



General Use Regulation Ordinance

**Forest Preserve District of Kane
County**

Revised and Approved October 12, 2021

STATE OF ILLINOIS) SS.
COUNTY OF KANE)

ORDINANCE NO. FP-O-18-08-0547

ORDINANCE AMENDING THE GENERAL USE ORDINANCE CHAPTER 6 ENFORCEMENT SECTION 3 FINES AND PENALTIES

WHEREAS, the District’s General Use Regulation Ordinance was adopted September, 1995. Over the years, swimming has become a serious chronic problem at various preserves; and

WHEREAS, it has been deemed in the best interest of the District and overall public safety to reduce the incidents of swimming; and

WHEREAS, the increase in ordinance violation fees specific to swimming is one tool to reduce such incidents; and

WHEREAS, the ordinance modified language and fees will be-

“Chapter 6 - Enforcement

Section 3 – Fines and Penalties

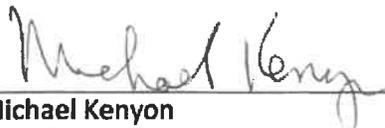
Any person found guilty of violating any provision of this Ordinance shall be fined an amount not less than \$75, but not more than \$500 for each offense, except that violations of Chapter IV, Section 6 relating to parking shall be fined \$35 if paid within 10 days of the issuance of the citation and \$50 if not so timely paid and unauthorized swimming or wading shall be fined \$150 if paid within 10 days of the issuance of the citation and \$200 if not so timely paid and may be imposed by a police officer of this District by mail-in citation presented to the offender; additionally for all other non-parking ordinance violations of this District issued by a police officer of the District by mail-in citation presented to the

offender, the fine shall be \$75 if paid within 10 days of the issuance of the mail-in citation and \$125 thereafter, for up to 60 days following the issuance of the mail-in citation.

If a non-parking-related mail-in citation is not paid within 60 days of its issuance, the mail-in citation shall be converted to a mandatory notice to appear at a court date certain as stated therein and the same shall be mailed by the District Police Department to the defendant by certified mail at the address shown in the original mail-in citation. A mail-in citation shall be in ticket form and shall not require a court appearance. Any non-parking-related citation requiring the appearance of the defendant in court (i.e., any citation other than a mail-in citation as referenced above) shall be governed by the full fine authority above (\$75 minimum and \$500 maximum, or as those amounts may be amended by the District from time to time). The police officers of the District shall have the discretion to issue mail-in citations for violations of the District ordinances where the officer determines that the circumstances, taken as a whole, do not justify a court appearance citation for the offense in question and such discretion shall apply only to citations for ordinance violations of the District enumerated in the *Use Ordinance of the Forest Preserve District of Kane County*, then in effect as amended from time to time hereafter."

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Forest Preserve District of Kane County, that the Revised General Use Regulation Ordinance is adopted and approved as presented.

APPROVED AND PASSED this 14th day of August, 2018.



Michael Kenyon
President, Forest Preserve District Commission
Kane County, Illinois



Philip Lewis
Secretary, Forest Preserve District
Kane County, Illinois



Ordinance No. FP-O-09-95-213
General Use Regulation Ordinance
of the
Forest Preserve District of Kane County
Kane County, Illinois

WHEREAS, it is reasonable, necessary and desirable for the Forest Preserve District of Kane County, Kane County, Illinois (hereinafter called "District"), to establish a General Use Regulation Ordinance governing the use of the forest preserves within the District;

and

WHEREAS, 70 ILCS 805/7 of the Illinois Compiled Statutes 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 violation of their ordinances as cities and villages are allowed to prescribe for the violation of their ordinances.

and

WHEREAS, 70 ILCS 805/7a of the Illinois Compiled Statutes 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, 70 ILCS 805/7b of the Illinois Compiled Statutes 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, 70 ILCS 805/8a of the Illinois Compiled Statutes provides as follows:

The board shall have the right and power to appoint and maintain a sufficient police force, the members of which may have and exercise police powers over the territory within such forest preserves 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, 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, 70 ILCS 805/8 of the Illinois Compiled Statutes provides in part 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, the provisions of the Illinois Downstate Forest Preserve District Act are expressly incorporated herein by this reference.

and

WHEREAS, it is reasonable, necessary and desirable for the District to provide for the safe and peaceful use of the forest preserves, the education and recreation of the public, the protection and preservation of the property, facilities, flora and fauna of the forest preserves, and the safety and general welfare of the public; and

WHEREAS, the District has the authority and the power to establish this General Use Regulation Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President of the Board of Commissioners of the District as follows:

CHAPTER 1 – Public Use

Section 1 – Public Use and Purpose of the District

Forest Preserves are for use by the general public. One of the functions of the District is to acquire, protect, restore, restock, develop and interpret a well-balanced system of areas with scenic, ecological, recreational and historic values for the inspiration, education, use and enjoyment by the public. This ordinance is intended to help carry out this function.

Section 2 – Hours of Use

- a) Forest preserves shall be open to the public from sunrise to sunset unless different hours are posted by the President.
- b) No person shall remain in the forest preserves when the forest preserves are not open to the public, without written permission of the President.

Section 3 – Permits

- a) No person shall conduct, operate, present, manage or take part in the following activities in a forest preserve unless a permit is obtained from the President or his designee, prior to the start of the activity.
- b) Any contest, show, exhibit, dramatic performance, play, act, motion picture, acrobatic feat, bazaar, sporting event, musical event, ceremony, children's day camp or any public meeting, assembly or parade, including, but not limited to, drills or maneuvers, rallies, picketing, or unlawful assemblies of any type;
- c) Any use of any preserve area or facility by a certain person or group of persons to the exclusion of others;
- d) Camp on any lands of the District or inhabit any structure or facility overnight.
- e) Persons desiring to engage in any of the above activities may apply to the President for a permit or license under the following categories and subject to fees set by the Board:
- f) Picnic – No permit is required to have a picnic; however, if a person desires to reserve a designated area or areas to the exclusion of others or desires to conduct, in conjunction with the picnic, related controlled activities such as, but not limited to, sound amplification, special vehicle access, animal rides, and the like, or have in attendance in excess of 25 attendees, then a picnic permit, valid for one day, is required.

