

Use Regulation Ordinances St. Charles Park District

Revised June 2016

ST. CHARLES PARK DISTRICT
GENERAL USE REGULATIONS ORDINANCE #0-9495-3-2

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE ST. CHARLES PARK DISTRICT that the Park Board hereby adopts the amended General Use Regulations Ordinance No. 0-9495-3-2, pursuant to its authority under Section 8-1(e) of The Park District Code. This Ordinance replaces Ordinance No. 0-9394-6-1, which is hereby rescinded. A copy of Ordinance 0-9495-3-2 is attached.

This Ordinance is effective immediately upon its passage.

**ST. CHARLES PARK DISTRICT
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Chapter I - Definitions and Construction of Words

Section 1 - Construction of Words: Whenever any words in any ordinance or rule or regulation importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included although distributive words may not be used and, when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only or in the masculine gender, several matters, parties or persons and female as well as males and bodies corporate shall be deemed to be included; provided, however, that these rules or construction shall not be applied to any ordinance which shall contain any express provision excluding such construction of whether the subject matter or contents of such ordinance may be repugnant thereto.

Section 2 - Definitions:

- a. "Amusement Contraptions" wherever used means any structure designed to test the skill or contrivance, device, gadget, machine or strength of the user or provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball-throwing contest devices, pinball-type devices, animal ride devices, ball and hammer devices, trampoline devices, and the like.
- b. "Area(s)" wherever used means a specified place within a park.
- c. "Authorized Agent" wherever used means individuals granted authority by the Director or by the Board.
- d. "Board" wherever used means the Board of Park Commissioners of the District.
- e. "Director" wherever used means the Director of the District.
- f. "District" wherever used means the St. Charles Park District.
- g. "Employee" wherever used means any person hired for a definite or indefinite time period by the District in an established job classification and receiving pay for work performed or entitled to pay under established policies for paid absence.
- h. "Exclusion of Others" wherever used refers to prohibiting use or behavior by others which disrupts or prevents the authorized and lawful use of designated area(s) or structure(s) in a park by a person or persons holding a valid permit for such area or structure and activity.
- i. "Legal Adult" wherever used means one who has reached the age of maturity as defined by the laws of the State of Illinois.
- j. "Overnight" wherever used means the time when the park or facility is officially closed until it opens the following day.
- k. "Park" wherever used means lands and waters, or property holdings of the District, whether in fee or as leasehold or management agreement.
- l. "Permit" wherever used means the written permission that must be obtained from the District to carry out a given activity.
- m. "Person or Persons" wherever used means individuals, firms, corporations, societies or any group or gathering whatsoever.
- n. "Police Officer" or "Park Safety Officer" wherever used means an individual employed in law enforcement and given authority to maintain peace, safety and order.

- o. "Posted" wherever used means that a notice is posted, either by a sign in a park, at the entrance to a park, or at the Administrative Office, the location being at the discretion of the Director.
- p. "Property" wherever used means any lands, waters, facilities or possessions of the District, whether in fee or as leasehold or management agreement.
- q. "Sound and Energy Amplification" wherever used means music, speech, or any sound or noise transmitted by artificial means including, but not limited to, amplifiers.
- r. "Vehicle" wherever used means any device or conveyance on the land using wheels or belt-type track or tracks, skids, or skis, and propelled by energy of any kind.
- s. "Watercraft" wherever used means any device or conveyance on the water whether propelled by motor, engine, wind, or human power. "Vessel" or "Watercraft" is every description of watercraft as defined in the Boat Registration and Safety Act, 625 ILCS 45/1-2, that is used or capable of being used as a means of transportation on water, except a seaplane, inner tube, air mattress or similar device and boats used for concession rides in artificial bodies of water designed and used exclusively for such concessions.
- t. "Motorboat" is any vessel as defined in the Boat Registration and Safety Act, 625 ILCS 45/1-2, that is propelled by machinery, whether or not such machinery is the principal source of propulsion.
- u. "Personal Watercraft" is any type of vessel or watercraft as defined under the Boat Registration and Safety Act. 625 ILCS 45/1-2, that uses an inboard motor powering a water jet pump as its primary source of motor power and is designed to be operated by a person or persons sitting, standing or kneeling on the vessel and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller drive motor.
- v. "Waters" wherever used means within the jurisdiction of the District.
- w. "Written Permission of the Director" wherever used is intended to permit written permission being granted by authorized agents of the Director.
- x. "Tobacco" includes any cigarettes, cigars, e-cigarettes, pipes, hookah products, and any other smoking product, whether lit or unlit; and any smokeless, dissolvable or inhaled tobacco products, including but not limited to dip, chew, or snuff in any form; and all nicotine delivery devices that are not FDA-approved as cessation products.

Chapter II - Public Use

Section 1 - Public Use and Purpose of the District: Parks are for use by the general public. One of the functions of the District is to acquire, protect, restore, restock, develop and interpret a well-balanced system of parks and open space with scenic, ecological, recreational and historic values for the inspiration, education, use and enjoyment by the public. This ordinance is intended to assist the District in performing this function by regulating access to and use of District property and by controlling the personal conduct and behavior of individuals while on District property.

Section 2 - Hours of Use:

- a. Parks shall be open to the public from dawn to 9:00 p.m. unless different hours are posted by the District.
- b. No person shall remain in the parks when the park is not open to the public without a permit from the District.
- c. No person shall sleep in the parks between 9:00 o'clock p.m. and 6:00 o'clock a.m., or place, swing, occupy, or use any tent or hammock therein between said hours, without a camping permit as provided in Section 4(a)(3) herein.

Section 3 - Closed Areas:

- a. Any section, area, or part of any park may be declared closed to the public by the Director or his designated authority, at any time and for any interval of time, either temporarily or at regular intervals and stated intervals (daily or otherwise) and either entirely or merely for certain uses as the Director shall find reasonably necessary.

Section 4 - Permits:

- a. No person shall conduct, operate, present, manage, or take part in the following activities in any public park of the District unless a permit is obtained from the Director prior to the start of the activity.
 1. Any parade, march, rally, speech, or public meeting.
 2. Any contest, show, exhibit, public entertainment, dramatic performance, play act, motion picture, dramatic reading, storytelling, poetry reading, bazaar, amusement contraptions, sporting event, ceremony, or children's day camp, at which more than twenty (20) persons may reasonably be expected to be in attendance.
 3. Any use of any park or park facility by a certain person or group of persons to the exclusion of others.
 4. Camping on lands of the District or inhabiting any District structure or facility overnight.
- b. Persons desiring to engage in any of the above activities may apply to the Director for a written permit under policies established by the Board and subject to fees established by the Board.
- c. Permits in General - Any application for a permit as required by this section must set forth the name, address, telephone number, and driver's license number of an adult applicant responsible for the proposed activity or use; the name, address, and telephone number of the organization or organizations involved with the proposed activity or use, if any; the date, time, duration, and requested location for the proposed activity or use; and the anticipated number of attendees.

Permits are not transferable and required fees are not refundable. Permits must be applied for at least two (2) weeks in advance of the event. Minor changes in the permit may be made upon written permission of the Director for no additional fee provided that the specific park or area designated is not changed, the date or dates involved are not

changed, the number of designated persons is not increased, and the request for change is made at least 72 hours prior to the event.

