



Ordinance and Conduct Booklet Batavia Park District



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BATAVIA PARK DISTRICT
ORDINANCE NO. 157

AMENDED AND RESTATED
ORDINANCES 53, 59, 62, 66, 103, 122, 125(a), 150, AND 156

RELATING TO THE CONTROL
OF THE CONDUCT
OF ALL PERSONS AND PATRONS UNDER THE JURISDICTION
OF THE BATAVIA PARK DISTRICT

WHEREAS, Chapter 70, Section 1205/8-1(d) of the Illinois Compiled Statutes, 1996, as revised, grants to the Batavia Park District (the "District") the power to establish by ordinance all rules and regulations necessary for the government and protection of parks, boulevards, driveways and other property under the jurisdiction of the District; and,

WHEREAS, Chapter 70, Section 1205/8-1(e) of the Illinois Compiled Statutes, 1996, as revised, grants to the District the power to impose such fines and penalties for violation of ordinances as it shall deem proper, provided such fines do not exceed \$500.00 for any one offense; and,

WHEREAS, pursuant to this authority, this District passed from time to time various Ordinances, including but not limited to those numbered 53, 59, 62, 66, 103, 122, 125(a), 150, and 156, all relating to the control of the conduct of all persons and patrons under the jurisdiction of the Batavia Park District; and,

WHEREAS, the Batavia Park District wishes to limit the use of its parks and to control the conduct of persons and patrons of the parks under its jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY
THE BOARD OF COMMISSIONERS OF
THE BATAVIA PARK DISTRICT, OF BATAVIA, ILLINOIS:

SECTION ONE

1.0 (Definitions)

- 1.1 "Park Official" means the members of the Board of Commissioners, the Executive Director and employees of the Park District.
- 1.2 "City" means the City of Batavia.
- 1.3 "District" means the Batavia Park District.
- 1.4 "Regulation" means any rule, resolution, regulation or ordinance duly adopted by the Board of Commissioners of the District.

- 1.5 "Park System" means all properties owned, leased or otherwise controlled by the Batavia Park District.
- 1.6 "Permit" means permit secured pursuant to Section Four of this Ordinance.
- 1.7 "Volunteer" means any person appointed by the Executive Director of Board of Commissioners to assist with Park District functions.
- 1.8 "Executive Director" means chief administrative officer of the Batavia Park District appointed by the District Board of Commissioners.
- 1.9 "Peace Officer" means any member of the Kane County Sheriff's Office or Batavia Police Department, including auxiliary policemen.
- 1.10 "Batavia Riverwalk" means the property owned, leased or otherwise controlled by the Batavia Park District and being a peninsula of land in the Fox River and north of Houston Street, Batavia, Illinois.
- 1.11 "Smoking" means inhaling, exhaling, burning or carrying by persons of any lighted cigar, pipe, cigarette, plant or other similar combustible substance in any manner or in any form

SECTION TWO

2.0 (Supervision)

- 2.1 All parks in the District shall be operated and maintained under the supervision of the Executive Director.

SECTION THREE

3.0 (Assemblies)

- 3.1 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 Executive 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. Said permits shall be issued in accordance with the requirements of SECTION FOUR (4.0 et seq) below.

SECTION FOUR

4.0 (Permits)

- 4.1 Applications for the Permit shall be filed with the Executive Director not less than ten (10) days nor more than one hundred eight (108) days before the date on which it is proposed to conduct any such activity. Such application shall be sworn to and shall state:
 - 4.1.1 The name of the person or organization wishing to conduct such activity.
 - 4.1.2 If the activity 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;
 - 4.1.3 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;
 - 4.1.4 The name address and telephone number of the person or organization to whom the Permit is desired to be issued.
 - 4.1.5 The date when such activity is to be conducted;
 - 4.1.6 The portion of the Park System for which such Permit is desired;
 - 4.1.7 An estimate of the anticipated attendance; and
 - 4.1.8 The hour when such activity will start and terminate.
- 4.2 The Executive Director shall grant and issue the Permit if:
 - 4.2.1 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;
 - 4.2.2 The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - 4.2.3 The facilities desired have not been reserved for other use at the day and hour required in the application;
 - 4.2.4 The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;

- 4.2.5 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 District;
 - 4.2.6 The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct;
 - 4.2.7 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;
 - 4.2.8 The person or organization desiring to engage in said activity, shall post with the Executive Director, cash or surety bond in an amount sufficient to cover the costs of cleaning up all debris and trash which results from this activity and restoring the premises to neat and good order.
 - 4.2.9 Is in accordance to Park District alcohol policy with regard to a properly executed and approved special use permit if alcohol is requested in the use and/or rental of Park District facilities. Otherwise refer to Park District Alcohol policy and section 11.1 of this booklet.
- 4.3 Each Permit shall state the following:
 - 4.3.1 Date of such activity;
 - 4.3.2 The portion of the Park System thereof to be used; and
 - 4.3.3 Hour when such activity will start and terminate.
 - 4.4 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.
 - 4.5 The Executive Director shall act upon the application for a park Permit within seven (7) days after the filing of same.