- g) Camping – A permit is required. The permit reserves a designated area or areas to the exclusion of others and allows permittee to remain in the preserve overnight. For organized, sponsored youth group campsites, the permit may be valid from one to seven consecutive nights; for family or adult campgrounds, the permit may be valid from one to fourteen consecutive nights and will only be issued to an adult 21 years of age or older who agrees to remain on site at all times. All camping is for recreational purposes only, not for residential purposes. The permit may provide permission for other permit-controlled activities, or as otherwise established by policy for camping in general.
- h) Special Events – A permit is required for any of the other activities listed in Section 3a, Paragraph 1 above. The permit may be valid from one to seven consecutive days. The permit may provide for use of an area or areas to the exclusion of others and for other permit-controlled activities pursuant to this ordinance.
- i) Permits in General – Permits are not transferable and fees paid are not refundable.
Permits must be applied for no later than three business days in advance of event. Minor changes in the permit may be made upon written permission of the President or his designee for no additional fee providing that the specific forest preserve designated is not changed, the date or dates involved are not changed, the number of the designated areas is not increased, and the request for change is made at least three business days prior to the event. Permits may also be required for other activities.
- j) Denial of permits may be appealed to the President or his/her designee, or the Planning and Utilization Committee.

CHAPTER 2 – Protection of Property, Structures and Natural Resources

Section 1 – Destruction or Misuse of Property and Structures

No person shall, upon or in connection with any property of the District:

- a) Destroy, deface, pain, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze marking or designating any boundary line, survey line or reference point;
- b) Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, picnic table, bridge, pier, drain, well, fountain, pump, telephone, lamp post, fence, gate, refuse container, exhibit, display, tool storage box, utility outlet, movie screen, flagpole or any other structure or parts thereof, without written permission of the President or designee;
- c) Deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the District to announce the rules, regulations and warnings or any other information to the public necessary or desirable to the proper use of the forest preserve;
- d) Take, appropriate, excavate, injure, destroy or remove any property of the District whether real, personal or inchoate, and any historical or pre-historical ruin or parts thereof, or any object of antiquity, without written permission of the President or designee;
- e) Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade or any other movable or non-movable property into any lake, pond, slough, stream or lagoon, or upon frozen waters thereof, or other wise move, stack or hide such property in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety, or to damage or destroy such property;
- f) Occupy or inhabit, or cause to be occupied or inhabited, any house, barn, shelter, shed or other structure, or use for storage, or cause to be used for storage or any goods, any house, barn, shelter, shed or other structure, without approval of the Board and written permission of the President;
- g) Enter into or upon any preserve or waters or areas thereof, or structure closed or posted against trespass, without written permission of the President; these structures or areas may be, but are not limited to, employee residences and their immediately surrounding area, construction areas, work safety zones, equipment or material storage structures or areas, workshops or stations, tree nurseries or areas undergoing intensive reforestation or other soil or vegetative treatment, or areas hazardous to public safety or health;

- h) Tamper with in any way, enter or climb upon, damage or remove anything from, any District vehicle, watercraft, machine or implement, without written permission of the President;
- i) Misuse any refuse container or receptacle by depositing into it any hot coals or other hot or burning substances; or by depositing into it any garbage, trash, household trash, refuse or other unwanted material that was not generated on the site in the course of normal, lawful use of forest preserve facilities.

Section 2 – Destruction or Misuse of Natural Resources

No person shall, upon or in connection with any property of the District:

- a) Cut, remove, uproot or destroy any tree, sapling, seedling, bush, shrub, flower or plant, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree, shrub or bush, or break or remove any branch, fungi, or foliage thereof, or pick or gather any seed of any tree or other plant, without written permission of the President;
- b) Remove or cause to be removed any sod, earth, humus, downed timber, wood chips, peat, rock, sand or gravel, or remove or cause to be removed any other natural material of the forest floor or earth, without written permission of the President;
- c) Hunt, pursue, trap, catch, capture, molest, poison, wound or kill, or attempt to hunt, trap, catch, or capture any invertebrate animal, mammal, bird, reptile or amphibian; disturb, molest or rob the nest, lair, den or burrow of any mammal, bird, insect, reptile or amphibian, without written permission of the President or designee and in accordance with District policy;
- d) Fish in any waters of the District posted against fishing; or use a bow and arrow, spear or slingshot, or hooks baited with live or dead fish, amphibian, reptile or bird; or any device using more than two hooks per line; or any net, seine or trap; or with attended or unattended lines during the hours when forest preserves are closed as defined by the provisions of this ordinance, or in violation of any applicable laws of the State of Illinois as administered by the Conservation Department thereof, or in violation of any regulations or restrictions posted by the President controlling the size, species and number of fish that can be taken from a designated body of water;
- e) Release or cause to be released any wild, domestic or pet animal, bird, fish or reptile, or bring in or plant or distribute the seeds or spores of any flowering or non-flowering plant brought into or upon District lands or waters from any outside source whatsoever, without written permission of the President;

- f) Use or cause to be used by chemical or biological pesticide or any other substance, measure or process designed to alter the anatomy or physiology of any organism for the purpose of directly manipulating their population, without written permission of the President, and then only in compliance with all applicable laws of the State of Illinois and the United States;
- g) Drive, or cause to be driven, any cattle, horses, sheep, goats, swine or other livestock to graze or browse, without written permission of the President;
- h) Deposit, dump, throw, cast, lay or place, or cause to be deposited, dumped, thrown, cast, laid, or placed any ashes, trash, rubbish, paper, garbage, refuse, debris or junk.

