

## COUNCIL WORKSHOP ITEM

**ITEM:** Intergovernmental Agreement Between the Village of Downers Grove and the Downers Grove Park District  
**DATE:** June 25, 2003  
**PREPARED BY:** Ann Marie Perez, Staff Attorney  
**PURPOSE:** Adoption of an Intergovernmental Agreement for Enforcement of Violations on Park District Property

### DISCUSSION:

This *Intergovernmental Agreement Between the Village of Downers Grove and the Downers Grove Park District* is primarily an extension of a 25 year old agreement between the two entities. The old agreement expired May 8, 2003. This negotiated, new agreement formalizes the duties of each party and provides the police department the ability to write tickets in lieu of prosecution as explained in Section 1-16 of the Municipal Code. The police department had expressed a desire to have the ability to write tickets in lieu of prosecution, and the attorney for the Park District has agreed to this addition.

As compensation for our police and prosecution services, this agreement allows the Village to keep all fines received from the issuance of tickets on Park District property. Our prosecution services only entail prosecution at the Downers Grove field court level. Any appeal of any violation charged is the responsibility of the Park District. This allows us to keep prosecution costs to a minimum as the intent of the addition of the ability to write tickets in lieu of prosecution is to have most violators pay their fines without the necessity of a court appearance.

This Intergovernmental Agreement is scheduled on the agenda for the Park District's July 17<sup>th</sup> meeting.

Additionally, in order for the police officers to write tickets in lieu of prosecution for Park District violations, we must amend our ordinance, Section 1-16, to include those violations provided for in the Park District General Use Ordinance.

### ATTACHMENT:

*An Intergovernmental Agreement Between the Village of Downers Grove and the Downers Grove Park District.*

An Ordinance Amending Citations and Settlement in Lieu of Prosecutions for Certain Offenses on Park District Property.

### RECOMMENDATION:

Place this matter on the July 8<sup>th</sup> Workshop for Council consideration

RESOLUTION NO. \_\_\_\_

**A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL  
AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE  
AND THE DOWNERS GROVE PARK DISTRICT**

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the form and substance of a certain Agreement (the "Agreement"), between the Village of Downers Grove (the "Village") and the Downers Grove Park District (the "Park District"), for Police enforcement activities on Park District property as set forth in the form of the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Mayor and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

\_\_\_\_\_

Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE VILLAGE OF DOWNERS GROVE  
AND THE DOWNERS GROVE PARK DISTRICT**

**This Agreement**, made and entered into by and between the VILLAGE OF DOWNERS GROVE, Illinois, a municipal corporation (hereinafter referred to as the “Village”), and the DOWNERS GROVE PARK DISTRICT, a body politic and corporation (hereinafter referred to as “Park District”):

**Witnesseth:**

**WHEREAS**, the Park District desires to obtain the services of the Village police department personnel to enforce all Park District rules and regulations as enumerated in the “Downers Grove Park District General Use Ordinance, ” adopted October 24, 2002 and attached hereto as Exhibit “A”, as well as any other rules, regulations and ordinances applicable within the territorial jurisdiction of the Park District;

**WHEREAS**, the Village is willing to provide police department personnel and prosecutorial legal services for the aforescribed purpose, in accordance with the terms and conditions hereinafter set forth;

**WHEREAS**, the Village and Park District wish to agree with each other concerning the future enforcement of certain Park District and Village ordinances, statutes and laws on and within Park District property;

**NOW, THEREFORE**, in order to continue to promote public health, safety and comfort in the territorial jurisdiction of the Village and Park District, to control and regulate traffic and parking, to continue to make park facilities available to the public, and to ensure that these areas are properly kept safe, and in consideration of the mutual covenants and agreements hereinafter

set forth, the Village does hereby contract, promise and agree with the Park District, and the Park District does likewise contract, promise and agree with the Village, as follows:

1. **Enforcement of Park District Ordinances and Other Applicable Laws, Statutes and**

**Ordinances:** The Village agrees to cause the enforcement of all provisions of the Park District General Use Ordinance attached hereto as Exhibit "A" as well as any other applicable laws, statutes and ordinances of the United States, State of Illinois, County of DuPage and Village of Downers Grove by the Village police personnel and the Village Prosecutor. The Park District shall pay the Village for the services provided by allowing the Village to keep all fines and costs received as a result of the ticket writing and prosecution of said tickets. In the event that a ticket is appealed to a court other than the Circuit Court of the Eighteenth Judicial Circuit Downers Grove Field Court, the Park District shall prosecute and defend such ticket or charge without reimbursement by the Village. The jurisdiction and powers of the Village pursuant to this Agreement shall be as follows:

A. *Amendment to the Park District General Use Ordinance:* In the event the Park District should amend the General Use Ordinance, such amendments shall be automatically included in this Agreement. The Park District shall promptly notify the Village of any such amendments. In the event the Park District adopts additional ordinances which would apply to the area which is in the enforcement jurisdiction of the Village as established pursuant to this Agreement, the Park District shall promptly notify the Village of such additions and upon the Agreement of the Village in writing, through its Chief of Police, such additional ordinances shall be considered part of the Park District General Use Ordinance, hereunder.

B. *Charging Any Violation of Any Park District General Use Ordinance, Applicable Federal, State or Local Law:* In the event any Village police personnel observes or responds to

any potential violation of any applicable ordinance or law, the Village police personnel may, in their discretion, write a complaint, ticket or charge to be prosecuted before the circuit court either under the Municipal Code of the Village of Downers Grove Section 1-15, under Illinois Supreme Court Rules 501 – 556, or 720 Illinois Compiled Statutes 5/1-2 through 5/1-6.