- d. Liability of Permittee - The person, persons, organization, or organizations to whom a permit is issued shall be liable for and shall agree to indemnify the Board for, any loss, damage, or injury sustained by any person which is caused by the activity or use or any act, error, or omission of the person, persons, organization, or organizations, or their agent or agents, to whom such permit shall have been issued.
- e. Certificates of Insurance - As a condition for obtaining a permit, the person, persons, organization or organizations to whom the permit is issued must provide a certificate of insurance for general liability insurance coverage, with a company and in an amount acceptable to the District, and naming the St. Charles Park District, its Board members, officers, agents, employees, and assigns as additional insureds. If liquor will be served at the event, a certificate of insurance for liquor liability insurance, with a company and in an amount acceptable to the District, and naming the St. Charles Park District, its Board members, officers, agents, employees and assigns as additional insureds, must also be provided.
- f. Reservation of Facilities - No unauthorized person shall enter into or remain in any pavilion or park structure or section thereof which has been reserved by the District for a specific individual or group.

Chapter III - Protection of Property, Structures, and Natural Resources

Section 1 - Destruction or Misuse of Property and Structures: No person shall upon or in connection with any property of the District:

- a. Destroy, deface, paint, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze marking designating any boundary line, survey line or reference point.
- b. Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, picnic table, bridge, pier, drain, well, foundation, pump, telephone, lamp post, fence, gate, refuse container, exhibit, display, tool or equipment, storage box, utility outlet, movie screen, flagpole, or any other structure or parts thereof, without written permission of the Director.
- c. Deface, destroy, cover, damage or remove any placard, notice, or sign or parts thereof, whether permanent or temporary, posted or exhibited by the District to announce the rules, regulations and warnings, or any other information to the public necessary or desirable to the proper use of the park.
- d. Take, appropriate, excavate, injure, destroy, or remove any historic or prehistoric ruin or parts thereof, or any object of antiquity, without written permission of the Director.

- e. Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade or any other movable or non-movable property into a river, lake, pond, slough, stream or lagoon or upon the frozen waters thereof, or otherwise move, stack, or hide such property in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such property.
- f. Occupy or inhabit, or cause to be occupied or inhabited, any barn, shed, or other structure, or use for storage or cause to be used for the storage of any goods, any barn, shed or other structure without written permission of the Director.
- g. Enter into or upon any park or waters or area thereof or structure closed or posted against trespass, without written permission of the Director. These structures or areas may be, but are not limited to, employee residences and their immediate surrounding area, construction areas, work safety zones, equipment or material storage structures or areas, workshops or stations, tree nurseries or areas undergoing intensive reforestation or other soil or vegetative treatment or area(s) hazardous to public safety or health.
- h. Tamper with in any way, enter or climb upon, weaken, destroy, damage, or remove anything from any park vehicle, watercraft, machine, implement, or playground.
- i. Misuse any refuse container or receptacle by depositing into it any hot coals or other hot, burning or flammable substances, or by depositing into it any garbage, trash, refuse or other unwanted material that was not gathered on the site in the course of normal, lawful use of park facilities.
- j. Bring into, leave behind, or dump any material of any kind, whether waste or otherwise, in the park, except refuse, cold ashes, garbage and other material arising from the normal use and enjoyment of a picnic or other permitted activity provided such material is deposited in receptacles or pits provided for such purposes. Nor shall any material of any kind be left or deposited within or near the parks so as to pollute the land, waters, or air coursing through or over the parks or otherwise to interfere with proper use and enjoyment of the park. No bottles, cans, refuse or foreign materials of any description shall be deposited or thrown in any of the rivers, streams, waterways, ponds, or lakes located in the parks.

Section 2 - Destruction or Misuse of Natural Resources: No person shall upon or in connection with any property of the District:

- a. Cut, remove, uproot or destroy any tree sapling, seedling, bush, shrub, flower or plant whether alive or dead or chip, blaze, box, girdle, trim or otherwise deface or injure any tree, shrub or bush or break or remove any branch or foliage thereof or pick or gather any seed of any tree or other plant unless necessitated by the performance of restorative, maintenance, or construction work pursuant to authorization from the District.
- b. Remove or cause to be removed any sod, earth, humus, downed timber, wood chips, peat, rock, sand or gravel or remove or cause to be removed any other natural material of the

forest floor or earth unless necessitated by the performance of restorative, maintenance, or construction work pursuant to authorization from the District.

- c. Hunt, pursue, trap, catch, capture, molest, poison, wound or kill or attempt to hunt, trap, catch, capture, molest, poison, wound or kill any invertebrate animal, mammal, bird, reptile, or amphibian; disturb, molest, or rob the nest of any mammal, bird, insect, reptile, or amphibian or the lair, den or burrow of any mammal, bird, reptile or amphibian, without written permission of the Director.
- d. Fish in any waters of the District posted against fishing or by using a bow and arrow, spear or slingshot, or any net, seine or trap, or with attended or unattended lines during the hours that parks are closed as defined by provisions of this ordinance or in violation of any applicable laws of the State of Illinois as administered by the Illinois Department of Natural Resources thereof or in violation of any regulations or restrictions posted by the District controlling the size, species, and number of fish that can be taken from a designated body of water.
- e. Release or cause to be released any wild, domestic, or pet animal, bird, fish, or reptile or bring in or plant or distribute the seeds or spores of any flowering or non-flowering plant brought into or upon park lands or waters from any outside source whatsoever, without written permission of the Director.
- f. Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designed to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, without written permission of the Director and then only in compliance with all applicable laws of the State of Illinois and the United States.
- g. Drive, or cause to be driven, any cattle, horses, sheep, goats, swine or other livestock to graze or browse on park lands, without written permission of the Director.
- h. Deposit, dump, throw, cast, lay or place, or cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, paper, garbage, refuse, debris, or junk.
- i. Erection of Structures - No unauthorized person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.
- j. Climbing Trees, Etc. - No person in a park shall climb any tree or walk, stand, or sit upon monuments, vases, fountains or railing fences or upon any other property not designated or customarily used for such purposes.
- k. Pollution of Waters - No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing

into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

Section 3 - Contraband: All animals, plants, birds, fish or reptiles, or parts thereof, killed, captured, trapped, or taken or bought, sold or bartered or had in possession contrary to any provisions of this ordinance or applicable laws of the State of Illinois or the United States shall be and are hereby declared contraband and, as such, shall be subject to seizure by any police officer, caretaker or employee of the District.

Section 4 - Destruction by Misuse of Fire: No person shall upon or in connection with any property of the District:

- a. Set fire, or cause to be set on fire, any tree, forest, brush land, grassland, meadow, prairie, marsh, refuse container or structure.
- b. Build a fire anywhere, for any purpose, except in provided fireplaces, grills, or appropriate receptacles.
- c. Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker, firework, sparkler, or match.
- d. Build any fire whatsoever, for any purpose in or out of a receptacle or fireplace and leave it unattended, unless such fire is properly extinguished. For the purpose of this ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals, and unburned substance is cold to the human touch.
- e. Cause, suffer, or allow the burning of any garbage, refuse, waste material, trash, motor vehicle (or any part thereof) or other combustibles within or adjacent to the park so as to cause smoke, haze, odor, sparks, dust, dirt, or other type matter or gaseous substance to come upon or pass through or over the park which would cause an air pollution nuisance or damage to persons or property.