Section 3 – Contraband

All animals, plants, fungi, birds, fish or reptiles, or parts thereof, killed, captured, trapped or taken or bought, sold or bartered, or had in possession contrary to any provision of this ordinance or applicable laws of the State of Illinois shall be and are hereby declared contraband and, as such, shall be subject to seizure by any District police, site manager, caretaker or employee of the District or by any duly sworn peace officer.

Section 4 – Destruction by or Misuse of Fire

No person shall, upon or in connection with any property of the District;

- a) Set fires, cause to be set on fire any tree, forest, brush land, grassland, meadow, prairie, marsh, slash, refuse, refuse container or structure;
- b) Build a fire anywhere, for any purpose, except in provided fireplaces or privately-owned elevated fire receptacles or elevated grills, without a written ground fire permit from the President or designee;
- c) Build a fire or cause a fire to start in or out of a receptacle close to or in any structure whatsoever or close to any tree or other plants in such a way as to deface, damage or destroy that structure or scar, injure or destroy any trees or plants or their foliage;
- d) Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker or other exploding device, or match;
- e) Build any fire whatsoever for any purpose in or out of a receptacle or fireplace and leave it unattended, unless such fire is properly extinguished. For the purpose of this ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substances is cold to the human touch or has been placed in a designated hot coal container as provided.

CHAPTER 3 – Regulation of Sports and Games

No person shall, upon or in connection with any property of the District, engage in the following activities:

Section 1 – Swimming

Swim, wade or bathe at any time in any of the lakes, ponds, streams, sloughs, or watercourses, except at such place or places as may be designated by the President, and then only in accordance with the rules, regulations and restrictions promulgated and posted.

Section 2 – Watercraft

Bring into, attempt to launch or use, or navigate any boat, yacht, canoe, raft or other watercraft upon the waters or any watercourse, lagoon, lake pond or slough, except at such place or places as may be designated by the President or designee, and then only after obtaining an annual boat permit and registration as required by state law. Where allowed, watercraft shall be used in accordance with District rules, regulations and restrictions as posted, as well as all applicable statutes of the State of Illinois and the United States. The use of gas motors is prohibited. All safety equipment mandated by state statute is required.

Section 3 – Engine-Powered Models or Toys

Start, fly or use any fuel-powered engine or jet-type or electric-powered model aircraft, aerial drone, boat, land vehicle (including a “ride on” or “ride in” vehicle used by non-disabled person) rocket or similarly powered toy or model, except at those areas or waters designated by the President or designee for such use, and then only in accordance with the rules, regulations and restrictions promulgated and posted, or as excepted by F.A.A. regulations.

Section 4 – Horseback Riding

Bring into, unload, use or ride any horse except on those field, lots, areas, trails, paths or roadways as posted, or as designated by the President for horse use. Where allowed, horses shall be used in accordance with any rules, regulations and restrictions as established from time to time by the President.

Section 5 – Bicycling

- a) Ride a bicycle on any path, trail, roadway or other area designated and posted as prohibiting bicycles, or on any path, trail or area designated by the President and posted as being a horse or equestrian trail or area;
- b) Fail to ride a bicycle as closely as possible to the right-hand side of any road, trail or path, as conditions shall permit;

- c) Carry another person on the handlebars, frame or fender, or so ride on a bicycle except on a suitable seat attached to such bicycle for such purpose, or operate a bicycle in a reckless manner so as to endanger others
- d) Ride a bicycle on any path or trail more than two abreast or on any roadway or road used by the public for regular motor vehicle access in any other manner than single file.
- e) Except as to disabled-assisted motorized vehicles (see Chapter 4, section 8), motorized bicycles and skateboards or any conveyance are prohibited on any path, or trail on District property.

Section 6 – Sound or Energy Amplification

Play or operate any sound amplification devices including radios, television sets, public address systems, musical instruments and the like, or operate any other energy amplification device in such a way as to be audible beyond the immediate vicinity of such device or musical instrument in a loud and raucous manner so as to disturb the quiet of camps, picnic areas or other public gathering places, without written permission of the President.

Section 7 – Winter Sports

- a) Sled, toboggan, ski or slide in any area unless otherwise posted as expressly permitted by the President;
- b) Enter on or upon any frozen waters to skate, slide or walk, or for any purpose whatsoever unless otherwise posted as expressly permitted by the President or designee on the District web site;
- c) Fish through the ice on any frozen waters unless otherwise posted as expressly permitted by the President;
- d) Bring onto or upon the frozen waters of any lake, pond or watercourse any iceboat or wind-driven-like device or other vehicle, without written permission of the President;
- e) Snowmobile on trails or other areas unless otherwise posted as expressly permitted by the President:
- f) Snowmobile in excess of 15 mph in all areas posted as expressly permitted by the President, or in excess of 35 mph on the Great Western Trail, west of Burlington Road, in Campton Hills.

Section 8 – Field and Team Sports

Play or engage in any organized team sport or game such as, but not limited to, baseball, football, field hockey, volleyball, lacrosse, or horseshoes, except in those areas designated by the President as athletic fields or, if none are available, only on those areas and for such period of time determined and permitted by District staff in charge of the area or preserve involved in order to insure the safe and equal use of the preserve by others. Any person not an official/authorized participant of such an event is prohibited from entering onto the designated playing field or stage.

Section 9 – Unauthorized Devices

Bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget, trail camera, remote video camera, slack line, tight rope, hammock or any devices attached or suspended from trees or structures, without written permission of the President or designee.

Section 10 – Aviation

Make any ascent in or descent from any balloon, airplane, glider, hand glider or parachute, without written permission of the President.