Alternatively, the Village police personnel may charge or ticket an individual under the procedure for settlement in lieu of prosecution as set out in the Municipal Code of the Village of Downers Grove in section 1-16 for the following offenses:

Any offenses listed in Exhibit A (Park District General Use Ordinance, Sections 4 & 5)

Any offense listed in Section 1-16 of the Municipal Code of Downers Grove, and

2. **Prosecution of Park District Ordinances and Other Applicable Laws, Statutes and**

**Ordinances:** After a complaint, ticket or charge is written by a member of the Village police personnel, prosecution of such complaint, ticket or charge in the circuit court shall be undertaken by the prosecuting attorney of the Village of Downers Grove. There shall be no liability incurred by the Village police personnel for writing a complaint, ticket or charge that does result in prosecution in circuit court. Further, there shall be no liability incurred by the Village Prosecutor for not prosecuting a ticket or charge.

3. **Notice of Park District Activity:** The Park District shall provide notification to the Village of situations regarding any formal investigation it may be conducting or matters having a continuing impact on the local community which may arise within the enforcement jurisdiction of the Village as established by this Agreement.

4. **Liabilities:** The Park District shall hold the Village harmless for any damages or injuries caused by Village personnel in the performance of this Agreement, except for gross negligence or intentional wrongful acts by Village employees and agents. The Village shall maintain police liability insurance for any damage or injury, including death, which may be incurred by police

department personnel in the performance of police duties under this Agreement. The Park District shall maintain general liability insurance for any liability which may arise other than from enforcement or prosecution under this Agreement. This Agreement shall not limit either party's right to assert any governmental immunities or defenses in any claims against any party.

5. **Term; Cancellation:** The term of this Agreement shall be for a period of five (5) years commencing on June 1, 2003, and shall automatically renew for five (5) consecutive periods of five years unless sooner terminated. If either agency wishes to cancel this Agreement they shall provide written notice to the other agency ninety (90) days prior to the date of cancellation.

6. **Notices:** All notice, required herein, shall be in writing and shall be served on the party or mailed by United States mail, postage prepaid as follows:

Downers Grove Park District Administrator 2455 Warrenville Road Downers Grove, Illinois 60515	Village of Downers Grove Village Manager 801 Burlington Avenue Downers Grove, Illinois 60515.
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7. **Captions:** The captions used herein are for reference only and are not intended to define or limit the meaning of any paragraph.

8. **Severability:** If any provisions of this Agreement are held to contravene or be invalid under the laws of any state, country or jurisdiction, contravention will not invalidate the entire Agreement, but it will be construed as if not containing the invalid provision and the rights or obligations of the parties will be construed and enforced accordingly.

9. **Jurisdiction:** This Agreement shall be governed by and construed according to the laws of the State of Illinois from time to time in effect. The venue shall be DuPage County.

10. **Assignment:** This Agreement or any part hereof shall not be transferred, conveyed or assigned by either party without the prior written consent of the other.

VILLAGE OF DOWNERS GROVE

DOWNERS GROVE PARK DISTRICT

\_\_\_\_\_  
Brian J. Krajewski  
Mayor

\_\_\_\_\_  
Janis Sleeter  
President of Park Commissioners

ATTEST:

ATTEST:

\_\_\_\_\_  
April Holden, Village Clerk

\_\_\_\_\_  
Mary Thomson, Secretary of Park Commissioners

Dated: \_\_\_\_\_, 20\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

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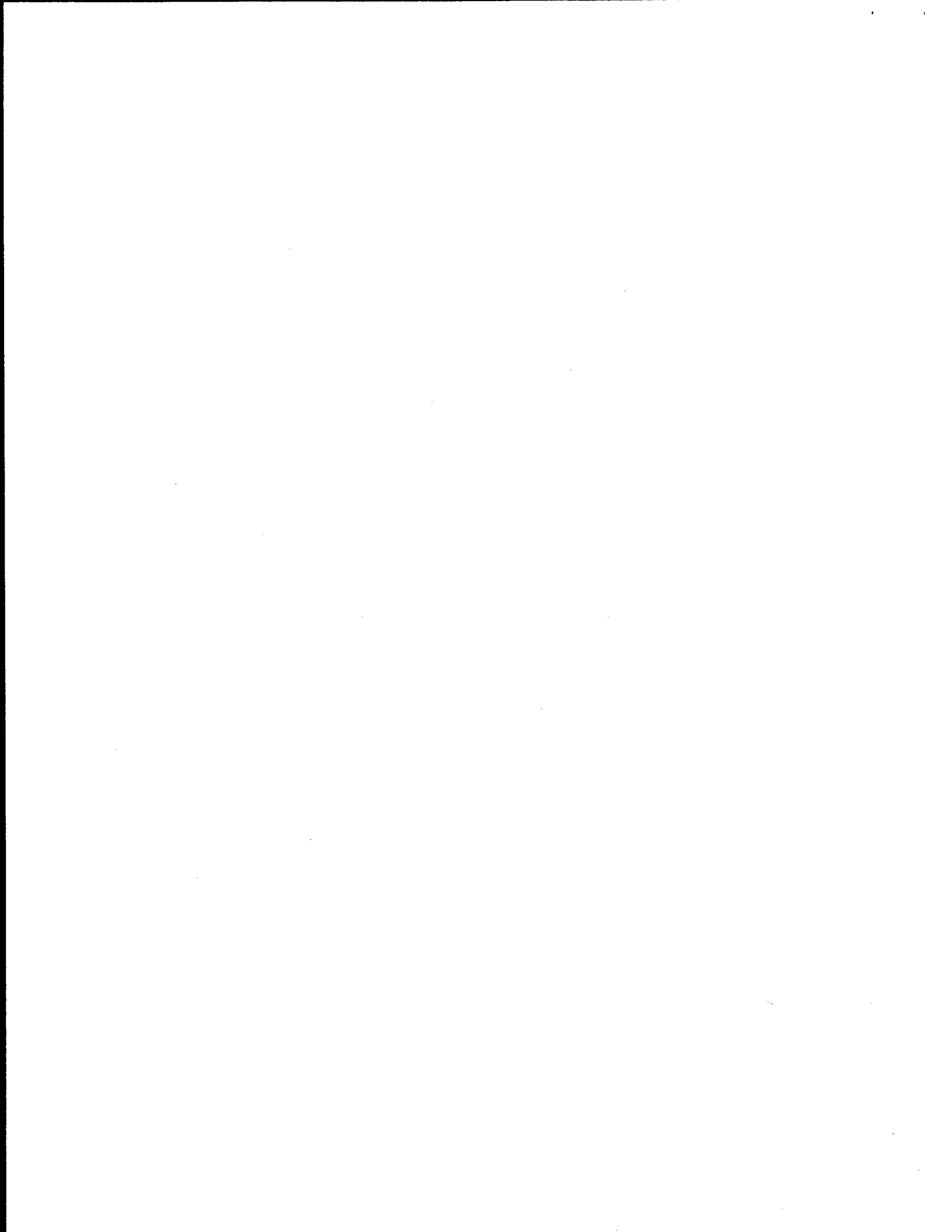
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**DOWNERS GROVE PARK DISTRICT  
OPERATIONS ORDINANCE MANUAL**



