

BERKELEY PARK DISTRICT ORDINANCE BOOK

Rules and Procedures for Use of Parks and Facilities

Approved by the Board of Commissioners November 1, 2023

**AN ORDINANCE REGULATING THE USE OF THE PARKS
AND PROPERTY OWNED OR CONTROLLED BY THE
BERKELEY PARK DISTRICT**

WHEREAS, the Board of Commissioners of the Berkeley Park District deem it advisable and in the best interest of the Berkeley Park District to adopt rules regulating the use of parks and property owned or controlled by the Berkeley Park District;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Park Commissioners of the Berkeley Park District:

CHAPTER 1 – DEFINITIONS, CONSTRUCTION AND SCOPE

Section 1.01 Short Title. This Ordinance regulating the use of the parks and property owned or controlled by the Berkeley Park District shall be known and may be cited as the “Conduct Ordinance of the Berkeley Park District.”

Section 1.02 Definitions. Unless otherwise expressly stated in this Ordinance, for purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given herein:

1. “Alcoholic Liquor” is defined as provided in the Illinois Liquor Control Act (235 ILCS 5/1-3.05) as amended hereafter.
2. “Board” means the Board of Park Commissioners of the Berkeley Park District.
3. “Cannabis” is defined as provided in the Illinois Cannabis Control Act (720 ILCS 550/3(a)) as amended hereafter.
4. “Carry” means to wear, bear, or have on or about their person.
5. “Controlled Substance” is defined as provided in the Illinois Controlled Substance Act (720 ILCS 570/102(f), 204,206,208,210 and 212) as amended hereafter.
6. “District Property” is all property, real or personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in possession or under the control of the Park District, including without limitation every building, shelter, park or open space or other public place or facility located within the jurisdiction of the Park District.
7. “Facility” means any District Property other than a building, park or playground and includes, without limitation, volleyball courts, tennis courts, basketball courts, and paddleball courts.
8. “Organized Recreational Activities” means any planned activity, which is advertised or otherwise promoted, or sponsored by any person, and conducted at a predetermined time and place.
9. “Permit” is the written authorization issued by or under the authority of the District, by a District officer or employee empowered to grant said authorization, to a person to engage in a particular act or acts on District property, subject to terms and conditions specified in the Permit as well as all applicable federal, state, local and District laws, ordinances, rules, and regulations.
10. “Possess” or “Possession” means exercising direct physical control or dominion, with or without ownership, over any kind of property, or archeological, cultural, or natural resource.
11. “Refuse” includes without limitation trash, garbage, rubbish, waste, papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded material whether solid or liquid.
12. “Services” includes but is not limited to labor, professional services, transportation, leasing or renting any article, object, privilege, serve, giving or instructions or lessons, admission to exhibits, use of telephone or other utilities, or any act for which payment is received.
13. “Vehicle” means every device in, upon, or by which a person or property is transported or drawn on land, whether motor powered or self-propelled, except baby carriages, or strollers, bicycles when properly used on walks or trails, and vehicles in the service of the District.

14. "Smoke" or "Smoking" means the carrying, smoking, burning, inhaling, or exhaling of kind of lighted pipe cigar, cigarette, hookah, tobacco, weed, herbs of any kind or any kind of smoking equipment. Smoke or smoking does not include smoking that is associate with a native recognized religious ceremony, ritual, or activity by Native Americans that is in accordance with the federal American Religious Freedom Act, 42 U.S.C. 1996 and 1996a, for which all applicable federal, state, local, and park district permits, if any, have been procured.

The definitions of "enclosed or partially enclosed sports arena" and "public place" set forth in Section 10 of the Smoke Free Illinois Act (410 ILCS 82/10) are hereby adopted and are expressly incorporated herein and made a part of the Ordinance by reference.

Section 1.03. Construction and Scope. This Ordinance shall apply to and be enforceable within and upon all District property and shall regulate the use thereof by all Persons. However, no provision shall make any act necessarily performed by any officer, employee or agent of the District, or any other person summoned to assist.

CHAPTER II – SPECIFIC RESTRICTIONS ON CONDUCT AND BEHAVIOR

Section 2.01. Alcoholic Liquor

- (a) No person under the influence of Alcoholic Liquor, and/or any other drug or drugs, intoxicating compound thereof, shall enter, be, or remain on Park District Property.
- (b) No person shall sell or deliver any Alcoholic Liquor on District Property.
- (c) No person shall bring into, possess, drink, consume, take, use, or transfer any Alcoholic Liquor on District Property without having first obtained a Permit therefore from the District.

