



CAROL STREAM  
**Park District**

# **Park Rules and Regulations Ordinance 411**

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DuPage County Clerk

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## **ORDINANCE NO. 411**

### **Rules and Regulations of the Carol Stream Park District**

AN ORDINANCE OF THE CAROL STREAM PARK DISTRICT, DUPAGE COUNTY, STATE OF ILLINOIS, AMENDING 411 DATED MAY 12, 2008, WHICH AMENDED 291B RESTATING THE REGULATIONS AND RESTRICTIONS GOVERNING THE USE OF THE PARK SYSTEM OF THE CAROL STREAM PARK DISTRICT.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF COMMISSIONERS OF THE CAROL STREAM PARK DISTRICT, THAT ORDINANCE NO. 411 IS HEREBY AMENDED AND THE BELOW REGULATIONS AND RESTRICTIONS GOVERNING THE USE OF THE PARK SYSTEMS ARE HEREBY RESTATED AND ADOPTED.

#### **SECTION 1: ANIMALS**

- a) No person shall bring or release onto district property any wildlife including without limitation any animal the capture or killing of which is authorized by the fish and game laws of the State of Illinois, or any other animal, except for domesticated dogs, cats or other domesticated animal subject to the restrictions contained in this section;. provided, however, that the District may bring or release, or permit another person to bring or release, such proscribed animals onto district property in conjunction with an activity or event conducted or sponsored by the District or in conjunction with a zoo, museum, nature center, or similar facility maintained, controlled, permitted or licensed by the District.
- b) Except as otherwise provided in this Section, no owner or agent of the owner having control of any domesticated dog, cat, or any other domesticated animal shall cause or permit such animal to be on district property unless the pet is restrained on a substantial leash which shall not exceed six (6) feet in length and such person has in his immediate possession a device for removal, and a depository for the transportation, of animal excrement from such property. The presence of domesticated dogs, cats and other domesticated animals is prohibited (i) inside any District building, except where the animal is part of a class offered by the District; (ii) in a washroom facility; and (iii) in any other area posted as prohibiting pets.
- c) All owners or agents of the owner having control of any domesticated dog, cat, or other domesticated animal, shall remove from District property, or properly dispose of in an appropriate receptacle, any excrement left by such animal.
- d) No person shall bring a domesticated dog, cat, or any other animal onto or permit any animal to remain on any portion of District property where the presence of animals is prohibited, except (i) in conjunction with an activity or event conducted or sponsored by the District; and (ii) dogs or other domesticated animals specially trained to assist the visually impaired or other persons with disabilities, when they are accompanying the

persons with disabilities for purposes of providing such assistance.

- e) Any animal found on District property in violation of subsections (a) or (d) may be apprehended, removed to an animal shelter, public pound, or other place provided for that purpose, and disposed of pursuant to the laws or ordinances of DuPage County. The owner or person responsible for such animal shall be responsible for all costs and expenses incurred or encumbered in the removal and housing of such animal and such charge shall be in addition to and not in lieu of any other penalties provided for in this ordinance and any other applicable federal, state, local or district laws, ordinances, rules or regulations.

## **SECTION 2: WEAPONS**

- a) No person at any time shall have in their possession or on or about their person, vehicle or any other conveyance, concealed or otherwise, any firearm, stun gun, taser, bow and arrow, slingshot, cross bow, spear, or spear gun, switch blade knife, stiletto, knife exceeding 3", sword, blackjack, billy club, martial arts weapon or any air rifle, paint gun or device capable of discharging a projectile of harmful chemical substance, or any weapon, instrument, or substance of like character or design. Hereinafter, "weapons". Except as otherwise permitted by law.
- b) Weapons may be allowed at those designated areas, and/or, designated Park District programs or events, for their use by the Executive Director's discretion and then only in accordance with the rules and restrictions duly set forth for the proper use of such areas. Nothing contained herein shall be construed to prevent any ranger, police officer, 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 such officer.

## **SECTION 3: FIREWORKS AND PYROTECHNIC DEVICES**

- a) It shall be unlawful on any Park District area for any person to light, discharge, detonate, or set off any type of fireworks, pyrotechnics, explosives, or any device capable of creating a loud or unusual noise, explosion, flash or smoke, except when and where permitted by special Park District programs.
- b) It shall be unlawful on any Park District area for any person to possess or exhibit any type of explosive device, or any type of electrical or electronic device that could be capable of detonating an explosive device.

## **SECTION 4: BOATING**

- a) Where allowed, watercraft shall be used in accordance with Illinois Department of Natural Resources and the United States Coast Guard according to the Illinois Boat Registration and Safety Act. The Illinois Department of Natural Resources' has full and complete jurisdiction on any Illinois waters. All applicable rules and regulations of the Carol Stream Park District will apply.
- b) Motorized and wind powered (sail) boats are not permitted on any Carol Stream Park District waterways.

- c) Any person under the age of 18 in a watercraft must be accompanied by a parent or adult guardian.
- d) Watercrafts must be launched and landed at designated areas only.