SECTION FIVE

5.0 (Mob Action)

- 5.1 Mob action shall consist of any of the following:

5.1.1 The use of force or violence disturbing the public peace by two (2) or more persons acting together and without authority of law; or

5.1.2 The assembly of two (2) or more persons to do an unlawful act.

5.2 No person shall engage in mob action, within the Park System.

5.3 Any participant in a mob action who does not withdraw on being commanded to do so by any Park Official, shall be guilty of a violation of this Ordinance.

SECTION SIX

6.0 (Clean up – Requirements Concerning Use of Grounds and Facilities)

6.1 Each person using the Park System, shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

SECTION SEVEN

7.0 (Vandalism)

7.1 No person shall willfully mark, deface, disfigure, injure, tamper with, displace or remove, any building, structure, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

7.2 No person shall cut, break, climb on, injure or deface, in any way, any tree, shrub, plant or turf within the Park System.

SECTION EIGHT

8.0 (Littering, Pollution)

8.1 It shall be unlawful for any Person using the Park System to either perform or permit to be performed, any of the following acts:

8.1.1 To throw, carry, cast, drag, push or deposit into the waters of any fountain, river, lake, pond, slough, stream, bay, or lagoon or upon other body of water frozen or otherwise in or

adjacent to any Park System or any tributary, stream, storm sewer, or drain flowing into such waters or waters thereof any substance, any refuse container, picnic table, barricade or any other movable or non-moveable property; or any matter or thing, liquid or solid, which will or may result in the pollution or said water.

To throw, carry, cast, drag, push or otherwise move, stack or hide any refuse container, picnic table, barricade or any other moveable or non-moveable property in such a way as to render it unavailable to the general public for its intended use or to cause a hazard to public safety or to damage or destroy such property.

8.1.2 Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, manure, or refuse; landscape or landscaping waste or byproducts, whether natural or man made; or other trash. No such waste, refuse or trash shall be placed in any waters in or contiguous to any Park System, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park System by the person responsible for its presence, and properly disposed of elsewhere.

SECTION NINE

9.0 (Speech)

9.1 No person shall use any abusive, threatening, insulting, indecent, profane, blasphemous, or obscene language or language calculated to occasion a breach of the peace or designed to incite conduct which is harmful to the public, or commit or be guilty of any obscene behavior, within the Park System.

SECTION TEN

10.0 (Disorderly Conduct and Loitering)

10.1 No person shall make, countenance or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace, in the Park System, which unreasonably interferes with or detracts from the promotion of public health, welfare, safety and recreation; such prohibitions shall include, but is not limited to, any of the following:

- 10.1.1 Any act performed in such an unreasonable manner as to provoke, make or aid in making a breach of peace;
- 10.1.2 Any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence; This shall include use of gang signs or related activity including public display of offensive apparel or tattoos.
- 10.1.3 The failure to obey a lawful order of dispersal by a person known by him to be a peace officer or park representative under circumstances where two (2) or more persons are committing or appear to be committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm, serious inconvenience or alarm;
- 10.1.4 The assembling with two (2) or more persons for the purpose of using force or violence to disturb the public peace;
- 10.1.5 The begging or soliciting of funds on any property of the District, except as otherwise specifically authorize by Permit;
- 10.1.6 The appearance on any property of the District manifestly under the influence of alcohol, narcotics or other drug not therapeutically administered, to the degree that the person so appearing endanger him(or her)self or other persons or property, or alarm or disturb other persons within his/her vicinity;
- 10.1.7 The transmittal, in any manner, to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place on or about any property owned or leased by the District that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place;
- 10.1.8 The transmittal, in any manner, to another a false alarm to the effect that a fire or other potential hazard, including but not limited to opening fire warning devices or alarms, preventive or safety equipment, or any containers thereof; or other similar structures on or about the District property.

- 10.2 No person shall commit any assault. A person commits an assault when he engages in conduct, without lawful authority, which places another in reasonable apprehension of receiving a battery, within the Park System.
- 10.3 No person shall commit battery. A person commits a battery if he intentionally or knowingly, without legal justification (a) causes bodily harm to an individual, or (b) makes physical contact of an insulting or provoking nature with an individual, within the Park System.
- 10.4 No person shall loiter, protractedly lounge or permit such loitering or protractedly lounging in, on or around any parking lots or parking facilities of the District in the Park System; or, in or around the entrance of or to the Park System or any building or improvement thereto; or on or around any abutting or adjoining fences or other boundary markings of the District; in or around any public restrooms or related facilities of the District; or in, on or around any other structures or improvement of the District within the Park System.
- 10.5 This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.

