

20-076

GENERAL USE REGULATION ORDINANCE
FOREST PRESERVE DISTRICT OF DUPAGE COUNTY

WHEREAS, it is reasonable, necessary and desirable for the FOREST PRESERVE DISTRICT OF DUPAGE COUNTY, hereinafter the “District,” to establish a General Use Ordinance governing the use of the District; and

WHEREAS, Section 7 of the Downstate Forest Preserve District Act, 70 ILCS 805/7 (hereinafter the “Act”), provides:

“The Board of any forest preserve district organized hereunder may by ordinance regulate and control the speed of travel on all paths, driveways and roadways within forest preserves, and prohibit the use of such paths, driveways and roadways for racing or speeding purposes, and may exclude therefrom traffic, teams and vehicles, and may by ordinance prescribe such fines and penalties for the violation of their ordinances as cities and villages are allowed to prescribe for the violation of their ordinances”; and

WHEREAS, Section 7(a) of the Act, 70 ILCS 805/7(a), provides:

“The board of any forest preserve district organized hereunder may by ordinance regulate, control and license all modes of travel within the forest preserve district”; and

WHEREAS, Section 7(b) of the Act, 70 ILCS 805/7(b), provides:

“The board of any Forest Preserve District organized under this Act may by Ordinance issue licenses for any activity reasonably connected with the purpose for which the Forest Preserve District has been created”; and

WHEREAS, Section 8(a) of the Act, 70 ILCS 805/8(a), provides in part:

“The board shall be the corporate authority of such forest preserve district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district”; and

WHEREAS, Section 8(a) of the Act, 70 ILCS 805/8(a), provides as follows:

“The board shall have the right and power to appoint and maintain a sufficient police force, the members of which shall be peace officers certified and trained under the provisions of the Illinois Police Training Act. The members of the police force shall have and exercise police powers over the territory owned, leased or licensed by the District and property over which the District has easement rights for the preservation of the public peace, and the observance and enforcement of the ordinances and laws, such as are conferred upon and exercised by the police of organized cities and villages; but such police force, when acting within the limits of any city or village, but outside the territory owned, leased, or licensed by the District and property over which the District has easement rights, shall act in aid of the regular police force of such city or village and shall then be subject to the direction of its chief of police, city or village marshals, or other head thereof”; and

WHEREAS, the Board of Commissioners hereby finds and declares that it is reasonable, necessary and desirable to establish rules and regulations in order to provide for the safe and peaceful use of the Forest Preserves for the education and recreation of the public; for the protection and preservation of the property, facilities, flora and fauna of the Forest Preserves; and for the safety and general welfare of the public; and

WHEREAS, the Board of Commissioners has the authority and the power to establish this General Use Regulation Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Forest Preserve District of DuPage County as follows:

The preambles set forth above are incorporated herein and made a part of this Ordinance. Pursuant to the authority cited above, the Board of Commissioners hereby establishes the following as the General Use Regulations of the District.

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CHAPTER I – CONSTRUCTION OF WORDS AND DEFINITIONS

Section 1--Construction of Words.

Words imparting the singular number may extend and be applied to several persons or things, and words imparting the plural number may include the singular, and words imparting gender may be applied to any gender.

Section 2--Definitions.

The terms set forth below shall have the following meanings unless the context of a specific section clearly indicates otherwise.

- a. “Adult” means one who has reached the age of majority as defined by the laws of the State of Illinois.
- b. “Agent” means any director, officer, employee, or other person who is authorized to act on behalf of another person or corporation.
- c. “Area” means a specified place within a Forest Preserve.
- d. “Amusement contraption” means any mechanical device, gadget, machine or structure designed to test the skill 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 and trampoline devices.
- e. “Board” means the Board of Commissioners of the District.
- f. “Cannabis” shall have the meaning ascribed to it in the Illinois Cannabis Control Act.
- g. “Controlled substance” shall have the meaning ascribed to it in the Illinois Controlled Substance Act.
- h. “Corporation” means any corporation, business, firm, company, enterprise, agency, organization, partnership, governmental body, or political subdivision.
- i. “District” means the Forest Preserve District of DuPage County.
- j. “District Police” mean those District employees who have been certified as peace officers by the State of Illinois.

- k. "Dumping" means depositing, abandoning or discarding any solid waste, garbage, rubbish or refuse including, but not limited to, construction or demolition material, household or landscape trash, dirt, or rocks.
- l. "Employee" means any full or part-time, regular or temporary worker in the employ of the District under the supervision of the Executive Director.
- m. "Exclusion of others" means a use or behavior that disrupts or prevents lawful general use or permitted use by others in a particular area or structure within a preserve.
- n. "Executive Director" means the Executive Director of the District or such persons charged with or delegated such authority by the Executive Director.
- o. "Littering" means depositing, abandoning or discarding small quantities of waste including, but not limited to, fishing line, balloons, beverage containers, food wrappers, cigarette butts, or other similarly sized items of refuse.
- p. "Permit" means the documented permission that must be obtained from the Executive Director to carry out a given activity.
- q. "Person" means an individual, firm, corporation, society or any other entity, group or gathering.
- r. "Posted" means notification, either by a sign in a Forest Preserve, or at the District's administrative offices, or on the District's website, or any other print or other form of media at the discretion of the Executive Director.
- s. "Preserve" or "Forest Preserve" means the lands and waters, or the property owned, leased, or licensed by the District and property over which the District has easement rights.
- t. "President" means the President of the District Board of Commissioners.
- u. "Property" means any lands, waters, buildings, improvements, facilities or possessions of the District.