## **SECTION 5: FISHING**

- a) Where allowed, persons may fish recreationally at Carol Stream Park District waterways.
- b) The Illinois Department of Natural Resources has full and complete jurisdiction on any Illinois waters. A fishing license is required for all individuals age 16 and older, and can be obtained from the Illinois Department of Natural Resources for recreational fishing; persons under the age of 16, and persons declared legally disabled or blind, do not require a license.
- c) The Carol Stream Park District encourages “catch and release.” The practice of “catch and release” within recreational fishing is intended as a technique of conservation. After capture, the fish are unhooked and returned to the water.
- d) Ice Fishing is not permitted on Carol Stream Park District waterways.

## **SECTION 6: SWIMMING**

- a) No person shall swim, bathe, or wade in any water or waterway in or adjacent to any park, except in such public swimming pools during such hours as the Park District may designate and in accordance with the terms of this ordinance and any other regulations as set forth by the Board of Commissioners.
- b) No person shall bathe their pets in any water or waterway in or adjacent to any park.

## **SECTION 7: HINDERING OF AUTHORIZED AGENTS**

### **I. EMPLOYEES**

- a) No person shall interfere with or in any manner hinder any employee of the Park District while engaged in construction, repairing or caring for any park property.
- b) No person shall interfere with or in any manner hinder any employee, volunteer, Commissioners, or authorized agent of the Park District while engaging as an instructor, coach, coordinator, facilitator, or the like in a Park District sponsored program, class, league or event.

### **II. RESISTING OR INTERFERING WITH COMMISSIONERS OR EMPLOYEES.**

No person shall resist any Commissioner or employee of the District in the discharge of his/her duty or fail or refuse to obey any lawful command of any such Commissioner or employee or in any way interfere with or hinder or prevent any such Commissioner or employee from discharging his/her duty, or in any manner assist or give aid to any person in custody to escape or to attempt to escape from custody or rescue or attempt to rescue any person when in such custody.

## **SECTION 8: OFFERING ARTICLES FOR SALE**

- a) No person shall offer or exchange for sale any article or thing or do any hawking, peddling or soliciting, or buy or offer to buy an article or thing, privilege or service, or take up any collection or solicit or receive contributions of money or anything of value in the Park system, and no person, company or corporation shall make any use of District property in connection with its profit-making activities, unless a permit or contract therefore has first been obtained from the District, or when authorized to do so by permit from, or contract with, the District.

- b) No person shall expose or offer for sale to the general public any articles or things, or conduct to solicit any business, trade or occupation or profession without a valid contract approved by the Park District and then only in accordance with the terms and conditions thereof, it being the intention to control commercial enterprises or sales on District property.
- c) No person shall display, distribute, post or fix any placard, sign, handbill, pamphlet, circular or any other written or printed material of any kind whatsoever without permission of the Executive Director, or designee, except groups holding a District issued Picnic or Special Event Permit who may display signs to identify their location or direct others to it, providing that such signs are no larger than 18" x 24" and are not attached to any tree, shrub or any post, building, window, door, district sign, gate or other structure, nor shall the placement of the sign cause any damage to Carol Stream Park District property. Any signage erected for the above stated purpose must be removed at the conclusion of the picnic or special event.

## **SECTION 9: PUBLIC MEETINGS**

- a) No person shall call or hold any public meeting, benefit, and fundraiser or give any concert or public entertainment of any kind in the Park system without the express consent of the District.
- b) Any gathering of 30 or more persons shall be considered a Large Group Event. No person, group of persons or organization shall hold, conduct, participate or organize any large group event, festival, function, picnic, party, sporting event, show, or the like ("Large Group Event") in the Park system without the expressed consent of the District in the form of a permit. The permit shall be displayed at the event. If a permit is granted, the permitted event shall be conducted according to all federal, state, and local laws, and the rules and regulations of the District including any specific requirements of the permit. Failure to do so will be cause for immediate termination of the permit, removal of the group from the premises, and a fine up to \$500 to the person who signed the permit.

## **SECTION 10: RESTRICTED PARTS OF PARK**

No person shall enter into any building or portion of District property where persons are prohibited by the District from entering, or where use is restricted to persons of the opposite sex [exception is made for children under the age of six (6)], as indicated by sign or notice. No person shall enter any building or area of District Property when it is closed to the public. No person shall enter any building or area in the District which is reserved or scheduled for a specific group or activity, or Carol Stream Park District program, unless such person is invited by the individual, group, or agency responsible for such activity and, if applicable, such person has paid all appropriate admission fees.

## **SECTION 11: BEGGING**

- a) No person shall beg or solicit alms in the Park system.

## **SECTION 12: LOITERING**

No Person shall loiter or remain on District property either alone or in consort with other Persons in such a manner that: (1) unreasonably obstructs the usual use of entrances, hallways, corridors, stairways, or rooms designated for specific purposes; (2) impedes or disrupts the performance of official duties by District employees; (3) prevents the general public from obtaining the administrative or recreational services provided on District property in a timely manner; (4)

restricts vehicular or pedestrian traffic or restricts free ingress to and egress from District property after being requested to leave, move, or disperse by any employee of the District, or where the District has posted a sign or signs that prohibit loitering.

