

**Part III: Section I
CONDUCT ORDINANCE**

SECTION I. CONDUCT ORDINANCE

1.00 SHORT TITLE

- .01 - This Ordinance regulating conduct in the Pleasure Driveway and Park District of Peoria, Illinois, providing for enforcement and providing penalties for the violation of its provisions, shall be known and may be cited as the *Conduct Ordinance of the Peoria Park District*.

2.00 DEFINITIONS

- .01 - For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "*Shall*" is always mandatory and not merely directory.
- (A) "*Park District*" is The Pleasure Driveway and Park District of Peoria, Illinois.
 - (B) "*Park Board*" is the Board of Trustees of The Pleasure Driveway and Park District of Peoria, by whom all policy matters are established pertaining to the Park District.
 - (C) "*Executive Director*" is the person designated by the Board to administer policies established by the Park Board.
 - (D) "*Supervisor*" is the person immediately in charge of any park area or department and its activities and to whom all park attendants of such area or department are responsible.
 - (E) "*Park*" is a park, playfield, playground, pool, golf course, recreation center, or any other area or facility in the Park district, owned or used by the Park District, and devoted to active or passive recreation.
 - (F) "*Person*" is any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind.
 - (A) "*Police Officer*" is a duly appointed and acting Law Enforcement Officer of the Park District or other governmental unit acting under the authority and provisions of an intergovernmental agreement with the Park District.
 - (H) "*Vehicle*" is any wheeled conveyance, whether motor-powered or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the Park District.

3.00 GENERAL PARK DISTRICT POWERS

- .01 - State-Enabling Laws for Park District Apply
- (A) No person in a park shall fail to comply with penal ordinances of Park Districts as empowered by the *PARK DISTRICT CODE* which states that the members of the Park Board and all police officers appointed by them shall be conservators of the peace within and upon such parks, boulevards, driveways, and property controlled by such park district, and shall have power to make arrests in view of the offense, the same manner as the police in cities organized and existing under the general laws of the State.

.02 - Auxiliary Police Officers

- (A) The Peoria Park District has established a police department as authorized by Section 4-7 of the Park District Code, and is authorized to have auxiliary police officers as prescribed by state statute.

As required by the Illinois Law Enforcement Training and Standards Board, the Peoria Park District must specify the duties and powers of the Park District's auxiliary police unit.

The Peoria Park District has created an auxiliary police unit for the purposes of assisting park officers with traffic control within the Park District, to aid in control of natural or man-made disasters, and to aid in case of civil disorder as directed by the Chief of Park Police. Such auxiliary police officers do not possess and shall not exercise "conservator of the peace powers." Auxiliary police officers will be appointed by the Chief of Park Police and shall be under the direction and control of the Chief of Park Police.

4.00 PARK PROPERTY

.01 - Buildings and Other Property

- (A) Disfiguration and Removal:

- (1) No person in a park shall willfully deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, barricades, fireplaces, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, equipment, facilities on park property or appurtenances whatsoever, either real or personal.

- (B) Restrooms and Washrooms:

- (1) No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex.

- (C) Smoking Restrictions for Park Facilities

- (1) In compliance with the Smoke Free Illinois Act (410 ILCS 82/1, *et seq.*) (the "Act"), no person shall smoke in any indoor public place or within 15 feet of any entrance, exit, window that opens, or ventilation intake that serves an enclosed area where smoking is prohibited under the Act so as to ensure that tobacco smoke and electronic cigarette emission does not enter the area through entrances, exits, open windows, or other means.

- (2) In addition to indoor public places, this smoking restriction applies to:

- a) Enclosed or partially enclosed sports arenas, or other similar places where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events; and
- b) Any vehicle owned, leased or operated by the Peoria Park District; and
- c) Peoria Park District playgrounds; and
- d) Peoria Park District shelters

- (3) As used herein, the following terms shall be defined as follows:
- a) "Smoke" or "smoking" shall have the meaning ascribed to those terms in the Smoke Free Illinois Act, and shall also include the use of any electronic cigarette.
 - b) "Electronic Cigarette" means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. "Electronic cigarette" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. "Electronic cigarette" does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.
 - c) "Playground" means an area used for outdoor play or recreation especially by children and containing recreational equipment.