SECTION ELEVEN

- 11.0 (Alcohol and Drugs and Smoking)
 - 11.1 Unless otherwise authorized in by Special Use Permit, no person shall carry, possess, use or ingest any alcoholic liquor while in the Park System. Refer to Park District alcohol policy for details. Notification to security offices shall be forwarded by the Executive Director.
 - 11.2 No person shall carry, possess, use or ingest any drug or controlled substance illegal under the laws of the United States or the laws of the State of Illinois while in the Park System.
 - 11.3 Except in designated smoking areas, smoking within any building or enclosed structure upon the Park District property is strictly prohibited. All parking facilities of said Batavia Quarry Park are hereby specifically excluded from the smoking prohibitions contained herein.

SECTION TWELVE

12.0 (Interference)

- 12.1 No person shall prevent or hinder in any manner, any person from lawfully using any portion of the Park System, or interfere with such use in compliance with this Ordinance as the Regulations applicable to such use.
- 12.2 No person shall prevent or hinder in any manner, any Employee or Volunteer of the District while engaged in the performance of their duties, within the Park System.

SECTION THIRTEEN

13.0 (Disobedience of a Lawful Command)

- 13.1 No person shall resist any Park Official, Employee or Peace Officer in the discharge or their duty; or fail or refuse to obey any lawful command of any such Park Official, Employee, or Peace Officer; or in any way interfere with or hinder or prevent any such Park Official, Employee or Peace Officer from discharging their duty; or in any manner assist or give aid to any person in custody to escape or to attempt to escape from custody, or refuse or attempt to rescue any person when in such custody.
- 13.2 No person shall enter the Quarry Pool Area under, over, or through any fence area or in any other manner of entrance other than through the provided and designated entrances.
- 13.3 No person shall resist, fail or refuse to obey the command of any Park Official or Park System lifeguard to leave the Park System property at Quarry Park.
- 13.4 No person shall enter the Quarry Pool area without paying prescribed pool admission fee unless the fee is waived by the pool manager.

SECTION FOURTEEN

14.0 (Cruelty to Animals)

- 14.1 No person shall trap, catch, wound or kill, or treat cruelly, or attempt to trap, catch, wound or kill any bird or animal, or molest or rob any nest of any bird or animal, in the Park System.

SECTION FIFTEEN

15.0 (Animals)

- 15.1 No person shall lead, bring or allow to be loose upon any portion of Park System, any animal, except on such places and at such times as the Board of Commissioners may designate by Resolution.
- 15.2 The owner of every animal shall be responsible for the removal and sanitary disposition of excreta deposited by his animal anywhere in the Park System. When accompanying the animal onto the Park System, the owner shall have on his person suitable means for the removal of such excreta which will then be placed in a refuse container for sanitary removal.

SECTION SIXTEEN

16.0 (Intoxication)

- 16.1 No person shall enter, be or remain in the Park System while intoxicated or under the influence of a drug illegal under the laws of the United States, or the laws of the State of Illinois.

SECTION SEVENTEEN

17.0 (Missiles)

- 17.1 No person shall throw, cast or hurl any stones, clubs, sticks, clump of dirt, snowballs, or ice within the Park System.
- 17.2 While on or in any property within the Park System, no person shall throw, cast or hurl any object or projectile, including but not limited to stones, clubs, balls, sticks, clump of dirt, snowballs, or ice in the direction of a residence, building, structure or other property, real or personal, belonging to another, including the District or a constituent thereof.
- 17.3 No person shall be permitted to hit golf balls in any parks and properties owned and operated by Park District unless specifically designated by sign on said property.

SECTION EIGHTEEN

18.0 (Impersonation of Peace Officers or Park Officials)

- 18.1 No person shall represent falsely or impersonate any Peace Officer or Park Official or pretend to be a Peace Officer or Park Official, within the Park System.

SECTION NINETEEN

9.0 (Begging)

- 19.1 Except upon the express Permit issued by the Executive Director of the District, no person shall beg or solicit in or about the Park System.

SECTION TWENTY

20.0 (Sleeping in the Park System)

- 20.1 No person shall place, swing, occupy or use any hammock in the Park System, nor shall any person, sleep or otherwise remain in the Park System between the hours of sunset and sunset, unless a Permit has been obtained from the Executive Director. Said Permits shall be issued in accordance with the procedures and requirements set out in SECTION FOUR above.

SECTION TWENTY-ONE

21.0 (Firearms; Fireworks)

- 21.1 No person shall carry or possess any weapon, discharge or set off any firearms, rocket, firecracker, torpedo, squib or other fireworks or things containing any substance of an explosive nature in the Park System.
- 21.2 A person commits the offense of unlawful possession of weapons when he, within the Park System, knowingly:
- 21.2.1 Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, sling-shot, bow & arrow, sandclub, sandbag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button spring or other device in the handle of the knife; or
- 21.2.2 Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or
- 21.2.3 Carries on or about his person or in any vehicle, a tear gas gun, projector or bomb, or any other object containing noxious liquid gas or substance; or

- 21.2.4 Carries concealed in any vehicle or concealed on or about his person any pistol, revolver or other firearm; or
- 21.2.5 Sets a spring gun; or
- 21.2.6 Sells, manufactures, purchases, possesses or carries any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

21.3 Sections 21.2.4 and 21.2.5 do not apply to or affect the following:

- 21.3.1 Peace Officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.
- 21.3.2 Any agent, investigator or member of any Illinois or United States Law Enforcement Bureau, Commission or Agency authorized by law to carry weapons, while on duty in the course of any investigation from said Bureau, Commission or Agency.

