BATAVIA PARK DISTRICT
ORDINANCE NO. 386

AMENDED AND RESTATED
ORDINANCES 53, 59, 62, 66, 103, 122, 125(a), 150, 156, 157, 360, AND 338

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

WHEREAS, Section 8(d) of the Illinois Park District Code, 70 ILCS 1205/8(d) 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, Section 8(e) of the Illinois Park District Code 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 $1,000.00 for any one offense; and,

WHEREAS, pursuant to this authority, this District passed from time to time various Ordinances 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, LET IT BE 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 Batavia 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 Special Use 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 Park 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 “Smoke” or smoking” means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking or vaping equipment or electronic cigarettes or electronic smoking equipment.

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 more than ten (10) 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.
3.2 (First Amendment Activities)

"First Amendment Activities" shall mean, and include:

1. Charitable, religious or political speech or expressive conduct;
2. Commercial sale and distribution of merchandise for charitable, religious, or political purposes;
3. Parades, public assemblies or meetings; or
4. Distributing non-commercial printed or written material;

5. All of which are performed by or on behalf of a resident or Resident Organization.

"First Amendment Location" shall mean,

a. For First Amendment Activities described in item 1 above, First Amendment Location shall include: Batavia Riverwalk.

b. For First Amendment Activities described in item 3 above, First Amendment Location shall include: Batavia Riverwalk.

c. For First Amendment Activities described in item 2 and 4 above, First Amendment Location shall mean any area no larger than 10' x 10' adjacent to and outside the parking lot at any District Property which has a parking area, provided that such activity, in consideration of all other contemporaneous Park District activity occurring there, does not obstruct any public sidewalk or ingress or egress to any place or building on District property by hindering or impeding or tending to hinder or impede the free and uninterrupted passage pedestrians thereon or therein

All District Property or parts thereof not expressly described above shall be considered a non-public forum where First Amendment Activities are not permitted.

"Resident organization" shall mean a firm, partnership, group, association, corporation, governmental unit, company or organization of any kind, except the District, that has a significant relationship to the Park District community. A significant relationship can be demonstrated by meeting the following criteria:

a. 50% or more members or participants reside within the corporate limits of the Batavia Park District; or
b. Have a charter or other official recognition by a parent, state or national organization designating it as a City of Batavia chapter; or
c. Have a principal place of business located within the corporate limits of the Batavia Park District; and
d. Be in good standing for all registrations, licenses, permits and regulations.
"Religious solicitation" or charitable solicitation" means the request by a person on District property directly or indirectly, of money, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a religious or charitable purpose. These words shall also mean and include the following methods of securing money, credit, property, financial assistance or other thing of value on the plea or representation that it will be used for a religious or charitable purpose as herein defined.

1. Any verbal or written request.

2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication.

3. The public making of any announcement concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the District, which the public is requested to patronize or to which the public is requested to make a contribution for any religious or charitable purpose connected therewith.

4. The sale of, offer or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or other thing in connection with which any appeal is made for any religious or charitable purpose, or where the name of any religious or charitable person is used or referred to in any such appeal an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any religious or charitable purpose.

“Political Speech” shall include, but is not limited to, soliciting votes and circulating petitions for or against a candidate for election to public office or with respect to any referendum or other public question.
SECTION FOUR

4.0 (Special Use 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 a great 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 a 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 The proposed activity does not violate any federal, state, local or District law, rule or regulation; and

4.2.10 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 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 or insurance policy 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 Permit within seven (7) days after the filing of same.
SECTION FIVE

5.0 (Mob Action and Street Gangs)

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.

5.4 No person shall use, display or wear colors, emblems or insignia on or about their person in public with the intent to communicating membership or support of affiliation, association or identification with, or insult toward any street gang.

5.5 No person shall do or make any act, use any words or gestures with the intent of communicating membership or support of, affiliation, association or identification with, or insult toward any street gang or with actual knowledge that the subject act, use of words or gestures are used and recognized as a means of communicating street gang membership, affiliation, association, support identification or insult.

5.6 No person shall commit any other act which violates the Illinois Street Gang Terrorism Omnibus Prevention Act 740 ILCS 147/1, et seq.

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, 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 allow, 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 of a body of water owned by the District.

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 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 manmade; 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. In the instance when receptacles are not 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 designed to incite conduct which is harmful to the public, or conduct any obscene behavior within the Park System.