Chapter IV - Regulation of Sports and Games

No person shall upon or in connection with any property of the District:

Section 1 - Swimming: Swim, wade, or bathe at any time in any of the rivers, ponds, lakes, pools, streams, sloughs, or watercourses except at such place or places as may be designated by the Director and then only in accordance with the rules, regulations, and restrictions established and posted.

Section 2 - Watercraft: Bring into, attempt to launch or use, or navigate any boat, yacht, canoe, raft, kayak or other watercraft upon the waters of any watercourse, lagoon, lake, pond, or slough, except at such place or places as may be designated by the Director. Where allowed, watercraft shall be used in accordance with District rules, regulations and restrictions established and posted as well as all applicable statutes of the State of Illinois and the United States.

Section 3 – Engine-Powered Models or Toys: Start, fly or use any fuel-powered engine or jet-type or electric-powered model aircraft, drone, boat or rocket or like powered toy or model, except at those areas or waters designated by the Director for such use and then only in accordance with such rules, regulations and restrictions established and posted by the Director.

Section 4 - Bicycling:

- a. Ride a bicycle on any path, trail, roadway or other area posted prohibiting bicycles.
- b. Fail to ride a bicycle as closely as possible to the right-hand side of any road, trail or path, as conditions shall permit.
- c. Carry another person on the handlebars, frame or fender or so ride on a bicycle except on a suitable seat attached to such bicycle for such purpose or operate a bicycle in a reckless manner so as to endanger pedestrians or the rider or riders thereon.
- d. Ride a bicycle on any path or trail more than two abreast or on any roadway or road used by the public for regular motor vehicle access in any other manner than single file.
- e. Cause any bicycle to jump curb or ramp onto any structure.
- f. Ride a bicycle in an enclosed skate park unless otherwise posted by the District.

Section 5 - Skateboarding, In-Line Skating, and Roller Skating Prohibited: No person shall ride a skateboard, in-line skate, or roller skate, or cause or permit same to roll or coast within any recreational area, parking lot, facility, or on any sidewalk or roadway in a park except in areas specifically designated for such activity. This activity is permitted on all bike paths.

Section 6 - Sound or Energy Amplification: Play or operate any sound amplification devices including radios, television sets, public address systems, musical instruments and the like, or operate any other energy amplification device in such a way as to be audible beyond the immediate vicinity of such device or musical instrument without a permit from the Director, and no such permit shall be issued or maintained where sound produced by such devices is judged by the Director to be a public annoyance.

Section 7 - Winter Sports:

- a. Sled, toboggan, ski, snow kite, or slide on any area except those areas designated by the Director, provided that these areas have not been posted as being “unsafe” or “hazardous” or as being “closed” due to inadequate snow cover or other environmental conditions.
- b. The construction of jumps for sledding, tobogganing, or skiing is prohibited.
- c. Enter on or upon any frozen waters for any purpose whatsoever other than in areas designated by the Director for such and then only in compliance with the rules and regulations posted.

- d. Fish through the ice on any frozen waters or parts thereof designated as ice skating areas by the Director.
- e. Bring onto or upon the frozen waters of any lake, pond, or watercourse any iceboat or wind-driven-like device or other vehicle.

Section 8 - Field and Team Sports: Play or engage in any team sport or game such as, but not limited to, baseball, rugby, softball, football, soccer, field hockey, volleyball, lacrosse, or horseshoes in such a manner as to interfere with other persons lawfully using said areas.

Section 9 - Golfing in Parks: Play golf, or hit or putt golf balls within or into the parks except upon established golf courses and driving ranges during operational hours; intentionally hit a golf ball into or across the Fox River or onto property not owned by the District.

Section 10 - Amusement Contraptions: Bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget, without a permit.

Section 11 - Aviation: Make any ascent in a balloon, ultra-lite, airplane, glider, hand glider, kite or any descent in or from any balloon, ultra-lite, airplane, glider, hand glider, kite or parachute without a permit therefore.

Section 12 - Fortune Telling and Gambling:

- a. Tell fortunes.
- b. Manage, operate, or engage in gambling of any form.

Chapter V - Regulation of Vehicles, Traffic and Parking

No person shall in connection with any property of the District:

Section 1 - Vehicle Operation and Equipment: Operate, or cause to be operated, any motorized vehicle that does not comply with or in a manner that does not comply with the Vehicle Code of the State of Illinois or other law or laws of the State of Illinois or ordinance of the City of St. Charles, Illinois where applicable, together with such regulations as are contained in this ordinance and as from time to time amended, having to do with the equipment, control, licensing, registering and use of motorized vehicles and/or the licensing of operators of such vehicles.

Section 2 - Vehicle Types and Access:

- a. Operate, or cause to be operated, any vehicle anywhere except on the roads, drives, and parking areas provided, without a permit from the Director and then only in compliance with the directions and restrictions of the police.
- b. Operate, or cause to be operated, any motor vehicle anywhere that is not licensed or permitted to be operated on the roads, streets, and highways of the State of Illinois without a permit from the Director and then only in those areas specified and in accordance with the rules and restrictions duly set forth. Vehicles not so licensed and,

therefore, subject to the provisions of this sub-section include, but are not limited to, snowmobiles, go carts, golf carts, trail bikes, mini bikes, ATV's, and other such all-terrain, off-the-road vehicles.

- c. Operate or move, or cause to be operated or moved, any vehicle closed in as a result of the closing of the park at the proper posted time, without written permission of the Director or until such time that the park is officially opened.
- d. Operate a vehicle on any road, drive or parking area posted, gated or barricaded as closed to public traffic.
- e. Violate any provision of the Illinois Vehicle Code, 625 ILCS 5/1 et seq.
- f. Park a vehicle in a designated handicapped parking zone, which shall be in accordance with the posted directions, markings, or directions of any attendant present, unless authorized to do so by appropriate designation.
- g. Fail to immediately notify a park employee or police officer of an emergency breakdown requiring the assistance of a tow truck, mechanic, or other person.
- h. Fail to equip a vehicle with a good and sufficiently audible signaling device in efficient working condition; however, the use of siren sounding devices or other types of signaling devices which make unusually loud or unnecessary noise is prohibited.

Section 3 - Right-of-Way: Operate a motor vehicle in such a manner as to fail to yield the right-of-way to pedestrians, bikers, and equestrians, or to deprive or unreasonably interfere with the equal rights of any other person to use the property of the District.

Section 4 - Parking:

- a. Park a vehicle overnight without a permit from the Director.
- b. Park a vehicle in such a way as to block another parked vehicle.
- c. Park a vehicle in such a way as to block, restrict or impede the normal flow of traffic.
- d. Park a vehicle in a zone or area posted prohibiting parking.
- e. Park a vehicle on turf, meadow, prairie, marsh, field, in a woodland or on the exposed roots of any tree or shrub, except in an emergency or when directed to do so by the police, the District, or as a matter of public safety.
- f. Leave any vehicle anywhere in the park more than 24 hours due to a mechanical failure.
- g. Violation of Section 4, Paragraphs a-f will result in towing of the vehicle at owner's expense.

Section 5 - Speed Limits: Operate, propel, or cause to be propelled a vehicle on any road, drive, or parking area at a speed greater than the speed limit posted along the right-of-way or, in the absence of such posted limit, at a speed in excess of 10 mph.