SECTION TWENTY-TWO

22.0 (Use of Playgrounds and Parks)

- 22.1 Playgrounds and Parks:
No person sixteen (16) years of age or older shall in any manner use any of the playground or park apparatus or devices meant exclusively for the use of children.
- 22.2 Batavia Riverwalk:
That it shall be unlawful for any person to operate, ride or otherwise use, or to permit such operation of use of, a bicycle, skateboard, roller skates, roller blades, or any other non-pedestrian means of transportation upon any portion of the walkway commonly known as the "Batavia Riverwalk."
- 22.3 Parking:
22.3.1. When signs are erected on or about a driveway, parking lot, parking area or such other portion of the Park System owned or otherwise controlled by the District (hereafter "Parking Area"), giving notice thereof as to any limitations for or about parking thereon, including, but not limited to, a time limit as to parking, no person shall, at any time, park any motor vehicle (including but not limited to, any automobile, minibike,

motorcycles, ATV, snowmobiles, trucks, power driven models) on such Parking Area or any parts thereof except as permitted within said limitations.

22.3.1.1. All Parking Areas shall be posted with a sign at each entrance that states:

2 HR PARKING
ENTIRE LOT
7 a.m. to 3 p.m.
Except Holidays
and Park Rentals

22.3.1.2. Those Parking Areas designated by the Executive Director as Snow Event Parking Areas available to assist the City of Batavia with snow removal operations shall be posted with a sign at each entrance that states:

Parking is Permitted
Pursuant to the
City of Batavia Street
Snow Ban Parking
Ordinance

22.3.1.3. Those Parking Areas designated by the Executive Director as Extended Parking Areas shall be posted with a sign at each entrance that states:

Special Extended Parking
Available With
Displayed Permit Only

22.3.1.4. Those Parking Areas designated by the Executive Director as Towing Enforcement Parking Areas shall be posted with the statutorily required sign warning of towing at the owner's expense and providing the required information concerning the licensed towing operator authorized to perform towing operations.

22.3.2 No person shall park any vehicle or allow any vehicle to remain parked in any Parking Area beyond the normal closing hour of the District property associated with that Parking Area, except when a different closing hour has been designated by the District for that area, except or unless permission

therefore has first been obtained from the District in accordance with the procedures set forth below.

22.3.2.1 At the discretion of the Executive Director, or his or her designee, Special Extended Parking, at designated lots, shall be available, by permit, for a period of no more than five consecutive 24 hour periods. Special Parking Permits may be issued to persons associated with scouting or non-profit and religious organizations or for recreational vehicles and non-commercial trailers. To receive a permit, the vehicle must be in working condition.

22.3.2.2 The cost of each Special Parking permit shall be \$5.00 per day. Each vehicle obtaining a permit for Special Extended Parking shall display in the driver's side window a "Special Parking Permit", yellow in color, in such form as the Executive Director shall prescribe, listing beginning and ending dates of the permit. Permits shall be issued only to the owner of the vehicle upon presentation of proof of ownership, license plate number, color and description of vehicle, owner's home and work telephone numbers, and local address and telephone number where owner may be reached or otherwise contacted.

SECTION 3: PENALTY. Any person violating the provisions of this Ordinance shall be guilty of an offense against the Park District and shall be punishable by a fine of twenty five dollars (\$25.00). Should the offense include the use of improper equipment or other objects within the facility, then the offending equipment or object shall be impounded and delivered to the Batavia Police Department, at 100 N. Island Ave., Batavia, Illinois, and punishable by a fine of \$150.00.

SECTION 4: CITATIONS ("O" Tickets). A police officer having jurisdiction (whether within the City of Batavia or the County of Kane) is authorized to arrest a person without a warrant for any violation of this Ordinance and, in lieu of filing a complaint in court, in the first instance issue to such alleged violator a citation:

- a. Advising said person that he has violated a specified ordinance;
- b. Requesting him/her to make payment in an amount applicable to said alleged violation as set forth above as settlement of said violation claim; and

c. Informing him/her that upon failure to so settle, a complaint will be filed in the Circuit Court of Kane County charging him with such violation.

2. Settlement: Pursuant to said citation, the person so accused of said violation may settle and compromise the violation claim in respect to such code violation by paying to the Batavia Police Department the applicable amount as set forth in Section 3 above within a period to be specified in said citation, not more than ten (10) days of the time said alleged offense was committed.

Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the Police Department, which shall issue a receipt for the money so received and be credited to the proper fund.

3. Final Notice, Penalty: In the event that the person to whom said citation is issued fails to settle and pay said violation within the time specified in the citation, a final notice shall be mailed to him/her. When, in fact, the final notice has been mailed, the violation may then be settled and compromised by paying the amount set forth in the schedule in subsection B1 of this Section plus five dollars (\$5.00) within the time specified in the final notice.