### **SECTION 13: FIRES**

No person shall light or make use of any fire on District property, except at such places and at such times as may be designed for such purpose and then only with such permission of and under such rules as may be prescribed by the Park District. Every such fire shall be under the continuous care and direction of an adult from the time it is kindled until the time it is completely extinguished.

### **SECTION 14: INTOXICATING LIQUORS-DRUGS-OR OTHER CONTROLLED SUBSTANCES**

The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, including alcohol, cannabis and medical marijuana is prohibited on Park District Property.

However, the Park Board recognizes an exception for patrons who may desire to have alcohol as part of their private rental or during select programs or events held on Park District property. Such use or consumption of alcoholic beverages will be by permit only, as defined by Park Board Policy.

And however, the Park Board recognizes an additional exception for Park District Staff to sell alcohol to patrons, as defined by Park Board Policy.

Regardless of permission to consume alcoholic beverages on park property, or lawful use of medical marijuana, or other controlled substances, patrons will be required to conduct themselves and/or their organizations according to all local, State and Federal laws.

Violation of any park rules will be cause for immediate revocation of the alcoholic beverage permit, and, further appropriate action.

### **SECTION 15: DUMPING ARTICLES**

- (a) No person shall place, pile or otherwise dump, leave or deposit in any manner any kind of dirt, rubbish, refuse, ashes, garbage, grass clippings and other yard waste, snow, ice or other substance, whether liquid or solid, on District property except as specifically permitted by the District. Any person violating this section may be assessed the cost to the District of removing any such improperly deposited substance or material and such charge shall be in addition to and not in lieu of any other penalties provided for in this Ordinance.
- (b) No person shall litter, cast, throw, drop or otherwise deposit or leave any garbage, refuse or other material of any kind on District property nor shall any person otherwise defile District property. Provided, however, that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of District property may and shall be deposited in receptacles provided by District for that purpose. Where receptacles are not so provided, are missing, or are full to capacity, all such garbage, refuse or other material shall be carried away from the area of use by the person(s) responsible for the presence and property disposed of elsewhere.

## **SECTION 16: GAMBLING**

No person shall play or engage in selling routines or futures, games of chance or in any other device or game of chance, hazard or skill, either as bookmaker, dealer, player, or otherwise, for the purpose of gaming or gambling for money or other valuable things within the Park system.

## **SECTION 17: PROTECTION OF BIRDS AND ANIMALS**

No person shall trap, catch, wound, kill or mistreat or attempt to trap, catch, wound or kill any bird or animal or molest or rob any nest of any bird or animal in the Park system.

## **SECTION 18: BRINGING PLANTS SHRUBS OR TREES PROHIBITED**

No person shall bring into or upon the Park system any tree, shrub, or plant of any newly plucked branch or portion of a tree, shrub, or plant, without expressed approval of Park District.

## **SECTION 19: DAMAGE TO PARK PROPERTY**

Unless a permit or contract therefore has first been obtained from the District, no person shall mark, carve, bend, cut, paint, deface, break, down, destroy, damage, alter, change, sewer, mow, uproot, excavate or otherwise remove; or attach or suspend any rope, tape, wire or other material or contrivance to or from, any District property including without limitation any:

- a) park building or part thereof, table, bench, fireplace, coping, lamp post, fence, wall, paving, or paving materials, shelter, refuse container, exhibit, display, tool or equipment, water line, telephone, or public utility or parts or appurtenance thereof, or any sign, notice or placard, whether temporary or permanent, equipment or facilities;
- b) soil, rock, stone, timber, or other wood materials;
- c) tree, sapling, seedling, bush, shrub, flower, plant or plant material whether dead or alive.

Nor shall any person climb upon, hang from or stand or sit on any plant, fence, soccer or football goal, basketball net or other District property of any kind except such benches or other property designated or customarily used for such purposes, or recreational equipment as may be installed by the District for such purposes.

## **SECTION 20: BREACH OF PEACE - DISORDERLY CONDUCT**

- a) No person shall make, countenance or assist in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace in the Park system or be guilty of any disorderly conduct therein or collect with other persons in bodies or crowds for unlawful purposes or for any purpose to the annoyance or obstruction or disturbance of other persons.
- b) No person shall engage in behavior, speech, gesture or any offensive act that provokes a breach of the peace or disrupts alarms, disturbs, intimidates, or unreasonably interferes with others in the normal, safe use of the park system or any facility thereof.
- c) No person shall falsely represent or impersonate any Park District Commissioner or employee, or pretend to be a Park District Commissioner, employee or an agent or other representative of the District.