**Real Fun Real Fitness Real People**

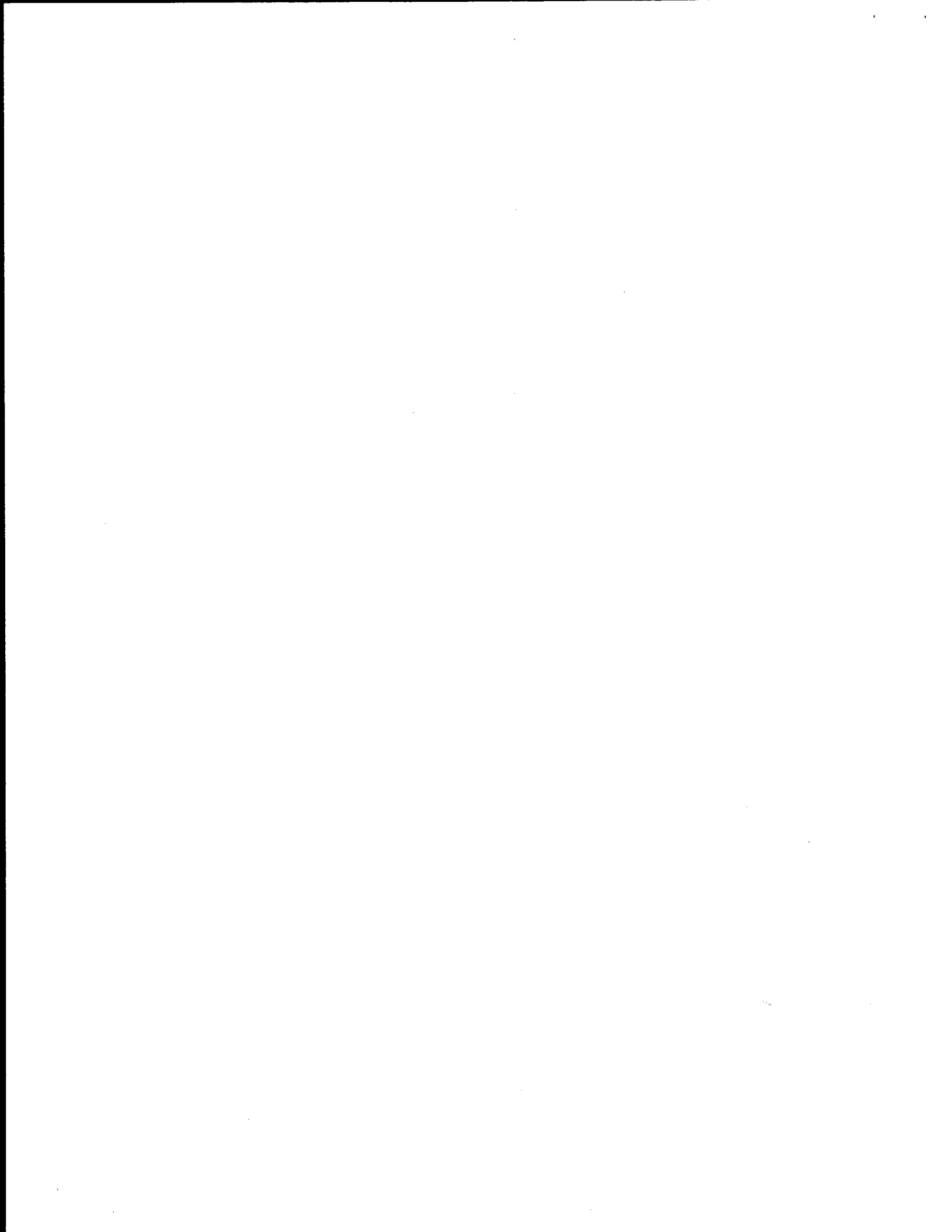


ORDINANCE NO. 1096

**DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE**

Approved:  
Board of Park Commissioners

October 24, 2002



**DOWNERS GROVE PARK DISTRICT  
GENERAL USE ORDINANCE**

**ARTICLE 1 – RULES OF INTERPRETATION**

**1.1 - Captions and Headings:** The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

**1.2 - Words Generally:** Whenever any word in this ordinance importing the plural number is used, any singular matter shall be taken to be included, although distributive words may not have been used. When any subject matter is referred to in this ordinance the words importing the singular number only or the masculine gender, several matters, females as well as males and bodies corporate shall be taken to be included. Words in the present shall include the future.