- v. "Ranger" or "District Employee" means any employee of the District charged with the control, protection, or management of District property.
- w. "Sound and energy amplification" means music, speech or any sound or noise transmitted by artificial means, including, but not limited to, bullhorns, amplifiers, loudspeakers, radios or any similar devices; or lights, rays, lenses, mirrors or laser beams.
- x. "Vehicle" means any device in, upon or by which any person or property may be transported, in addition to any device or conveyance on the land using wheels or belt-type track or tracks, skids or skis and propelled by an engine or motor and includes such land conveyances that are able to float and operate on water, except devices moved by human power alone.
- y. "Watercraft" means any device of conveyance on the water, whether propelled by motor, engine, wind or human power.
- z. "Waters" or "Waterway" means the lakes, ponds, sloughs, streams, lagoons, marshes, or rivers within the jurisdiction of the District.

Section 3--General Provisions.

- a. **Accountability.** A person is legally accountable for the conduct of another when: either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he solicits, aids, abets, agrees or attempts to aid, such other person in the planning or commission of the offense. Where two or more persons engage in a common design or agreement, any acts in the furtherance thereof committed by one party are considered to be the acts of all parties to the common design and all are equally responsible for the consequences of such further acts.
- b. **Solicitation.** A person commits solicitation when, with intent or knowledge that an offense be committed, he or she commands, encourages or requests another to commit that offense.
- c. **Conspiracy.** A person commits conspiracy when, with intent or knowledge that an offense be committed, he or she agrees with

another to the commission of that offense and any party to the agreement commits an act in furtherance of that agreement.

- d. Attempt. A person commits an attempt when, with intent or knowledge that a specific offense be committed, he or she does any act which constitutes a substantial step toward the commission of that offense.

CHAPTER II – PUBLIC USE

Section 1--Public Use and Purpose of the District.

Forest Preserves are for use by the general public. One of the functions of the District is to acquire, protect, restore, restock and develop a well-balanced system of areas with scenic, ecological, recreational, cultural and historic values for the inspiration, education, use and enjoyment by the public. This Ordinance is intended to help carry out this function and to provide reasonable regulations governing the public use of the forest preserves. The Executive Director shall have the authority to issue a permit or designate an area for an activity otherwise prohibited within the General Use Regulation Ordinance.

Section 2--Hours of Use.

- a. Forest preserves shall be open to the public from one hour after sunrise to one hour after sunset, local time, as published in the U.S. Naval Observatory Time Charts for the Chicago, Illinois, area unless different hours are posted by the Executive Director.
- b. No person shall enter or remain in the forest preserves when the preserves are not open to the public without the prior permission of the Executive Director.

Section 3--Permits.

- a. Unless a permit is obtained from the Executive Director, no person or group of persons shall:
 - 1. Conduct, operate, present, manage or take part in organized activities in a forest preserve.
 - 2. Use any preserve area or facility to the exclusion of others.

3. Camp in any preserve, structure or facility.
- b. In areas designated for a specific use in which a permit is required, no other recreational activity / hobby, etc. shall be allowed, however spectators are permitted.
 - c. Persons desiring the above activities may apply to the Executive Director for a permit under the following categories and subject to established fees:
 1. Picnic Permits: A permit is required if a person desires to reserve a designated area to the exclusion of others or for gatherings of 25 or more people.
 2. Camping Permits: A permit is required for camping in a designated area overnight. Applicants for overnight camping must be at least 21 years of age.
 3. Special Use Permits: A special use permit shall be required for activities described in Chapter II, Section 3a of this Ordinance and for the collection of admission fees or cover charges, or the sale of raffle tickets, articles, items or other things by an organization, company or other entity for the purpose of fundraising for a charitable, humanitarian or benevolent cause. The Executive Director, with the assistance of District staff, shall specify written conditions regulating the issuance of, and may impose any special conditions, which may be related to the issuance of a special use permit. The criteria and/or special conditions shall be specified and applied to be consistent with the Downstate Forest Preserve District Act and this Ordinance. They shall be specified and applied in a content neutral fashion and shall not discriminate based on race, color, national origin, religion, age, sex (gender), sexual orientation, physical or mental

disability, or the content of speech that may be exercised.