Section 6 - Signs: Fail to observe all traffic signs and control devices erected and maintained by the District indicating speed, direction, restrictions as to vehicular use, caution, stopping or parking.

Section 7 - Negligent or Careless Driving: Operate any motor vehicle in the park in a reckless or wanton manner, or carelessly so as to endanger life or property. No person in a park shall ride upon or hang onto the fenders or any other outside part of any vehicle.

Section 8 – Overweight: Operate any motor vehicle having a gross weight capacity, including vehicle and maximum load in excess of 8,000 pounds, or any vehicle which requires the driver to hold a Class C, B, or A license, as defined in 92 Ill. Adm. Code § 1030.30, except emergency vehicles as defined in the Illinois Motor Vehicle Code (See 625 ILCS 5/15-101 (b)), without a permit from the Director.

Section 9 - Improper Vehicle Operation:

- a. Operate a motor vehicle at a rate of speed or in any manner that is unreasonable or imprudent not having regard to the traffic and use of the way, condition of the weather, visibility, condition of the roadway and other surrounding conditions, so as to endanger the life and limb or injure the property of any persons.
- b. Operate a vehicle in such a manner as to deprive or unreasonably interfere with the equal rights of any other person to the use of such public street or highway.
- c. Operate a vehicle in such a manner as to cause or produce unnecessary loud, raucous, excessive or unusual noise by any means, including but not limited to, the racing of the motor, by lack of a muffler or use of a muffler cutout, by tire friction upon rapid turning or weaving, by spinning of the wheels from standing or slow moving position produced by sudden unnecessary motor acceleration, or by continuous unnecessary sounding of a horn or other signal device.
- d. Operate a vehicle in disregard of any sign, signal, marking or device erected, constructed or created by the city or any public body or official having jurisdiction for the purposes of regulating, warning or guiding traffic, or contrary to the order or direction of any police officer or other person duly authorized to direct or regulate traffic.
- e. Operate a vehicle and intentionally accelerate causing the rubber tires to spin, mark and deface the park or roadway surface.

Section 10 - Driving While Under the Influence of Intoxicating Liquor or Drugs: No person shall drive, operate, or be in possession or control of, or attempt to drive or operate, any vehicle on any Park District property while under the influence of intoxicating liquor or drugs or a controlled or a “look-alike” substance.

CHAPTER VI – Regulation of Personal Conduct and Behavior

No person shall upon or in connection with any property of the District:

Section 1 - Vending and Advertising:

- a. No person or organization shall upon or in connection with any property of the District expose or offer for sale any articles or things, or conduct or solicit any business, trade, occupation, or profession without written authorization approved by the Director, and then only in accordance with the terms and conditions, of such written authorization, it being the intention of the District to control commercial enterprises or sales on District lands to ensure the public unimpeded use and enjoyment of the parks without being subjected to purely commercial exploitation.

- b. No person or organization shall upon or in connection with any property of the District fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or objects containing advertising matter or announcements of any kind whatsoever on any tree, shrub, post, building, gate, District sign, or other District structure or property except in areas expressly designated for such use.
- c. Groups holding a valid picnic, camping, or special event permit may display signs to identify their location or direct others to such location, provided that such signs are temporary and are removed by the permittee at the termination of the activity and provided that such signs are no larger than 24" x 30" and are not attached to any tree, shrub, post, building, gate, District sign, or other District structure or property.
- d. No person or organization shall distribute, display, post, or fix any sign, handbill, pamphlet, circular or any other writing or printed material or objects within any District building except in areas expressly designated for such use.

Section 2 - Unlawful Obstructions:

- a. Set or place or cause to be set or placed any goods, wares, or merchandise or any stand, cart or vehicle for transportation or vending of any such goods, wares, or merchandise or any other article upon any property of the District to the obstruction of use of any park or to the detriment of the appearance of the park.
- b. By force, threat, intimidation or by any unlawful fencing or enclosing or any other unlawful means prevent or obstruct or combine and conspire with others to prevent or obstruct any person from peacefully entering upon any property of the District or preventing or obstructing free passage or transit over or through any lands or waters of the District or obstruct the entrance into any enclosure within the District, except that nothing in this section shall be construed to deny lawful enforcement of a valid permit granting a certain person or persons' use to the exclusion of others as defined and provided for in this ordinance.
- c. Enter, without invitation or having paid appropriate admission fee, any area, building, or place which has been rented or otherwise reserved for any purpose; nor shall anyone enter any concession in any of the parks of the District without the consent of the concessionaire or duly authorized agent or employee; nor shall any person disturb any patron of such concession, any participant in any dance, game, picnic, or a public assemblage authorized by the Board; nor shall any person loiter in the immediate area of any such concession as to impede free access to such concession by other park patrons or the flow of pedestrian traffic in and about the area of such concessions.

Section 3 - Unlawful Construction or Maintenance: Erect, construct, install, or perform any maintenance on, below, over or across a park except by proper authorization of the District authorizing such activity and then only in accordance with written permission of the Director specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such authorization.

Section 4 – Drug or Alcohol Abuse: Be present under the influence of any liquor, beer, drug, narcotic or controlled or “look-alike” substance, including but not limited to, medical cannabis, or possess, give away, sell, serve, dispense or drink any alcoholic beverage, or possess, sell, deliver, smoke, inhale, inject, eat, chew, or swallow any beer, wine, other alcoholic beverage, narcotic drug, or controlled or “look-alike” substance, including but not limited to, medical cannabis.

Notwithstanding the foregoing, the Park Board, in its sole discretion, may grant a governmental or non-governmental organization express written permission to serve, but not sell, liquor, beer, wine, and other alcoholic beverages at a specified event occurring on any property under the District’s jurisdiction. Permission shall be granted only if the organization obtains dram shop liability coverage for the premises in the amount that is at least equal to the maximum liability amount set out in the Illinois Liquor Control Act, 235 ILCS 5/1-1 et. seq., plus \$1 million in Liability insurance, naming the St. Charles Park District, its Board members, officer, agents, employees, and assigns as additional insured’s. The organization shall provide certificates of insurance to the Director indicating conformity with the obligations imposed herein prior to the particular event. The Park Board may impose additional restrictions as deemed appropriate or necessary.

Section 5 – Weapons and Harmful Substances: At any time have in his possession or on or about his person, concealed or otherwise, any firearm, paint ball gun, club, any device capable of discharging a projectile by air, spirit, liquid or gaseous substance or dangerous knives or any other dangerous weapon; nor throw or cast any stones or other missiles. Nothing contained herein shall be construed to prevent duly sworn police officers from carrying such weapons as may be authorized and necessary in the discharge of their duties nor shall it apply to any person summoned by such officer to assist in making arrests or preserving the peace while such person is engaged in assisting.

Nothing in this Section shall prohibit an individual who possesses the necessary license, from carrying a concealed firearm on or about his or her person within his or her vehicle into the parking area of Park District premises, nor shall it prohibit an individual who possesses the necessary license from storing a firearm or ammunition concealed in a case within his or her locked vehicle or locked container out of plain view within the vehicle in the parking area. Nothing in this Section shall prohibit an individual who possesses the necessary license from carrying a concealed firearm in the immediate area surrounding his or her vehicle within the parking lot area of Park District premises only for the limited purpose of storing or retrieving a firearm within the vehicle’s trunk, provided the individual ensures the concealed firearm is unloaded prior to exiting the vehicle.

