



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: April 7, 2011

MEMO TO: Linda Pedersen, Chair
Finance and Administrative Committee

FROM: Michael G. Tully
Director of Operations and Public Safety

SUBJECT: Lake County Forest Preserve District General Use Ordinance

Agenda Item # 9.4

RECOMMENDATION: Approve Revised General Use Ordinance

BACKGROUND: The Lake County Forest Preserve District General Use Ordinance governs the use of the forest preserves and property of the District. The District is authorized to do so by Section 7 of the Downstate Forest Preserve District Act 70 ILCS 805/7 and other applicable authority.

The Operations and Public Safety Department recommends that the District update and modify the existing version, which was approved in January 2000. The Ordinance is instrumental in providing for protection of natural resources and physical facilities in District forest preserves and other property, and for the safety and general welfare of the public.

The significant changes in the updated version include:

- Incorporation of the State of Illinois Wildlife, Fish and Aquatic Life, Vehicle, and portions of the Criminal Codes.
- Addition of rules and designated sites for Expressive Uses on District Property.
- An increase of \$10.00 on all ordinance violation fines.

Minor changes in the document include:

- Clarifications in the definitions section.
- Change of date for picnic permit issuance, and language allowing for earlier issuance under certain circumstances.
- Exemption for equestrians from the requirement that they remove horse dung from the trails.

Attached to this recommendation is the complete revised document with pertinent changes highlighted.

REASON FOR RECOMMENDATION: Committee and Board approval is required to authorize execution of a revised Ordinance Book Rules and Regulations.

REVIEW BY OTHERS: Executive Director, Deputy Executive Director, Corporate Counsel and Chief of Ranger Police.

FINANCIAL DATA: No financial impact.

PRESENTER: Michael G. Tully

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

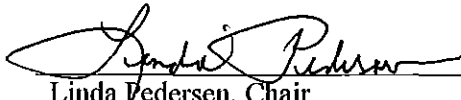
**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR APRIL MEETING
APRIL 12, 2011**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **FINANCE AND ADMINISTRATIVE COMMITTEE** presents herewith an "Ordinance Governing the General Use of District Property," and requests its adoption.

FINANCE AND ADMINISTRATIVE COMMITTEE:

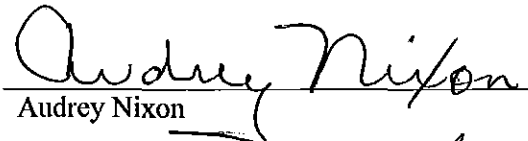
YEA NAY


Linda Federsen, Chair

Pat Carey, Vice-Chair

Anne Flanigan Bassi


Aaron Lawlor


Audrey Nixon


Diana O'Kelly

David Stolman

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**ORDINANCE GOVERNING THE GENERAL USE
OF DISTRICT PROPERTY**

Passed and Approved by
the Board of Commissioners
of
the Lake County Forest Preserve District
Lake County, Illinois
the 12 day of APRIL, 2011

Published in pamphlet form by direction
and authority of the Board of Commissioners of
the Lake County Forest Preserve District
Lake County, Illinois
this 12 day of APRIL, 2011

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**ORDINANCE GOVERNING THE GENERAL USE
OF DISTRICT PROPERTY**

**ORDINANCE
BOOK**

RULES & REGULATIONS

LAKE COUNTY

FOREST PRESERVE DISTRICT

*Dedicated to preserving the past
and protecting the future*

Approved 4-12-2011

LAKE COUNTY FOREST PRESERVE DISTRICT

Preservation Restoration Education Recreation

General Offices

2000 North Milwaukee Avenue
Libertyville, IL 60048-1199
Telephone 847-367-6640
Fax 847-367-6649
Email forestpreserves@lcfpd.org

Operations and Public Safety Offices

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Lindenhurst, IL 60046
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Operations Fax 847-245-3051
Public Safety 847-968-3404
Public Safety Fax 847-245-3052
Non-emergency Public Safety Dispatch 847-549-5200
Email FP_operations@lcfpd.org

MISSION

*To preserve a dynamic and unique system
of natural and cultural resources, and
to develop innovative education, recreational
and cultural opportunities of regional value,
while exercising environmental
and fiscal responsibility.*

SERVE DISTRICT
LAKE COUNTY, ILLINOIS

ORDINANCE GOVERNING THE GENERAL USE
OF DISTRICT PROPERTY

ORDINANCE
BOOK

RULES & REGULATIONS

*Dedicated to preserving the past
and protecting the future*

Approved April 2011

Operations & Public Safety Offices
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WHEREAS, it is reasonable, necessary and desirable for the LAKE COUNTY FOREST PRESERVE DISTRICT (the “District”) to establish a General Use Ordinance governing the use of the forest preserves and property of the District; and,

WHEREAS, Section 7 of the Downstate Forest Preserve District Act, 70 ILCS 805/7, provides as follows:

“The Board of any Forest Preserve District organized hereunder may by Ordinance regulate and control the speed of travel on all paths, driveways and roadways within Forest Preserves, and prohibit the use of such paths, driveways and roadways for racing or speeding purposes, and may exclude there from traffic, teams and vehicles, and may by Ordinance prescribe such fines and penalties for the violations of their Ordinances as cities and villages are allowed to prescribe for the violation of their Ordinances”; and