## **SECTION 21: ENGINE POWERED, RADIO CONTROL MODELS AND UNMANNED AIRCRAFT SYSTEMS (DRONES)**

- a) The operation of battery-powered model RC boats is permissible in designated park ponds. Adult supervision is required at all times. The model boat may not be driven in a reckless manner which may damage Park District property or endanger wildlife or native plantings. No one is allowed to enter into any lake, pond or waterway to launch or retrieve a model boat.
- b) The operation of battery-powered RC airplanes, model airplanes weighing 2 pounds or less, Category F5 based on the FAI Sporting Code are permissible in designated park areas. All Federal Aviation Administration or other governmental authority rules and regulation must be obeyed. Adult supervision is required at all times. Only one model airplane may be flown in a designated area at one time. Flying over private property adjacent to park property is prohibited. Only two people can enter the designated park area at one time, the plane operator and one observer. The pilot must maintain control of their airplane at all times and fly in a safe manner.
- c) No person shall unless a permit has first been obtained start, ignite, fly, or use any fuel powered model rocket in any park areas. All rockets must fall into the category of Model Rocketry, comply with the National Fire Protection Association (NFPA code 1122) and must be launched within a designated park area.
- d) Aircraft/Model Aircraft/Drone
  1. No person shall fly, cause to be flown or permit or authorize the flying of Aircraft of any kind at any time over District property at an elevation lower than the minimum safety requirement established by the Federal Aviation Administration or other governmental authority, at an elevation which is lower than is reasonably safe under the circumstances, or in a manner which endangers the safety of any person on District property.
  2. No person shall parachute or make an ascend or descend in an Aircraft into or onto District property or cause, permit or authorize another person to parachute or otherwise ascend/descend from an Aircraft into or onto District property unless a permit has first been obtained from the District, except when necessitated by an unavoidable emergency.
  3. The District asserts jurisdiction over its properties, including the first 150 feet above ground level. Accordingly, no person shall, upon or in connection with any property of the District: start, fly or use any fuel-powered, battery-powered or electric-powered model or toy or any radio-controlled aircraft, rocket or any like controlled or powered toy or model or drone subject to FAA Part 101 for special events, instruction classes or other functions on a case-by-case basis. A permit shall only be denied to prevent conflicts with other users or facilities or where such activity would be contrary to the guidelines or regulation of the FAA
  4. No person shall operate, launch, take off, land, cause to launch, take off or land unmanned aircraft systems (drones) subject to FAA Part 107 or any kind from or on or over Park District property without a permit. This restriction does not apply to any operation of a Drone at altitudes greater than 150 feet above ground level.
  5. No person shall operate, launch, take off, land cause to launch unmanned aircraft systems (drones) subject to FAA Part 101 unless such activity is conducted within an area and at times that the Park District has designated for such activities either by policy or permit and in no case;

- i. in violation of the Federal Aviation Administration rules, regulations and safety guidelines governing such flight;
  - ii. over or within fifty (50) horizontal feet of the property line of the following facilities: playgrounds, athletic courts or fields, aquatic facility, mini golf facility, dog park or skate park;
  - iii. directly over any person, group of people or occupied space;
  - iv. for the purpose of conducting surveillance (which is defined as the gathering of images, sounds, data or other information in a manner that intrudes upon the solitude, privacy or seclusion of a person or their private affairs or concerns), unless expressly permitted by law;
  - v. that is equipped with a firearm or other weapon or with the intent to use the Drone or anything attached to the Drone to cause harm to persons or property;
  - vi. whenever weather conditions would impair the operator's ability to do so safely; or
  - vii. in a reckless or careless manner. The restrictions set forth herein on the operation of drones shall not apply to operations at altitudes greater than 150 feet above ground level.
6. To the limited extent that this policy conflicts with regulations promulgated by the Illinois Department of Transportation, said regulations supersede this policy.

## **SECTION 22: AVIATION**

- a) No person shall fly, cause to be flown, or permit or authorize the flying of any aircraft of any kind at any time over District property at an elevation lower than the safety requirements established by the Federal Aviation Administration other governmental authority, or at an elevation which is lower than is reasonably safe under the circumstances, or in a manner which endangers the safety of any person or District property. No person shall land, cause to be landed or permit or authorize the landing of any aircraft on District property, except when necessitated by unavoidable emergency. No person shall make any ascent or descent in a balloon, airplane, ultra-light, glider, hang-glider, kite or parachute or any similar aviation device without prior written permission of the Executive Director.
- b) Permitting use of and landing of aircraft for official District business as permitted by FAA or other regulations.

## **SECTION 23: MOTORIZED VEHICLES AND OTHER DEVICES**

### Section 31.a Use of power-driven mobility devices other than wheelchairs

No Person shall drive, ride, or otherwise operate a "low speed electric scooter" as defined by the Illinois Vehicle Code, 625 ILCS 5/1-140.11, within the Park System. No Person shall drive, ride, or otherwise operate an all-terrain vehicle, go cart or any power-driven mobility device, including but not limited to electric powered bicycles, mopeds or Segways, on District Property, except as authorized by Section 32.02 or by the District's Other Power-Driven Mobility Devices Used for ADA Purposes Policy. The regulations set forth herein shall not apply where necessary to make a reasonable accommodation for use of the Park System under the Americans With Disabilities Act. For purposes of this section, an all-terrain vehicle shall be defined as any motorized off-highway device 50 inches or less in width, having a manufacturer's dry weight of 600 pounds or less,

traveling on three or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control.