**ARTICLE 2 – DEFINITIONS:** Whenever in this ordinance the following terms are used they shall have their meanings respectively ascribed to them in this section.

**2.1 - Authorized Agent:** Individuals granted authority by the (Executive) Director when acting within the scope of that authority.

**2.2 - Board:** Downers Grove Park District Board of Park Commissioners.

**2.3 - District:** Downers Grove Park District.

**2.4 - Employee:** Employee of the Downers Grove Park District.

**2.5 - Overnight:** The time when the park or facility is officially closed until it opens the following day.

**2.6 - Owner:** Person who holds the legal title to a vehicle or other property of any kind, or in the event that the vehicle or other property is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon the performance of the conditions stated in the agreement, or with an immediate right of possession vested in the conditional vendee or lessee, or in the event mortgagor of the vehicle or other property is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this ordinance.

**2.7 - Park System:** All of the personnel, parks, boulevards, roadways, water, structures and other property of every kind under the jurisdiction, control or supervision of the District now or hereafter whether within or beyond its boundaries.

**2.8 - Permit:** The written permission that must be obtained from the District to carry out a given activity.

**2.9 - Person:** Every natural person, firm, co-partnership, association, corporation or organization of any kind.

**2.10 - Posted:** A notice is posted, either by a sign at the entrance to a Park, or at the administrative offices of the District.

### **ARTICLE 3 – HOURS OF USE / PERMITS**

**3.1 - Hours of Use:** All parks (including the golf course) without operational, artificially lighted athletic facilities shall be closed to the public from dusk each day until daybreak the following day unless permission has been granted by the District for later hours. All parks with operational artificially lighted athletic facilities, including pavilions and band shells, shall be open to the public after dusk during special events or programs while the lights are on, and shall close immediately after the lights are turned off until daybreak the following day. No person, animal, or property of any kind shall remain in the Park System after closing time unless a permit is granted in advance by the District for later hours. Security lighting shall not be considered operational, artificial lighting.

#### **3.2 - Permits**

**3.2.1:** Any act prohibited by or under this ordinance or any other ordinance or rule of the District, provided such act be not otherwise prohibited by law or ordinance, shall be lawful to the extent authorized or permitted under the provisions of a permit issued by the District.

**3.2.2:** Permits shall be issued only upon payment of such fees as may be established from time to time by the District. All terms for the issuance of the permits must be strictly complied with and any violation of same, or any other law, ordinance or rule of the District, shall be grounds for revocation of same.

### **ARTICLE 4 – GENERAL USE REGULATIONS**

#### **4.1 - Regulations to Protect Park System's Property and Natural Environment**

**4.1.1 - Open Burning:** It shall be unlawful to burn or cause the burning in any location within the Park System of any paper, leaves, twigs, branches, wood, grass clippings or other refuse from farming or gardening, or other combustible materials of any nature whatsoever except as follows:

**4.1.1.1 - Charcoal Cooking Burning:** Portable grills are permitted; however, coals must be disposed of properly by either removing from the park or placing in a fireproof container. **DO NOT PLACE AT THE BASE OF TREES.**

**4.1.1.2 - Wood Burning Campfires:** Burning wood in an outdoor campfire at a gathering conducted by religious, educational or other not-for-profit organizations; provided that a permit therefore is previously issued by the park administration and that such campfire is attended by adequate fire-fighting personnel and equipment; and

**4.1.1.3 - Miscellaneous Burning:** Burning any other combustible material; provided (1) that the environmental quality control officer shall find that the burning thereof will not constitute a danger to the health, safety and welfare of the citizens and residents of the District or other communities surrounding the District, or constitute a danger of air pollution in any other respect, (2) that the environmental quality control officer shall issue a permit therefore, and (3) that any such burning shall be attended by adequate firefighting personnel and equipment

**4.1.2 - Plant & Soil Destruction:** Cutting, injuring or destroying any tree, vine, shrub, or other plant in, or cutting or removing any sod or earth from any street, alley, park or other public place, without due authority.

**4.1.3 - Protection of Birds and Animals:** No person shall trap, catch, hunt, molest, wound, treat cruelly or kill any bird or animal, or attempt same, or molest or rob any nest of any bird or animal in the Park System.

**4.1.4 - Protection of Property:** No person shall:

**4.1.4.1 -** Mark, litter, injure, damage, destroy, take or withhold in any way District plants or property of any kind.

**4.1.4.2 -** Use any property of others in the Park System, unless duly authorized by the owner of such property.

**4.1.4.3 -** Interfere with the use of the Park System by the public.

**4.1.4.4 -** Interfere with the operations of the Park System by the District.

**4.1.4.5 -** Bring any plant or portion of a plant onto the Park System property.

**4.1.4.6 -** Throw, split, pour or otherwise discharge any injurious article or vile substance upon or from the waters, grounds or property of the Park System.

**4.1.4.7 -** Climb upon any plants, fences, structure or property of any kind in the Park System, except such recreational equipment as may be installed by the District for such purpose.

**4.1.5 - Reward For Information:** There shall be a reward (a stated amount as determined by the Board) to the person or persons (other than police officers or public officials) who furnish information to the District, directly resulting in the arrest and conviction of anyone who unlawfully takes, withholds, damages, defaces or destroys District property. All claims for said reward must be made to the District within thirty days after conviction, and the District shall be the sole judge of any dispute arising over the reward and the person or persons, if any, entitled to share therein, and its decision on any matter connected with the reward shall be final and conclusive.

## **4.2 - Regulation of Recreational Activities**

**4.2.1 - Amusement Contraptions:** No person shall bring in, set up, construct, manage or operate an "Amusement Contraption" in the Park System. An "Amusement Contraption" means any device, machine or structure designed to test the skill or strength of the user or provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball-throwing contest devices, pinball-type devices, electronic games, animal ride devices, ball and hammer devices, and trampoline devices.