4. Issuance Of Complaint: In the event that the person to whom the citation is issued fails to settle and pay said violation claim within the time specified in the final notice (if one is served or mailed to him), then the police officer is authorized to cause the citation (Notice to Appear - "O" Ticket) to be served upon said alleged violator and is authorized to file the same as a complaint in the Circuit Court of Kane County and prosecute the same. The officer, as an alternative, may file a formal complaint in the Circuit Court of Kane County in lieu of the citation.

5. Court Penalty, Settlement Before Court Date: In the event that payment is not made within the time prescribed in the final notice and the citation or a complaint is filed in the Circuit Court, payment of any fine and costs shall be in such amounts as may be determined and established by the Circuit Court, but not to exceed the sum of five hundred dollars (\$500.00) for any one violation; provided, that the offenses may be settled and compromised for the amount specified in the notice to appear at least three (3) working days before the Court date. Such amount shall be the amount set forth in the schedule set

forth in subsection B1 of this Section plus five dollars (\$5.00), plus Court costs.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof

SECTION 6: This Ordinance shall be effective immediately upon its passage and approval by a majority of the Board of Commissioners.

SECTION TWENTY-THREE

23.0 (General Prohibitions)

23.1 Prohibited Areas:

It shall be unlawful for any person to go upon the grass, lawn, turf, or any other portion of the Park System wherein signs and directions are posted by or by order of the Executive Director of the District prohibiting a person from entering upon the designated area.

23.2 Fishing:

No person shall perform or permit to be performed, upon or in connection with any property of the District in the Park System, the act or sport of fishing, casting or performing or permitting such performance of any and all other related activities (a) in any waters of the Park System posted against fishing, including ice fishing in Depot Pond (b) form any bridge posted "no fishing," or (c) while standing on any portion of the walkway commonly known as the "Batavia Riverwalk."

The prohibitions of this paragraph shall not include (a) the shorelines which may exist within or on the Park System, or (b) within or on the property immediately adjoining and adjacent thereto.

23.3 Destruction by Misuses of Fire:

No person shall upon or in connection with any property, be it real, personal or otherwise, of the District in the Park System:

- (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, or in appropriate receptacles;
- (c) Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker, match, or other instrument or material;
- (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; or
- (e) Cause, suffer or allow the burning or 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 substances to come upon, pass through, or over the park which would cause an air pollution nuisance or damage to persons or property.

SECTION TWENTY-FOUR

24.0 (Signs)

- 24.1 It shall be unlawful for any person to paste, glue, tack, post or otherwise affix any sign, placard, bill flyer, advertisement or inscription whatever, within the Park System. Provided that these provisions shall not apply to any properly authorized government official in pursuit of any official duty.

SECTION TWENTY-FIVE

25.0 (Selling, Distributing and Soliciting)

- 25.1 No person other than Park Officials or persons authorized by the District, acting on behalf of the Park District, shall offer or exchange for sale any article or thing, or do any hawking, peddling or soliciting, or buy or offer to buy any article or thing, or take up any collection or solicit or receive contributions of

money or anything of value, nor shall any person distribute, cast, throw or place any handbill, pamphlet, circular, advertisement or notice of any kind, except when authorized to do so by Permit from or contract with the District. Said Permit shall be issued in accordance with the procedures and requirements set out in SECTION FOUR above.

SECTION TWENTY-SIX

26.0 (Vehicles, Boats and Aircraft)

- 26.1 No person shall bring, use operate, drive or park any motor driven vehicle, boat or aircraft, including but not limited to automobiles, trucks, power driven model boats, power driven model aircraft, power driven model automobiles, minibikes, motorcycles, snowmobiles, except on a street, driveway, parking lot or such portion of the Park System and at such times as are designated by the Board of Commissioners.

SECTION TWENTY-SEVEN

27.0 (Group Activity)

- 27.1 Whenever any group, association or organization desires to use said Park System facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a Permit from the Executive Director for such purposes. The Executive Director may adopt an application form to be used by the Executive Director for such situations. Said Permit shall be issued in accordance with the procedures and requirements set out in SECTION FOUR above.

SECTION TWENTY-EIGHT

28.0 (Picnic Areas and Use)

- 28.1 No person in the Park System shall picnic or lunch in a place other than those designated for that purpose. Park Officials shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- 28.2 No person in the Park System shall use any portion of the picnic

areas or of the building or structures therein for an unreasonable time if the facilities are crowded.

SECTION TWENTY-NINE

29.0 (Hours of Operation)

29.1 Except as provided hereafter in Section 29.2 the Park System shall be open daily to the public from sunrise until sunset of any one day; and no person (other than peace officers and park officials) conducting Park business during any hours in which the Park System is not open to the public, unless the presence is pursuant to a Permit issued in accordance with this Ordinance. In case of wet weather or other emergency when the condition of the grounds or the public interest demands, the Executive Director may close said Park System or any portion thereof until said emergency has passed.