WHEREAS, Section 7a of the Downstate Forest Preserve District Act, 70 ILCS 805/7a, provides as follows:

“The Board of any Forest Preserve District organized hereunder may by Ordinance regulate, control and license all modes of travel within the Forest Preserve District”; and

WHEREAS, Section 7b of the Downstate Forest Preserve District Act, 70 ILCS 805/7b, provides as follows:

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

WHEREAS, Section 8 of the Downstate Forest Preserve District Act provides as follows:

“The Board shall be the corporate authority of such Forest Preserve District and shall have power to pass and enforce all necessary Ordinances, rules and regulations for the management of the property and conduct of the business of such District”; and

WHEREAS, Section 8a of the Downstate Forest Preserve District Act, 70 ILCS 805/8a, provides as follows:

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

WHEREAS, pursuant to Section 1.15 of the Illinois Wildlife Code, 520 ILCS 5/1.15, the District's police officers are empowered to arrest any person detected in violation of the Wildlife Code, including its administrative rules; and

WHEREAS, pursuant to Section 1-165 of the Illinois Fish and Aquatic Life Code, 515 ILCS 5/1-165, the District's police officers are empowered to arrest any person detected in violation of the Fish and Aquatic Life Code, including its administrative rules; and

WHEREAS, pursuant to Section 20-204 of the Illinois Vehicle Code, 625 ILCS 5/20-204, and Section 8a of the Downstate Forest Preserve District Act, 70 ILCS 805/8a, the District may adopt all or any portion of the Illinois Vehicle Code by reference; and

WHEREAS, it is reasonable, necessary and desirable for the District to establish rules and regulations in order to provide for the safe and peaceful use of the District forest preserves and other property; for the education and outdoor recreation of the public; for the protection and preservation of the District's property and facilities and the flora and fauna within the District; and for the safety and general welfare of the public; and

WHEREAS, the District has the authority and the power to approve and establish such rules and regulations through this General Use Ordinance;

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

SECTION I

DEFINITIONS

1. “Adult” means a person who has reached 21 years of age.
2. “Amusement Device” means any (a) device or machine that is played primarily for amusement, entertainment, or excitement and is operable, or is of a type that is operable, by the insertion of coins or tokens, and all similar devices on machines, or (b) device that carries or propels passengers along, around, or over a generally fixed course for the primary purpose of amusement, entertainment, or excitement.
3. “Authorized Use” means a use on District Property that has been authorized on that property by the Board through ordinance or resolution or by the District through the posting of a notice or the establishment of a written policy.
4. “Board” means the Board of Commissioners of the District.
5. “Bicycle Trail” means any trail designated by the District for uses that include bicycle riding.
6. “Chief of Ranger Police” means the District's Chief of Ranger Police and any person to whom the Chief of Ranger Police has delegated his or her authority.
7. “Community Service Officer” means a non-sworn member of the District's Public Safety Division authorized to enforce ordinances.
8. “District” means the Lake County Forest Preserve District, Lake County, Illinois.
9. “District Land” means any land owned or controlled by the District and includes any natural resources on or within the land.
10. “District Personal Property” means any property owned by the District that is not District Land, District Waters, or District Structures, and includes without limitation the District’s vehicles, equipment, and supplies.
11. “District Property” means any District Land, District Waters, District Structure, or District Personal Property.
12. “District Structure” means any structure on District Land or District Waters including any building, shelter, bridge, pier, marina, well, fountain, pump, post, barricade, fence, gate, monument, stone marker, stake or pole, or any remains or remnant thereof.
13. “District Waters” means any river, stream, lake, slough, bog, wetland, creek, or any other waters owned or controlled by the District.

14. “Employee” means any full time, part time, regular, or temporary employee of the District.
15. “Equestrian Trail” means any trail designated by the District for horseback riding, sleigh rides, or hay rides.
16. “Executive Director” means the Executive Director of the District and any person to whom the Executive Director has delegated his or her authority.
17. “Expressive Use” means speech or other expressive activity protected by either the First Amendment to the United States Constitution or Article I, Section 4 of the Illinois Constitution.
18. “Fee Ordinance” means the ordinance approved annually by the Board establishing fees or charges for the use of certain District Property.
19. “Forest Preserve” means District Land or District Waters designated by the District as a forest preserve.
20. “Gambling Device” means any device actually used for gambling, or designed for gambling and incapable of a lawful use, including any slot machine or other device designed to receive, or cause the user thereof to pay, money or other things of value and to return, or cause the return, on chance, of money, property, or the right to receive money or property to the user.
21. “Hours of Operation” means the time periods during which a particular area of District Property is open to the public, as established from time to time by the District’s Finance, Administrative and Revenue Facilities Committee.
22. “Pedestrian Trail” means any trail designated by the District for uses that include walking, hiking, jogging, or cross-country skiing.
23. “Permit” means a license or other permission issued or granted by the District in accordance with Section III of this Ordinance or other Rules allowing the use of District Property for a particular purpose or function.
24. “Ranger Police Officer” means any sworn member of the District’s Police Force.
25. “Rules” means rules, regulations, or conditions applicable to Permits or Authorized Uses that are established by the Board through ordinance or resolution or by the District through the posting of a notice, the establishment of a written policy, or through the Permit review process established in Section II.C. of this Ordinance.
26. “Special Use Area” means an area that may be designated by the Board from time to time for a particular use that is best suited to a limited, specific, location where it can be conducted in an

orderly manner that does not interfere with other uses of District Property. Special Use Areas include dog exercise areas and model aircraft areas.