**4.2.2 - Bicycling:** No person shall:

**4.2.2.1 -** Ride a bicycle on any path, trail, roadway or other area designated and posted prohibiting bicycles.

**4.2.2.2 -** Ride a bicycle across or upon any athletic field, playground, play lot or any wet or newly seeded grassy areas.

**4.2.2.3 -** Fail to ride a bicycle as closely as possible to the right-hand side of any road, trail or path, as conditions shall permit.

**4.2.2.4 -** Carry another person on the handlebars, frame or fender, or so ride on a bicycle except on a suitable seat designed for and attached for such purpose.

**4.2.2.5 -** Operate a bicycle in a reckless manner so as to endanger pedestrians, the rider or other riders on the bicycle.

**4.2.2.6 -** Ride a bicycle on any path or trail more than two abreast.

**4.2.2.7 -** Ride on any roadway that can be utilized by motor vehicles in any manner other than single file.

**4.2.2.8 -** Leave unattended any bicycle, except in those areas designated for such purpose, and then only in such a manner as not to create a nuisance or hazard to the public.

**4.2.3 - Camping:** No person shall place, erect, or use any hammock, swing, tent or shelter, or otherwise camp or sleep in the Park System.

**4.2.4 - Climbing:** No person shall climb upon any plants, fences, structure or property of any kind in the Park System, except such recreational equipment as may be installed by the District for such purpose.

**4.2.5 - Engine-Powered Models or Toys:** No person shall start, fly or use any fuel-powered engine or jet-type or electric-powered model aircraft, boat or rocket or like powered toy or model in the Park System. without a permit and then only at such places and times as the District may from time to time designate for the purpose.

**4.2.6 - Games and Sports:** No person shall engage in any sport, game or amusement in the Park System except at such places and times as may be designated by the District and then only under such rules as are prescribed. Nor shall any person walk, remain, or conduct himself/herself upon such portion of the Park System designated for any particular game, sport, or amusement in such a way as to interfere with the use of such portion by persons who are using the same for the particular sport, game or amusement for which it has been designated. No person shall engage in any activity in a rough or reckless manner so as to endanger, injure or damage persons or property in any way.

**4.2.7 - Golfing:** No person shall swing or make use of any golf club, nor play golf, nor hit or putt golf balls within the Park System, except in a golf course or driving range established by the District.

**4.2.8 - Horseback Riding:** No person shall bring into, unload, use or ride any horse in the Park System except on a horse or equestrian trail established by the District.

**4.2.9 - Picnics:** Picnics may be held in any unrestricted area within the Park System not specifically set aside for other recreational activity. A permit is required for group picnics involving twenty (20) or more persons.

**4.2.10 - Play Classes and Camp:** No person shall bring or cause to be brought onto the Park System any play class, day camp, or other organized group of any kind without a permit from the District and then only upon such terms specified therein.

**4.2.11 - Playground Apparatus:** No adult person shall in any manner use any of the playground apparatus or devices meant exclusively for the use of children.

**4.2.12 - Roller and In-Line Skating:** No person shall propel himself with the use of roller or in-line skates in the Park System in such a manner so as to endanger pedestrians.

**4.2.13 - Skateboarding and Scootering:** No persons shall ride or propel a skateboard or scooter in the Park System except in those areas so designated for such purposes by the District and then only in accordance with the rules and regulations posted for such use.

**4.2.14 - Swimming:** No person shall:

**4.2.14.1 - Swim, wade or bathe** at any time in any of the ponds, lakes, pool, streams, sloughs or watercourses except at such place as may be designated by the District and then only in accordance with the rules and regulations posted for such use.

**4.2.14.2 - Change into or from bathing attire,** except in those places designated for such use.

**4.2.14.3 - Fail to wear bathing attire** at all times while engaged in any permitted swimming activity.

**4.2.15 - Water Craft:** No person shall use any device of conveyance on the waters of the Park System whether propelled by motor, engine, wind, or human power whatsoever other than areas designated for such and then only in compliance with the rules and regulations posted for such use.

**4.2.16 - Winter Sports:** No person shall:

**4.2.16.1 - Skate, sled, toboggan, ski, snowboard, slide or carry on other similar activity** in the Park System except at such places and times as the District may designate for the purpose. No person while engaged in such activity shall conduct himself /herself in such a manner as to annoy others or to endanger, injure, or damage persons or property in any way.

**4.2.16.2 - Enter on or upon any frozen water to skate, fish, slide or walk on for any purpose whatsoever other than areas designated for such and then only in compliance with the rules and regulations posted for such use.**

**4.2.16.3 - Fish through the ice on any frozen waters or parts thereof other than areas designated for such and then only in compliance with the rules and regulations posted for such use.**

**4.2.16.4 - Bring onto or upon the frozen waters of any lake, pond, or watercourse any iceboat or wind-driven-like device or other vehicle.**

**4.2.16.5 - Operate a snowmobile within the Park System, with the exception of District Employees, or other authorized personnel engaged in District business.**

### **4.3 - Regulation of Vehicles, Traffic and Parking**

**4.3.1 - Vehicle Defined:** Every motorized device in, upon or by which any person or property is in or may be transported or drawn upon a roadway except a wheelchair when used by a disabled person.

**4.3.2 - Restriction of Vehicle Use on Park System Property:** No person shall:

4.3.2.1 - Operate any Vehicle anywhere except on the roads, drives and parking areas provided for by the District.

4.3.2.2 - Operate any Vehicle at a speed greater than the speed limit posted or in the absence of such posted limit, at a speed in excess of 15 miles per hour. But in no event shall a Vehicle be operated at a speed that is greater than that which is reasonable and proper with regard to pedestrians present, and other traffic or environmental conditions.