Section 11 – Gambling

(Except as otherwise permitted by state law and with the prior written approval of the District).

- a) Manage, operate or engage in gambling of any form;
Have in their possession including but not limited to any clock, wheel, tape machine, slot machine, pin machine, or other machine or device for the reception of money or other thing of value on chance or skill, or upon the action of which money is staked, bet, hazarded, won or lost. Any such machine or device shall be subject to seizure, and confiscation by District police.

Section 12- Metal Detecting Device

Bring in or use any device or instrument used to detect metallic objects without prior written permission of the President or designee. Permits shall not be issued for recreational purposes.

Section 13 – Geocache

Place any container and geocache on District lands except by permit and referenced specific regulations as set forth from time to time on the District website.

CHAPTER 4 – Regulation of Motorized Vehicles, Traffic and Parking

No person shall, upon or in connection with any property of the District, violate the Illinois Vehicle Code.

Section 1 – State Law Adopted

- a) The Illinois Vehicle Code as now or hereafter amended (625 ILCS 5/11-100 et seq.) is adopted by reference as if set forth at length in this section.
- b) Any person who violates any of the provisions of the Illinois vehicle Code shall be punished as provided in same, except that upon conviction of any such violation under this section, a fine of not less than \$75, exclusive of any costs or fees, shall be imposed.
- c) In the event of conflict between the provisions of this section and the Illinois Vehicle Code, the provisions of this section shall control as to those matters not addressed by the Illinois Vehicle Code.

Section 2 – Obedience to Chapter Required

A person violates the provisions of this section if such person fails to perform any act required or does any act forbidden in this section. Violations of the Illinois Vehicle Code shall be subject to punishment as provided therein. Other violations of this chapter shall be subject to enforcement as provided in Chapter 5 as set forth therein.

Section 3 – Vehicle Operation and Equipment

Operate, or cause to be operated, any motorized vehicle that does not comply with or in a manner that does not comply with the Vehicle Code of the State of Illinois or other law or laws of the State of Illinois having to do with the equipment, control, licensing, registering and use of motorized vehicles and/or licensing of operators of such vehicles.

Section 4 – Vehicle Types and Access Allowed

- a) Operate, or cause to be operated, any motorized vehicle anywhere except on the roads, drives and parking areas provided, without written permission of the President, and then only in compliance with the directions and restrictions of the District staff in charge of the area or District police;
- b) Operate, or cause to be operated, any motor vehicle anywhere that is not licensed or permitted to be operated on the roads, streets and highways of the State of Illinois, without written permission of the President, and then only in those areas specified and in accordance with the rules and restrictions duly set forth by the President. Vehicles not so licensed and, therefore, subject to the provisions of this subsection, include, but are not limited to, snowmobiles, go-carts, trail bikes, mini-bikes, and such other all- terrain, off-the-road vehicles;

- c) Operate or move, or cause to be operated or moved, any motor vehicle locked in as a result of the closing of a forest preserve at the proper posted time, without summoning District Police or until such time as the preserve is officially opened, except that properties having an automated gate, wherein the posted directions for exit may be followed.
- d) Operate a motorized vehicle on any road, drive or parking area posted, gated or barricaded as closed to public traffic.
- e) For purposes of this Section, single-person, motorized wheelchairs and other power-driven mobility devices such as Segway and single-rider golf carts and scooters shall not be considered motorized vehicles and are expressly permitted in all areas open to the public. The foregoing devices shall be referenced as Electronic Personal Assistive Mobility Devices (EPAMDs) in District policies. The provisions of this Chapter shall be interpreted in each instance as broadly as may be necessary to comply with the regulations of the Americans with Disabilities Act.

Section 5 – Right-of-Way

Operate a motor vehicle in such a manner as to fail to yield the right-of-way to pedestrians and equestrians.

Section 6 – Parking

- a) Park a vehicle overnight or leave a vehicle unattended after authorized hours of use for the preserve or District property at which the vehicle is located. If unattended, the owner of the vehicle shall be responsible for payment of any fine or penalty associated with such parked vehicle.
- b) Park a vehicle in such a way as to block in another parked vehicle;
- c) Park a vehicle in such a way as to block, restrict or impede the normal flow of traffic;
- d) Park a vehicle in a zone or area posted prohibiting parking;
- e) Park a vehicle on turf, meadow, prairie, marsh, field, in a woodland or on the exposed roots of any tree or shrub, except in an emergency or as directed by the President or his designee, or as a matter of public safety;
- f) Park a vehicle for the purpose of washing it or for the making of any repairs or alterations to any vehicle, except those of an emergency nature.

Section 7 – Speed Limit

Operate or propel a vehicle or cause a vehicle to be operated or propelled on any road, drive or parking area at a speed greater than the speed limit posted along the right-of-way or, in the absence of such posted limit, at a speed in excess of fifteen (15) miles per hour.

Section 8 – Electronic Personal Assistive Mobility Devices

An electronic personal assistive mobility device (EPAMD) is a device used by a person with mobility impairment for ambulation. This definition does **not** include golf cars, ATVs or riding lawnmowers, nor does it include any device designed to carry more than one person. The Forest Preserve District of Kane County authorizes persons with mobility impairments to use EPAMDs in District facilities and sites subject to the following restrictions:

- a) The operator of the device must be a person with a mobility impairment, and upon request by District officials, shall provide credible assurance of such status in accordance with the requirements of the regulations under Title II of the Americans with Disabilities Act;
- b) The device, if used in a facility or in a forest preserve, is allowed in any area of the facility or forest preserve in which the general public is allowed, with the exception of employee only spaces, stairways, and identified hazardous areas;
- c) The device, if used in a facility, must be controlled by the operator. It:
 1. May not be gasoline/fuel-powered;
 2. May not exceed 4 mph;
 3. Shall be driven on the right side of the circulation route;
- d) Is prohibited from carrying another person on the frame, or any object on the frame that may make the EPAMD less stable;
- e) Must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, District employees, or District participants.
- f) The device, if used in a preserve or out-of-doors, must be controlled by the operator. It:
 1. May not be operated between dusk and dawn;
 2. May not exceed 6 mph;
 3. May not exceed 38 inches in width;
 4. May not be driven into wet or ecologically sensitive areas ;
 5. Shall be driven on the right side of the circulation route;
 6. Is prohibited from carrying another person on the frame, or any object on the frame that may make the EPAMD less stable;
 7. Must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, District employees, or District program participants or visitors.
- g) The District accepts no responsibility for storage of the device.
- h) The District accepts no liability for damage to the device, or injury to the operator, whether

caused by the operator, another visitor to a District facility or site, or any other circumstance.