(D) Removal of Natural Resources:

- (1) No unauthorized person shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency.

(E) Erection of Structures:

- (1) No unauthorized person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.

.02 - Trees, Shrubbery, Lawns

(A) Injury and Removal:

- (1) No unauthorized person shall damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any unauthorized person attach any rope, wire, or other contrivance to any tree or plant. An unauthorized person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(B) Climbing Trees, Etc.:

- (1) No person in a park shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing fences or gun carriages or upon any other property not designated or customarily used for such purposes.

(C) Spray or Disseminate Toxic Substances:

- (1) No unauthorized person shall spray or disseminate any toxic substance for pest control or any other purpose.

.03 - Encroachments

(A) Encroachments Prohibited:

- (1) No unauthorized person shall erect any structure, make any improvement, injure, disturb or alter, park or store any vehicles or place any property of any kind for storage or otherwise, or use park property as a means of gaining access to or from private property without obtaining written permission and complying with the requirements of Section 18.00, et seq. of this Conduct Ordinance.

.04 - Wild Animals, Birds, Etc.

(A) Hunting:

- (1) No person while on park property shall hunt, molest, feed, harm, frighten, kill, trap, chase, tease, shoot, throw missiles, destroy, capture, gig, spear, lure or release any animal, bird, fish, reptile, amphibian, crayfish or mussels nor shall any person remove or have in their possession the young of any wild animal or the eggs, nest or young of any bird, fish, reptile, amphibian, crayfish or mussel.
- (2) Except as part of normal Park District operation, it shall be unlawful to sell or barter or offer to sell or barter, buy or barter, or offer to buy or barter, or ship in any way any animal, reptile, bird, fish, amphibian, crayfish or mussel.
- (3) No person shall fish in any body of water owned or under control of the Peoria Park District, where fishing is permitted, without the proper license required by the State of Illinois.
- (4) No person in a park shall hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden. Exceptions are at designated ranges set aside for such purposes under strict regulations set forth for that particular activity.

5.00 SANITATION

.01 - Pollution of Waters

- (A) No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

.02 - Refuse or Trash

- (A) No person in a park shall have brought in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where they are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

.03 - Dispensing Liquids

- (A) No person in a park shall dispense liquids in glass containers to groups or individuals.

6.00 TRAFFIC

.01 - State Motor Vehicle Laws Apply

- (A) No person in a park shall fail to comply with all applicable provisions of the State Motor Vehicles Traffic Laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.
- (B) It shall be a Park District ordinance violation to violate any section of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq. Any violation of the Illinois Vehicle Code shall be prosecuted in accordance with said Code.

.02 - Enforcement of Traffic Regulations

- (A) No person in a park shall fail to obey all traffic officers and park employees who are authorized and instructed to direct traffic whenever and wherever needed in the parks in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Executive Director.

.03 - Obey Traffic Signs

- (A) No person in a park shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, parking, cross walk lanes, traffic lane markers, and all other signs approved by the Executive Director, for proper control for safeguarding life and property.

.04 - Speed of Vehicles

- (A) No person in a Park shall ride or drive a vehicle in excess of the posted speed limit. Speed limits in Parks shall be designated by posted signs, but in the absence of a posted sign, no person in a Park shall ride or drive a vehicle in excess of 20 miles per hour. Subject to paragraph (B) below, the Executive Director may designate faster or slower speeds by posted signs on certain streets.
- (B) The Board of Trustees may, from time to time, specifically designate Park Zone Streets, as defined in and in accordance with Section 11-605.3 of the Illinois Vehicle Code, 625 ILCS 5/11-605.3.

.05 - Operation Confined to Roads

- (A) No unauthorized person shall drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Executive Director.

.06 - Reckless Driving

- (A) No person in a park shall drive any vehicle in a reckless manner.