SECTION TEN

10.0 (Disorderly Conduct)

10.1 No person shall make, countenance or assist in making any improper noise, riot, disturbance, breach of 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 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;

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 begging or soliciting of funds on any property of the District, except as otherwise specifically authorized by a Permit;

10.1.5 The appearance of a person - on any property of the District - under the influence of alcohol, narcotics or other drug not therapeutically administered, to the degree that the person so appearing endanger themselves or other persons or property, or alarm or disturb other persons within his/her vicinity;

10.1.6 The transmission of a false threat of possession of a bomb or other explosive located on or about any property owned or leased by the District, knowing at the time of the threat there is no reasonable
ground for believing such bomb or explosive is concealed in such place;

The transmission of a false alarm reporting a fire or other potential hazard, including but not limited to opening fire warning devices or alarms safety equipment, or similar structures on or about District property.

10.2 No person shall commit an 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; 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 Permit, no person shall carry, possess, use or ingest any alcoholic liquor while in the Park System.

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 No person shall smoke in a building or enclosed structure upon the Park District property or within 15 feet of the entrance to any such building or enclosed structure. No person may smoke in any vehicle owned, leased, or operated by the Park District. Smoking is allowed in parking facilities of the Hall Quarry Beach.
SECTION TWELVE

12.0 (Interference)

12.1 No person shall prevent or hinder in any manner, a person from lawfully using any portion of the Park System, or interfere with such use in compliance with this Ordinance.

12.2 No person shall prevent or hinder in any manner, the work duties or responsibilities of an Employee or Volunteer of the District within the Park System.

SECTION THIRTEEN

13.0 (Disobedience of a Lawful Command)

13.1 No person shall resist a 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, 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 Hall Quarry Beach facility or other Park District property 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 a Park Official or Park District Employee to leave the Park System property at the Hall Quarry Beach.

13.4 No person shall enter the Hall Quarry Beach without paying an admission fee unless the fee is waived by the Manager or a complimentary admission pass is presented.

SECTION FOURTEEN

14.0 (Cruelty to Animals)

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

15.0 (Animals)

15.1 With the exception of the District’s Bark Park located at West Main Community Park, no person shall allow an animal to be loose upon any portion of Park System. The only other exception is as authorized by the Park District’s Service Animal Policy and on such places and at such times as the Board of Commissioners may designate by Resolution.

15.2 The owner of an animal shall be responsible for the removal and sanitary disposition of excrement deposited by the animal anywhere within 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 excrement which will then be placed in a refuse container for sanitary removal. Individuals with disabilities who physically cannot clean up after their own animals are not required to pick up and dispose of feces; however, these individuals should use marked service animal toileting areas where provided.

SECTION SIXTEEN

16.0 (Intoxication)

16.1 No person shall enter or remain in the Park System while intoxicated or under the influence of an illegal drug 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 hit golf balls, throw, cast or hurl any stones, clubs, sticks, clumps of dirt, or ice within the Park System.

17.2 While on any property within the Park System, no person shall hit golf balls, throw, cast or hurl any object or projectile, including but not limited to stones, clubs, balls, sticks, clump of dirt, or ice in the direction of a residence, building, structure or other property, real or personal, belonging to the District or a constituent thereof. No person shall launch model rockets or remote airplanes unless granted a Special Use Permit by the Executive Director.

17.3 Unmanned aerial systems (a/k/a “Drones”) and model aircraft subject to 14 CFR Part 101 may not be operated on, over, or across the District Property
or within the Park System except when operated by the Park District or as allowed herein:

17.3.1.1 Drones and model aircraft subject to 14 CFR Part 101 may be operated at the following community parks: Big Woods Park, Engstrom Family Park, Memorial Park, Prairie Path Park and West Main Community Park provided that all such operations are conducted 100 feet from all group activity organized or permitted by the District—including but not limited to baseball, softball, football, soccer, lacrosse games and practices—and 100 feet horizontally from all playground equipment. For purposes of this paragraph, the term “District Property” includes the first 150 feet of airspace above the ground.

17.3.1.2 All Drones and model aircraft must be operated within the eyesight of the operator. Drone operation may only take place during the hours when the park is open.