#### Section 31.b Use of Micromobility Devices

Micromobility Devices refer to a category of small, lightweight devices designed for personal transportation. Micromobility Devices do not include “low speed electric scooters” as defined by the Illinois Vehicle Code, 625 ILCS 5/11-140.11, which are prohibited at all times within the Park System, these devices are typically designed for use in urban and suburban areas to facilitate short-distance travel. Common examples include:

- (a) Electric bicycles (e-bikes): Bicycles equipped with an electric motor that assists with pedaling (i.e., Class 1 e-bikes), making it easier to travel longer distances or up hills without excessive exertion. Bicycles powered by an electric motor controlled by a hand throttle rather than by pedaling (i.e., Class 2 and Class 3 e-bikes) are not permitted on District Property.
- (b) Hoverboards: Self-balancing boards with two wheels, powered by batteries.
- (c) Skateboards: Electric-powered skateboards used for short trips.
- (d) Segways: Two-wheeled, self-balancing personal transporters.

No Person using Micromobility Devices shall interfere with pedestrian use of sidewalks or vehicle use of the streets, or otherwise act negligently, recklessly or without due caution, or in any manner so as to endanger any Person or property nor use same where such use has been posted as prohibited.

When two or more Persons in a group are operating Micromobility Devices, they shall not ride abreast, but shall ride in single file.

No Person operating a Micromobility Device shall cling or attach any part of themselves or their Micromobility Device to any other moving vehicle.

The operator of a Micromobility Device emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

No Person operating a micromobility device shall carry another Person on the same device. This restriction does not apply to tandem bicycles or child safety seats. In those cases, there shall be only the number of Persons on the bicycle as there are seats or saddle.

No Person shall operate an electric bicycle on District property between thirty minutes after sunset and thirty minutes before sunrise, without a clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front therefore not nor less than 500 feet and firmly attached to the device, and without a red reflector firmly attached to the device, which is clearly visible in the headlight beam of an automobile for a distance of 500 feet to the rear of the bicycle.

No Person may operate a Micromobility Device on District playground surfaces, athletic fields, athletic courts, or sidewalks except small children riding three or more-wheeled bicycles while

under the supervision and control of an adult. This restriction does not apply to operating a bicycle on a designated bicycle pathway.

No Person shall ride a Micromobility Device on any park district owned or managed street or path where signs are posted prohibiting riding Micromobility Devices on those streets or paths.

Micromobility Devices shall not, at any time, in any place, be indiscriminately parked by anyone in such a manner as to actually or possibly interfere with pedestrians or traffic, or with Persons getting into or out of automobiles. No Person shall leave a Micromobility Device lying on the ground or pavement or set against trees or otherwise in a place that may create a safety hazard or interfere with the use of the area for recreational purposes. No Person shall move or in any manner interfere with, any Micromobility Device which is properly parked, nor shall any Person interfere with, or in any manner, hinder any Person from properly parking a Micromobility Device.

All Micromobility Devices, when operated on roadways, shall be kept to the right and shall be operated as nearly as practicable at the right-hand edge of the roadway or path.

No Person shall operate a Micromobility Device faster than is reasonable and proper, and every Micromobility Device shall be operated with reasonable regard for the safety of the rider and of other Persons and property.

Every Person operating a Micromobility Device within the District shall observe all federal, state, local and District traffic rules and regulations applicable to motor vehicles, except those provisions of this chapter which by their nature can have no application to the operation of a Micromobility Device and except as otherwise provided by this section.

Electric cycles are only allowed on District trails if they are Class 1 electric cycles. By federal standards, an electric cycle is considered a “cycle” (not a motorized vehicle) as long as it meets the following criteria:

It must be low speed (an electric motor of less than 750 watts).

- (a) It must have a maximum speed of less than 20 miles per hour.
- (b) It must have functional pedals.
- (c) The rider must be at least 16 years of age.

Motorized cycles or other similar devices propelled by gasoline, propane, or any other combustible fuel, are prohibited from District trails and park district owned roadways.

## **SECTION 24: WINTER SPORTS-SLEDDING**

- a) No person shall skate board, skate, toboggan, snowmobile, ski, slide, snowboard, golf or engage in similar activities on District property except at such places and at such times as the District may designate for that purpose, and no person shall engage in such activity in a reckless manner or at a speed greater than is safe and proper under the circumstances.

- b) Any or all sledding areas may be closed if and when the area becomes unsafe due to lack of snow cover or for other safety related purposes.
- c) It shall be unlawful for any person to erect or build man-made sled, skate, bike, or other jumps, in any park, at any time.

## **SECTION 25: WINTER SPORTS-FROZEN WATERS**

It shall be unlawful for any person on any Park District property to:

- 1. Enter on or upon any frozen waters to skate, slide, or walk or for any purpose whatsoever upon such waters unless they are posted "open" or "safe".
- 2. Fish through the ice on any frozen waters or parts thereof.
- 3. Bring onto or upon the frozen waters of any lake, pond, or watercourse any iceboat, any motor, or wind-driven-like device or other vehicle.

## **SECTION 26: HOURS OF USE**

The Park system shall be open to the public from 6 A.M. to dusk unless District sponsored activities are in progress or different hours are posted by the Board of Commissioners. No person shall remain in the Park system when not open to the public except by permit from or contract with the Park District.