29.2 Those properties owned, leased or otherwise controlled by the District for which the District has provided an artificial lighting system shall remain open to the public until sunset of any one day when lit for recreational activities by the artificial lighting system under the control of the District; and no person (other than peace officers and park officials conducting Park System business therein) shall occupy, remain, or be present in those areas of the Park System with artificial lighting after sunset and in absence of light provide by the system under the control of the District, unless the presence is pursuant to a Permit issued in accordance with this Ordinance.

SECTION THIRTY

30.0 (Penalty and Enforcement)

30.1 It shall be unlawful for any person to violate any Section or part of this Ordinance or any regulation of the District governing conduct in the Park System. Except as otherwise specified under the terms of this Ordinance, any person who violates any provision of this Ordinance, or its amendments, shall be fined at least One Dollar (\$1.00) but not more than Five Hundred (\$500.00) Dollars; the amount of the fines for any such violations shall be determined and set on an annual basis at the annual meeting of the District by the Executive Director and approved by the Board of Commissioners of the District, and such listing of fines shall thereafter be made

available to the general public upon written request.

30.2 For the purposes of enforcing the provisions of the Ordinance, and its amendments, the Executive Director of the District on behalf of the District be and is hereby authorized and directed to enter into such Intergovernmental Agreements with the City of Batavia, and/or such other governmental bodies, to provide for the appointment of such law enforcement officers to allow and permit the City of Batavia or such other governmental body to enforce this Ordinance and such other ordinances of the District.

30.3 Parking Citations:

30.3.1 Any person who allows a vehicle to be parked in violation of this division shall receive a violation citation which shall be affixed to the subject vehicle.

30.3.2 Should the vehicle continue to remain in the same space longer than the maximum time for which the space is posted, or two (2) hours, whichever is less, subsequent violation citations shall be issued in the following manner:

The first violation shall cause the issuance of a citation as set forth in Section 22 above.

(a) Upon receipt of the second or more notice of violation or citation, be such receipt the result of consecutive or aggregate violations during the course of any twelve (12) month period, the motor vehicle shall be removed from the District's property. Whenever an employee or duly authorized agent of the District has probable cause to believe that a vehicle has exceeded four violations or citations for violations of Section Twenty-two, and the owner of said vehicle refuses or is otherwise unavailable to remove such vehicle from the property of the District, the District's agent or employee is authorized and shall cause the removal of such vehicle to a public garage or other place of safety, and the expense of such removal and storage in such public garage or other place of safety shall be paid by the owner or operator of said vehicle.

3.3.3 This section shall not replace or otherwise abrogate any existing state or federal laws or local ordinances pertaining to vehicle seizure and impoundment.

SECTION THIRTY-ONE

31.0 (Invalidity)

31.1 If any item, or portion thereof, of this Ordinance is, for any reason, held invalid, such shall not affect the validity of the remaining portion of such item or the remaining portion of the Ordinance.

SECTION THIRTY-TWO

32.0 (Notification and Repeal of Prior Ordinance)

32.1 All ordinances or parts of ordinances in conflict herewith, or any Section thereof, are hereby modified and repealed.

SECTION THIRTY-THREE

33.0 (Effective Date)

33.1 This Ordinance shall be in full force and effect from and after its passage, signing and recording, as provided by law.

SECTION THIRTY-FOUR

34.0 (Common Name)

34.1 This Ordinance shall be cited as Batavia Park District Code of Regulations.

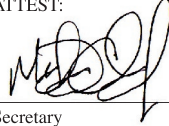
PRESENTED to the Board of Commissioners of the Batavia Park District at Batavia, Illinois, on this 21st day of October, 1997.

PASSED by the Board of Commissioners of the Batavia Park District at Batavia, Illinois, on this 21st day of October, 1997.

SIGNED by the President of the Batavia Park District at Batavia, Illinois on this 21st day of October, 1997.

President of the Board of Commissioners
of the Batavia Park District

ATTEST:



Secretary

BOARD VOTE

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
<u>5</u>	<u>0</u>	<u>0</u>

CONDUCT IN THE PARKS

The following conduct is prohibited by Ordinances duly adopted by the Batavia Park District and the fines, generally, are as listed. In all cases, the law enforcement officer having jurisdiction (whether within a municipality or the County of Kane) is authorized to arrest a person without a warrant for any violation of this Ordinance and may (other than for offenses involving controlled substances), in lieu of filing a complaint in court, in the first instance issue to such alleged violator a citation:

- a. Advising said person that he has violated a specified ordinance;
- b. Requesting him/her to make payment in an amount applicable to said alleged violation as set forth in the Ordinance as settlement of said violation claim; and
- c. Informing him/her that upon failure to so settle, a complaint will be filed in the Circuit Court of Kane County charging him/her with such violation.

