2<sup>nd</sup> Edition. This form will be used by trained Park District staff when evaluating trees for removal and accompanied by at least three photos documenting tree issues.

**Drip Line:** A vertical line run through the outermost portion of the canopy of a tree and extending down to the ground.

**Protective/Temporary Fencing:** A snow fence, chain link fence, orange vinyl construction fence or other similar fencing with a minimum four foot (4') height.

**Tree Removal Authorization:** Permission granted by the DeKalb Park District to remove a protected tree or a heritage tree.

### **Tree Protections**

Prior to starting a construction or park improvement project, tree protections for the project will be outlined in a tree protection plan. This plan will outline what steps need to be taken in order to protect trees while the project is ongoing. The plan will be implemented prior to any construction beginning.

It is the responsibility of DeKalb Park District Staff, the developer and/or contractor and his/her subcontractors to take appropriate action to protect and preserve all trees outlined in the tree protection plan and during all phases of construction.

- A. Protective/Temporary Fencing shall be required for any protected trees and heritage trees within the active construction zone to prevent infringement on the root system from any construction related activities. The protective fencing must encompass no less than 75% of the radius of the drip line of the protected tree, excluding any pre-existing structures, foundations, slabs, roadways, highways, and driveways. All fencing must appear on construction documents and shall be installed prior to any other construction related activity. The fencing shall remain in place until all other construction related activity has been completed.
  
- B. Prohibited activities adjacent to trees shall include but not limited to the following:
  - 1. Material Storage: No materials for construction or waste accumulated due to excavation, demolition, or construction shall be placed under the canopy of any tree.
  - 2. Equipment Cleaning/Liquid Disposal: No equipment shall be cleaned or other materials or liquids deposited or allowed to flow over land within the limits of the canopy of any tree. This includes, without limitation, paint, old solvents, asphalt, concrete, mortar or any other material.
  - 3. Tree Attachments: No signs, wires or other attachments other than those of a protective nature shall be attached to any tree.
  - 4. Vehicular Traffic: No vehicular and/or construction equipment traffic or parking shall take place within the limits of the protective fencing.



5. **Grade Changes:** No grade changes in excess of two inches (cut or fill) shall be allowed within the limits of the drip line of any tree.
6. **New Impervious Paving:** No new paving with asphalt, concrete or other impervious materials in a manner which may be expected to severely damage or kill a tree shall be placed within the limits of the drip line of any tree. If efforts are made to protect the tree roots, such as root pruning, an exception may be made by the DeKalb Park District Executive Director or designee.

### **Tree Removal Authorization**

- A. **Authorization.** No person shall cut down, destroy, move, remove, or effectively destroy, any tree located on district property without first obtaining tree removal authorization. **See Park District ordinance code Section 8.11 Damage to Property.**
- B. **Process.** Tree removal request must be submitted in writing to the Superintendent of Parks and Development.
- C. **Authority to Review and Approval.** The Superintendent of Parks and Development shall be responsible for the review and approval of all requests for tree removal authorizations submitted in accordance with the requirements specified herein. The Superintendent of Parks and Development may take one of the following actions:
  1. **Approve** - The Superintendent of Parks and Development shall issue tree removal authorization.
  2. **Deny** - The Superintendent of Parks and Development can deny the request. Reasons for denials can be obtained by request.
  3. **Defer**- If the removal request is for a heritage tree or there are other concerns that deem it necessary the Superintendent of Parks and Development shall defer the decision to the DeKalb Park District Board of Commissioners.
- D. **Authorization Expiration.** Tree removal authorization issued in connection with an approved site plan shall be valid for the period of the site plan's validity. A tree removal authorization not issued in connection with a site plan shall become void after 90 days after the date of approval.
- E. **Authorization for Removal of a Heritage Tree** - A heritage tree may only be removed with approval from the DeKalb Park District Board of Commissioners.

The following exceptions for removal must be approved by the DeKalb Park District Executive Director or designee and be accompanied by a Hazard Tree Assessment and photo documentation:

1. The tree is dead and has no ecological, cultural or other value to the park district.
2. The tree is diseased or dying and constitutes a threat to healthy trees, to property, or to public safety.

**Tree Removal in Parks by DeKalb Park District staff or contractors:**

When park staff or a contractor are performing tree removal in DeKalb Park District parks, park staff must complete a Tree Hazard Evaluation form with photo documentation attached and submit documentation to the Park Forman prior to removal. If tree is a heritage tree this documentation must be submitted to the Executive Director or designee prior to tree removal. The following exceptions may apply:

1. Removal of dead trees in parks.
2. Removal of trees infected with a pest or disease (e.g. Emerald Ash Borer, Dutch Elm Disease, etc.)
3. Removal of Hazard trees in parks and along district trail system that pose an immediate threat to healthy trees, property, or public safety.
4. Clearing or tree removal in Park District owned woodlands and natural areas in conjunction with an approved natural areas management plan.

Section 4. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

Section 5. Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, action, or causes of action which shall have accrued to the DeKalb Park District prior to the effective date of this Ordinance.

Section 6. 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.

**Section 8.48 Unclaimed Articles**

The officer or any employee so designated who shall find any bicycle, wagon, or other toy or attire in the park system violating any provision hereof shall impound and place same in an area designated by the District.

**Section 8.49 Watercraft**

No person shall operate a boat in, on or upon any waters of the park district except for programs under the supervision of the District or without first obtaining a permit from the Director.

**Section 8.50 Yard Waste**

No person shall bring in, dump, deposit or leave any landscape waste, yard waste, grass clipping, leaves, trees, bushes, shrubbery, or clippings from same in any Park.

**Section 8.51 Weapons**

No person shall bring, carry or use projectiles, knives, firearms, explosive substances or weapons of any kind in the park system.