## **SECTION 27: TRESPASS**

- a) It shall be unlawful and considered trespassing for any person to be on, enter, or remain on any Park District area or property at any time after receiving notice from proper authority, prior to, or after entering Park District property that such entry is prohibited.
- b) Except when and where permitted by special Park District programs, it shall be unlawful and considered trespassing on Park District property for any person to:
  - 1. enter any area posted as restricted or closed
  - 2. enter any Park District area or property after hours
  - 3. operate any motorized vehicle except on regularly designated roads, drives, and parking lots
  - 4. be parked on roads, drives or parking lots after hours
  - 5. climb, or by any means circumvent, any fence or barrier to gain access to a park area or building.

## **SECTION 28: FIRST AMENDMENT ACTIVITIES**

### **1. Policy Statement**

This Policy is intended to address the criteria for engaging in activities protected by the First Amendment of the United States Constitution while on property owned or controlled by the Carol Stream Park District.

The District is aware that its mission includes providing public spaces for the peaceable and reasonable performance of First Amendment activities on Park District property. The spaces designated as public forums are in addition to traditional public forums that are under the jurisdiction of others such as the Village of Carol Stream (e.g., sidewalks, the public right of way) and that are not within the control of the District. However, the District also recognizes that its primary mission is to provide facilities and opportunities for active and passive recreational activities and that the use of District properties for that mission can limit or prevent First Amendment Activities. There are also areas within the District's park system that are used for operations and which are incompatible with First Amendment

Activities due to safety concerns. As a result of these competing interests and safety concerns, the types of First Amendment activities allowed on Park District property must be balanced against the nature and size of the property and the other intended or permitted uses thereof so that the conduct of First Amendment Activities does not result in a direct conflict with the Park District's intended or permitted use of the property, the risk of damage to Park District property, or the risk of injury.

## **2. Definitions and Designations**

**A. "First Amendment Activities"** shall mean, and include, the following activities performed by or on behalf of a resident or Resident Organization:

- i. One or more persons engaging in charitable, religious or political speech or expressive conduct, or gathering or associating for those purposes;
- ii. Engaging in the commercial sale and distribution of merchandise for charitable, religious, or political purposes;
- iii. Conducting parades or public assemblies;
- iv. Distributing non-commercial printed or written material; or
- v. Erecting unattended, seasonal displays representing a charitable, religious or political message, which may occupy an area no larger than 30 square feet.

**B. Designated First Amendment Forums:**

- i. The following locations are hereby designated as Public Forums for the purpose of First Amendment Activities:
  - Fountain View Recreation Center: Limited to grass area at the South and West of the Facility.
  - Simkus Recreation Center: Limited to grass areas at the Lies Road entrance of the Facility.
  - Armstrong Park: Limited to grass area at the Red Caboose when entering the park at the Illini Drive entrance.
  - Redhawk Park: Limited to grass area to the South of the parking lot at the St. Charles Road entrance.
- ii. In addition, for First Amendment Activities described in items A(1) and (4), an open and unimproved 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 First Amendment Activity, in consideration of all other contemporaneous Park District activities 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.
- iii. All District Property or parts thereof not expressly described above shall be not be considered a public forum and therefore First Amendment Activities are not permitted.
- iv. Due to their unique characteristics or inherent concerns for safety of persons and properties, the following locations are hereby expressly designated as protected from First Amendment Activities of any and every kind. Staff and the Village of Carol Stream are authorized and directed to take such reasonable action as necessary to end any attempted First Amendment Activities at these locations:
  - Park District Maintenance Facility
  - McCaslin Park
  - Coyote Crossing Mini Golf

## **3. Restriction on Solicitation**

Any person engaging in solicitation activity pursuant to a permit in or in close proximity to a parking lot, highway or street must wear a high visibility vest and must obtain any necessary permits as may be required by the Village of Carol Stream or DuPage County.

#### **4. Permit Requirement**

- A. No person or organization, other than the District, shall, without a permit:
  - i. Conduct a public assembly or parade involving more than fifteen (15) individuals or vehicles;
  - ii. Place, paste, glue, tack or otherwise affix or post any sign, placard, advertisement, or inscription whatsoever, nor erect or cause to be erected any permanent or temporary sign whatsoever, on any structure, fence or tree on District property, except to the extent temporary signs are allowed by the Illinois Election Code for polling places during the electioneering period. Nothing herein shall be construed to prohibit the carrying of signs in the course of performing a First Amendment Activity in a First Amendment Location;
  - iii. Circulate or distribute, in any indoor District property, any leaflets, handbills, notices, pamphlets, books, documents, or papers of any kind, except on bulletin boards expressly provided for such purpose, or cause them to be attached to vehicles and equipment parked on District property;
  - iv. Engage in solicitation from persons on District property, except for First Amendment Activities in areas specifically described as First Amendment Locations; and
  - v. Erect unattended seasonal displays, which may occupy an area no larger than 30 square feet nor be displayed for greater than fourteen (14) days.
- B. Permits are subject to the District's priority of use Ordinances and Policies. By issuing a permit the Park District does not relinquish the right to control the management of the District property and enforce all necessary and proper rules for the safe operation of District property.

#### **5. Indemnification and Reimbursement Agreement**

No permit for any activity described in Article IV shall be granted unless the applicant shall have executed an agreement with the District, on a form to be prescribed by the District staff, in which the applicant shall promise and covenant to bear all costs of policing, cleaning up and restoring the District property upon which the permitted event or activity occurs upon conclusion of the event or activity; to reimburse the District for any such costs incurred by the District; and to indemnify the District and hold the District harmless from any liability to any person resulting from any damage or injury proximately caused by the action or omission of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law. Such an agreement may be executed contemporaneously with the issuance of the permit.