- i) The District accepts no liability for damage to property caused by the operator of the device, or injury to others caused by the operator of the device. In each instance the operator shall remain fully responsible for the safe operation of the EPAMD and to avoid harm to property and others.
- j) The District reserves the right to suspend the use of facilities or sites by the operator if doing so is in the best interests of the District and its participants.
- k) The District reserves the right to change, modify, or amend this policy at any time, as it would any other policy.
- l) The District has considered several assessment factors in compiling the foregoing restrictions and limitations on mobility aids, generally, including the following:
 - 1. The type, size, weight, dimensions, and speed of the possible devices;
 - 2. The District facilities' volume of pedestrian traffic (which may vary at different times of the day, week, month or year); The District facilities' designs and operational characteristics, specifically considering the extent of outdoor preserves and related facilities and limitations and safety concerns associated with same;
 - 3. The extent of legitimate safety concerns necessary to permit the safe operation of the mobility devices within the District's facilities, preserves and areas;
 - 4. The extent to which the used of mobility devices creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with other lawfully mandated limitations.

CHAPTER 5 – Regulation of Personal Conduct and Behavior

No person or organization, other than the District in its capacity as a municipal corporation, shall engage in the following activities, upon or in connection with any property of the District:

Section 1- Vending and Advertising

(Except as otherwise permitted by state or local law and with the prior written approval of the District).

- a) Expose or offer for sale to the general public any article or thing, or conduct or solicit any business, trade or occupation or profession without a valid concession contract agreement approved by the President, and then only in accordance with the terms and conditions thereof, it being the intention to control commercial enterprises or sales on District lands;
- b) Display, distribute, post or fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or object containing advertising matter or announcements of any kind whatsoever, without written permission of the President, and then only in compliance with the terms of such contract approved by the District, except that groups holding a valid picnic, camping or special event permit may display signs to identify their location, the topic of the event, or direct others to it, providing such signs are temporary and are removed by the permittee at the termination of the activity, and providing that such signs are no larger than 24" x 30" and are not attached to any tree or shrub or any post, building, District sign, gate or other structure.

Section 2 – Unlawful Obstructions

- a) Set or place or cause to be set or placed any goods, wares or merchandise, or any stand, cart or vehicle for the transportation or vending of any such goods, wares or merchandise, or any other article upon any property of the District to the obstruction of use of any preserve or to the detriment of the appearance of any preserve;
- b) By force, threats, intimidation or by any unlawful fencing or enclosing, or any other unlawful means, prevent or obstruct, or combine and confederate with others to prevent or obstruct any person from peacefully entering upon any property of the District, or obstruct the entrance into any enclosure within the District, except that nothing in this section shall be constructed to deny lawful enforcement of a valid permit granting a certain person or persons use to the exclusion of others as defined and provided for in this ordinance.

Section 3 – Unlawful Construction or Maintenance

- a) Erect, construct, install or place any structure, building, shed, fence, retaining wall, garden, landscaping, roadway, trail, machinery, equipment, vehicle, or apparatus of any type; or stockpile, store or place any organic or inorganic material used for the construction of such items on, below, over or across a preserve except by proper authorization of the District authorizing such activity, and then only in accordance with the written permission of the President or designee specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such authorization and then only in accordance with the terms and conditions set forth in a valid License, Easement or Contract agreement.
- b) Perform or cause any planting or seed distribution, mowing, trimming, cutting, cultivating, or grooming of District lands, or perform any similar grounds maintenance for any purpose, or in any like manner encroach onto District property from privately or publicly owned lands.
- c) Place, stockpile or store any gravel, stone, dirt, sand, wood, lumber, or any other organic material on District property.

Section 4 – Drug or Alcohol Use

Be in possession of any alcoholic beverage of any type or quantity. Be present in any intoxicated condition or under the influence of any liquor, as defined by state law, beer, drug or narcotic to the extent of being unable to perform normal bodily functions, such as maintaining balance or coherent speech, or because of the influence of such or like substances engage in behavior or speech that intimidates others or interferes with or unreasonably disrupts others in the normal, safe use of the forest preserve or any facility thereof. The District ordinance will be considered to have been violated by any person who brings, distributes or otherwise possesses, any alcoholic beverage of any type or quantity on land or conveyances owned by the District or in which the District has an interest, except the Lodge at Brewster Creek Forest Preserve, Creek Bend Nature Center at LeRoy Oakes Forest Preserve, and the Tomo Lodge within Camp Tomo Chi-Chi Knolls, part of Freeman Kame Forest Preserve, where the service of intoxicating beverages, in concert with a previously approved use of the facility by the Kane County Forest Preserve Commission and any local authority, if necessary, may be permitted, and the Kane County Events Center Complex including the Fox Valley Ice Arena and Settler's Hill Golf Course and Hughes Creek Golf Course where the service and sale of intoxicating beverages, in accordance with a properly issued and unexpired liquor license, will be permitted.