Section 2.02. Animals and Pets. No person having control of any domesticated dog, cat or other domesticated animal shall cause or permit such animal to be on District Property unless the pet is on a leash which shall not exceed six feet in length and such person has in his/her immediate possession a device for removal, and a depository for the transportation of, animal excrement from such District Property. All persons having control of any such animal on District Property shall remove any excrement left by any such animal.

Section 2.03. Assault or Battery. No person shall, without lawful authority, engage in conduct on District Property that places another person in reasonable apprehension of receiving bodily harm or physical contact of an insulting or provoking nature. No person shall intentionally or knowingly by any means cause bodily harm or make physical contact of an insulting or provoking nature with another person on District Property.

Section 2.04. Begging or Panhandling. No person shall beg or panhandle on District Property.

Section 2.05. Camping. No person shall place, erect, or use any hammock, swing, tent, shelter, or any other type of temporary or permanent, housing or camping equipment on District Property.

Section 2.06. Disorderly Conduct. No person shall engage in disorderly conduct on District Property. For purpose of this section, a person commits the offense of "disorderly conduct" what he/she knowingly:

- (a) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

- (b) Makes or causes to be made any excessively loud unreasonably noise which disturbs the peace; or
- (c) Uses obscene or abusive language or gestures, or threatens violence or injury to their person or property of others, in a manner intended and like to incite or produce an immediate breach of the peace or violent or disorderly response; or
- (d) Congregates with other persons on District Property with the intent to restrict vehicular or pedestrian traffic or with the intent to restrict the free ingress and egress from District Property and fails to comply with a lawful order to disperse.

Section 2.07. Dumping, Pollution, Sanitation and Litter.

- (a) No person shall litter, case, throw, drop, leave, scatter, place, pile or otherwise dump, leave or deposit in any manner any kind of dirt, refuse, rubbish, ashes, garbage, waste material, snow, ice or other substance, whether liquid or solid, or any other refuse in or upon District Property except as specifically permitted by the District, provided however, that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of District Property shall be deposited in receptacles provided by the District for that purpose. Where receptacles are not provided, are missing, or are full, all such garbage, refuse or other material shall be carried away from the area of use by the person responsible for its creation and presence, and shall be properly disposed of elsewhere.
- (b) No person shall urinate or defecate on District Property other than in toilets in rest rooms expressly provided for such purposes.

Section 2.08. Interference With Other Users.

- (a) No person shall walk, act, or conduct themselves upon any portion of the District Property designated for a particular game, sport, event, amusement, or other use in a such a way as to interfere with the use of such portion by other persons who are properly using the same for the game, sport, event, amusement, or other use for which it has been designated.
- (b) No person shall unreasonably disturb or interfere with any person occupying an area or participating in any activity on District Property under the authority of a permit.

Section 2.09. Theft or Misappropriation of Property.

- (a) No person shall knowingly obtain or exercise unauthorized control over the property of another.
- (b) No person shall knowingly obtain by deception control over the property of another.
- (c) No person shall knowingly obtain by threat control over the property of another.
- (d) No person shall knowingly obtain control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen.

Section 2.10. Public Indecency.

- (a) No person shall perform or commit any of the following acts on District Property:
 - 1. An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12; or
 - 2. A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of a person.
- (b) No person shall exhibit, sell, give away, offer to sell, give away, display, or hold or place in such a manner as to be open to public view any obscene book, pamphlet, drawing, picture, photograph, video, model, cast, instrument, or any other obscene item while on or upon District Property.

Section 2.11. Restriction Applicable to Specific Recreation Activities.

- (a) Team Sports. In those parks having athletic fields established for specific uses, participation in team sports in areas other than athletic fields established for that specific purpose is limited in accordance with signs or notices posted by the District.
- (b) Tournaments, Leagues, or Other Organized Recreational Activities. No person shall utilize any District Property, including without limitation playing fields and other District facilities, for tournaments, leagues, or other organized recreational activities and outings unless a permit allowing such use or activity has first been obtained from the District.

Section 2.12. Sledding and Skating.

- (a) No person shall sled or skate or engage in similar activities on District Property except at such places and at such times as the District may designate for such purposes.
- (b) No person shall engage in any such activity in a reckless manner that endangers that person on District Property.