27. “Sound and Energy Amplification” where used means music, speech or any sound or noise transmitted by artificial means including but not limited to amplifiers, loud speakers, radios or any similar devices or lights, rays, lenses, mirrors or laser beams or the like;
28. “Vehicle” means any device intended to transport a person or people or another Vehicle or Vehicles from one place to another.
29. “Water Craft” means any Vehicle intended to be used for transportation on the water or ice.

SECTION II

PURPOSE OF ORDINANCE AND CLASSIFICATION OF USES

- A. **General Purpose.** The general purpose of this Ordinance is to set forth rules and regulations governing the use of District Property. These rules and regulations are intended to protect and preserve District Property and the flora, fauna, and scenic beauties therein, and to provide opportunities for the education, pleasure, and recreation of the public, all in a manner that will result in the greatest benefit to all of the citizens of Lake County.
- B. **Classification of Uses.**
 1. **Uses Authorized With a Permit.** There are some uses of District Property that, because of their nature, are allowed only with a Permit. Through the Permit application and review process, the District can determine whether these uses can be conducted in a manner that protects public safety, District Property, the District’s objectives and goals for the District Property sought to be used, and the rights and interests of other members of the public. These uses are identified in Section III.
 2. **Uses Authorized Without a Permit.** There are some uses of District Property that may be conducted without a Permit. These uses are identified in Section IV.
 3. **Uses Prohibited.** There are some uses of District Property that are prohibited. These uses are identified in Section V.

SECTION III

USES AUTHORIZED WITH A PERMIT

- A. **Permit Required.** No person shall use District Property for any of the following uses, unless the person has first obtained, and has physical possession of, a Permit allowing such use, all in accordance with and subject to Section III.C.

- (i) any use on District Property, if the District Property is not open to the general public at the time of the proposed use;
- (ii) any use on District Property that is not an Authorized Use on that property;
- (iii) riding any animal or providing any ride in which a Vehicle is pulled or moved by an animal;
- (iv) use of Water Craft upon District Waters, if the Rules applicable to the specific District Waters being used require a permit;
- (v) use of any fuel-powered, air-propulsion, electric powered, or radio-controlled model or toy car, aircraft, boat or rocket, or any similar toy or model;
- (vi) train or exercise any dog or other animal or allow a dog or other animal to be unleashed;
- (vii) use of any District Property designated by the District as a Special Use Area;
- (viii) conducting organized contests or sports, including any team sport or game such as baseball, football, field hockey, volleyball, lacrosse, soccer, or horseshoes;
- (ix) conducting shows, exhibits, dramatic or musical performances, plays, acts, or motion pictures;
- (x) camping on or inhabiting any District Property overnight or day camps;
- (xi) a picnic or other gathering with more than 25 people;
- (xii) a picnic or other gathering at an area where such purposes are not Authorized Uses;
- (xiii) uses that are intended or likely to either exclude or interfere with use of or enjoyment by other members of the public of a particular area of District Property, including, weddings, receptions, meetings, assemblies, parades, marches, drills, maneuvers, rallies, pickets, speeches, and addresses.
- (xiv) uses of District Structures, or other areas of District Property, if the District has determined that the orderly use of such buildings or areas requires a written reservation system;
- (xv) research for any scientific study or survey;
- (xvi) accessing any District Property by a Vehicle if such property is not available for access to the general public;
- (xvii) use of District Property in any manner that emits sound (a) that unreasonably interferes with the enjoyment of District Property by other members of the public or

(b) that may disturb sensitive natural resources areas, or (c) at a decibel level in excess of that which is permitted by State law;

- (xviii) use of an Amusement Device;
- (xix) use of a hot air balloon, airplane, glider, hang glider, kite, or parachute to ascend from or descend to District Property;
- (xx) taking any still or motion pictures or painting or drawing pictures for commercial purposes or for use in commercial advertising;
- (xxi) distributing any handbill, pamphlet, or other written or printed material or seeking or soliciting charitable donations; or
- (xxii) offer or provide any goods or services for sale or conduct or solicit any business, trade, occupation, or profession.

B. Permit Rules.

1. **Establishment of Rules.** In addition to the Rules identified in this Ordinance, the District may promulgate additional Rules governing a Permit or the Permit application and review process if those Rules are designed:
 - (i) to protect or minimize damage to District Property and the flora and fauna within the District;
 - (ii) to protect the physical safety of people using District Property;
 - (iii) to minimize the interference by the proposed use with the use and enjoyment of District Property by others;
 - (iv) to ensure an orderly and organized use of District Property; or
 - (v) to assure compliance with applicable laws and other Rules.
2. **Duration of Permit.** The District may, in its discretion, make the Permit valid for a period of one to seven days, or any portion thereof, or on an annual basis. Permits are not transferable and Permit fees paid to the District are not refundable.
3. **Compliance with Rules.** The person or entity to whom a Permit has been issued shall comply with all applicable laws and Rules. The District may revoke a Permit for any violation of such laws or Rules. Any misuse or damage to District Property will be the responsibility of the Permit holder.
4. **District's Reserved Right.** Even if a Permit has been granted, the District reserves the right to restrict access to or close any District Property temporarily or to revoke a Permit because of:

- (i) a threat to the safety of those using such property, including threats posed by the weather, or
- (ii) potential damage to sensitive natural resource areas, or
- (iii) interference by the Permittee with the use and enjoyment of District Property by others.