Section 5 – Weapons and Harmful Substances

At any time have in their possession or on or about their person, concealed or otherwise, any firearm, pistol, revolver, rifle, shotgun, bow and arrow, slingshot, crossbow, spear or spear gun, switchblade knife, stiletto, sword, blackjack, billy club, any dangerous weapon capable of discharging a projectile by air, spirits, gas weapon or explosion, any explosive substance or harmful solid, liquid or gaseous substance, or any other dangerous weapon, except at those ranges or areas designated for their use by the President, and then only in accordance with the rules and restrictions duly set forth for the proper use of such ranges or areas, or except as otherwise required to be permitted by State statute relating to concealed carry of weapons, 430 ILCS 66/65. Nothing contained herein shall be constructed to prevent any District police, deputy, sheriff, coroner, game warden, state policeman, or any other duly sworn peace officer from carrying such weapons as may be authorized and necessary for the discharge of their duties nor shall it apply to any person summoned by any such officer to assist in making arrests or preserving the peace while such person is engaged in assisting. “Notwithstanding the foregoing, it is expressly permitted for individuals to possess a legally obtained and possessed, non-lethal noxious liquid gas or substance designed solely for personal defense by a person 18 years of age or older, such as Oleoresin Capsicum restraint sprays (so-called OC sprays or pepper sprays).” (Amended 11-02-2016) Also exempt are person participating in the District deer management program while engaged in hunting in the designated area with bow or crossbow.

Section 6 – Hindering or Bribing Employees

- a) Interfere with, unreasonably disrupt or delay, or in any manner hinder any employee engaged in the performance of his duties;
- b) Give or offer to give any employee any money, gift, privilege or article of value on or off District property in order to violate the provisions of this ordinance or any other District ordinance, contract or permit, or statute of the State of Illinois and the United States, or in order to gain or receive special consideration and treatment in the use of any District property or facility.

Section 7 – Control and Treatment of Animals

- a) Bring in, lead or carry any dog that is unleashed or on a leash longer than ten (10) feet, except at those areas designated by the President for dog training, and then only in accordance with the rules and regulations duly promulgated for the control of such area or areas;
- b) Willfully or negligently cause or allow or release any animal or fowl, wild or domestic pet, to run or remain at large, except within those areas designated by the President, and then only in accordance with the rules and regulations duly promulgated for the control of such area or areas;
- c) Torture, whip, beat or cruelly treat or neglect any animal;
- d) Bring in, drive, ride or lead in any animal, except that horses and other beasts of burden and draft animals may be ridden or led, or driven ahead of vehicles attached thereto on such portions of the forest preserve, or part thereof, designated as a nature preserve or nature area or historic site, without written permission of the President unless such animal is kept confined within a closed vehicle or trailer;

- e) Nothing in this ordinance shall be construed to prohibit the controlled use of certain animals approved by the President or designee for purposes of public safety, such as, but not limited to, the protection of District property or the protection of employees in the performance of their duties of search and rescue.

Section 8 – Commercial Photography

Take or cause to be taken any still or motion pictures, make sketches or paintings for commercial purposes, resale, commercial display, or for use in commercial advertising, and that such activity involves the use of props, lighting, rigging, or the exclusive use of an area, without written permission of the President or designee, and then only in accordance with the rules and restrictions duly set forth as part of such permit.

Section 9 – Honoring Permits

By act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity, or unreasonably or willfully intrude upon any area or into any structures designated for the use of a certain person or persons to the exclusion of others by written permission of the President.

Section 10 – Pyrotechnics

Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics unless approved by the president or

Section 11 – Public Urination, Defecation Prohibited

It shall be unlawful for any person to urinate or defecate on any portion of District property other than in a rest room and not in public view.

Section 12 - Disorderly Conduct

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.

CHAPTER 6 – Enforcement

Section 1 – District Police

All members of the District police have the power and are authorized to arrest, with or without process, any persons found in the act of violating any ordinance of the District or law of the State of Illinois. All members of the District Police have the authority and discretion to release an offender on a written promise to comply or to require, after personally being served by the District Officer with a citation and complaint, bail to be posted in the following circumstances:

- a) Traffic offenses as contemplated by the Illinois Motor Vehicle Code and adopted by Chapter 4 of this General Use Ordinance shall require bail as set in the bail schedules in Supreme Court Rule 526.
- b) Any and all conservation offenses as delineated in Chapter 2, Section 2 (c) (d) (e) of the General Use Ordinance shall adhere to the bail schedule for conservation offenses as delineated in Supreme Court Rule 527
- c) Bail for all other offenses other than traffic or conservation offenses shall be \$75. Cash or cash bail mean United States currency, travelers checks issued by major banks or express companies which, alone or in combination with currency, total the exact amount required to be deposited as bail. (amended 6-11-1996)

Section 2 – Two Penalties-One Judgment

In all cases where the same offense shall be made punishable or shall be created by different clauses or sections of this or any other ordinance or statute, the District police or other duly sworn peace officer or person prosecuting may elect under which to proceed, but not more than one judgment shall be had against the same person for the same offense.

Section 3 – Fines and Penalties

Any person found guilty of violating any provision of this Ordinance shall be fined an amount not less than \$75, but not more than \$500 for each offense, except that violations of Chapter IV, Section 6 relating to parking shall be fined \$35 if paid within 10 days of the issuance of the citation and \$50 if not so timely paid; and unauthorized swimming or wading shall be fined \$150 if paid within 10 days of the issuance of the citation and \$200 if not so timely paid, and may be imposed by a police officer of this District by mail-in citation presented to the offender; additionally for all other non-parking ordinance violations of this District issued by a police officer of the District by mail-in citation presented to the offender, the fine shall be \$75 if paid within 10 days of the issuance of the mail-in citation and \$125 thereafter, for up to 60 days following the issuance of the mail-in citation.