4.3.2.3 - Operate a Vehicle in such a way that traffic is obstructed.

4.3.2.4 - Operate a Vehicle that is not licensed or permitted to be operated on roads, streets and highways of the State of Illinois.

4.3.2.5 - Operate or move a vehicle in a closed park.

**4.3.3 - Starting Parked Vehicles:** No person shall start a Vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

**4.3.4 - Obedience to Traffic Control Devices**

4.3.4.1 - No driver of a Vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this ordinance, unless at the time otherwise directed by a police officer.

4.3.4.2 - No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

4.3.4.3 - Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

**4.3.5 - Vehicle Entering Through Highway Stop Intersection or Stop Crosswalk:** The District may in its discretion give preference to traffic upon any of the District roadways under its jurisdiction, upon which has been constructed a durable hard surfaced road, over traffic

crossing or entering such highway by erecting appropriate stop signs or stop lights. When such preferences are provided for, the driver of a Vehicle shall:

4.3.5.1 - Stop at the entrance to a through highway and shall yield the right-of-way to other Vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard but such driver having so yielded may proceed then at such time as a safe interval occurs.

4.3.5.2 - Stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to Vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but then may proceed.

4.3.5.3 - Where stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, stop before entering the nearest crosswalk and pedestrians within or entering shall have the right-of-way over Vehicles so stopped. Drivers of Vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersections.

4.3.6 - **Limitations on Backing:** The driver of a Vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

#### 4.3.7 - Pedestrian Traffic

4.3.7.1 - Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all Vehicles upon the roadway.

4.3.7.2 - Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all Vehicles upon the roadway.

4.3.7.3 - Between any intersections whenever the District shall determine that crossing between intersections should be prohibited in the interest of public safety, pedestrians shall not cross at any place except in a marked crosswalk or an unmarked crosswalk at an intersection, and that such prohibition shall be effective when appropriate signs giving notice thereof are erected.

4.3.7.4 - Notwithstanding the provisions of this section every driver of Vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give

warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

**4.3.8 - Obstruction of Traffic By Workers:** In all authorized work on sidewalks, streets, alleys, parkways or public lands, public travel shall be obstructed as little as possible consistent with the work to be done and in no case shall more than two blocks be closed to traffic at any one time during the progress of such work. As soon as any improvement in any block is completed, all rubbish shall be removed therefrom, and the street shall be promptly opened to traffic and public use, but this provision shall not be construed as an acceptance of such improvement or of the material therein or the manner of construction thereof.

**4.3.9 - Leaving Engine Running in Unattended Car Prohibited:** No person driving or in charge of a motor Vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

**4.3.10 - Unauthorized Movement of Another's Vehicle:** No person other than a police officer, shall move a Vehicle into any such prohibited area or away from a curb such distance as is unlawful or start or cause to be started the motor of any motor Vehicle; or shift, change, or move the levers, brake, starting device, gears, or other mechanism of a parked motor Vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

**4.3.11 - Parking:** When prohibited, means the standing of a Vehicle whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, loading or unloading. No person shall park a Vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, or in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within fifteen feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at an intersection; (7) within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway; (8) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the District indicates a different length by signs or markings; (9) within fifty feet of the nearest rail of a railroad grade crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire stations within seventy-five feet of such entrance when properly sign-posted; (11) alongside or opposite any street excavation or obstruction when such parking would obstruct traffic; (12) on the roadway side of any Vehicle parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a highway or within a highway tunnel; or (14) at any place where official signs prohibit parking.

#### **4.4 - Regulation of Personal Conduct and Behavior**

##### **4.4.1 - Advertising and Vending: No person shall:**

**4.4.1.1 -** Sell, offer to sell or exchange any property, or buy, offer to buy, or exchange any property, or take up any collections of money or property of value in the Park System.

**4.4.1.2 -** Place, deposit, distribute, circulate hand out, throw, drop or scatter any advertising matter upon any street, alley or public place in the District or in any, automobile truck or other Vehicle while such Vehicle is parked or is in use in any such street, alley or public place in such a manner that such advertising matter shall litter or drop upon or become cast or blown upon any such street, alley or public place.

**4.4.1.3 -** Beg or solicit contributions in a manner without first obtaining a permit from the District.

**4.4.2 - Aiding Escape / Parties to a Violation:** No person shall aid or abet the rescue or escape of any person under arrest or under pursuit for the purpose of being arrested. Every person who commits, attempts to commit or aids or abets in the commission of any act declared herewith to be unlawful, whether individually or in connection with one or more other persons, or as principal, agent or accessory, shall be guilty of such offenses, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this ordinance is likewise guilty of such offense.

**4.4.3 - Animal Control:** These provisions apply to Owners of any animals, regardless of the animal's level of domestication.

**4.4.3.1 -** No animal shall be allowed to run unrestrained anywhere upon any park property. No animal is allowed upon park property unless said animal is securely fastened and restrained by a leash not more than six (6') feet in length. No animal shall be permitted to enter upon or remain upon any area of a park utilized as an athletic field, children's play area, or posted to prohibit animals. An animal found loose upon park property may be apprehended and removed to an animal shelter, public pound or other place available for said purposes, and impounded at the expense of the animal's Owner. The provisions of this subsection shall not apply to seeing eye dogs in the custody of a blind person.

**4.4.3.2 -** No Owner shall cause or permit an animal to enter upon or remain upon park property unless the Owner is in immediate possession of a device for the complete removal of any excrement which may be deposited by its animal upon park property. In the event an animal defecates on park property, the Owner shall immediately pick up and remove the excrement deposited by the animal from park property to a proper receptacle

located on property owned or possessed by the Owner. The provisions of this subsection shall not apply to seeing eye dogs in the custody of a blind person.