Section 6 - Hindering or Bribing Employees:

- a. Interfere with, unreasonably disrupt, delay or hinder performance of the duties of District employees.

- b. Give or offer to give an employee any money, gift, privilege, or article of value on or off District property in order to violate the provisions of this ordinance or any other District ordinance, contract, or permit or statute of the State of Illinois or the United States or in order to gain or receive special consideration in applying for any use or privilege or to gain special consideration and treatment in the use of any District property or facility.

Section 7 - Use of Facilities Restricted as to Sex: Except for young children, enter into or remain in any toilet, restroom, bathhouse, pavilion or structure or section thereof, which has been reserved and designated for use of the opposite sex.

Section 8 - Disorderly Conduct: Engage in conduct that is disorderly. Persons shall be deemed to have engaged in disorderly conduct when they knowingly:

- a. Act in such manner as to provoke, make or aid in making a breach of peace.
- b. Make any offensive act, utterance, gesture or display which, under the circumstances, is likely to incite imminent lawless action or creates a clear and present danger of a breach of peace or imminent threat of violence.
- c. Refuse or fail to cease and desist any conduct or activity likely to produce a breach of peace where there is imminent threat of violence, and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that said conduct and activity be stopped and have explained the request if there be time.
- d. Fail to obey a lawful order of dispersal by a person known by him to be a police officer or park safety employee.
- e. Assemble with other persons for the purpose of using force or violence to disturb the public peace.
- f. Contribute to the delinquency of a minor while within the park system.

Section 9 - Public Indecency: Engage in conduct that is publicly indecent. Persons shall be deemed to have committed an act of public indecency when they perform any of the following acts:

- a. An act of sexual intercourse.
- b. An act of deviate sexual conduct.
- c. A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person.
- d. A lewd fondling or caress of the body of another person of either sex.
- e. An act of public urination or defecation.

Section 10 - Obscene or Indecent Books and Pamphlets: Exhibit, sell, or offer to sell or give away any obscene or indecent book, pamphlet, paper, drawing, movie film, video tape, picture, photograph, or any other obscene or indecent article of any kind.

Section 11 - Control and Treatment of Animals: (Nothing in this section shall be construed to prohibit the controlled use of certain animals approved by the Director for purposes of public display or public safety, such as but not limited to, the protection of District property or the protection of employees in the performance of their duties or search and rescue.)

- a. Bring in, lead or carry any dog, cat or other animal that is unleashed or on a leash, except within those areas designated by the Director, and then only in accordance with the rules and restrictions duly promulgated for the control of such area or areas.
- b. Willfully or neglectfully cause or allow or release any animal or fowl, wild, domestic or pet, to run or remain at large, except within those areas designated by the Director and then only in accordance with the rules and restrictions duly promulgated for the control of such area or areas.
- c. Torture, whip, beat, or cruelly treat or neglect any animal.
- d. Bring in, drive, ride, or lead in any animal, except that horses and other beasts of burden and draft animals may be ridden or led, or driven ahead of vehicles attached thereto on such portions of the park as may be designated by the Director and then only in accordance with the provisions of this ordinance and the rules and restrictions duly promulgated for the control of such area or areas.
- e. Bring in, drive, ride or carry any wild, domestic or pet predator animal or bird, leashed or unleashed, into the District property or part thereof designated as a nature preserve or nature area or historic site unless such animal is kept confined within a closed vehicle or trailer.
- f. Permit to remain any manure/feces produced or deposited by any animal owned by him or within his control.

Section 12 - Commercial Photography: Take or cause to be taken any still or motion pictures or video recordings, for commercial purposes or for use in commercial advertising, without written permission of the Director and then only in accordance with the rules and restrictions duly set forth as part of such permit.

Section 13 - Honoring Permits: By act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into any structures designated for the use of a certain person or persons to the exclusion of others by written permission of the Director.

Section 14 - Pyrotechnics: Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, sparklers, rockets, black powder devices, or other pyrotechnics, except in accordance with written contract approved by the Board.

Section 15 - Smoking Restrictions for Park Facilities: Section 15 – Use of Tobacco Products Prohibited on Park District Property Unless Designated: In light of the finding that tobacco is a harmful and dangerous carcinogen to human beings and a hazard to public health, the Board believes that tobacco use in the proximity of youth and adults, indoors or outdoors, is detrimental to their health and can be offensive. The Board has determined that it is in the best interest of the health, safety and welfare of all persons using Park District property, including all outdoor parks, facilities, buildings and vehicles, that tobacco be prohibited. This prohibition on tobacco in outdoor parks shall not apply to parking lots, personally owned vehicles, and the Pottawatomie Golf Course.

Signs shall be conspicuously posted providing notice to the general public that tobacco use is prohibited pursuant to this Ordinance and subject to penalty for violation.

Any person who uses tobacco in an area where tobacco is prohibited by the provisions of this Ordinance shall be guilty of infraction punishable by a fine not exceeding FIFTY DOLLARS (\$50.00). Violation of this Ordinance by a person may result in the suspension or revocation of that person's right to use Park District property.

Section 16 - Closed Areas: No unauthorized person in a park shall enter an area posted as "Closed to the Public", nor shall any person use or abet the use of any area in violation of posted notices.

Section 17 - Policy to Prohibit Gangs and Gang-Related Activities: The Board is responsible for the safe, orderly and efficient operation of all Park District activities and the maintenance of all Park District property for the citizens whom it serves. The Board believes that gangs and gang-related activities are contrary to a proper environment for Park District activities and enjoyment of Park District grounds and facilities. Accordingly, the Board prohibits gang activities and gang-related activities on Park District property or at any activity or program associated with the St. Charles Park District. Gang activity and gang-related activity include those activities which involve or relate to criminal practices. No person shall, while on Park District property or participating in any Park District activity or program, do the following:

- a. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other thing which is evidence of membership in or affiliation with any gang;
- b. Draw or mark gang graffiti on Park District property, or distribute gang-related literature to further gang goals or activities;
- c. Use any speech, including verbal or non-verbal expression such as gestures, handshakes, etc., or commit any act or omission in furtherance of gang activity;

- d. Solicit others for membership in any gang;
- e. Request any person to pay protection to a gang or otherwise act to extort or intimidate any person;
- f. Commit any other illegal act or other violation of Park District policies, rules or regulations as part of gang activities; or
- g. Incite other persons to act with physical violence upon any other person as part of gang activities.
- h. Any person who violates this policy shall be subject to exclusion from Park District activities and Park District property and may be further subject to referral to appropriate authorities for criminal prosecution.

Chapter VII – Enforcement

Section 1 - Police: All sworn police officers have the power and are authorized to arrest any persons found in the act of violating any ordinance of the District or rule or regulation thereof or law of the State of Illinois or ordinance of the City of St. Charles where applicable and to eject said person from any park or portion thereof for violation of any such ordinance, rules, regulation, or statute.

Section 2 - Resisting or Interfering: No person shall resist any Commissioner or employee of the District or sworn police officer in the discharge of his duty, or fail or refuse to obey any lawful command of any such Commissioner or employee or police officer or in any way interfere with or hinder or prevent any such Commissioner or employee or police officer from discharging his duty, or in any manner assist or give aid to any person in custody to escape or to attempt to escape from custody, or rescue or attempt to rescue any person when in such custody.