If a non-parking- related mail-in citation is not paid within 60 days of its issuance, the mail-in citation shall be converted to a mandatory notice to appear at a court date certain as stated

therein and the same shall be mailed by the District Police Department to the defendant by certified mail at the address shown in the original mail-in citation. A mail-in citation shall be in ticket form and shall not require a court appearance. Any non-parking-related citation requiring the appearance of the defendant in court (i.e., any citation other than a mail-in citation as referenced above) shall be governed by the full fine authority above (\$75 minimum and \$500 maximum, or as those amounts may be amended by the District from time to time). The police officers of the District shall have the discretion to issue mail-in citations for violations of the District ordinances where the officer determines that the circumstances, taken as a whole, do not justify a court appearance citation for the offense in question and such discretion shall apply only to citations for ordinance violations of the District enumerated in the *Use Ordinance of the Forest Preserve District of Kane County*, then in effect as amended from time to time hereafter.

Section 4 – Authority of Other Agencies

Nothing in this ordinance shall be construed to prevent other officers from carrying out their sworn duties within the territories of the District as defined by applicable laws of the State of Illinois and the United States or ordinances of Kane County, Illinois, or in accordance with any other intergovernmental policing agreement approved by the Board.

Section 5 – Permits and Designated Areas – Authority

To carry out the terms of this ordinance, the President or his designee is hereby given authority to issue permits, post notices or take other action as called for herein, subject to the guidelines herein set forth.

- a) The President shall have the authority to designate areas, facilities or waters suitable for various activities or use, to close preserves, or parts thereof, in the interest of public health, safety or general welfare, or in order to protect the natural resources from the unreasonable harm, and to promulgate and issue permits where required by this ordinance and collect such fees as established by the District in accordance with the following guidelines:
 1. No person shall be discriminated against because of race, sex, creed, color or national origin.
 2. The proposed use or activity will not unreasonably interfere with or detract from the general public's use and enjoyment of the preserve and surrounding property or facilities.
 3. The proposed use or activity is not reasonably likely to result in violence or in serious harm to property or persons.
 4. The proposed activity or use will not entail extraordinary expense of operational costs by the District or expose it to unusual or extreme liability.
 5. The area desired has not been reserved for another activity at the same time.
 6. The proposed activity is not reasonably expected to detract from the promotion of public health.

The proposed activity is reasonably compatible with the type of preserve, the size and character of the area or waters involved and facilities available, and it is not reasonably expected to cause irreparable harm or extreme damage to the natural environment of the preserve. , The president may impose reasonable restrictions on the granting of a permit, including, but not limited to, any of the following:

1. Restrict the open dates for reserved area use, the length of time an area will be held for reserved amplification devices, amusement devices, off-the-road vehicle access, the number of persons present, the locations and type of any tents, bandstands, stages or temporary structures, the use of domestic, , pet or trained animals, the use of shelters or structures, the collecting for any purpose of any water, soils, minerals, flora or fauna, the type and location of sports and games or any other activity which appears likely to create a risk of unreasonable harm to the use and enjoyment of the preserve by others or of damage to District property;
2. Require proof of and establish the amount of liability insurance required, require a hold harmless agreement or a certificate of insurance naming the District as an additional insured when the activity is deemed by the President to require such;

3. Require the name, address, telephone number and driver's license number of a legal adult responsible for the use or activity requested, as well as the name, address and telephone number of the group represented by the applicant;
 4. Require an applicant to furnish additional security forces at the applicant's expense, such forces to act under District supervision.
- b) All permits required by the ordinance and issued by the President shall be issued at the District headquarters in Geneva, Illinois, on a first-come, first-served basis beginning the first working day of each calendar year for open dates or for such total number allowed during that calendar year. All applications for permits shall be submitted in accordance with District policy, provided that the President may waive the policy regarding time periods in the interest of public health or safety or for such events that are of a significant civic nature.
- c) The President is authorized to seek reasonable information regarding any proposed use, activity or privilege and require a record of such information on a permit application.
1. No person shall misrepresent, falsify or withhold such required information.
 2. No person granted a permit shall violate the requirements, terms, conditions, rules or restrictions duly set forth under the authority of this ordinance as part of any granted permit or registration.
 3. The Board of Commissioners of the District may set forth in other ordinances such permit or registration fees as it deems proper and may change them from time to time.
 4. No person shall obtain or use any permit without first having paid the fee established by ordinance for such permit.
 5. All designated areas, waters and facilities, and all permit restrictions, rules, regulations or conditions are subject to review at any time by the Board of Commissioners of the District. Any aggrieved person shall have the right to petition the Board, in writing, regarding denial or restriction of use or activity and be properly heard by the Board as the President shall direct.

Section 6 – Civil Suits

Nothing in this ordinance shall be construed to prevent or preclude the lawful use by the District of a civil remedy at law to correct an abuse or loss suffered by the District as a result of violation of this ordinance or any law of the State of Illinois.

Section 7 – State, Federal and Local Laws

All persons within the forest preserves of Kane County, Illinois, are subject to all ordinances, rules and regulations of the District, as well as all applicable laws of the United States, the State of Illinois, and local statutes and ordinances, as amended and changed from time to time. These laws include, but are not limited to, the Forest Preserve District Act of the State of Illinois, the Illinois Vehicle Code, the Criminal Code of the State of Illinois, and the Game and Fish Codes of the State of Illinois, as amended and changed from time to time.

Section 8 - Notice to Remove Encroachment.

- a. Whenever any encroachment, obstruction or structure is made or located contrary to the terms of the ordinance, the Director of Planning or designee shall give written notice by certified mail, return receipt requested to the person who made or located such encroachment, obstruction or structure or caused or permitted it to be done or who owns or controls the premises with which such encroachment, obstruction or structure is connected; to remove such encroachment, obstruction or other structure. It shall be removed within thirty (30) calendar days after notice.
- b. It shall be unlawful for any person to continue any encroachment, obstruction or other structure for a period of thirty (30) calendar days after receipt of the notice provided for in this Section.