4. Vendor Permits: A permit may be issued for the sale of goods or services provided such sales are reasonably connected with the purpose of the District.
5. Research Permits: Permits may be issued for projects involving limited collection, inspection or observation. Manipulative research may be granted if the District's goals or objectives are supported.
6. Permit Applications: All permit applications shall include the name, address, telephone number and valid government issued identification number of a legal adult responsible for the use or activity requested, as well as the name, address and telephone number of the group represented by the applicant and any other information required by the Executive Director related to the permit application, but excluding information related to race, religion, creed, national origin or the content of any speech which may be exercised at the event.
7. Permit Denial or Revocation: Any person in possession of a District permit must comply with all terms and conditions of the permit. A permit may be denied, cancelled or revoked if the permit holder violates the terms or conditions of the permit or any District ordinance, State or Federal law, while on District property. The District reserves the right to restrict access to or close any District property temporarily or to revoke a permit because of:
 - (A) A threat to the safety of those using such property, including those threats posed by the weather; or

(B) The permit application request would allow commercial or for-profit activities other than at District sponsored events or where the District leases or licenses District property for a fee, except as otherwise authorized by Chapter VI, Section 1; or

(C) Where such permits would have a significant negative impact on environmentally sensitive areas or would otherwise be inconsistent with any other requirement of this Ordinance or the District's authority and purpose as set forth in the Downstate Forest Preserve District Act.

6. Permit Conditions: All regular and special use permits shall contain information that the District deems appropriate including but not limited to the proposed use, location, and potential impacts on other preserve users or ecosystems.
7. Hold Harmless Agreement: All permit applicants must accept the terms of a hold harmless and indemnification agreement.
8. Additional Fees and Insurance: In the case of permits for events which may require special law enforcement services, or which would place an atypical burden on District resources, or which increase the District's liability exposure, the Executive Director may impose additional fees on the permit applicant to (i) pay for the special law enforcement services; or (ii) pay the costs of addressing the atypical burden. If a proposed event is determined by the Executive Director to increase the District's liability exposure, the Executive Director shall require the permit applicant to provide proof of liability insurance naming the District as an additional insured

with coverage limits reasonably necessary to protect the District.

9. Permits in General: Permits are not transferable, and fees paid are not refundable. Permit application submission and review deadlines vary by permit type. Special use, daily, and annual permit holders must carry a copy of their permit while engaging in the permitted activity or event. All persons in permitted areas must present their permit to District staff upon request.
10. No person shall misrepresent, falsify or withhold such required information.
11. The Executive Director may propose alternative areas to a permit applicant. All designated areas, waters or facilities and all permit restrictions, rules, regulations or conditions are subject to review at any time by the Board. Any aggrieved person shall have the right to petition the District, in writing, regarding denial or restriction of use or activity and be properly heard by the District, as the President shall direct.

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 commit or attempt to commit any of the following acts without the prior permission of the Executive Director:

- a. Destroy, damage, deface, paint, alter, change or remove any property owned, stored, maintained, or present on District land owned, leased or licensed, including but not limited to any building, structure, monument, stone marker, bench mark, stake, post, sign, or other marking which designates any boundary line, survey line,

reference point, or trail. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

- b. Climb, stand, sit, walk on, use, place or move any structure, building, shelter, fence, gate, post, flagpole, picnic table, wall, refuse container or parts thereof, or any equipment, object or apparatus which is not designed or intended for such use.
- c. Bring in, set up, manage or operate a trail camera, remote video camera, slack line, tight rope, hammock or any other devices attached or suspended from trees or structures or hang upon from or climb upon all trees, plant material or natural or non-natural hardscapes.
- d. Take, appropriate, excavate, injure, destroy or remove any historical or prehistorical ruin, or parts thereof, or any object of antiquity, such as arrowheads. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
- e. Occupy or inhabit, or cause to be occupied or inhabited, any house, barn, shelter, shed or other structure, or use for storage, or cause to be used for the storage of any goods, any house, barn, shelter, shed or other structure.
- f. Enter into or upon any forest preserve property, waterway, or structure posted closed or against trespass.
- g. Enter into or upon any forest preserve, golf course or areas thereof for the purpose of collecting, gathering, acquiring or scavenging lost, misplaced or abandoned personal property, including, but not limited to, golf clubs, balls, tees, clothing or any other objects or items of personal property.

Section 2--Destruction or Misuse of Natural Resources.

No person shall upon or in connection with any property of the District commit or attempt to commit any of the following acts without the prior permission of the Executive Director:

- a. Possess, cut, remove, uproot, damage or destroy by any means or method, any sod, earth, tree, sapling, seedling, bush, shrub, flower, plant, or fungi, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise possess, deface or injure any tree, shrub or bush or break or remove any branch or foliage thereof or possess, pick or gather any seed, berry or fruit of any tree or plant. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
- b. Hunt, trap, shoot, capture, collect, harass, poison, wound, feed, bait or kill any invertebrate animal, mammal, bird, reptile or amphibian, or parts thereof; or disturb, harass or rob any dwelling, nest, lair, den or burrow. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
- c. Fish in any waters of the District posted against fishing, or fish in any District waters by using a bow and arrow, spear, slingshot, pitchfork, gig, or any device using more than two hooks per line, or any net, seine or trap, or with unattended lines, as defined by provisions of this Ordinance, or in violation of any applicable laws, rules and regulations of the State of Illinois as administered by the Department of Natural Resources, or in violation of any rule or regulation or restriction posted by the Executive Director controlling the size, species and number of fish that can be taken from a designated body of water. Each fish possessed by an offender in excess of the fishing limit shall constitute a separate violation.