17.3.1.3 Applications for a permit must be submitted to the Executive Director no less than 10 days before the operator plans to operate the Drone on, over or across District Property. An operator subject to 14 CFR Part 107 is eligible to receive a permit to operate in the Park System if: a) The operator has received all applicable licenses from the FAA for the operation of the Drone for which a permit is sought; b) The operator presents to the Park District proof of commercial general liability insurance, with any applicable Drone operation exclusions deleted, providing coverage for personal injury, death, property damage and destruction, with limits of not less than $1,000,000 per occurrence and $2,000,000 aggregate; c) The operator has not been removed from Park District property for a previous violation of this Regulation; d) The operator does not have a history of violating FAA guidelines for use of unmanned aerial systems. By applying for and accepting any permit to operate in the Park System, the applicant/permit holder agrees to indemnify, defend and hold harmless the Park District from and against any and all costs, expenses, claims, liabilities or judgments, of whatever kind, nature or amount, relating to any personal injury, death, property damage or destruction, resulting from the operation of the Drone or model aircraft.

17.3
SECTION EIGHTEEN

18.0 (Impersonation of Peace Officers or Park Officials)

18.1 No person shall falsely represent or impersonate a Peace Officer or Park Official within the Park System.

SECTION NINETEEN

19.0 (Begging)

19.1 With the exception of a Permit issued by the Executive Director of the District, no person or organization shall beg or solicit in or about the Park System for private profit.

SECTION TWENTY

20.0 (Sleeping in the Park System)

20.1 No person shall sleep or otherwise remain in the Park System between the hours of sunset and sunrise, 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 (Fireworks; Weapons)

21.1 Except as otherwise expressly permitted by the Firearm Concealed Carry Act, 430 ILCS 66, the Park District strictly prohibits and does not tolerate weapons at any Park District facility, on any District property, or at any District-sponsored event.

Weapons include visible and concealed weapons, including those for which the owner has the necessary permits and licenses. Weapons can include, but are not limited to a firearms, pistol, revolver, rifle, shotgun, bow and arrow, slingshot, cross bow, spear or spear gun, switchblade knife, knife with a blade longer than three inches, stiletto, sword, blackjack, blub, any weapon capable of discharging a projectile by air, gas or explosive, any explosive substance or harmful solid, liquid, or gaseous substance or any other dangerous weapon or objects that could be used to harass, intimidate, or injure another individual.
21.2 A person commits the offense of unlawful possession of weapons when they, within the Park System, knowingly:

21.2.1 Sell, manufacture, purchase, possess or carry any bludgeon, blackjack, sling-shot, bow & arrow, sand club, 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 Carry or possess 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 Carry 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 Set a spring gun; or

21.2.5 Sell, manufacture, purchase, possess or carry any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

21.2.6 The Park District strictly prohibits and does not tolerate the use or possession of weapons by employees during working time in any Park District facility, building, vehicle, parking area, on any Park District property, or at any Park District-sponsored event. Nothing in this Section prohibits an employee from possessing or using a weapon as a requirement of a work assignment as authorized by applicable State and Federal laws.

Nothing in this Section prohibits an employee possessing a valid license under the Firearm Concealed Carry Act from carrying a concealed firearm on or about his or her person within a vehicle into a District parking area and storing a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. An employee with a concealed carry license may carry a concealed firearm in the immediate area surrounding his or her vehicle within a Park District parking area only for the limited purpose of storing or retrieving a firearm within the vehicle’s trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. For purposes of this Section, “case” includes a glove
compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.

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 use a playground or park apparatus or devices meant exclusively for the use of small children.

22.2 Batavia Riverwalk:

That it shall be unlawful for any person to operate, ride or otherwise use, or to permit such operation or 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 or parking area owned or otherwise controlled by the District (hereafter “Parking Area”) giving notice about any limitations (i.e. time limitation), no person shall, at any time, park any motor vehicle (including but not limited to, any automobile, mini-bike, motorcycles, 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

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 a vehicle or allow a vehicle to remain parked in any Parking Area beyond the normal closing hours 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 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 made 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 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.

22.3.3 The south parking lot at Engstrom Park shall be designated as a Student Parking Lot on weekdays from 7 a.m. until 4 p.m. during each school year. Student Parking Permits may be issued to up to 22 Batavia High School students. The fee for Student Parking Permits shall be $175 per student per school year. Each vehicle shall display in the driver's side front window a "Student Parking Permit" as may be prescribed by the Executive Director or his or her designee. The south parking lot at Engstrom Park shall be posted with a sign at the entrance that states:

Student Parking
With Displayed Permit Only
7 a.m. to 4 p.m.
Weekdays, August 15 through June 15

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). 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 Executive Director of the Park District at 327 West Wilson Street, Batavia, Illinois, and punishable by a fine of $150.