Section 3 - Enforcement

- a. **Officials:** The Commissioners, all Park District employees, and police officers shall, in conjunction with their duties imposed by law, diligently enforce the provisions of this ordinance.
- b. **Ejectment:** The Commissioners, all Park District employees, and police officers shall have the authority to eject from the park any person acting in violation of this ordinance.
- c. **Seizure of Property:** The Commissioners, all Park District employees, and police officers shall have the authority to seize and confiscate any property, thing, or device in or used in the parks in violation of this ordinance.

Banishment from Park District Property

The Commissioners, Park District employees and police officers shall have the authority to banish individuals from Park District property who are acting in violation of this ordinance.

Section 4 - Impersonation of Officers: No person shall falsely represent or impersonate any police officer or pretend to be a police officer.

Section 5 - Two Penalties, One Judgment: In all cases where the same offense shall be made punishable or shall be created by different clauses or sections of this or any other ordinance or statute, the police or other duly sworn peace officer or person prosecuting may elect under which to proceed but not more than one judgment shall be had against the same person for the same offense.

Section 6 - Fines and Penalties:

- a. Any person found guilty of violating any provision of this ordinance, other than those in Section 4 of Chapter V thereof, shall be fined an amount not less than \$20.00 but not more than \$1,000.00 the current applicable fine permitted by state statutes, laws, regulations, etc. for each offense, and any person found guilty of violating any provision of Section 4 of Chapter V of the ordinance aforesaid shall be fined an amount of \$25.00 for each offense.
- b. Any person found to be intentionally hitting a golf ball into or across the Fox River or onto property not owned by the Park District will be expelled from Pottawatomie Golf Course and/or any and all Park District properties for a minimum of a one-year period or longer, depending upon the circumstances. Additionally, such person will be subject to the fines stated in paragraph a. above.
- c. Persons found guilty of violating the provisions of Chapter III of this ordinance may, in lieu of a fine, be assigned to manual labor on District property under District supervision, such labor time not to exceed the fine considered appropriate divided by the prevailing minimum hourly wage.

Section 7 - Payment of Violations Without Court Action: In case of any violations of the provisions of Chapter II-Section 2; Chapter IV-Sections 2, 4, 5, 6, and 9; and Chapter VI-Sections 4, 5, 6, 7, 8, 9, 10, 11 and 15, if such violation in the opinion of the police officer detecting such violation is of such a nature or kind that it does not tend to immediately endanger the public safety, such police officer may indicate on the Complaint and Notice to Appear the payment of the minimum penalty as herein provided. The minimum penalty for such violation without appearance in court is payment of the sum of FIFTY DOLLARS (\$50.00) within 14 days from the date of the issuance of the said NOTICE OF VIOLATION.

In case of any violation of the provision of Section 4 of Chapter V of this ordinance, the minimum penalty without appearance in court is payment of the sum of TWENTY-FIVE DOLLARS (\$25.00) within fourteen (14) days from the date of the issuance of the said

complaint or notice of violation. After written notice by mail of such violation is sent to the violator or in cases of unattended vehicle offenses, to the person to whom the state license for such vehicle has been issued, the payment shall be FIFTY DOLLARS (\$50.00). The fine for violation of handicapped parking regulations will be TWO HUNDRED FIFTY DOLLARS (\$250.00).

Payments as described above shall be made payable to the St. Charles Park District and delivered or sent to the District's Business Department or applicable police department. In case of failure to make payments as herein provided, the officer issuing the complaint shall forthwith transmit the complaint to the Clerk of the Circuit Court of Kane or DuPage County as appropriate. All monies received shall be turned over to the Business Department of the District or applicable police department.

Section 8 - Rules and Regulations: The Board and/or the Director shall from time to time promulgate and make reasonable rules and regulations governing the use of the various areas, facilities, devices and vehicles within the parks, and such rules and regulations shall become binding and effective upon their being posted at the entrance to the facility or areas governed by them and shall be enforced with the same force and effect as the other provisions of this ordinance.

Section 9 - Authority of Other Agencies: Nothing in this ordinance shall be construed to prevent other police officers from carrying out their own duties within the boundaries of the District as defined by applicable laws of the State of Illinois and United States or ordinances of Kane or DuPage Counties, Illinois, or in accord with any other Policing Agreement approved by the Board.

Section 10 - Permits and Designated Areas - Authority: To carry out the terms of this ordinance, the Director is hereby directed to issue permits, post notices, or take other action as called for herein, subject to the guidelines herein set forth. It is the policy of the Park District that no person shall be discriminated against on the basis of race, color, religion, sex, national origin, ancestry, disability, political affiliation, age, military status, unfavorable discharge from military service, marital status, sexual orientation, arrest record, or being a victim of domestic or sexual violence.

- a. The Director shall have the authority to designate areas, facilities, or waters suitable for various activities or use, to close parks or parts thereof in the interest of public health, safety, or general welfare, or in order to protect the natural resources of the parks from unreasonable harm.
- b. The Director shall issue permits as required by Section 10 of this ordinance upon receipt of proper application therefore, including the payment of such reasonable fees and evidence of acceptable liability insurance, if required, as may be established by the District, unless:

1. A permit for the same time and location has been previously issued and the activity or use authorized under such permit does not reasonably permit multiple occupancy of the particular area.
 2. The proposed activity or use will present a clear and present danger to the public health or safety.
 3. The proposed activity or use will entail extraordinary expense or operational costs by the District, as determined by the District.
 4. The proposed activity or use involves excessive noise or disruption, is not reasonably compatible with the type of park, size and character of the area or waters involved and the facilities available, or may be reasonably expected to cause damage to the natural environment of the park.
 5. The proposed activity or use would constitute a violation of any local, state, or federal law.
- c. The Director may impose reasonable restrictions on the granting of a permit under this section, regarding the open dates for reserved area use, the length of time an area will be held for reserved use, the use of ground fires, the use of sound and energy amplification devices, amusement devices, off-road vehicle access, the number of persons present, location and type of any tents, bandstands, stages, or temporary structures, the use of domestic, pet, or trained animals, the use of shelters or structures, the collecting for any purpose of any water, soils, minerals, flora, or fauna, the type and location of sports or games or any other activity which creates unreasonable risk of damage to District property.
- d. The Director may require the individual or organization requesting a permit for any contest, bazaar, craft show, sale of products or food, catering of food, amusement contraption, sporting event, picnic, children's day camp, or other special events to provide proof of liability insurance coverage, including a Certificate of Insurance naming the St. Charles Park District, its board members, officers, agents, employees, and assigns as additional insureds, and may establish a reasonable amount for such coverage. The Director may further require such individual or organization to furnish additional approved security forces at the applicant's expense, with such security to act under District supervision.
- e. All permits required by this ordinance and issued by the Director shall be issued at the District administration offices on a first-come, first-served basis beginning the first working day of December for open dates or for such total number allowed during that calendar year. All applications for permits shall be submitted at least two weeks in advance of the earliest requested date, provided that the Director may waive the two week period in the interest of public health or safety.