Section 2.13. Smoking on Park District Property. No person shall be permitted to smoke in any public park, playground, playlot, and general under the control of the Berkeley Park District.

CHAPTER III – PARKING AND TRAFFIC CONTROL

Section 3.01. Driving Areas. No motor vehicle shall be driven or otherwise operated upon District Property except over and upon such roadways, parking lots, or other areas designated by the District for use by motor vehicles. A bicycle path shall not be deemed a roadway for the use of motor vehicles.

Section 3.02. Parking.

- (a) It shall be unlawful for any person to bring, use, operate or ride any motor vehicle (except a Park District vehicle) in any park other than on the designated areas.
- (b) It shall be unlawful for any person to drive any vehicle, whether motorized or not, on any District Property, except on paved roads or parking areas specifically designated for such purposes and in accordance with posted signs as to speed, direction, parking, stopping, lane markings, and traffic controls.
- (c) No person shall park any vehicle or allow any vehicle to remain parked in any area of District Property beyond the normal closing hour of the park system. It shall be unlawful for any person, other than authorized District employee, to park any vehicle in any park, driveway, or parking area of District Property between or when such park is closed or as designated by park management. No person shall park a motor vehicle in any park unless using that park.

CHAPTER IV – PARK HOURS, CLOSING, AND GENERAL OPERATION POLICIES

Section 4.01. Hours.

- (a) District Property shall be open to the public between the hours of 6:00 am and 10 pm each day.
- (b) The Board may establish other hours during District Property or any parts thereof shall be closed to the public. The Board may periodically revise these hours.

(c) Notwithstanding any other provisions in this section, ordinance on policy, District buildings and facilities shall be closed and unavailable for rental use on Fridays and Sundays throughout the calendar year and on the following federal and state holidays:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Eve
Christmas Day
New Year's Eve

Section 4.02. Special Closings. The Board or the Director or his/her designee(s) may close one or more parks, buildings, and facilities, or any part thereof to the public at any time and for any interval of time, either temporarily or at regular intervals, and either entirely or merely to certain uses, as deemed advisable and in the best interest of the public and the District.

Section 4.03. Use of Closed Property Prohibited. No person shall use, occupy, be in, or remain upon District property or to leave any personal property in or upon District Property which is closed to the public or after closing hours, unless permission has first been obtained by the District.

Section 4.04 Schedules, Fees, Rules, and Regulations. Time schedules for the operation of and the activities to be conducted on District Property and the amount of facility, permit, and program fees, may be reviewed, and approved periodically by the Board. The Board may otherwise establish policies, rules, and regulation for proper conduct by persons using District Property. Specific policies, rules, and regulations pertaining to District Property and programs may be posted at or on the applicable District Property and/or published in District program brochures or otherwise made available to the users of District Property, who shall be charged with actual knowledge thereof and shall obey or comply with all such policies, rules, and regulations. All persons shall abide by District policies, rules, and regulations and with direct orders and requests of employees and agents of the District when using District Property.

Section 4.05. Building Use. No person shall use any District building or facility for an event or activity which is not conducted or sponsored by the District unless a permit therefore has first been obtained from the District in accordance with this ordinance and/or a license agreement has been executed by the District. All building use permits shall generally be restricted activities that reflect the Park District's recreational purpose. All building use permits shall be issued in a minimum of 8-hour increments. All persons using District buildings or facilities shall comply with the provisions of this ordinance and with the provisions and conditions for the permit and/or license agreement and with all other applicable policies, rules, and regulations of the District regarding the use of District policy.

CHAPTER V – PERMITS AND OTHER AUTHORITY

Section 5.01 Permits.