- d. Release or cause to be released any wild, domestic or pet animal, invertebrate animal, mammal, bird, reptile or amphibian, or bring in, plant or distribute the seeds or spores of any flowering or non-flowering plant.
- e. Use or cause to be used any chemical or biological pesticides or other substance, procedure or process designed to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, and then only in compliance with all applicable laws, rules and regulations of the State of Illinois and the United States. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
- f. Dump, deposit, leave, bury or scatter any human or other animal remains or ashes.
- g. Dumping on any District property. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
- h. Littering on any District property. A person who commits a violation of this subsection, in addition to any other penalty imposed, shall pay a fine of not less than seventy five dollars (\$75.00) and not more than five hundred dollars (\$500.00).

Section 3--Contraband.

All invertebrate animals, mammals, birds, reptiles, amphibians, plants, and fungi, or parts thereof, killed, captured, trapped, taken, bought, sold or possessed contrary to any provision of this Ordinance or any other applicable State or Federal laws shall be contraband and, as such, shall be subject to seizure by any agent of the District. A person who commits a violation of this Section, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

Section 4--Destruction by or Misuse of Fire.

No person shall upon or in connection with any property of the District commit or attempt to commit any of the following acts:

- a. Knowingly or cause to be set on fire, any District property or natural resource including but not limited to any tree, forest, brush land, grassland, meadow, prairie, or marsh.
- b. Build a fire anywhere, for any purpose, except in District or privately owned fire receptacles.
- c. Drop, throw away, place or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, or match, except in those receptacles provided for such disposal.
- d. Build any fire whatsoever for any purpose in or out of a receptacle or fireplace and leave it unattended, until such fire is properly extinguished. For the purpose of this Section, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance is cold to the human touch.
- e. A person who commits a violation of this Section, in addition to any other penalty imposed, shall pay a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

CHAPTER IV – REGULATION OF SPORTS AND GAMES

Section 1--Swimming.

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

Swim, wade or bathe at any time in any of the waters or waterways without prior permission of the Executive Director, except wading is permitted in streams and rivers.

Section 2--Watercraft.

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

Bring into, attempt to launch, use, or navigate any boat, yacht, canoe, raft or other watercraft upon the waters or waterways, except at such place or places as may be designated by the Executive Director and then only after obtaining a

private watercraft permit where required from the Executive Director. Where allowed, watercraft shall be used in accordance with District rules, regulations and restrictions duly set forth as part of such permit or as posted, as well as all applicable laws, rules and regulations of the State of Illinois and the United States.

Section 3--Engine-Powered or Radio Controlled Models or Toys.

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

Start, fly or use any fuel-powered, air-propulsions or electric-powered model or toy or any radio controlled model car, aircraft, drone, boat or rocket or any like controlled or powered toy or model, except at those areas or waters designated by the Executive Director and with a properly obtained permit. Where allowed, any radio controlled device shall be used in accordance with District rules, regulations, and restrictions duly set forth as part of such permit or as posted, as well as all applicable laws, rules, and regulations of the State of Illinois and the United States.

Section 4--Horseback Riding.

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

Bring into, unload, use or ride any horse in a picnic area, off leash dog area, model airfield, golf course or designated State nature preserve, or any other area designated or posted as prohibiting horses without the prior permission of the Executive Director (excluding State nature preserves).

- a. All horse trailers must be parked in designated areas where available.
- b. All horses must remain on the right side of the trail and be in single file when riding in groups.
- c. Horses must be kept under control at all times.
- d. Racing of horses is prohibited.

Section 5--Bicycling.

“Bicycle” definition – Every device propelled by human power upon which any person may ride, having two, three or four wheels, except scooters and similar devices. Low-speed electric bicycles equipped with fully operational pedals and an electric motor of less than 750 watts (1 horsepower) whose maximum speed on a paved level surface, when powered solely by such a motor is less than 20 mph shall be considered a bicycle and all regulations as such shall apply.

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

- a. Ride a bicycle on any path, trail, roadway, or other area or access that is (1) designated and posted as prohibiting bicycles; or (2) that is less than eight feet in width.
- b. Fail to ride a bicycle as closely as practicable to the right-hand side of any road, trail or path, as conditions shall permit.
- c. 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, or yield to all other trail users.
- d. Disobey any posted regulations, including but not limited to those which limit speed, or restrict access or movement.
- e. Operate any bicycle upon any road, path, drive, or parking area in any manner which endangers the safety of persons or property, or at a speed which is greater than is reasonable and proper for the safe operation of the bicycle, regarding traffic conditions and special hazards, such as trail crossings, entrances to parking areas or campgrounds, narrow or winding roads or paths, hills, curves, weather, road or path conditions, and pedestrian, equestrian or bicycle traffic.
- f. Ride a bicycle during the hours of darkness, without a white light on the front visible from a distance of five hundred feet (500') and a red reflector on the rear, visible in the light of an automobile headlight for a distance of one hundred feet (100') to six hundred feet (600').

Section 6--Sound or Energy Amplification.

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

Play or operate any sound or energy amplification devices in such a way as to be audible beyond the immediate vicinity of such device or in such a manner as to disturb the quiet and peaceful enjoyment of camps, picnic areas or other preserve areas without the prior permission of the Executive Director.

Section 7--Winter Sports.