#### **6. Security Deposit**

For any activity described in Article IV.A.1, 3, 4 or 5, no application for permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the park upon conclusion of the use or activity, as set by the schedule of fees set by the District staff and approved by the Board. Promptly after the conclusion of a permitted activity, the District shall inspect the premises and equipment used by the permittee. If it is determined by such inspection, that the sponsor or participants in the permitted event proximately caused damage to District property in excess of normal wear and tear and which requires repairs in excess

of routine maintenance, the District shall retain the security deposit or any portion thereof necessary to pay for the cost of repair. The District staff shall give written notice of the assessment of damages and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit.

## **7. Insurance**

For any activity described in Article IV.A.1, 3, 4 or 5, Applicant shall procure and maintain at all times during its use of District property, insurance in such amounts and with such coverages as shall reasonably be required by the District and shall name District as an additional insured thereunder. The amounts and type of insurance required shall be reasonably determined by the Executive Director, based upon the nature of the activity, the estimated number of participants, and the risk of personal injury or property damage involved. The Executive Director shall prepare a uniform schedule of insurance guidelines for particular types of activities. Applicant shall provide District with a certificate from its insurer evidencing such coverage prior to applicant's use of District property. The certificate shall also provide that the insurer shall give the District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

## **8. Processing of Application for Permits**

### **A. Order**

Applications must be filed during regular business hours, or shall not be deemed filed until the next business day. Applications shall be filed no later than forty-eight hours prior to the activity for which a permit is sought. Applications may be obtained from the Park District website or the Administrative Office. Applications for permits shall be processed in order of receipt (e.g. first come, first serve); and the use of a particular First Amendment Location or part thereof shall be allocated preference in order of receipt of fully executed applications.

### **B. Preliminary Approval**

Applicants must agree that participants of events will abide by and comply with federal, state, municipal laws and policies as well as the rules and regulations of the Park District. Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued. If, within fourteen days of the issuance of the preliminary approval, but in no event later than the day prior to the date of the event or activity, an insurance certificate evidencing the requisite insurance is not filed with the Executive Director, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the preliminary approval will expire, the application for permit will be deemed denied and no written notice of denial will be required. Please note that the Park District may terminate the permit at any time if it determines the applicant and/or the participants have violated the rules set forth in this Code.

### **C. Written Denials**

Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed approved, subject to insurance requirements as provided in Section VII, above, if no written denial is issued before the date of the event, but in no case later than fourteen days of the date on which the application is fully completed, executed and filed with the appropriate officer or employee, as



designated by the Executive Director; provided, however, the District may extend the period of review for an additional fourteen days by issuance of a written notice of extension describing such additional relevant information required by the District to identify if the application and proposed activity complies with this Code. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed approved.

D. Notice of Extended Review or Denial or Issuance of Permit

Written or electronic notice of denial or notice of extension shall be served on the applicant by e-mail, personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address on the application for permit.

E. Contents of Notice; Grounds for Denial

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied together with a citation to the sections of this Policy with which the application fails to comply and, where feasible, shall contain a proposal by the District for measures by which the applicant may cure any defects in the application for a permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the District shall propose an alternate place, if available for the same time, or an alternate time, if available for the same place. The District may deny an application for permit on any of the following grounds:

- i. the application for permit is not fully completed and executed;
- ii. the applicant has not timely tendered the applicable application fee, user fee, indemnification and reimbursement agreement, or security deposit;
- iii. the application for permit contains a material falsehood or misrepresentation;
- iv. the applicant is legally incompetent to contract or to sue and be sued; the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged District property and has not paid in full for such damage, or has other outstanding and unpaid debts to the District;
- vi. a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant (or higher-ranking applicant) authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part thereof;
- vii. the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the District and previously scheduled for the same time and place;
- viii. the proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of the park or part thereof;
- ix. the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of District employees or of the public, despite reasonable accommodations designed to mitigate such risks;
- x. the applicant has not complied or cannot comply with applicable licensure requirements, policies or regulations concerning the sale or offering for sale of any food, goods or services;
- xi. the use or activity intended by the applicant is prohibited by law, by the policies or policies of the District, or by the regulations of the District staff;

- xii. the applicant has not secured the requisite insurance; or
- xiii. the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior permits issued to the applicant.

F. Amendment or Revision of Applications

Any amendment of an application or permit shall, for purposes of determining the priority of the application for permit, relate back to the original filing thereof, but the time in which the District shall grant or deny the application for permit and serve notice of such shall be computed from the date of the amendment or revision.

## **9. Procedures for Review; Waivers**

A. Review by Executive Director

- i. Any applicant who is denied a permit or a permittee who is assessed damages pursuant to this Policy may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Executive Director. If the Executive Director's decision is being appealed, the appeal shall be filed with the Board President;
- ii. The Executive Director shall have two (2) business days from the date on which the appeal was filed in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial;
- iii. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;
- iv. If such notice is not served upon the applicant or permittee within two (2) business days of the date upon which the appeal was filed, then the decision shall be deemed reversed.