<u>OFFENSE</u>	<u>CODE #</u>	<u>FINE</u>
Alcoholic Liquor in Park	157-11.1	\$50
Animals in Park (non designated area)	157-15.1	\$30
Animal Waste (failure to clean up)	157-15.2	\$30
Assault	157-10.2	complaint only
Assemblies without Permit (non-school)	157-3.1	\$50
Batavia Riverwalk – non-pedestrian usage	157-22.2	\$30
Battery	157-10.3	complaint only

Controlled Substance in Park	157-11.2	complaint only	Loitering	157-10.4	\$30
Criminal Damage to Property	157-7.1	\$50	Missiles/Golf Balls	157-17.1/17.3	\$50
Cruelty to Animals	157-14.1	\$50	Mob Action	157-5.1	complaint only
Damage to Tree/Shrub	157-7.2	\$50	Organized Gathering in Park without Permit	157-3.1	\$50
Disorderly Conduct/ Breach of the Peace-General	157-10.1	\$50	Pandering	157-19.1	\$50
Begging	157-10.1.5	\$50	Park Hours/Closing	157-29.1	\$50
Intoxicated Person	157-10.1.6	\$50	Park Hours/Lighted Facilities	157-29.2	\$50
Soliciting/Distributing/Selling (w/o permit)	157-10.1.5	\$30	Parking:		
Disorderly Conduct- Speech/Obscene Behavior	157-9.1	\$30	In Other than Designated Areas/Times	157-22.3	\$25
			Persons >16 on Playground Equipment	157-22.1	\$30
			Polluting/Dumping	157-8.2	\$50
			Signs/Leaflets (unauthorized posting)	157-24.1	\$50
			Sleeping in Park (Sundown to Sunrise)	157-50.0	\$50
<u>OFFENSE</u>	<u>CODE #</u>	<u>FINE</u>			

Disobey Lawful Command (Park Official/Peace Officer)					
Withdrawal from Mob Action	157-5.1	complaint only			
Dispersal where threat of Disorderly Conduct	157-10.1.3	\$50			
General	157-13.1	\$50			
Lifeguard or other official-Quarry Park	157-13.3	\$50			
Skate Park-Order to Vacate	204-2	\$50			
Dumping/Polluting	157-8.2	\$50			
Failure to Clean Up/Extinguish Fire	157-6.1	\$50			
False Alarm-bomb threat	157-10.1.7	complaint only			
False Alarm-fire	157-10.1.8	complaint only			
Fires in Parks	157-23.3	\$50			
Firearms/Knives/Fireworks	157-21.1	\$50			
Fishing on District Property (unauthorized)	157-23.2	\$50			
Hindering Park Employee Volunteer	157-12.2	\$50			
Hours Sunrise to Sunset (generally)	157-29.1	\$30			
Hunting/Trapping Animals	157-14.1	\$50			
Ice Fishing (unauthorized area)	157-7.1 & -23.2	\$50			
Impersonation of Officers	157-18.1	\$50			
Impersonation of Park Official	157-18.1	\$50			
Interference with Park Use	157-12.1	\$50			
Intoxicated Person on District Property	157-16.1	\$50			
Littering	157-8.1	\$50			

<u>OFFENSE</u>	<u>CODE #</u>	<u>FINE</u>
Smoking (non-designated area)	157-11.3	\$50
Selling/Distributing/Soliciting (unauthorized)	157-25	\$50
Skate Park		
Hours	204-2	\$30
Use of Damaged or	204-2	\$30
Vandalized Property		
Profanity, Dangerous Skating,	204-2	\$30
Improper Use of Equipment,	204-2	\$30
Loud Noise, Loud Music		
Use by Bicycles, Scooters,	204-2	\$30*
or Non-Skaters		
Unauthorized use of ramps,	204-2	\$30*
boxes, or other devices		
Glass Objects and Containers	204-2	\$30
in Skating Area		
Smoking or use of tobacco products	204-2	\$30
Alcoholic Beverages	204-2	\$50
Threat of Violence	157-10.1.2	\$50
Throwing of Projectiles at persons or property	157-17.2	\$50

Trespass to Quarry Park	157-13.2	\$50
Trespass to Prohibited Areas	157-23.1	\$50
Vandalism (facilities real and personal)	157-7.1	\$50
Vandalism (landscaping)	157-7.2	\$50
Vehicles/Boats/Aircraft		
Operating in unauthorized location	157-26.1	\$50
Off-Road	157-26	\$50
Parking in Other than Designated Area	157-22.3	complaint only
Weapons	157-21.2	\$50

*Seizure of equipment authorized.

ORDINANCE NO. 204

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
AND AUTHORIZING FINES AND IMPOUNDMENT OF EQUIPMENT
FOR OFFENSES AT THE BATAVIA SKATE PARK

WHEREAS, the Batavia Park District, Kane County, Illinois (the "District"), is a duly organized and existing park district created under the laws of the State of Illinois, and is now operation under the provisions of the Park District Code of the State of Illinois, as supplemented and amended; and

WHEREAS, the Batavia Park District owns and operates a skate parks and associated facilities on its property located on Route 25 in Batavia, Illinois; and

WHEREAS, the Batavia Park District desires to protect its patrons and its property from injury, misuse, abuse and damage; and

WHEREAS, Section 1205/8-1(d) of the Park Code (70 ILCS 1205/8-1(d)) grants the Batavia Park District the power to pass all necessary ordinances, rules and regulations for proper management and conduct of business of the board and district and to establish by ordinance all needful rules and regulations for the government and protection of the parks, boulevards and driveways and other property under its jurisdiction and to effect the objects for which the Park District is formed; and

WHEREAS, Section 1205/8-1(e) of the Park Code (70 ILCS 1205/8-1(e)) grants the Batavia Park District the power to prescribe such fines and penalties for the violation of ordinances as it shall deem proper not exceeding \$500 for any one offense, which fines and penalties may be recovered by an action in the name of such district in the circuit court for the county in which such violation occurred and which may also include a claim for restitution.