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

- a. Sled, toboggan, snowboard, ski or slide on any area posted by the

Executive Director as being unsafe or hazardous, or as being closed due to inadequate snow covering or other environmental conditions, or when notified of such condition by any District Police, employee or authorized volunteer of the District.

- b. Enter upon any frozen waters to skate, fish, slide or walk or for any purpose whatsoever when such waters are posted as closed or unsafe or hazardous by the Executive Director, or when notified of such condition by any District Police, employee or authorized volunteer of the District.
- c. Bring onto the frozen waters of any lake, pond or waterway any raceboat or wind-driven-like device or other vehicle without the prior permission of the Executive Director.

Section 8--Field and Team Sports.

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

Play or engage in any organized team sport, athletic sporting event, or any such endeavor which by its nature requires open areas or fields, except that the Executive Director may designate areas for activities reasonably connected with the purpose of the District.

Section 9--Amusement Contraptions.

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

Bring in, set up, construct, manage or operate any amusement contraption without the prior permission of the Executive Director.

Section 10--Aviation.

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

Make any ascent or descent in a balloon, helicopter, airplane, ultra-light, glider, hang glider, kite or parachute or any similar aviation device occupied by a person or animal without the prior permission of the Executive Director and in compliance with all applicable laws, rules, and regulations of the State of Illinois and the United States.

Section 11--Gambling.

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

Manage, operate or engage in gambling of any form.

Section 12--Metal Detectors.

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

Bring in or use any device or instrument used to detect metallic objects without the prior written permission of the Executive Director.

Section 13--Golf

No person shall upon or in connection with any property of the District play golf or practice golf, except in those areas designated by the Executive Director and as follows:

- a. In areas and at times specifically designated for golf, no person, including spectators, shall be allowed unless a permit (in the form of a “greens fee”) is obtained prior to the start of the activity.
- b. Hours of operation, greens fees, and other golf facility fees may vary based on season, time of day, location and other factors. The Executive Director has the authority to establish and adjust fees, and regulate uses of the golf properties.
- c. During time periods in which golf is not offered, or in areas of a golf preserve not specifically designated for golf or golf clubhouse activities, the District’s golf properties are subject to the same general use regulations as other forest preserves.

CHAPTER V – REGULATION OF VEHICLES, TRAFFIC AND PARKING

Section 1--District Specific Vehicle, Traffic and Parking Regulations.

The following are District specific regulations.

- a. Vehicle Types and Access Allowed. No person shall upon or in connection with any property of the District:
 - i. Park, operate, or cause to be operated or parked, any vehicle anywhere except on the roads, drives and parking areas provided, and then only in compliance with the direction and restrictions posted on regulatory signs, issued permits, or at the direction of any District employee or District Police. The owner of any vehicle

in violation of this subsection is liable for that violation when an operator is not present.

- ii. Operate or move, or cause to be operated or moved, any vehicle locked in as a result of the closing of the forest preserves at the designated time, until such time that the forest preserve is officially opened.
 - iii. Park or abandon a vehicle outside the hours the District is open without prior permission of the Executive Director.
 - iv. Park a vehicle in such a way as to block in another parked vehicle or block, restrict or impede the normal flow of traffic.
- b. Right-of-Way. No person shall upon or in connection with any property of the District: Operate a vehicle in such a manner as to fail to yield the right-of-way to pedestrians and equestrians.
 - c. Speed Limit. No person shall upon or in connection with any property of the District: Operate or propel any vehicle or cause any vehicle to be propelled 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 twenty (20) miles per hour.
 - d. Special Speed and Operating Restrictions. No person shall upon or in connection with any property of the District: Operate or cause to be operated any vehicle upon any road, path, drive or parking area in any manner which endangers the safety of persons or property, or at a speed which is greater than is reasonable and proper for the safe operation of the vehicle, with regard to traffic conditions and special hazards, such as trail crossings, entrances to parking areas or campgrounds, narrow or winding roads, hills, curves, weather or road conditions, and pedestrian, equestrian or bicycle traffic.
 - e. Penalty. Except for parking violations, the penalty for a violation of this Chapter V, Section 1, shall be a fine of not less than seventy five

dollars (\$75.00) and not more than five hundred dollars (\$500.00). The penalty for a second or subsequent violation of this Chapter V, Section 1 within any twelve (12) month period, shall be a fine of not less than one hundred and fifty dollars (\$150.00) and not more than five hundred dollars (\$500.00).

CHAPTER VI – REGULATION OF PERSONAL CONDUCT AND BEHAVIOR

Section 1--Vending and Advertising.

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

- a. Collect fees, admission or cover charges, or display or offer for sale any articles, items or things, or conduct or solicit any business, trade, occupation or profession without a vendor permit, valid contract or Board approved license agreement, and then only in accordance with the terms and conditions thereof, it being the intention of the District to control commercial enterprises or sales on District lands.
- b. Display, distribute, post or fix any placard, sign, handbill, pamphlet, circular or any other written or printed material or objects containing advertising matter or announcements of any kind whatsoever, without the prior permission of the Executive Director, and then only in compliance with the terms of such permission or in compliance with the terms of a valid contract or Board approved license agreement, except those groups holding a valid picnic, camping or special event permit may display signs to identify their location or direct others to it, provided that such signs are temporary and are removed by the permit holder at the termination of the activity and provided that such signs are not attached to any tree, shrub, post, building, sign, gate or other structure.