- (a) Permits may be granted upon proper application and approval where the applicable section of this ordinance and any other District ordinance, policy, rule, or regulation provides for the issuing of a permit to engage in a particular activity.
- (b) Every person requesting a permit shall complete and file a written application with the Director or his designee, on forms provided by the District, and pay applicable fees. When received, the application shall be dated and stamped as received and a receipt issued to the applicant.
- (c) Unless otherwise provided, applications for permits must be received by the District at least 72 hours prior to the activity for which permit is sought.
- (d) Unless otherwise provided, the District shall issue the permit without unreasonable delay unless:
 - 1) The proposed activity violates any federal, state, local or District law, rule, or regulation; or
 - 2) A prior application for a permit for the same date, time, and location has been or will be granted and the activities authorized by the permit do not reasonable allow multiple occupancy of that area; or
 - 3) The proposed activity is of such a nature that it cannot reasonably be accommodated in the location applied for, considering, without limitation, the likelihood of such things as damage to park resources or facilities, unreasonable interference with District functions, buildings, facilities, operations, programs or activities, or unreasonable interference with the use or purpose of the District property applied for.
- (e) The District shall have at least one business day after receiving a permit application to review the applications, however the District reserves the right to take additional time to review any application. If the District determines that it will exercise this right, it shall notify the applicant.
- (f) If the application is approved, the District shall issue a written permit to the applicant. If the application is denied, the District shall issue the applicant written reasons for denying the application.
- (g) Any permit granted by the District may contain lawful prerequisites to the issuing of the permit and any restrictions on the conduct of the permitted activity including without limitation: general liability insurance coverage; an agreement to fully indemnify and hold the District harmless from any liability or costs resulting from the activity; a requirement that persons involved in the activity obey or comply with all federal, state, local, and District laws, rules, and regulations; time, duration, and location restrictions; restoration deposit; a written agreement by the applicant to fully restore any District Property soiled or damaged by the activity; and, any reasonable restriction necessary for the efficient and orderly administration of the activity; other activities with a permit, and regular District uses, functions, programs and activities.
- (h) Any person holding a valid permit issued by the District for use of District Property shall take precedence for use of that District Property over any person other than the District.
- (i) The District may make necessary changes or place necessary additional restrictions on any permit after it's been issued.
- (j) Violation of the terms and conditions associated with the permit may result in the suspension or revocation of the permit.

Section 5.02. Insurance and Hold Harmless Agreement.

- (a) Unless otherwise provided, every applicant for a permit shall acquire general liability insurance to protect himself and the District from liability resulting from applicant's use of the District

Property and provide proof of such insurance to the District before the District will issue a permit to an otherwise valid applicant. The District must be named as additional insured.

- (b) Every applicant must execute and deliver to the District an agreement to indemnify had hold the District harmless from legal liability, property damage, or injury to persons caused by the negligent or unlawful acts of the applicant, or any member, volunteer, employee, agent, participant, or other person associated with the applicant or applicant's group or organization.

Section 5.03. Restoration Deposit.

- (a) A restoration deposit may be required for any permit. The District shall refund the deposit if the person responsible for the activity cleans up any refuse cause or left by the activity or the activity's participants and restores the District Property to the condition it was in prior to the activity to the District's satisfaction. If the District is required to clean up or restore District Property after the activity, the person responsible for the activity shall reimburse the District for all costs and expenses associated with the clean-up and restoration. The cost of the clean-up and restoration shall be taken from the restoration deposit. Remaining deposit funds will be returned to the applicant. If the costs exceed the amount of the restoration deposit, the District reserves the right to pursue all legal options.
- (b) If the restoration deposit would cause a financial hardship for the applicant which can be demonstrated by the applicant, the District may accept a written agreement to clean-up and restore District Property after the activity. If the applicant does not satisfactorily perform according to the agreement, the District reserves the right to pursue all legal options.

CHAPTER 6 – REPEAL AND SEVERABILITY

Section 6.01. Repeal. All District ordinances, policies, resolutions, rules and regulations, or parts thereof in conflict with of inconsistent with any of the provisions of this Ordinance are hereby repealed.

Section 6.02. Severability. Provisions of this ordinance shall be deemed to be severable. Should any section or part of this ordinance be deemed invalid or unenforceable by a court of competent jurisdiction, the remaining part, or parts of such section and/or the other sections of this ordinance shall remain valid.

CHAPTER 7 – EFFECTIVE DATE

Section 7.01. Effective Date. This ordinance shall be effective upon its passage and approval according to law.

ORDAINED by the President and Board of Park Commissioners of the Berkeley Park District,

Cook County, Illinois this ____ First ____ day of November 2023.

AYES: 5

NAYS: 0

ABSENT: _____

Berkeley Park District

President

Attest:

Acting Secretary

POTENTIAL ADDITIONS TO THE EXISTING ORDINANCE BOOK

These additions are already numbered to show possible location in the Ordinance Book if approved by the Board.