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioners of the Batavia Park District, Kane County, Illinois, as follows:

SECTION 1: RECITALS INCORPORATED. The Recitals set forth above are incorporated herein and made a part of this Ordinance as if set forth fully herein.

SECTION 2: REGULATIONS FOR CONDUCT. The following rules are hereby established for the Skate Park and, together with other appropriate information, these rules shall be prominently displayed at the Skate Park:

- a. Skate Park Hours: Sunrise to Sunset.
- b. Skaters shall Not Be Permitted to Use Damaged or Vandalized Property.
- c. Profanity, Dangerous Skating, Improper Use of Equipment, Loud Noise, and Loud Music is Prohibited.
- d. Bicycles, Scooters, or Persons Not Skating are Prohibited From Using the Skate Structures.
- e. Batavia Park District Programs Have Priority Use of the Facility and All Others Must Vacate When Requested to Do So.
- f. No non-Park District ramps, boxes, or other devices may be used in the Facility.
- g. Glass Objects and Containers are Not Allowed in the Skating Area.
- h. Smoking or any other use of tobacco products is prohibited.
- i. Alcoholic Beverages are prohibited.

SECTION 3: PENALTY. Any person violating the provisions of this Ordinance shall be guilty of an offense against the Park District and shall be punishable by a fine of twenty dollars (\$20.00). Should the offense include the use of improper equipment or other objects within the facility, then the offending equipment or object shall be impounded and delivered to the Batavia Police Department, 100 N. Island Ave., Batavia, Illinois, and punishable by a fine of \$150.00.

SECTION 4: CITATIONS ("O" Tickets). A police officer having jurisdiction (whether within the City of Batavia or the

County of Kane) is authorized to arrest a person without a warrant for any violation of this Ordinance and, in lieu of filing a complaint in court, in the first instance issue to such alleged violator a citation:

- a. Advising said person that he has violated a specified ordinance;
 - b. Requesting him/her to make payment in an amount applicable to said alleged violation as set forth above as settlement of said violation claim; and
 - c. Informing him/her that upon failure to so settle, a complaint will be filed in the Circuit Court of Kane County charging him with such violation.
2. Settlement: Pursuant to said citation, the person so accused of said violation may settle and compromise the violation claim in respect to such code violation by paying to the Park District the applicable amount as set forth in Section 3 above within a period to be specified in said citation, not more than ten (10) days of the time said alleged offense was committed.

Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the Police Department, which shall issue a receipt for the money so received and credited to the proper fund.

3. Final Notice, Penalty: In the event that the person to whom said citation is issued fails to settle and pay said violation within the time specified in the citation, a final notice shall be mailed to him/her. When, in fact, the final notice has been mailed, the violation may then be settled and compromised by paying the amount set forth in the schedule in subsection B1 of this Section plus five dollars (\$5.00) within the time specified in the final notice.
4. Issuance Of Complaint: In the event that the person to whom the citation is issued fails to settle and pay said violation claim within the time specified in the final notice (if one is served or mailed to him), then the police officer is authorized to cause the citation (Notice to

Appear - "O" Ticket) to be served upon said alleged violator and is authorized to file the same as a complaint in the Circuit Court of Kane County and prosecute the same. The officer, as an alternative, may file a formal complaint in the Circuit Court of Kane County in lieu of the citation.

5. Court Penalty, Settlement Before Court Date: In the event that payment is not made within the time prescribed in the final notice and the citation or a complaint is filed in the Circuit Court, payment of any fine and costs shall be in such amounts as may be determined and established by the Circuit Court, but not to exceed the sum of five hundred dollars (\$500.00) for any one violation; provided, that the offenses may be settled and compromised for the amount specified in the notice to appear at least three (3) working days before the Court date. Such amount shall be the amount set forth in the schedule set forth in subsection B1 of this Section plus five dollars (\$5.00), plus Court costs.

SECTION 5:

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof

SECTION 6:

This Ordinance shall be effective immediately upon its passage and approval by a majority of the Board of Commissioners.

VOTE:

AYE: 5

NAY: 0

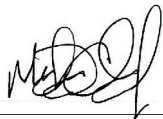
ABSENT AND 0

NOT VOTING: 0

APPROVED by the Board as amended on November 18 2003:

PRESIDENT

ATTEST:

A handwritten signature in black ink, appearing to be 'M. J. [unclear]', written over a horizontal line.

SECRETARY