Nothing in this Section 1 shall preclude the collection of admission fees or cover charges, or the sale of raffle tickets, articles, items or other things by an organization, company or other entity for the purpose of fundraising for a charitable, humanitarian or benevolent cause if the organization, company or other entity has obtained a special use permit for the event. The special use permit shall

be subject to the rules and regulations established by the Executive Director pursuant to Chapter II, Section 3(c)(3) of this Ordinance.

Section 2--Commercial Image Production.

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

Take or cause to be taken any still or motion images for commercial purposes without the prior permission of the Executive Director and then only in accordance with the rules and restrictions duly set forth as part of such permit. Permits must be carried and identifiable at all times while conducting commercial image capture activity on District property. Permits do not grant exclusive use of an area. Roads, trails and parking lots must remain accessible to preserve users and may not be obstructed at any time.

Section 3--Honoring Permits.

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

By act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any area or into any structure designated for the use of a certain person or persons to the exclusion of others by permission of the Executive Director.

Section 4--Unlawful Obstructions.

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

By force, threat, intimidation or by fencing or enclosing or any other means (1) prevent or obstruct (a) any person from peacefully entering upon any property of the District; (b) transit over or through any property or waters of the District; or (2) obstruct the entrance into any facility within the District without a valid permit granting use to the exclusion of others as defined and provided for in this Ordinance.

Section 5--Unlawful Construction, Maintenance or Encroachment.

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

- a. Erect, construct, install, or place any structure, bridge, building, improvement, shed, fence, machinery, equipment, or apparatus of any type, below, over or across a preserve without the prior written authorization from the District, and then only in accordance with the terms and conditions set forth in a license agreement, easement, or

other written agreement. Corporations may be prosecuted for a violation of this Section when an agent of the corporation performs the conduct that is prohibited.

- b. Perform or cause any mowing, trimming, cutting, or grooming of District property, or perform any similar grounds maintenance for any purpose, or in any like manner encroach onto District property from privately or publicly owned lands.
- c. Place, stockpile or store any gravel, stone, dirt, sand, wood, lumber or any other organic or inorganic material on District property.
- d. Plant, remove or transplant vegetation of any kind.
- e. Place any discharge hose or pipe on District Property, or create any trench to convey liquid onto District property.

Section 6--Controlled Substance, Alcohol or Tobacco Possession/ Use.

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

- a. Possess, bring into, or use any controlled substance, any look-alike substance or any derivative thereof. The penalty for a violation of this subsection shall be a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).
- b. Use cannabis.
- c. Possess or consume any alcoholic beverages on District property or any building, structure or other facility, except that alcoholic beverages may be possessed or consumed on golf courses owned by the District and other approved locations, subject to the approval of the Board and in compliance with the Liquor Control Act of 1934 and all other applicable laws, rules and regulations and District ordinances.
- d. Possess, bring into or use drug paraphernalia, except when legally permitted under the Illinois Cannabis Control Act. The penalty for a violation of this subsection is a fine of not less than five hundred dollars (\$500.00).

Section 7--Weapons and Harmful Substances.

Except as allowed by the Firearm Concealed Carry Act, 430 ILCS 66, no person shall upon or in connection with any property of the District:

Possess on or about their person, vehicle or any other conveyance, concealed or otherwise, any firearm, bow and arrow, slingshot, cross bow, spear or spear gun, switch-blade knife, stiletto, sword, blackjack, billy club, martial arts weapon or any air rifle, pellet or BB gun, paint gun or device capable of discharging a projectile or harmful chemical substance, or any weapon, instrument, or substance of like character or design, except at those ranges or areas designated for their use by the Executive Director and then only in accordance with the rules and regulations duly set forth for the proper use of such ranges or areas. Nothing contained herein shall be construed to prevent any District Police, or any other duly sworn peace officer, 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 any such officer to assist in making arrests or preserving the peace while such person is engaged in assisting.

Section 8-- Unlawful Behavior and Conduct.

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

- a. Urinate or defecate on the public way, or on any portion of District property other than in a rest room, regardless of whether or not in public view.
- b. Be in an intoxicated condition and disorderly on or in any District property. Being intoxicated shall not be the sole basis for the offense.
- c. Perform or commit any of the following sexual acts on District Property:
 - (1) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/11.
 - (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
 - (3) A display of public nudity.
- d. Engage in a behavior or speech that provokes a breach of the peace or disrupts, alarms, disturbs, intimidates, or unreasonably interferes with others in the use of the forest preserves or any facility thereof.

Section 9--Disobeying a Lawful Order.

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

Disobey, ignore, or in any manner fail to comply with any order given by any District Police charged with the control, management, or protection of District property or resources when such request, direction or order is given in the lawful performance of their duties. The penalty for a violation of this subsection shall be a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

Section 10--Hindering or Bribing Employees.

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

- a. Interfere with, unreasonably disrupt, delay, or in any manner hinder any District employee engaged in the performance of his or her duties.
- b. Give or offer to give any District 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, contractor 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.
- c. Provide false information to any District employee engaged in the performance of his or her duties.

The penalty for a violation of this subsection shall be a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

Section 11--Control and Treatment of Animals.