Section 2.13. Advertisements. No person shall display any placard, advertisement, or political information of any kind in the park system, nor shall any person distribute, cast, throw, or place any handbill, pamphlet, circular, advertisement or notice of any kind, nor post, stencil, or otherwise affix any notices, bills, advertisements, or any other papers, upon any structures or thing in or about the park premises without having first obtained a permit or written permission from the Park District Board of Commissioners or Executive Director. However, a person holding a valid park permit may display signs to identify their location or to direct people to their location provided that such signs are temporary and are removed at termination of the activity provided that such signs are not attached to any tree, shrub, post, building, gate, fence, District sign or other structure located on District property.

Section 2.14. Unmanned Aircraft Systems (UAS). No person shall fly, land, caused to be landed, or permit or authorize the landing of any model aircraft or drones of any kind over Park District property at an elevation lower than the minimum safety requirements established by the Federal Aviation Administration or other government agencies having authority in this area, at an elevation which is lower than is responsibly safe under the circumstances, or in a manner which endangers the safety of any person using Park District property. This ordinance does not apply to kites.

- (a) UAS flights are not permitted to fly over special events, sporting events, picnics, and other such activities, people, playgrounds, parking lots, or other permanent recreational facilities and structures.
- (b) No person shall fly or cause to be flown or permit or authorize the flying of aircraft, model aircraft, or drones on or over Park District property unless permit has first been obtained from the District.

Section 2.15. Aircraft (Manned). No person shall land, or cause to be landed, or permit or authorize the landing of any aircraft, parachute, or hot air balloon on Park District property except in the event of an unavoidable emergency.

Section 2.16. Automotive Work/Detailing. No person shall dispose of mechanical fluid (oil, grease, antifreeze, etc.) or perform any mechanical work of any type such as but limited to detailing, brake jobs, changing the oil, antifreeze, or grease of, vehicles on Park District property.

Section 2.17. Cooperation with Authorities.

- (a) No person shall physically hinder, threaten, resist, intimidate, disobey, or otherwise intentionally interfere with the performance any duties undertaken by a Park District employee or agent.
- (b) No person shall falsely represent that they are an employee or agent of the Park District.

Section 2.18. Fires. No person shall light or make use of any fire on Park District property, except such portions, thereof as may be designated for such purpose, such as in a grill. No fire shall be left unattended. Every fire shall be under the continuous care and direction of a competent person 18 years of age or older from the time it is kindled until the time it is safely extinguished. Fires must be completely extinguished prior to leaving the site. No person shall throw or otherwise discard lighted or smoldering material in any manner that threatens or causes damage to Park District property or park resources.

Section 2.19. Fireworks. No person shall carry, discharge, or cause to be exploded any fireworks or any other fireworks of like construction or anything containing explosive substances in the park system unless by written permission of the Executive Director.

Section 2.20. Firearms.

- (a) No person shall bring, carry, or fire any gun or pistol, pellet gun or other firearms, or ammunition of any kind in Park District property or facility.
- (b) No person shall throw, cast, shoot stones, fire missiles, nor shoot any bows and arrows, air rifle, or air pistol, in any Park District facility except as designated for such purpose and time as approved by the Park District Board.
- (c) No person other than police officers shall bring, attempt to bring, carry, have in personal vehicle, or use in any way, any gun or firearm upon Park District property.

Section 2.21. Noise. It shall be unlawful to operate a sound amplification device on any Park District property unless a written permit has been issued by the Executive Director. This includes any battery-operated device. The permit shall designate the date(s) and time(s) for use by the amplification device. The requirements for the permit may be waived or modified in the event of a special Park District event, or co-sponsored event.

Section 2.22. Golf. No person shall play or practice golf on Park District property.

Section 2.23. Camps, Classes, and Lessons. No person shall bring or cause to be brought onto Park District property any class, play class, day camp, group lesson or similar organized group activity of any kind unless a permit allowing such activity has first been obtained from the Park District. No person shall conduct any private lesson or instruction for a fee on Park District property unless a permit allowing such use has first been obtained from the Park District.

Section 2.24. Tennis/Pickleball Court Rules of Usage. Berkely Park District classes, lessons, leagues, and other similar activities are allowed use of the tennis and pickleball courts without permit. Courts will be available for use on an established "rack" system.

- (a) Tennis: Persons, age 14 and over, have priority for tennis play after 7 pm on weekdays. Players must give up courts every hour on the hour or make arrangements with those waiting. Players must have a tennis racquet to reserve a court.
- (b) Pickleball: Players must give up courts every hour on the hour or make arrangements with those waiting. Players must have a Pickleball paddle in the paddle rack to reserve a court.