Section 9 - Noncompliance with Notice; Removal of Encroachment.

- a) If any notice given under Section 8 is not complied with, the Director of Planning or designee is hereby authorized and empowered to cause the removal and disposal of the encroachment, obstruction or structure on District property at the expense of the owner.
- b) If the encroachment presents an immediate danger to public safety, the District may remove the encroachment without prior notice to the owner. The owner of personal property encroaching on the District property shall be liable for any damages caused to the District or to third parties by such encroaching property.
- c) Upon completion of such removal, the Director of Operations or designee shall certify to the Director of Financial Services the cost of such removal, and the Director of Financial Services shall send by certified mail addressed to the owner of the premises with which the obstruction is connected a notice of such removal and the cost incurred for such work, together with a statement that the cost of the work will be assessed against the owner's lot, tract or parcel of land if such cost is not paid to the District within ten (10) days after mailing of such notice.
- d) If such person fails to make payment within the ten-day period, the District shall refer the matter to the District's legal representatives for consideration of civil litigation.

Section 10 - Penalty.

- a) The failure of any owner to comply with the notice to remove encroachment or to vacate the premises upon notice, whether for cause or without cause, shall be deemed to constitute a violation of the ordinance and shall be punishable in accordance with Section 3.

CHAPTER 7 – Construction of Words and Definitions

Section 1 – Construction of Words

Whenever used herein, the singular form of any word shall include the plural form of the word and vice versa, further any female or male reference shall include female and/or male in each instance, but these rules of construction shall not be applied to any ordinance or part which shall contain any express provision excluding such construction;

Provided, however, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction.

Section 2 – Definitions

- a) "District," wherever used, means the Forest Preserve District of Kane County, Illinois.
- b) "Board," wherever used, means the Board of Forest Preserve Commissioners of the District.
- c) "Executive Committee," wherever used, means the Executive Committee of the Board.
- d) "Designee," wherever used, means those individuals employed by the District acting in their official capacity for or on behalf of the District.
- e) "District staff," wherever used, means District employee in charge of an assigned area.
- f) "Person" or "persons," wherever used, means individuals, firms, corporations, societies or any group or gathering whatsoever.
- g) "Permit," wherever used, means the written or oral permission which must be obtained from the President. Whether a written permit is required shall be determined at the sole discretion of the President.
- h) "Forest preserve" or "preserve," wherever used, means land and waters or property holdings of the District.
- i) "Waters," wherever used, means waters within the jurisdiction of the District.
- j) "Employee," wherever used, means any full or part-time, regular or temporary worker in the employ of the District under the supervision of the District.
- k) "Watercraft," wherever used, means any device of conveyance on the water, whether propelled by motor, engine, wind or human power.
- l) "Vehicle," wherever used, means any device of conveyance on the land using wheels or belt-type track or tracks, skids or skis, and propelled by an engine or motor, and includes those land conveyances that are able to float and operate on water.
- m) "Sound and energy amplification," wherever used, means music, speech or any sound or noise transmitted by artificial means, including, but not limited to, amplifiers, loudspeakers, radios, and any similar devices, or lights, rays, lenses, mirrors or laser beams, or the like.

- n) "Amusement contraptions," wherever used, means any contrivance, device, gadget, 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, animal ride devices, ball and hammer devices, trampoline devices, and the like.
- o) "Legal adult," wherever used, means one who has reached the age of majority as defined by the laws or the State of Illinois.
- p) "Area(s)," wherever used, means a specified place within a forest preserve.
- q) "Exclusion of others," wherever used, refers to prohibiting use or behavior by others which disrupts or prevents the authorized and lawful use of a designated area or structure in a preserve by a person or persons holding a valid permit for such area or structure and activity.
- r) "Property," wherever used, means any lands, waters, facilities or possessions of the District.
- s) "President," wherever used, means the President of the Board of Forest Preserve Commissioners.
- t) "Written permission of the President," wherever used, means the written permission of the President or his agents or nominees.
- u) "Posted," wherever used, refers to a notice posted, either by a sign in a forest preserve, at the entrance to a forest preserve or at headquarters, the location being at the discretion of the President.

CHAPTER 8 – Miscellaneous

Section 1 – Conflict

All District ordinances and parts of ordinances and all resolutions and orders, or any parts thereof, in conflict with this ordinance, or any parts hereof, are hereby repelled.

Section 2 – Enactment

This ordinance shall be in full force and effect from and after its passage, approval and publication, as by statute in such case made and provided.

Section 3 – Captions and Headings

The captions and headings used herein are for convenience or reference only and do not define or limit the contents of each paragraph or section.

Section 4 – Severability

The provisions of this ordinance shall be deemed to be severable and the invalidity and unenforceability of any provision shall not affect the validity and enforceability of the other provisions hereof.

CHAPTER 9 – Amendments

This ordinance may be amended from time to time by the District and such amendment may be shown by marking the section amended, attaching the amendment to this ordinance, or filling in the following schedule of information:

Date	Ordinance #	Chapter	Section	Title or Description
10/10/1995	FP-O-10-95-214	Chapter V,	Section 4	Drug and Alcohol Use
6/11/1996	FP-O-06-96-222	Chapter VI	Section 1	Enforcement
4/8/2003	FP-O-04-04-383	Chapter I	Section 3	Camping
1/14/2014	FP-O-14-01-498	Chapter 5		Personal Conduct & Behavior
2/13/2018	FP-O-18-02-0545	ALL		REVISIONS
8/14/2018	FP-O-18-08-0547	Chapter 6	Section 3	Fines & Penalties