B. Form of Appeals

Any appeals filed shall state succinctly the grounds upon which it is asserted that the decision should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the supervisor and/or the Executive Director and any other papers material to the determination.

C. Waiver of Requirements

Any requirements for or limitation upon a permit or the requirement of a permit may be waived by the Executive Director if the activity is protected by the First Amendment of the United States Constitution and/or the condition would be so financially burdensome that it would preclude the applicant from using District property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the Executive Director.

## **10. Severability**

If any provision be held invalid, the remainder shall not be affected thereby. The District reserves the power to amend or repeal at any time without notice; and all rights, privileges and immunities conferred or by acts done pursuant hereto shall exist subject to such power.

## **SECTION 29: ORGANIZED GANGS-PROHIBITED ACTIVITIES**

- a) For purposes of this section, "organized gang" means an association, or part of said association, of five or more persons with an established hierarchy, that encourages members of the association to perpetrate crimes, or provide support to the members of the association who do commit crime.
- b) It shall be unlawful for any person to solicit individuals for organized gang membership, or intimidate any individuals for non-affiliation in an organized gang, while on any District property, on any Park District organized field trip, or recreational facilities owned or operated by the District.
- c) Any behavior of this sort can be banned from Park District property.

### **SECTION 30: SMOKING ON PARK DISTRICT PROPERTY**

- a) Smoking, Use of E-Cigarettes, Use of Tobacco, and Use of Matches in Any Form in Buildings Prohibited. No person shall smoke any cigar, cigarette, or pipe on or within any building located on Park District Property in violation of the "Smoke Free Illinois Act" 410 ILCS 82/1 et seq, as may be amended from time to time. No Person shall smoke or otherwise use any e-cigarette on or with in any building located on Park District Property. For purpose of this Ordinance, "e-cigarette" is defined as any battery-operated device that contains cartridges filled with a combination of nicotine, flavor, and chemicals that are turned into vapor which is inhaled by the user.

No person shall use tobacco in any of its forms, including but not limited to any smokeless, spit, or spitless, dissolvable or inhaled tobacco products, dip, chew, or snuff on or within any building located on Park District Property.

No person shall light matches, lighters, or other devices capable of starting a fire in any building or any part of the Park System except for the purpose of lighting a grill at locations designated for that purpose, or as otherwise allowed by express written permission of the District.

- b) Penalty. Any person found guilty of violating section B of this Ordinance shall be fined not less than \$100 or more then \$250 for each offense.
- c) Smoking Use of E-Cigarettes, and Use of Any Tobacco Products in Certain Outdoor Areas Prohibited. No person shall smoke any cigar, cigarette, or pipe in or on any Park District park, facility, parking lot, or trail. No person shall use tobacco in any of its forms, including but not limited to smokeless, spit or spitless, dissolvable or inhaled tobacco produces, dip, chew, or snuff in or on any Park District park, facility, parking lot or trail.
- d) Penalty. Any person found guilty of violating Section D of this Ordinance maybe fined not less than \$100 or more than \$250 for each offense.
- e) No person shall smoke any marijuana, hashish or opium or any other illegal substance in any place in the park system, nor shall any person discard any lighted or unlighted match, cigar, or cigarette in any place in the park system.
- f) Repeal. Any Ordinance in conflict with this Ordinance is hereby repealed to the extent of such conflict.
- g) Severability. If any portion of the Ordinance is found to be invalid by a court of the competent jurisdiction, that portion shall be served from the Ordinance and the rest of the Ordinance shall be considered to be in full force and effect.
- h) Effective Date. This ordinance shall be effective from and after its approval and publication as provided by law.

## ORDINANCES

All public ordinances of all municipalities within which any part of the Carol Stream Park District is located are, hereby adopted by the Carol Stream Park District, insofar as the same are applicable to the use of that portion of the park and park facilities of the Carol Stream Park District located within the territorial limits of such respective municipalities, as well as the laws, statutes and regulations of the State of Illinois. Said municipal ordinances within that portion of the Park District located within said respective municipalities shall be deemed to be in addition to the provisions of these ordinances, and violations thereof shall constitute violations of this section, and shall subject the violator to the penalties provided herein.

## PENALTY

Any person violating any clause or provision of any section of this ordinance shall be fined Five Hundred Dollars (\$500.00) for each offense, the fine to be recovered in a manner and form as provided by law. The Park District may also seek, in addition to said fines, an order that the offender be required to make restitution for the damage resulting from the violation, and the court shall grant such relief where appropriate.

## RESERVATION OF LEGAL RIGHTS

This ordinance shall not be interpreted in any way to limit the Carol Stream Park District from seeking any and all legal remedies available to it under criminal or civil law, and the Constitutions of the State of Illinois and the United States of America.

This Ordinance updated and voted upon this 28<sup>th</sup> day of October 2024.

AYES	<u>6</u>
NAYS	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>1</u>

CAROL STREAM PARK DISTRICT

By: Jacqueline Jeffery  
Jacqueline Jeffery, President

ATTEST:

Sue Rini  
Sue Rini, Secretary

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