4.4.3.3 - No person shall cruelly beating, or otherwise inhumanely abusing or maltreating any animal.

4.4.3.4 - No person shall indecently exhibiting or exposing any animal kept for breeding purposes, except in an enclosed place out of public view.

4.4.4 - **Aviation Control:** No person shall ascent or descent in a balloon, airplane, glider, hang glider, kit or parachute without obtaining a permit from the District.

4.4.5 - **Burglars Tools:** No person shall have in his possession or under his/her control any burglar's nippers, picklocks, skeleton keys, jimmy or other burglars' instrument or tools of whatsoever kind or description, unless the same are shown to be possessed by and for a lawful purpose.

4.4.6 - **Disorderly Conduct:** The various kinds of conduct, demeanor, states of behavior and action enumerated in this section shall be deemed disorderly conduct, and are prohibited. Any person found guilty of such conduct, demeanor or state of behavior or action shall be deemed a disorderly person, and shall for each offense upon conviction, be punished as provided in applicable law or ordinance. District reserves the right to remove people due to behavior at all sites and facilities subject to fine. No person in the Park System shall:

4.4.6.1 - Commit an assault, or an assault and battery, upon any person.

4.4.6.2 - Be under the influence of intoxicating liquor or narcotic drugs shall enter, be or remain in the Park System, nor shall any person being within, possess, drink, sell or transfer any intoxicating liquor or narcotic drugs in the Park System, provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.

4.4.6.3 - Knowingly prowl about premises owned or leased by another in the nighttime without the express or implied consent of that person.

4.4.6.4 - Engage in any fight.

4.4.6.5 - Conduct himself, or join with one or more other persons, if he knows or should know that, singly or together with the others with whom he has joined, he is unreasonably obstructing the free and uninterrupted passage of the public in the Park System.

4.4.6.6: Persist in disturbing the public peace and quiet by loud or aggressive conduct, having once been clearly informed by persons affected that he is, in fact, unreasonably

causing such a disturbance, provided, however, that notice need not be given when such persons affected reasonably believe that to do so would constitute a risk to their personal safety.

4.4.6.7 - Persist in disturbing the peace and orderly conduct of any meeting of a public body or any meeting open to the general public by any conduct or communication which, by its very existence, inflicts injury or tends to incite an immediate breach of the peace or which prevents the peaceful and orderly conduct of such meeting after having been clearly informed that he is, in fact, unreasonably causing such a disturbance.

4.4.6.8 - Knowingly harass any other person. "Harass" is defined as any repeated nonverbal conduct which is specifically intended to frighten, embarrass or anger the person or persons who are the object of such conduct or which the person accused has reason to know is likely to produce such reactions, or as any repeated verbal communication which, by its very utterance, inflicts injury or tends to incite an immediate breach of the peace.

4.4.6.9 - Knowingly obstruct or resist any member of a public safety agency in the discharge of his lawful duties or fail to obey the lawful order of said official, knowing him to be a member of a public safety agency.

4.4.6.10 - Urinate or defecate on any Park System grounds or on the floor of that part of any Park System building open to the public or any other place in view of the public not specifically designated for that purpose.

4.4.6.11 - Graffiti, writing, drawing, carving, making or showing any lewd or indecent words, sentences, design, picture or figure on any place open to public access or view.

4.4.6.12 - Summon, without any good reason therefor, by telephone or otherwise, the police or fire department, any public or private ambulance or any other service of any kind to go to any address where the service called for is not needed.

4.4.6.13 - Knowingly take possession of and ride or take away any bicycle without the express or implied permission of the owner.

4.4.6.14 - When in proximity to a fire or other hazard, refuse or knowingly fail to obey a reasonable official request or order to move for purpose of maintaining public safety.

4.4.6.15 - Fail to accurately identify himself when requested to do so by a police officer after the officer observes that person commit a civil infraction or when the officer has probable cause to believe the person has committed a misdemeanor outside the officer's presence.

**4.4.6.16:** No person shall loiter on the Park System grounds or premises under circumstances that warrant alarm for the safety or health of any person or property in the vicinity. The following are circumstances which may be considered in determining whether alarm is warranted:

**4.4.6.16.1** - The person is one of a group of people threatening, making threatening gestures at or otherwise menacing persons in the area.

**4.4.6.16.2** - The person appears to be illegally consuming or using or concealing illegal consumption or use of alcoholic beverages or controlled substances.

**4.4.6.16.3** - The person is one of a group which is blocking the free passage of pedestrian or vehicle traffic on a Park System street or sidewalk.

**4.4.6.17:** Without a permit, use sound amplification equipment to generate sound that is audible at a distance of thirty feet from the device producing the sound. "Sound amplification equipment" is defined as any machine or device for the amplification of the human voice, music or any other noise or sound, but not including devices used by public safety officials in the performance of their official duties.

**4.4.7 - Gambling:** Gambling of any kind, or setting up, or participating in, any lottery or gambling device, unless specifically authorized under Illinois law and the District., is strictly forbidden in the Park System.

**4.4.8 - Indecent Exhibitions:** Taking part in or displaying indecent plays, public exhibitions, or expressions, as defined by Illinois law, is strictly forbidden in the Park System.

**4.4.9 - Public Meetings:** No person or organization of any kind shall call or hold any public meeting, exhibition or entertainment of any kind within the Park System unless permission is granted by the District.

**4.4.10 - Restricted Areas:** No person shall enter upon any portion of the Park System where persons are prohibited by the District as indicated by signs or notice. No person shall enter or attempt to enter any building or area in the Park System that is closed to the public, or scheduled for a specific group or activity unless invited by same, and where an admission fee is charged, payment of the admission fee.