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 alleged violator a citation:

a. Advising said person that they have violated a specified ordinance;

b. Requesting him/her to make a payment in an amount of alleged violation as set forth above as settlement of violation claim; and

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

Settlement: Pursuant to the citation, the person accused may settle and compromise the violation claim in respect to such code violation by paying the City of Batavia the
applicable amount as set forth in Section 3 above within a period to be specified in the citation. Such payment shall be made in accordance with the instructions contained in the aforesaid citation, at the Police Department.

Issuance of Complaint: In the event 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.

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 determined and established by the Circuit Court 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.

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 vote of the Board of Commissioners.

SECTION TWENTY-THREE

23.0 (General Prohibitions)

23.1 Prohibited Areas:

It shall be unlawful for any person to enter 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 (with the exception of West Main Community Park) posted against fishing, including ice fishing in the 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 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, (i.e. bonfire) or in appropriate receptacles without a Permit approved by the Executive Director;

(c) Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker, match, or other instrument or material;

(d) Build a fire for any purpose in or out of a receptacle or fireplace and leave it unattended, unless such fire is properly extinguished. For the purpose of this Ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance is cold to the human touch;

(e) Cause, suffer or allow the burning 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 within the Park System. Provided these provisions shall not apply to any properly authorized government official in pursuit of an official duty.

SECTION TWENTY-FIVE

25.0 (Selling, Distributing and Soliciting)
25.1 No person other than persons authorized by the District, acting on behalf of the Park District, shall offer or exchange for sale any article or thing, perform any hawking, peddling or soliciting, buy or offer to buy any article or thing, take up any collection or solicit or receive contributions of money or anything of value, nor distribute, cast, throw or place any pamphlet, circular, advertisement or notice of any kind, except when authorized to do so by Permit from the Executive Director. 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 Except as authorized by the Park District’s Mobility Device Use Policy 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, mini-bikes, 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 Executive Director or Board of Commissioners.

SECTION TWENTY-SEVEN

27.0 (Group Activity)

27.1 Whenever any group, association or organization with more than ten (10) people desire 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 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 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; No person (other than peace officers and park officials/employees conducting business during any hours in which the Park System is not open to the public are allowed unless a Permit is issued in accordance with this Ordinance. In the case of wet weather or other emergencies when the condition of the grounds is unsafe or less than desirable circumstances exist, the Executive Director may close the Park System or any portion thereof until communicated otherwise.

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 for recreational activities under the control of the District. No person (other than authorized park officials/employees 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 provided 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 twenty five dollars ($25) but not more than Five Hundred ($500.00) Dollars; the amount of the fines for any such violations shall be determined 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 Batavia Police Department and the general public upon written request.

30.2 For the purposes of enforcing the provisions of the Ordinance, and its amendments, the Executive Director is hereby authorized and directed to enter into such an Intergovernmental Agreement with the City of Batavia, and 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 notices of violation or citation, 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.

30.1.3 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, it 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 the Batavia Park District’s Code of Regulations.

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 him/her they have 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 the 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.