C. Application for Permit and Review of Application.

1. **Application.** All Permits shall be issued, on a first-come-first-served basis, up to the total number allowed by the District during that calendar year. Picnic Permits for picnics to take place during a calendar year will be issued on and after the third Monday in October of the previous calendar year. Dog exercise area, equestrian, and model airplane annual permits for activities to take place during a calendar year will be issued on and after the first Monday of December (or another date designated by the Executive Director) of the previous calendar year. All other Permits shall be issued on and after January 1 of the year in which the proposed activity will take place. The Executive Director may issue a Permit earlier than a date provided for in this Ordinance if he or she determines it is in the best interests of the District to do so because of the size, impact, or nature of a proposed event or other relevant factors. Each person or entity desiring a Permit shall apply for it at a location designated by the District and on Forms provided by the District. Each application shall include such information that the District deems relevant to the proposed use;
2. **Review of Application.** The District shall grant the Permit unless it determines that:
 - (i) the proposed use would interfere or be inconsistent with (a) the District's current or designated use of the District Property upon which the proposed use would take place, (b) the District's plans for future the District Property upon which the proposed use would take place, or (c) a license issued by the District for the use of the District Property upon which the proposed use would take place;
 - (ii) the proposed use may materially damage District Property or materially impact sensitive natural resource areas;
 - (iii) the proposed use will delay, hinder, or prevent the District's implementation of planning for the District Property;
 - (iv) the proposed use will interfere with other scheduled or existing uses of the District Property sought to be used or would occur at a time when the District Property sought to be used is not open to the public;
 - (v) the proposed use violates state or local laws or Rules;

- (vi) the proposed use poses a substantial threat or danger to public safety or, if it is a contest or sporting event, poses a reasonable likelihood of physical injury;
- (vii) the applicant has misrepresented, falsified, or withheld required information;
- (viii) the applicant has, within the previous year, violated this Ordinance or Rules and, based on such violation or violations, the applicant's future use of District Property may interfere with others' use and enjoyment of District Property; or
- (ix) the proposed use would interfere with others' enjoyment and use of District Property.

3. Designated Expressive Uses.

In considering whether to grant a Permit for a proposal use that includes Expressive Uses, in addition to the factors identified in Section III.C.2, the District shall consider the following factors:

- (i) No District Property has been designated as, or has been historically used as, a traditional public forum. Some District Properties (identified in the table below) have been designated for limited Expressive Uses. All District Properties other than those identified in the table below are intended, and have been historically used, for recreational uses and passive uses, such as open space and are not intended, and have not been historically used, and are not intended, for Expressive Uses.
- (ii) The following Properties are designated public forums, designated for the following Expressive Uses:

| Property | Designated Expressive Uses |
|--|--|
| General Offices | Public comment portions of public meetings of District Board of Commissioners and Committees; Commissioner comments concerning District business in the course of public meetings |
| Picnic shelters and areas Lakewood Shelter E Old School Shelter C Greenbelt Shelter D Independence Grove North Bay Van Patten Shelter D | The following events in which participants express their speech or ideas internally (i.e., to people voluntarily attending the event), but do not express their speech or ideas to the general public using District Property: political picnics |

| | |
|--|--|
| Heron Creek Shelter B Nippersink Shelter C | or rallies; cultural or historical events; educational programs; other picnics or similar outdoor events at which Expressive Uses occur. |
| Licensed Facilities: Greenbelt Cultural Center Brae Loch Golf Club Adlai Stevenson Home Independence Grove Visitor’s Center Thunderhawk Golf Club Ryerson Welcome Center and Brushwood Home | The following events in which participants express their speech or ideas internally (i.e., to people voluntarily attending the event), but do not express their speech or ideas to the general public using District Property: cultural or historical events; seminars, classes, or other educational programs; political gatherings, rallies, or events; other Expressive Uses. |

- (iii) No Permit shall be denied or conditioned based upon the viewpoint of any Expressive Use or in any manner that unlawfully discriminates against any person because of race, sex, religion, color, ethnicity, national origin, handicap, disability, or age. If the District denies a Permit, the applicant may amend his or her application to identify other District Property or other proposed times for the proposed use or to otherwise amend the application so the proposed use would not be inconsistent with this Ordinance.