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

- a. Bring, lead or carry any dog that is unleashed or on a leash longer than ten feet, except at those areas designated by the Executive Director as an off-leash dog area and only after obtaining a permit from the District, and only in accordance with the rules, regulations and restrictions duly set forth as part of such permit or as publicly

posted at the off-leash area. Persons bringing a dog into a preserve or areas thereof shall be in physical control of the leash and be responsible for immediate clean-up and removal of the animal's excrement. No dogs or pets of any kind are allowed in District buildings, unless the dog or animal is a service animal as defined by the Americans with Disabilities Act (ADA). All persons with a dog inside an area designated by the District as an off-leash dog area shall have a valid permit to be in that area and shall possess the valid permit whenever they are in an off-leash dog area. Dog sledding is permitted, when snow conditions allow, only at area(s) designated by the District. Wheeled dog carts, under 4 feet wide, are allowed on any trails that allow biking. All dog sleds and carts must remain on the designated trails and travel in a controlled, safe manner.

- b. Willfully or neglectfully cause or allow any wild or domestic animal to run or remain at large, or release any wild or domestic animal, for any purpose, except within those areas designated by the Executive Director and then only in accordance with the rules and restrictions duly promulgated for the control of such areas.
- c. Bring in, drive, ride or lead in any animal, except that horses, sled dogs and other draft animals may be ridden or lead, or driven ahead of vehicles or sleds attached thereto on such portions of the forest preserves as may be designated by the Executive Director.
- d. Hitch or tie any horse or other animal to any tree, bush, shrub or structure not expressly designated for hitching or tying horses or other animals.
- e. Bring in, lead, drive, ride or carry any wild or domestic predator animal or bird, leashed or unleashed, into or upon any forest preserve, or part thereof, designated as a State nature preserve, natural area or historic site.
- f. Lose control of a dog or allow aggressive behavior by the dog to occur, reoccur or continue without taking immediate action to control the dog or its aggressive behavior or both. For the purpose of this

subsection, a dog is considered under control when the owner or handler is aware of the dogs conduct and when it will return to the owner or handler on command. Dogs are presumed to be out of control when the dog (1) displays threatening behavior; (2) physically harms people or another domestic or wild animal directly or indirectly by its actions; (3) touches or jumps on others who have not invited or engaged in interaction with that dog; or (4) has any history of attacking or biting other dogs or people and is not on a leash.

- g. Bring any dangerous animal into or on District property. A dangerous animal is any animal which is declared a dangerous animal by any county or city, or an animal which demonstrates any of the following behavior: (1) an attack which requires a defensive action by any person to prevent bodily injury and/or property damage; (2) an attack on another animal, domestic or wild; (3) an attack that results in the injury to another person; and (4) any action that constitutes a physical threat of bodily harm to a person. A person who brings a dangerous animal into or on District property, in addition to other penalties, may have any District dog permit in their possession revoked.

Nothing in this Ordinance shall be construed to prohibit the controlled use of certain animals approved by the Americans with Disabilities Act (ADA) or by the Executive Director for purposes of public safety, such as, but not limited to, the protection of District property or the protection of District employees in the performance of their duties or in the performance of search and rescue operations.

Section 12--Theft of Labor or Service, or Use of Property.

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

Enter into any preserve or facility, or partake in any activity, program, or service for which a user fee has been established without first making payment in the amount required. Failure to produce a proper receipt, registration or permit when requested shall be prima facie evidence of the intent to obtain unauthorized use of such preserve, facility, activity, program or service.

Section 13--Pyrotechnics.

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

Possess, set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics.

Section 14--Suspension from District Property; Violation.

Upon issuance of a lawful court order a person engaged in any of the following District ordinance violations or Illinois state criminal offenses, including any misdemeanor or felony, on District property may be suspended from District property, including all forest preserves, for a period of not less than 90 days: (1) disorderly conduct; (2) any gang related offense or violation; (3) possession of any controlled substances, cannabis, alcohol or other intoxicating compounds or drug paraphernalia; (4) destruction or damage to District property or natural resources; (5) possession or use of any unlawful weapon as defined by District ordinance. Notice of the District suspension shall be provided to the violator or offender in writing. Any person entering District property during a suspension period violates this Section. District suspension and notification shall be sufficient notice for any violator or offender to be charged under State statute with Criminal Trespass to State Supported Property.

CHAPTER VII – ENFORCEMENT

Section 1--District Police.

All members of the District Police force have the power and are authorized to: (a) arrest, with or without process, any person found in the act of violating this Ordinance or any other ordinance, rule or regulation of the District or any laws, rules, and regulations of the State of Illinois and the United States; or (b) eject or remove from District property, with or without process, any person found in the act of violating this Ordinance or any other ordinance, rule or regulation of the District or any laws, rules, and regulations of the State of Illinois and the United States.

Section 2--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 District Police or other duly sworn peace officer or person prosecuting an offender may

elect under which to proceed, but not more than one judgment shall be entered against the same person for the same offense.

Section 3--Penalties.