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>CODE #</th>
<th>FINE</th>
</tr>
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<tbody>
<tr>
<td>Alcoholic Liquor in Park</td>
<td>157-11.1</td>
<td>$75</td>
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<tr>
<td>Animals in Park (non-designated area)</td>
<td>157-15.1</td>
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<tr>
<td>Animal Waste (failure to clean up)</td>
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<tr>
<td>Assault</td>
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<td>$100</td>
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<tr>
<td>Assemblies without Permit (non-school)</td>
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<tr>
<td>Offense</td>
<td>Code</td>
<td>Fine</td>
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<td>------------------------------------------------------------------------</td>
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<tr>
<td>Batavia Riverwalk – non-pedestrian usage</td>
<td>157-22.2</td>
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<tr>
<td>Battery</td>
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<tr>
<td>Controlled Substance in Park</td>
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<td>Criminal Damage to Property</td>
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<td>Cruelty to Animals</td>
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<tr>
<td>Damage to Tree/Shrub</td>
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<td>Disorderly Conduct/Breach of the Peace-General</td>
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<td>Begging</td>
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<td>Intoxicated Person</td>
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<tr>
<td>Soliciting/Distributing/Selling (w/o permit)</td>
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<td>Disorderly Conduct-Speech/Obscene Behavior</td>
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<td>Disobey Lawful Command (Park Official/Peace Officer)</td>
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<td>Withdrawal from Mob Action</td>
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<tr>
<td>Dispersal where threat of Disorderly Conduct</td>
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<td>General</td>
<td>157-13.1</td>
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<tr>
<td>Lifeguard or other Official-Quarry Park</td>
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<tr>
<td>Skate Park-Order to Vacate</td>
<td>204-2</td>
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<tr>
<td>Dumping/Polluting</td>
<td>157-8.2</td>
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<td>Failure to Clean Up/Extinguish Fire</td>
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<td>False Alarm-bomb threat</td>
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<td>False Alarm-fire</td>
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<td>Fires in Parks</td>
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<td>Firearms/Knives</td>
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<td>Fireworks</td>
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<td>Fishing on District Property (unauthorized)</td>
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<tr>
<td>Hindering Park Employee Volunteer</td>
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<td>Hours Sunrise to Sunset (generally)</td>
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<tr>
<td>Hunting/Trapping Animals</td>
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<td>Ice Fishing (unauthorized area)</td>
<td>157-7.1 &amp; -23.2</td>
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<td>Impersonation of Officers</td>
<td>157-18.1</td>
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<td>Interference with Park Use</td>
<td>157-12.1</td>
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<td>Intoxicated Person on District Property</td>
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<td>Littering</td>
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<tr>
<td>Missiles, Drones, and Model Airplanes</td>
<td>157-17.1-17.3</td>
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<td>Mob Action</td>
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<td>Organized Gathering in Park without Permit</td>
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<td>Pandering</td>
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<tr>
<td>Park Hours/Closing</td>
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<tr>
<td>Park Hours/Lighted Facilities</td>
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<td>$50</td>
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<tr>
<td>Parking</td>
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<tr>
<td>In Other than Designated Areas/Times</td>
<td>157-22.3</td>
<td>$35</td>
</tr>
<tr>
<td>Illegally in Designated Permit Parking Areas</td>
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<tr>
<td>Persons &gt;16 on Playground Equipment</td>
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<tr>
<td>Polluting/Dumping</td>
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<tr>
<td>Signs/Leaflets (unauthorized posting)</td>
<td>157-24.1</td>
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<tr>
<td>Sleeping in Park (Sundown to Sunrise)</td>
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<td>Activity</td>
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<td>Fee</td>
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<tr>
<td>Smoking (non-designated area)</td>
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<td>Selling/Distributing/Soliciting (unauthorized)</td>
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<tr>
<td>Skate Park</td>
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<td>Hours</td>
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<tr>
<td>Use of Damaged or Vandalized Property</td>
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<td>Profanity, Dangerous Skating,</td>
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<td>Improper Use of Equipment, Loud Noise,</td>
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<td>Loud Music</td>
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<tr>
<td>Use by Bicycles, Scooters, or Non-Skaters</td>
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<tr>
<td>Unauthorized use of ramps, boxes, or other devices</td>
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<td>$30*</td>
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<tr>
<td>Glass Objects and Containers in Skating Area</td>
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<tr>
<td>Smoking or use of tobacco products</td>
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<td>Alcoholic Beverages</td>
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<tr>
<td>Threat of Violence</td>
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<tr>
<td>Throwing of Projectiles [at] persons or property</td>
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<tr>
<td>Trespass to Hall Quarry Beach</td>
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<td>Trespass to Prohibited Areas</td>
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<td>Vandalism (facilities real and personal)</td>
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<td>Vandalism (landscaping)</td>
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<td>Off-Road</td>
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<tr>
<td>Parking in Other than Designated Area</td>
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<tr>
<td>Weapons</td>
<td>157-21.2</td>
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</tbody>
</table>

*Seizure of equipment authorized.

PRESENTED to the Board of Commissioners of the Batavia Park District at Batavia, Illinois, on this 16th day of July, 2019.

PASSED by the Board of Commissioners of the Batavia Park District at Batavia, Illinois, on this 16th day of July, 2019.

SIGNED by the President of the Batavia Park District at Batavia, Illinois on this 16th day of July, 2019.

ATTEST:  

BOARD VOTE:  AYES_5  NAYS_0  ABSENT_0