- f. In order to ensure compliance with these regulations, the Director is authorized to seek reasonable information regarding any proposed use, activity, or privilege and require a record of such information on a permit application.
- g. No person shall misrepresent, falsify, or withhold such required information.
- h. The Director shall, in the event a request for a permit is denied, provide the requesting party(s) the reasons, in writing, for such denial. Any aggrieved person shall then have the right to petition the Board, in writing, regarding the denial or restriction of use or activity and shall be properly heard by the Board as the President shall direct.
- i. No person granted a permit shall violate the requirements, terms, conditions, restrictions, or rules duly set forth under the authority of this ordinance as part of any granted permit or registration.
- j. The Board may set forth in other ordinances, policy statements or administrative regulations such permit or registration fees as it deems proper and may change them from time to time.
- k. No person shall obtain or use any permit without paying the fee established, or presenting acceptable evidence of liability insurance, if applicable.
- l. All designated areas, waters, or facilities and all permit restrictions, rules and regulations or conditions are subject to review at any time by the Board.

Section 11 - Civil Suits: Nothing in this ordinance shall be construed to prevent or preclude the lawful use by the District of civil remedy at law, to correct an abuse or loss suffered by the District as a result of violation of this ordinance or any other federal, state or local law.

Section 12 - State, United States, and Local Laws: All persons within the parks of the St. Charles Park District are subject to all ordinances, rules and regulations of the District, as well as all applicable laws of the United States, State of Illinois and local ordinances of the City of St. Charles, Illinois, and Kane County, Illinois, as amended and changed from time to time. These laws include, but are not limited to, the Illinois Vehicle Code, the Criminal Code of the State of Illinois and Game and Fish Codes of the State of Illinois, as amended and changed from time to time.

Chapter VIII – Miscellaneous

Section 1 - Conduct: All District ordinances and parts of ordinances and all resolutions and orders, or any parts thereof, in conflict with this ordinance, or any parts thereof, are hereby repealed.

Section 2 - Enactment: This ordinance shall be in full force and effect from and after its passage, approval and publication, as by statute in such cases made and provided.

Section 3 - Captions and Headings: The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

Section 4 - Severability: The provisions of this ordinance shall be deemed to be severable and the invalidity or unenforceability of any provisions shall not affect the validity and enforceability of the other provisions hereof.

Section 5 - Aiding or Abetting Violations: Every person who commits, attempts to commit, conspires to commit or aids and abets any acts or omission prohibited in this ordinance or any rules or regulations of the District, whether individually or in consort with one or more other persons as principal, agent or accessory shall be deemed accountable for the act or omission prohibited by this ordinance or rule or regulation of the District.

Chapter IX - Policy and Administrative Regulations

The Board of Commissioners is hereby empowered to make and enforce policies and administrative regulations necessary to make effective the provisions of this ordinance and to make and enforce temporary rules and regulations to cover emergencies or special conditions.

Chapter X – Amendments

This ordinance may be amended from time to time by the District and such amendment may be shown by either marking the section amended or attaching the amendment to this ordinance, or filling in the below schedule of information:

DATE	CHAPTER	SECTION	TIME OR DESCRIPTION

Passed and approved by the Board of Commissioners of the St. Charles Park District this _____ day of _____, _____.

This Ordinance has been amended, effective June 9, 2009.

ST. CHARLES PARK DISTRICT
Ordinance No. 0-9293-3-1
AN ORDINANCE REGULATING THE USE OF WATERCRAFT
ON PARK DISTRICT PROPERTY

WHEREAS, the Park District is vested with the authority to adopt all necessary ordinances for the proper management and conduct of the Park District and for the government and protection of the Park District property; and

WHEREAS, the Park District provides a public launch site, the Boy Scout Island Boat Launch, for watercraft, including motorboats, personal watercraft, canoes, kayaks, and other boats for operation on the Fox River; and

WHEREAS, the excessive noise of Motorboats and Personal Watercraft disrupts the peace and quiet in the immediate area of their operation; and

WHEREAS, when Motorboats and Personal Watercraft create a substantial wake that erodes the shoreline and capsizes canoes, kayaks and other boats, such wake causes other watercraft operators to stop using the Fox River for recreational purposes; and

WHEREAS, Motorboats and Personal Watercraft disrupt wildlife within the confined area of their operation; and

WHEREAS, it is the opinion and belief of the Park District that Motorboats and Personal Watercraft as defined in this Ordinance pose a substantial threat to the health, safety and welfare of the individuals who use the Fox River within the boundaries of the Park District for boating and other purposes; and

WHEREAS, the Park District adopts this Ordinance regulating the use of Watercraft, including Motorboats and Personal Watercraft, on Park District property to protect the members of the public who use Park District property and facilities for boating and other purposes;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Commissioners of the St. Charles Park District:

SECTION 1: “Vessel” or “Watercraft” is every description of watercraft as defined in the Boat Registration and Safety Act, Ill. Rev. Stat. ch. 95 1/2, par. 311-2, that is used or capable of being used as a means of transportation on water, except a seaplane, inner tube, air mattress or similar device.

SECTION 2: “Motorboat” is any vessel as defined in the Boat Registration and Safety Act, Ill. Rev. Stat. Ch. 95 1/2, par. 311-2, that is propelled by machinery, whether or not such machinery is the principal source of propulsion.

SECTION 3: “Personal Watercraft” is any type of vessel or watercraft as defined under the Boat Registration and Safety Act, Ill. Rev. Stat. Ch. 95 1/2, par. 311-2, that uses an inboard motor

powering a water jet pump as its primary source of motor power and is designed to be operated by a person or persons sitting, standing or kneeling on the vessel.

SECTION 4: Every watercraft other than sailboards, including canoes and kayaks, must be registered, numbered and titled under the provisions of the Boat Registration and Safety Act, III. Rev. Stat. Ch. 95 1/2, pars. 313-1 through 313A-21. Display of such numbers or evidence of application made must be in accordance with the applicable provisions of the Boat Registration and Safety Act.

SECTION 5: All watercraft operators, including operators of canoes and kayaks, are required to have on board for each person a United States Coast Guard-approved Type I, Type II or Type III PFD (Personal Flotation Device). All Motorboat and Personal Watercraft operators are required to have on board for each person a United States Coast Guard-approved Type I, Type II, Type III or Type V PFD, and at least one Type IV PFD for a watercraft 16 feet or more in length in addition to the other required PFD's. Every required PFD must be readily accessible, in serviceable condition, of the appropriate size for the person for whom it is intended, and legibly marked with the U.S. Coast Guard approval number.

SECTION 6: All vessels less than 26 feet in length must carry and display lights as follows when underway from sunset to sunrise:

- a. A bright, white light aft to show all around the horizon, visible on a dark night with clear atmosphere for a distance of 2 miles.
- b. A combination light in the forepart of the boat lower than the white light aft showing green to starboard and red to port, so fixed as to throw a light from dead ahead to 2 points abaft, or toward the stern from, the beam on their respective sides and visible for a distance of not less than 1 mile (running lights).
- c. Lights under International Rules may be displayed as an alternative to the above requirements in (a) and (b).
- d. Watercraft propelled by muscular power when underway from sunset to sunrise shall carry on board, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of 2 miles or more, and shall display such lantern in sufficient time to avoid collision with another watercraft.
- e. Every vessel 26 feet or more in length shall carry and display when underway such additional or alternate lights as required by the United States Coast Guard for watercraft of equivalent length and type.
- f. Sailboats equipped with motors and being propelled partly or solely by such motors shall carry and display the same lights required for motorboats of the same class. Sailboats less than 26 feet in length equipped with motors but being propelled entirely by sail between sunset and sunrise shall have the combination running light lighted, but not the white light aft. Sailboats 26 feet or more in length equipped with motors but being propelled

entirely by sail between sunset and sunrise shall have lighted the colored side lights suitably screened, but not the white lights prescribed for motorboats.