- a. Fines. Except as otherwise specifically provided for herein, any person found guilty of violating any provision of this Ordinance shall be fined not less than seventy five dollars (\$75.00) and not more than five hundred dollars (\$500.00) for each offense, except that violations related to parking within Chapter V shall be no less than forty dollars (\$40.00) and unlawful parking in a designated disabled parking area shall be no less than two hundred and fifty dollars (\$250.00).

Administrative citations not paid within 14 days, but prior to 30 days, shall be subject to the following fee structure:

- original fine amount of \$40.00 becomes \$60.00
- original fine amount of \$75.00 becomes \$125.00
- original fine amount of \$250.00 becomes \$350.00

An administrative citation shall be in ticket form and shall not require a court appearance.

A person found guilty of a second or subsequent violation of the same offense within any twelve (12) month period shall be fined not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

If an administrative citation for violations correlating to a Conservation Offense is not paid within 30 days of its issuance, the administrative citation shall be converted to a conservation violation ("CV"). A copy of the Illinois Citation and Complaint shall be mailed by the District's Department of Law Enforcement to the defendant by U.S. mail at the address shown on the original administrative

citation. Instructions for payment of this violation to the Clerk's office, and issuance of a court date, will be included with the violation.

If an administrative citation for all other violations is not paid within 30 days of its issuance, the administrative citation shall be converted to an ordinance violation ("OV"), and a copy of the Illinois Citation and Complaint with a mandatory notice to appear ("NTA") shall be mailed by the District's Department of Law Enforcement to the defendant by U.S. mail at the address shown on the original administrative citation. Any ordinance related citation requiring appearance of the defendant in court (i.e. any citation other than an administrative citation as referenced above) shall be governed by the full fine authority above (\$75 minimum and \$500 maximum), or as those amounts may be amended by the District from time to time. The District Police shall have the discretion to issue administrative citations for violations of District ordinance where the officer determines the circumstances, taken as a whole, do not justify a court appearance citation for the offense in question and such discretion shall apply only to citations for ordinance violations of the District enumerated in the General Use Regulation Ordinance of the Forest Preserve District of DuPage County, then in effect as amended from time to time hereafter.

- b. Seizure and Forfeiture. Any property used in the commission of a violation of this Ordinance or any other applicable State or Federal laws may be subject to seizure by any agent of the District. All seizures and forfeitures shall be handled in accordance with applicable State and Federal laws, after which the District may destroy, retain or sell at public auction any property seized and forfeited under this subsection.
- c. Restitution and Restoration. A person who commits a violation of this Ordinance or any other applicable State or Federal laws that result in damage of any kind to District property, including but not

limited to dumping or abandoning property, shall make full restitution to the District for any damage or alteration of District property or habitat caused as a result of the violation, including the restoration of District property damaged or altered as well as restitution for any District restoration.

Section 4--Authority of Other Agencies.

Nothing in this Ordinance shall be construed to prevent other officers from carrying out their sworn duties within the territory of the District as defined by the applicable laws of the State of Illinois and the United States or by the ordinances, resolutions and policies of DuPage County, Illinois, or in accord with any policing agreement approved by the Board.

Section 5--Civil Suits.

Nothing in this Ordinance shall be construed to prevent or preclude the lawful use by the District of a civil remedy at law, or correct an abuse or loss suffered by the District as a result of a violation of this Ordinance or any law of the State of Illinois.

Section 6--State, United States and Local Laws.

All persons within the forest preserves are subject to all ordinances, rules and regulations of the District, as well as all applicable laws of the United States and the State of Illinois, as amended and changed from time to time. These laws include, but are not limited to, the Downstate Forest Preserve District Act, the Illinois Vehicle Code, the Criminal Code of 1961, the Wildlife Code and the Fish Code of the State of Illinois, as amended and changed from time to time.

CHAPTER VIII – MISCELLANEOUS

Section 1--Enactment.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by statute.

Section 2--Captions and Headings.

The captions and headings used herein are for convenience of reference only and do not define or limit the contents of any Section.

Section 3--Severability.

The provisions of this Ordinance shall be deemed to be severable, and the invalidity or unenforceability of any one provision shall not affect the validity and enforceability of any other provision hereof.

Section 4--Copies and Publication.

The Secretary of the District is directed to publish this Ordinance in pamphlet form within 10 days after its passage and to certify the date of publication to the Executive Director.

Section 5--Annulment of Previous Ordinance.

This Ordinance shall supersede and take the place of the previous General Use Regulation Ordinances (No. 09-306, 92-019, 09-306 and 09-332) and amendments thereto, provided, however, that the prosecution for any violation of the previous General Use Regulation Ordinances occurring prior to the effective date of this Ordinance shall not be affected or abated.

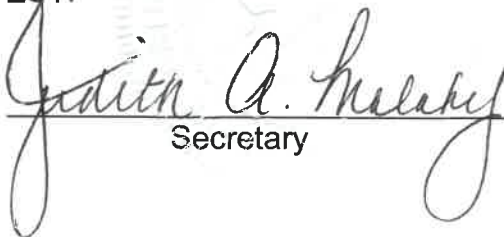
Passed and approved by the President and Board of Commissioners of the FOREST PRESERVE DISTRICT OF DUPAGE COUNTY this 17th day of March, 2020.

APPROVED:

By: 

President

ATTEST:

By: 

Secretary