.07 - Parking

- (A) Designated Areas:
 - (1) No unauthorized person shall park a vehicle in other than an established or designated parking area, and such shall be in accordance with the posted directions, markings, or directions of any attendant present.
 - (2) No unauthorized person shall park a vehicle in a designated handicapped parking zone, which shall be in accordance with the posted directions, markings, or directions of any attendance present.
- (B) Congesting Driveway:
 - (1) No unauthorized person shall park a vehicle upon a driveway in such a manner or under such conditions as to leave available less than 20 feet of the width of the driveway for free movement of vehicular traffic, except any one-way driveway such limitations shall be 10 feet.
- (C) Double Parking:
 - (1) No unauthorized person shall double park any vehicle on any driveway unless directed by a park official or temporarily discharging passengers.
- (D) Parking Time Limitations:
 - (1) No unauthorized person shall park longer than the specified time designated by signs or by verbal instruction by an attendant present.
- (E) All Night Parking:
 - (1) Unless otherwise posted, no unauthorized person shall park a motor vehicle on Peoria Park District property between sunset and sunrise the following day.
- (F) Immovable Objects:
 - (1) No person shall leave any vehicle anywhere in the park more than 24 hours due to a mechanical failure. (At the end of this period the vehicle will be towed away at the owner's expense.)
- (G) Stopping in Specific Places:
 - (1) No unauthorized person shall stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or authorized traffic sign or signal:
 - (a) In an intersection.
 - (b) In a cross walk.
 - (c) Upon a bridge.
 - (d) Within twenty (20) feet of an authorized traffic signal or boulevard stop sign, or curb line on the approaching side.

- (e) At any curb within fifteen (15) feet of a fire hydrant.
- (f) At any place where the standing of any vehicle will block the use of any driveway.
- (g) On any sidewalk.
- (h) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (i) On the driveway side of any vehicle, stopped or parked at the edge or curb of a driveway.
- (j) At any place where authorized traffic signs have been erected prohibiting stopping, standing, or parking.
- (k) Parking lights must be lighted when vehicle is parked and is occupied.

.08 - Muffler Required

- (A) No person in a park shall fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

.09 - Gas and Smoke

- (A) No person in a park shall operate a vehicle which emits excessive noxious fumes or dense smoke.

.10 - Pedestrian Right-of-Way

- (A) No person in a park shall fail to yield right-of-way to a pedestrian crossing the driveway within any cross walk as defined herein, except where movement of traffic is being regulated by police officers or authorized traffic signals.
- (B) No person in a park shall fail to stop behind such a vehicle that has stopped to permit a pedestrian to cross a driveway.
- (C) No person in a park shall fail to yield right-of-way to a vehicle moving across driveway which is not marked for cross walk.

.11 - Pedestrian Rights and Duties at Controlled Intersection

- (A) No person in a park shall fail to yield right-of-way to pedestrians crossing or who have started crossing on a green, or "Go," signal, or on such special signs or signals as designate pedestrian right-of-way.

.12 - Turning Around Limitations

- (A) No unauthorized person shall turn a vehicle so as to proceed in the opposite direction in any driveway in the parks except at an intersection street, and then only when such turns are not prohibited by appropriate signs.

.13 - Operator Signals

- (A) No person in a park shall abruptly stop or attempt to turn without first giving a suitable signal indicating his/her intention to do so.

.14 - Operation of Certain Vehicles

- (A) No unauthorized person shall enter or pass along the park driveway with a pleasure vehicle, truck or other vehicle carrying building materials, merchandise, or other materials except when delivering such materials or supplies for the use of the owners or occupants of the property fronting thereon and then shall enter and leave the park driveway at the nearest point to the property where such supplies and materials are to be delivered.

.15 - Gross Weight of Vehicles

- (A) No vehicle exceeding four (4) tons gross weight shall enter or pass along the park driveways and roads without proper authorization.

.16 - Soliciting Persons for Immoral Purposes

- (A) No operator of a motor vehicle shall solicit persons in the parks for immoral purposes

.17 - Sirens and Sound Signaling Devices

- (A) No operator of a motor vehicle shall fail to equip his vehicle with a good and sufficiently audible signaling device in efficient working condition, however, the use of siren sounding devices or other types of signaling devices in violation of Subsection 7.01(3)(A) is prohibited.

.18 - Driver Age Limit

- (A) No person in a park shall operate or drive a vehicle who is under sixteen (16) years of age, unless they have an instruction permit, are enrolled in an approved driver education course, are under the supervision of a parent or adult age 21 or older with a valid driver's license, and are not driving within the nighttime driving restriction period as outlined in the State of Illinois Graduated Driver License Program.