- g. Vessels at anchor between the hours of sunset and sunrise shall display an anchor light. An anchor light for a vessel less than 65 feet in length is an all-round white light visible for 2 miles exhibited when it can best be seen.

SECTION 7: Individuals may use, operate, launch, board or otherwise possess Motorboats and Personal Watercraft on property owned or under the control of the St. Charles Park District only during the following days and hours: seven days a week from dawn to dusk. The Park District reserves the right to close the public launch at its discretion.

SECTION 8: No person under 10 years of age may operate a motorboat. Persons at least 10 years of age and less than 12 years of age may operate a motorboat only if accompanied by and under the direct control of a parent, guardian or a person at least 18 years of age designated by a parent or guardian. All operators of Motorboats and Personal Watercraft at least 12 years of age but less than 18 years of age must either a) be accompanied and under direct control during such operation by a parent, guardian or other person designated by a parent or guardian at least 18 years of age; or b) possess a Boating Safety Certificate issued by the Department of Conservation, Division of Law Enforcement, authorizing the holder to operate motorboats.

SECTION 9: All Motorboats and Personal Watercraft must be equipped and maintained with an effective muffler or underwater exhaust system which does not produce sound levels that create excessive or unusual noise, or sound levels in excess of decibels prescribed by the Society of Automotive Engineers.

SECTION 10: All Motorboats and Personal Watercraft operators must have a mouth-, hand- or power-operated whistle, horn, or other appliance, capable of producing a blast of 2 seconds' or more duration and audible for at least one-half mile.

SECTION 11: All Motorboats and Personal Watercraft equipped with an internal combustion engine must be equipped with at least one United States Coast Guard-approved fire extinguisher readily accessible and ready for immediate and effective use.

SECTION 12: All Motorboat and Personal Watercraft operators must avoid careless operation which endangers any person or property or which is at such a speed as to prevent bringing the Motorboat or Personal Watercraft to a stop within an assured clear distance ahead.

SECTION 13: All Motorboat and Personal Watercraft operators must avoid reckless operation of their vessels which willfully or wantonly endangers any person or property, and must avoid weaving through congested traffic, jumping the wake of another vessel unreasonably or unnecessarily close to another vessel or when visibility around the other vessel is obstructed, waiting until the last possible minute to swerve to avoid a collision, or operating at an excessive rate of speed and creating a hazardous wake or wash.

SECTION 14: All Watercraft operators must observe all applicable provisions of the Boat Registration and Safety Act, Ill. Rev. Stat. Ch. 95 1/2, par. 311-1 et seq.

SECTION 15: A violation of this Ordinance may result in a fine of up to \$500, bar from future use of St. Charles Park District and its facilities and/or referral to local, state or federal authorities for criminal prosecution, which may result in confiscation of the watercraft and/or loss of the privilege of operating any watercraft on any State waterway for a period of not less than one (1) year.

Adopted this 23rd day of March, 1993, by the following vote:

AYES: Kerr, Klimek, Lundborg, Mizanin, VanBergen, Cooke

NAYS: None

ABSTENTIONS: None

/s/ J. F. Cooke
President

/s/ James O. Breen
Secretary

ST. CHARLES PARK DISTRICT
Ordinance No. O-9394-4-1
NO WAKE ORDINANCE

WHEREAS, the Park District is vested with the authority to adopt all necessary ordinances for the proper management and conduct of the Park District and for the government and protection of Park District property; and

WHEREAS, the Fox River flows through the property owned and controlled by the Park District; and

WHEREAS, the Park District provides a public launch for watercraft, including motorboats, personal watercraft, canoes, and kayaks, for operation on the Fox River; and

WHEREAS, it is the opinion and belief of the Park District that motorboat and personal watercraft operation on the Fox River creates a boating safety hazard for other boating uses such as the operation of canoes and kayaks; and

WHEREAS, it is the opinion and belief of the Park District that motorboat and personal watercraft operation on the Fox River creates a public safety concern for other water uses such as waterskiing and fishing; and

WHEREAS, it is the opinion and belief of the Park District that motorboat and personal watercraft operation on the Fox River creates substantial wakes which erode the shoreline on District property; and

WHEREAS, the Park District adopts this Ordinance designating (a) certain portion(s) of the Fox River flowing through Park District property as Slow, No Wake area(s) to protect the health and safety of the members of the public who use the Fox River, to prevent boating safety hazards and to protect the shoreline from erosion caused by the wakes created by motorboat operations; NOW, THEREFORE, BE IT HEREBY RESOLVED by the Commissioners of the St. Charles Park District:

SECTION 1: “Vessel” or “Watercraft” is every description of watercraft as defined in the Boat Registration and Safety Act, Ill. Rev. Stat. Ch. 95 1/2, par. 311-2, that is used or capable of being used as a means of transportation on water, except a seaplane, inner tube, air mattress or similar device.

SECTION 2: “Motorboat” is any vessel as defined in the Boat Registration and Safety Act, Ill. Rev. Stat. Ch. 95 1/2, par. 311-2, that is propelled by machinery, whether or not such machinery is the principal source of propulsion.

SECTION 3: “Personal Watercraft” is any type of vessel or watercraft as defined under the Boat Registration and Safety Act, Ill. Rev. Stat. Ch. 95 1/2, par. 311-2, that uses an inboard motor

powering a water jet pump as its primary source of motor power and is designed to be operated by a person or persons sitting, standing or kneeling on the vessel.

SECTION 4: “Wake” is defined as a movement of the water created by a boat underway great enough to disturb a boat at rest.

SECTION 5: A motorboat underway may not exceed five (5) miles per hour while in a posted “Slow, No Wake” area.

SECTION 6: The following portion of the Fox River flowing through the St. Charles Park District is designated as a Slow, No Wake area:

That portion of the Fox River bound on the north by Pottawatomie Golf Course Pump House on the east side and by the northern tip of Boy Scout Island on the west side, and proceeding southward to the St. Charles dam.

SECTION 7: The Park District shall place signs and/or buoys in designated Slow, No Wake areas, but if such signs or buoys have been moved by wave action or moved or removed unlawfully, motorboat operators must still observe the Slow, No Wake provisions of this Ordinance while such signs or buoys are being replaced.

SECTION 8: The Park District reserves the right to waive the requirements of the Ordinance during special events as approved by the Board of Commissioners.

SECTION 9: A violation of this Ordinance may result in a fine of \$100, confiscation of the motorboat, bar from the future use of St. Charles Park District property or facilities and/or referral to local, state or federal authorities for criminal prosecution.

Adopted this 12th day of April, 1993, by the following vote:

AYES: Kerr, Klimek, Lundborg, Mizanin, Cooke

NAYS: None

ABSTENTIONS: None

/s/ J. F. Cooke
President

/s/ James O. Breen
Secretary

This Ordinance was amended to provide for, in SECTION 9, a fine of \$100.00, effective July 24, 2001.

NOTES