4. Equestrian Permits.

- a. **Permit Required.** Each person using a horse on an Equestrian Trail must be in possession of one of the following Permits:
 - (i) An annual equestrian Permit, valid for a calendar year, for one privately owned horse.
 - (ii) An annual operator's Permit issued to a person operating a stable offering horses for hire;
 - (iii) A single-use Permit, valid for one day and non-transferable, issued to a person hiring one horse from a stable;
 - (iv) A single-use Permit, valid for one day and non-transferable, issued to a person using one privately owned horse not hired from a stable,
- b. **Certificate/Tag.** Each Permit for equestrian use must include a certificate of permission [note: what are the certificate and tag?] and a permission tag or tags. Each horse must be equipped by its owner or rider with a bridle or halter and a permission tag must be securely attached to the upper left of the bridle or halter and must be visible for inspection at all times.

- c. **Lost/Destroyed Permit.** If an equestrian Permit is lost or destroyed, the person to whom it was issued, before using an Equestrian Trail, must obtain a duplicate or substitute Permit and may do so upon payment of a required fee and upon satisfactory proof that such Permit has been lost or destroyed.

SECTION IV

USES AUTHORIZED WITHOUT A PERMIT

- A. **Authorized Uses.** The following uses are allowed, but only in areas where they are Authorized Uses and only in accordance with this Ordinance and all Rules:

- (i) swimming and wading in District Waters;
- (ii) bicycling on Bicycle Trails and public rights-of-way;
- (iii) golfing on District golf courses;
- (iv) fishing in District Waters;
- (v) hiking or walking on Pedestrian Trails;
- (vi) a picnic or other gathering with 25 or less people;
- (vii) sledding (but not tobogganing), skiing, skating, or ice fishing, but only on District Property that has been designated as “safe” or “open” for such use by the District;
- (viii) snowmobiling, provided that the District Property upon which snowmobile use is an Authorized Use and the District has posted notice on the District Property or the District's website that the trails are open;
- (ix) roller blading or skateboarding; and
- (x) all other Authorized Uses not identified in this Section.

- B. **Establishment of Rules.** In addition to the Rules identified in this Ordinance, the District may promulgate additional Rules governing Authorized Uses identified in this Section, if those Rules are designed:

- (i) to minimize damage to District Property and the flora and fauna within the District;
- (ii) to protect the physical safety of people using District Property;
- (iii) to minimize the interference by the proposed use with the use and enjoyment of District Property by others;
- (iv) to ensure an orderly and organized use of District Property; or
- (v) to assure compliance with applicable laws and other Rules.

- C. **Fees.** The District reserves the right, pursuant to the Fee Ordinance, to establish fees and charges for any Authorized Use.

SECTION V

USES PROHIBITED

- A. **Protection of District Property.** No person shall commit any of the following acts on District Property:

- (i) destroy, deface, paint, alter, hide, change, break, mark upon, damage, take, remove, or excavate any District Property;
- (ii) tamper with, enter, climb upon, damage, take, or remove anything from any District Personal Property;
- (iii) deposit into any refuse container any garbage, trash, refuse, or other material that was not generated in the course of normal, lawful use of District Property;
- (iv) deposit, dump, or place any ashes, trash, rubbish, paper, garbage, refuse, debris or junk, except in containers provided by the District for such purpose;
- (v) climb, stand, sit or walk on any District Property not designed or intended for such use; or
- (vi) collect, gather, acquire or scavenge for lost, misplaced, or abandoned personal property, including without limitation, golf clubs, balls, clothing, other than personal property owned by such person.

- B. **Protection of Natural Resources.** No person shall commit any of the following acts on District Property:

- (i) cut, remove, uproot, destroy, chip, blaze, box, paint, girdle, trim, deface, injure, break, remove, pick, or gather any portion of any tree, tree sapling, seedling, bush, shrub, flower, plant, mushroom, branch, foliage, seed, sod, earth, humus, downed timber, wood chips, peat, rock, sand, gravel, or any other natural material;
- (ii) erect or build any structure on District Property, perform any mowing, trimming, cutting, or grooming of District Property, or perform any maintenance of District Property;
- (iii) place, stockpile or store any gravel, stone, dirt, sand, wood, lumber or any other material on District Property;
- (iv) hunt, pursue, trap, catch, disturb, molest, poison, remove, wound or kill any animal or disturb, molest, or rob the nest, lair, den, or burrow of any animal;

- (v) fish in any District Waters: (a) if a sign prohibiting fishing has been posted; (b) by using a bow and arrow, spear, or slingshot; (c) by using a hook baited with amphibian, reptile, or bird; (d) with any device using more than two hooks per line; (e) with any net, seine or trap; or (f) in violation of any Rules posted by the District controlling the size, species, or number of fish that can be taken;
- (vi) release any animal, or bring in, plant, cultivate, harvest, or distribute the seeds or spores of, any plant;
- (vii) use any chemical or biological pesticide, herbicide, or other substance or measure designed to kill or restrict any plant or insect;
- (viii) set fire to any District Property;
- (ix) build a fire anywhere, except in fireplaces provided by the District or privately-owned fire receptacles;
- (x) build a fire in a manner that threatens District Property;
- (xi) drop, throw away, or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker, match, or other burning matter except as permitted by Section V.B.(xii);
- (xii) leave a fire unattended or before it is extinguished to the point that its ashes, residue, and coals are cold to the human touch, unless such ashes, residue, or coals are deposited in a container designated by the District for such purpose;
- (xiii) conduct any activity, including an Authorized Use, in any manner that threatens to damage or harm District Property or the natural resources thereon; or
- (xiv) perform, or fail to perform, any act if such act or failure violates a provision of the Illinois Wildlife Code, 520 ILCS 5/1.1 et seq., the provisions of which are incorporated in this Ordinance by this reference, or the Illinois Fish and Aquatic Life Code, 515 ILCS 5/1-1 et seq., the provisions of which are incorporated in this Ordinance by this reference.