**4.4.11 - Rules to be Obeyed:** No person shall violate or disobey any rule of this District relating to the use and governance of the Park System if notice of same is posted in some conspicuous place within the Park System. No person shall violate or disobey any such rule of the District, although the same may not have been posted as aforesaid, after having been notified of the existence and nature of such rule by any member of the police force or employee of the District.

No person shall violate or disobey the directions or instructions contained in any notice or sign posted by the District relating to the use and government of the Park System.

**4.4.12 - Weapons, Explosives & Fireworks:**

No person shall possess, brandish, expose, throw or carelessly handle any explosive contrivance, firework, or firearms, anywhere on Park System property without first obtaining a permit from the District.

**ARTICLE 5 – NATURAL AREAS ADDITIONAL USE REGULATIONS**

**5.1 - Declaring Natural Areas of Park Lands:** The territories within the District known as Belmont Prairie and Lyman Woods, except and excluding the Service Area in said Lyman Woods, are hereby declared to be Natural Areas.

**5.2 - Prohibited Activities:** It is unlawful within the boundaries of any designated Natural Area owned or under the control of the District for any person to engage in the following activities:

5.2.1 - Bicycling or operating a motorized vehicle.

5.2.2 - Cross-country skiing, except as part of a District-authorized program.

5.2.3 - Picnicking.

5.2.4 - Littering.

5.2.5 - Swimming, boating, rafting or skating, or otherwise being in standing water within said Natural Area, except as part of a District-authorized program.

5.2.6 - Bringing or allowing to enter into said area any animal, except seeing eye dogs in the custody of blind persons.

5.2.7 - Cutting, harvesting or otherwise disturbing or injuring plant material.

**ARTICLE 6 – POLICE DEPARTMENT**

**6.1 - Police Force:** The District has elected to enter into an intergovernmental cooperation agreement to secure police services from the Downers Grove Police Department. The powers, duties and limitation set forth in this Article 6 shall be incorporated and transferred as provided in said agreement. Further, in such event, the police force shall not be limited by the powers set out in the Park District Code, but shall enjoy all powers granted to the governmental body contracted with.

6.2 - Duties: The police force shall be the conservators of the peace within the park system and shall be responsible for the enforcement of the laws of the State of Illinois and Ordinances and rules of the District and Village of Downers Grove applicable thereto, pursuant to law.

6.3 - Powers: The members of the Village of Downers Grove police force shall have the power to make arrests as provided by law.

**ARTICLE 7 - ENFORCEMENT**

7.1 - Animal Control: Any person guilty of violating the Animal Control sections of this Ordinance shall be fined not less than \$50 nor more than \$200.

7.2 - General Fines: Any person violating or disobeying any clause or provision of any section of this ordinance, or any other regulatory ordinances or rules of the District, shall be guilty of a misdemeanor, may be forthwith evicted from the Park System, may have their permit forfeited, and shall be fined upon conviction not more than \$200 for each offense, the fine to be recovered in manner and form as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**ROLL CALL VOTE:**

Ayes: Commissioners Doty, Dunlap, Salazar, Sleeter, Thomson

Nays: None

Absent: None

PASSED AND APPROVED THIS 24th day of October, 2002.

DOWNERS GROVE PARK DISTRICT

By *Susan Colwell*  
President, Board of Park Commissioners

ATTEST:

*Carol L. Doty*  
Secretary, Board of Park Commissioner

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITATIONS AND SETTLEMENT IN LIEU OF PROSECUTIONS FOR CERTAIN OFFENSES ON PARK DISTRICT PROPERTY**

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Section 1-16 of the Downers Grove Municipal Code is hereby amended as follows:

**1-16. Citation and settlement in lieu of prosecution for certain offenses.**

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars (~~\$10.00~~) if paid within ten (~~10~~) days of service of the citation, or twenty-five dollars (~~\$25.00~~) if paid after such ten (~~10~~) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5-12; Dog, Horse or Pony Running at Large.
- (ii) Section 5-12.1; Disposal of Dog Excrement.
- (iii) Section 13-43; Storage of Refuse.
- (iv) Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.
- (v) Section 13-39; Smoking Prohibited in Certain Places.

2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1404; Regulating Off-Street Parking.
- (ii) Section 28-1502; Regulating the Placement of Signs.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of

twenty-five dollars (\$25.00) if paid within ten (10) days of service of the citation, or fifty dollars (\$50.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 25-11; Use of Public Hydrants.
- (ii) Section 15-8; Drinking in Public.
- (iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment License and Massage Therapist Permit.

(iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.

(v) Section 15-5.1; Noise Regulations.

(vi) Section 19-21.1; Depositing Snow on Paved Streets.

(vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets, etc., prohibited.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

(i) Section 1-3.13.1; Building Equipment Maintenance.

(ii) Section 1-3.13.2; Building Fire Equipment and Systems Maintained in Proper Operating Condition.

3. BUILDING OFFICIALS & CODE ADMINISTRATOR NATIONAL FIRE PREVENTION CODE (As adopted in Section 17-43)

(i) Section F-310.4; Multi-Plug Adaptors.

(ii) Section F-310.5; Extension Cords.

(iii) Section F-518; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

(i) Section 28-1510; Temporary Signs.

(ii) Section 28-1408; Parking of Recreational Vehicles and Recreation Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 13-35; Open Burning Prohibited.

(ii) Section 15-28.3; Possession of Telecommunications Devices on Public School Property Prohibited.

(iii) Section 17-45; Parking in Fire Lane.

(iv) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

(i) Article 4

(ii) Article 5

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred and fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.

(ii) Section 15-23.1; Possession of Tobacco Products by Minors.

(iii) Any provision of Chapter 6, Bicycles.  
(iv) Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a Business District.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

(i) Section 2-4; Obstructing Building Exits.

(g) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(h) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(i) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(j) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, code enforcement officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

SECTION 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

[pdtrsp]