C. Protection of Public Safety. No person shall commit any of the following acts on District Property;

- (i) fish on or through frozen District Waters designated by the District as an ice skating area;
- (ii) cause any Vehicle, including any Water Craft, upon frozen or partially frozen District Waters; or
- (iii) conduct any activity, including an Authorized Use, in any manner that threatens public safety

D. Regulation of Personal Conduct. No person shall commit any of the following acts on District Property:

- (i) manage, operate or engage in gambling of any form or possess any Gambling Device;
- (ii) interfere with, unreasonably disrupt, or delay any Employee engaged in the performance of his or her duties;
- (iii) hinder, interrupt, or interfere with any Authorized Use or any use for which a Permit has been granted, including a Permit that permits the use of District Property to the exclusion of others;
- (iv) set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns, or other pyrotechnics;
- (v) partake in any use for which a fee has been established pursuant to a Fee Ordinance without first paying the required fee;
- (vi) use District utilities if not authorized to do so;
- (vii) engage in behavior or speech that provokes a breach of the peace or intimidates or unreasonably interferes with others in the normal, safe use of District Property;
- (viii) enter into a restroom intended for the opposite gender, or enter into or remain in any restroom or on any District Property for the purpose of committing any sexual act;
- (ix) be present on any District Property with completely or partially exposed or visible genitals, pubic region, buttock, or completely exposed female breast;
- (x) disobey, ignore, or fail to comply with any lawful direction or order given by an Employee;
- (xi) prevent or obstruct any person from peacefully entering or traveling upon any District Property or any portion thereof, except that a person may advise others of his or her rights to occupy or use District Property pursuant to a Permit;
- (xii) be legally intoxicated or under the influence of any illegal controlled substance;
- (xiii) consume or possess any alcoholic beverage, if such person is under the age of 21 years;

- (xiv) possess, use, plant, cultivate, tend, or harvest any illegal controlled substance, including cannabis or any derivative thereof;
- (xv) give or deliver any alcoholic beverages to any person under the age of 21 years, to any intoxicated person, or to a person known to be under a legal disability;
- (xvi) consume any alcoholic beverage within 100 feet of any parking area, unless such alcoholic beverage was served by the District;
- (xvii) use or possess any weapon including, without limitation, handgun, rifle, shotgun, bow and arrow, slingshot, cross bow, spear, spear gun, switchblade knife, stiletto, sword, blackjack, billy club, whip, axe, any weapon capable of discharging a projectile by air, spirit, gas or explosive, any explosive substance or harmful solid, liquid or gaseous substance, or any other dangerous weapon;
- (xviii) display, distribute, post or fix any placard or sign, except that a group of people who are picnicking or who have a Permit that allows camping or the use of certain District Property to the exclusion of others may display signs to identify their location, or direct others to it, providing such signs are temporary and are removed by the permittee at the termination of the activity and provided that such signs are no larger than 18" x 24" and are not attached to any tree or shrub or any District Structure;
- (xix) conduct any use on District Property that is not an Authorized Use on such District Property; or
- (xx) perform, or fail to perform, any act if such act or failure is a misdemeanor, petty offense, or violation of any provision of the Illinois Criminal Code, the provisions of which are incorporated in this Ordinance by this reference, except for any act or failure to act that is a felony under Illinois law.

E. Regulation Of Vehicles, Traffic, Bicycles, And Parking. No person shall commit any of the following acts on District Property:

- (i) operate a Vehicle in a manner that violates the Illinois Vehicle Code or other laws of the State of Illinois having to do with the equipment, control, licensing, operation registering, and use of such Vehicle;
- (ii) operate a Vehicle anywhere except on designated roads, drives, and parking areas where such use is an Authorized Use;
- (iii) operate any Vehicle on any road, drive, or parking area if such Vehicle is not permitted to be operated thereon under State law, which Vehicles may include snowmobiles, go-carts, trail bikes, mini-bikes and other all terrain off-road-vehicles;
- (iv) operate or move any Vehicle at any time other than the Hours of Operation for that District Property;

- (v) operate a motorized Vehicle on any road, drive, or parking area closed to public traffic;
- (vi) operate a Vehicle in such a manner as to fail to yield the right-of-way to pedestrians, bicyclists, or equestrians;
- (vii) allow a Vehicle under his or her control to remain parked on District Property at a time other than the Hours of Operation for that District Property;
- (viii) park a Vehicle (a) in a manner that blocks in another parked Vehicle; (b) blocks, restricts or impedes the normal flow of traffic; (c) where parking is prohibited; (d) on or in a turf, wetland, meadow, prairie, marsh, field, woodland, or exposed roots of any tree or shrub; (e) if the Vehicle is over 20 feet in length, except in areas designated for such Vehicles; (f) for the purpose of washing it or making any repairs or alterations to it, except those of an emergency nature; (g) in such a way as to occupy more than one provided parking stall or space;
- (ix) operate a Vehicle at a speed greater than the posted speed limit or, in the absence of such posted limit, at a speed in excess of 20 m.p.h.;
- (x) operate any Vehicle in any manner that endangers the safety of people or property, or at a speed which is greater than reasonable and proper for safe operation of the Vehicle, with regard to traffic conditions and special hazards, such as trail crossings, entrances to parking areas or campgrounds, narrow or winding roads, hills, curves, weather or road conditions, and pedestrian, equestrian, or bicycle traffic;
- (xi) perform, or fail to perform, any act if such act or failure is a violation of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., the provisions of which are incorporated herein by this reference;
- (xii) ride a bicycle on any District Property other than a Bicycle Trail or public right of way where bicycles are permitted;
- (xiii) ride a bicycle on any Bicycle Trail more than two abreast or on any public right of way in any manner other than single file;
- (xiv) ride a bicycle in a manner that endangers the safety of persons or property, or at a speed that is greater than is reasonable and proper for the safe operation of the bicycle, with regard to existing conditions, including but not limited to trail or road surface, hills, curves, intersections and other bicycle, pedestrian, or equestrian traffic;
- (xv) when riding a bicycle on a Bicycle Trail, fail to ride the bicycle (a) within the lane designated for travel by signs or District Rules; or (b) if no specific lane is designated for travel, on the right side of the Bicycle Trail;
- (xvi) when riding a bicycle on a Bicycle Trail, fail to ride a bicycle single file when overtaking or approaching another bicycle, pedestrian, or equestrian;

- (xvii) when riding a bicycle on a Bicycle Trail, fail to yield to a pedestrian or equestrian; or
- (xviii) when riding a bicycle on a Bicycle Trail, fail to comply with all of the duties applicable to the driver of a Motor Vehicle except as to special regulations or provisions which by their nature can have no application.

F. Control And Treatment Of Animals.

1. General. No person shall commit any of the following acts on District Property:

- (i) bring in, or allow to remain, any dog that is not controlled on a leash, with such leash no longer than ten feet in length, except with valid permit;
- (ii) bring in or allow to remain any vicious or dangerous horse, dog, or other animal;
- (iii) cruelly treat or neglect any animal;
- (iv) ride any animal other than a horse or use any animal other than a horse or dog to pull any Vehicle;
- (v) bring, or allow to remain, any cattle, horses, sheep, goats, swine or other livestock;
- (vi) hitch or tie any horse or other animal to any tree, bush, or shrub;
- (vii) fail to display necessary Permits when using any Dog Exercise Area or Equestrian Trail;
- (viii) leave a gate unsecured when entering or leaving a Dog Exercise Area; or
- (ix) allow any fecal matter emitted by an animal (other than by a horse being ridden by an equestrian) owned or controlled by that person to remain on District Property.

2. Equestrian Uses. No person shall commit any of the following acts on District Property:

- (i) ride any horse on any District Property that is not designated as an Equestrian Trail;
- (ii) ride a horse in such a manner as to injure or endanger the person, other people, District Property, or any other person's property;
- (iii) ride a horse that is not adequately and safely equipped for riding or that is physically unfit for riding;

- (iv) possess or consume alcoholic beverages or any illegal controlled substance while riding on any Equestrian Trail;
- (v) change horses on an Equestrian Trail;
- (vi) race horses or ride horses other than at a walk, trot or, slow canter;
- (vii) while riding a horse on an Equestrian Trail, fail to yield to pedestrians and skiers using the same trail or an intersecting trail;
- (viii) when traveling to or from an Equestrian Trail with a horse, fail to walk the horse between the Equestrian Trail and any horse stable or parking lot;
- (ix) while riding a horse on an Equestrian Trail, fail to stay on the right side of the Equestrian Trail;
- (x) while riding a horse on an Equestrian Trail, fail to slow to a walk on meeting other horse riders and trail users;
- (xi) while riding a horse on an Equestrian Trail with a group of more than 10 riders from a public livery for hire business, fail to ride accompanied by and under the supervision of a trained, responsible, Adult escort.

SECTION VI

ENFORCEMENT

- A. **Ranger Police Officers and Community Service Officers.** All Ranger Police Officers have the power and are authorized to arrest, and issue a complaint and notice to appear to, any person found in the act of violating any Ordinance of the District or law of the State of Illinois, including without limitation the Illinois Criminal Code, the Illinois Vehicle Code, the Illinois Wildlife Code, the Illinois Fish and Aquatic Life Code, or any other law prohibiting a conservation offense. All Ranger Police Officers and all Community Service Officers shall have the authority to issue ordinance violations for any non-custodial offense including a violation of this Ordinance.
- B. **Fines and Penalties.** The following fines and penalties may be issued for violations of the following Sections of this Ordinance:

| <u>Ordinance Section</u> | <u>Fine</u> | | |
|---------------------------------|-----------------------------------|-----------------------------------|--|
| | 1st Offense | 2nd Offense | 3rd and Subsequent Offense |
| Section V.E (2) | \$30.00 | \$40.00 | \$60.00 |

| | | | |
|---|---------|---------|----------|
| Section V.F (1) | \$30.00 | \$40.00 | \$60.00 |
| Section V.E.(viii) | \$30.00 | \$40.00 | \$60.00 |
| Section III.A.(vi) | \$30.00 | \$40.00 | \$60.00 |
| Section V.F.(i) | \$30.00 | \$40.00 | \$60.00 |
| Section V.B.(viii), (ix), (x), (xi), or (xii) | \$40.00 | \$60.00 | \$85.00 |
| Section IV.A.(i) | \$40.00 | \$60.00 | \$85.00 |
| Section III.A.(iv) | \$40.00 | \$60.00 | \$85.00 |
| Section III.A.(xvii) | \$40.00 | \$60.00 | \$85.00 |
| Section IV.A.(vii) | \$40.00 | \$60.00 | \$85.00 |
| Section V.B.(i) | \$60.00 | \$85.00 | \$110.00 |
| Section V.B.(ii) | \$60.00 | \$85.00 | \$110.00 |
| Section IV.A.(viii) | \$40.00 | \$60.00 | \$85.00 |
| Section V.D.(xvi) | \$40.00 | \$60.00 | \$85.00 |
| Section V.E.(iv) | \$60.00 | \$85.00 | \$85.00 |

All Sections not identified above not Less than \$75 and not more than \$500.

In addition, for:

- (i) a violation of Sections V.D.(xi), (xii), (xiii), (xiv), or (xv); V.D.(xvii); V.D.(ii); V.D.(v); or V.D.(vii), (viii), or (ix); or
- (ii) any two violations of any Section or Sections of this Ordinance within a 12-month period,

the Chief of Ranger Police may suspend the person violating such Sections or Rules for a period, not to exceed 12 months, from using any District Property, if the Chief of Ranger Police determines that, based on such violations, the person's future use of District Property may interfere with others' use and enjoyment of District Property. Any person suspended may appeal the suspension to the Executive Director within five days after the person receives the suspension. The decision of the Executive Director will be final.

C. Processing of Complaints and Citations. If a complaint and notice to appear is issued, it will be processed in the Circuit Court of Lake County, in accordance with the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules, and the Rules of the Circuit Court. If only a citation for an ordinance violation is issued, the recipient of the citation may either (i) pay the fine provided for in the citation; (ii) meet with the Ranger Police Officer who issued the citation to discuss it; or (iii) contest the citation. If, after the recipient of a citation has discussed the citation with the Ranger Police Officer who issued it, the Ranger Police Officer determines by a preponderance of the evidence, that the violation was committed, the

recipient shall either (i) pay the fine provided for in the citation or (ii) contest the citation. If the recipient of a citation contests the citation, either initially or after meeting with the Ranger Police Officer who issued it, the District will issue a complaint and notice to appear for the violation that gave rise to the citation, which complaint will be processed in the Circuit Court of Lake County, as provided above.

- D. **Employees Exempt.** Employees, law enforcement officers, fire fighters, paramedics, and emergency personnel are exempt from the provisions of this Ordinance when lawfully and properly fulfilling their obligations and responsibilities. Contractors and other people authorized to use District Property pursuant to a contract with the District may use District Property in a manner that is inconsistent with this Ordinance, but only as necessary to perform in strict accordance with their contract.
- E. **Remedies.** Nothing in this Ordinance shall be construed to prevent or preclude the District from pursuing any remedy, including civil remedies at law or equity, to correct or abate any violation of this Ordinance.
- F. **Compliance with Laws.** All people on District Property are subject to all applicable ordinances, rules and regulations of the District as well as all applicable laws, statutes, rules, regulations, Ordinances and resolutions of the United States, State of Illinois, and local governments, as amended and changed from time-to-time.
- G. **Incorporation of Certain State Laws.** All laws of the State of Illinois that make any act or omission, a misdemeanor, petty offense, or violation of state law (other than a felony) that are not already incorporated herein, are incorporated in this Ordinance by this reference as if set out at length herein.
- H. **Contraband.** All plants, trees, flora, fauna animals, birds, fish, reptiles, or parts thereof; Gambling Devices; and weapons, that are taken or possessed in violation of this Ordinance are hereby declared contraband and shall be subject to seizure by any Employee or representative of the District or by any duly sworn peace officer.
- I. **Captions and Headings.** The captions, headings, and bold type face in this Ordinance are for convenience of reference only and do not define or limit its contents.

SECTION VII

REPEALER

All District ordinances, resolutions, orders, motions, or any parts thereof, are repealed to the extent they are inconsistent with part of this Ordinance.

SECTION VIII

EFFECTIVE DATE; PUBLICATION

This Ordinance shall be in full force and effect from and after the tenth day after its passage and approval as required by law and its publication in pamphlet form.

SECTION IX

SEVERABILITY

The provisions of this Ordinance shall be deemed to be severable and the invalidity or the lack of ability to enforce any provision shall not affect the validity and enforce ability of the other provisions hereof.

PASSED this 12 day of APRIL, 2011

AYES: 22

NAYS: Ø

APPROVED this 12 day of APRIL, 2011

Ann B. Maine
Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani
Julie Gragnani, Secretary

Exhibit # 4403