.19 - Drivers and Passengers - Under the Influence or Possession

- (A) No person in a park shall operate or attempt to operate a motor vehicle while under the influence of alcohol or any other illegal drug or combination thereof.
- (B) No person in a park operating a vehicle shall permit a passenger in the vehicle to use or possess any alcoholic beverage or any controlled substance, as defined by Illinois law.

.20 - Duty of Operator in Accidents

- (A) No operator of a motor vehicle in a park shall leave the scene of collision with another vehicle, person or property without ascertaining the extent of such injury or damage; leave the scene without rendering such assistance as may be needed; without giving his/her true name and residential address to the police officer requesting the same. (In the event there is no police officer present, the individual must immediately report the occurrence to the nearest police station or police headquarters.)

.21 - Towing of Disabled Vehicles

- (A) No operator of a motor vehicle in a park shall tow any motor vehicle upon any driveway if the connection is so arranged that the towing vehicle and the vehicle being towed are separated by more than eight (8) feet or tow the disabled vehicle at a rate of speed in excess of fifteen (15) miles an hour. (If the vehicle is being towed at night, warning lights must be attached to such

disabled vehicle so as to be visible to anyone approaching such vehicle from either side or the rear thereof.)

.22 - Brakes

- (A) No person shall operate any motor vehicle in the park system unless said vehicle is equipped with good and sufficient brakes in efficient working condition, or to operate any vehicle which is so loaded that the operator does not have access to all the mechanisms operating the brakes of said vehicle.

.23 - Anti-Skid and Non-Slip Devices

- (A) No person shall operate a motor vehicle in the parks with chains or studs which will damage the pavement.

.24 - Width of Vehicle Load

- (A) No person shall operate a motor vehicle in the parks to exceed eight (8) feet and six (6) inches in width.

.25 - Warning Signal on Projecting Loads

- (A) No person shall operate a motor vehicle in the parks between the hour of sunrise and one hour after sunset having a load projecting more than four (4) feet beyond the rear of the body of said vehicle, unless a red cloth not less than eighteen (18) inches square be firmly attached to the extreme end of the projecting load, in such a way as to be seen by persons approaching from either side at the rear of said vehicle. During the period from one hour after sunset to the hour of sunrise of the next day, any such vehicle must have a red light firmly attached to the rear end of such projecting load. Such red light shall be in addition to any other requirements of this Ordinance.

.26 - Riding Outside Vehicles

- (A) No person in a park shall ride upon, or hang onto, the fenders or any other outside part of any vehicle.

.27 - Repairs to Vehicles

- (A) No person in a park shall change any parts or make repairs of any kind to any vehicle, except such emergency repairs necessary to remove such vehicle therefrom. (Such emergency repairs shall be made only at the right-hand of the driveway.)

.28 - Light Maintenance to Vehicles

- (A) No person in a park shall change the oil, grease or wash a vehicle.
- (B) A person in a park may polish his vehicle, provided all debris and litter is disposed of properly.

.29 - Bicycles

- (A) Bicycle operators and the operation of bicycles are subject to the State of Illinois Vehicle Code.

.30 - Motorcycles, Motorbikes, Go Carts and Other Motor Driven Vehicles, Not Including Trucks or Automobiles

(A) Operation:

- (1) No such vehicle shall be operated within any park except on designated roadways.

(B) Traffic Regulations:

- (1) All provisions under 6.00 Traffic shall apply to these vehicles.

.31 - Skateboards Prohibited

- (A) No person shall ride a skateboard or cause or permit same to roll or coast within any recreational area, parking lot, facility, or on any sidewalk or roadway in a park except in areas specifically designated for such activity.

.32 - Golf Carts on Park District Streets

(A) Definitions:

For purposes of this chapter, "golf cart" means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf or maintaining the condition of the grounds of a public or private golf course.

(B) Limitation on Operation:

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to drive or operate a golf cart on any street or highway under the jurisdiction of the Park District. Subject to the limitations set forth in this chapter, any person with disabilities (as defined in 625 ILCS 5/1-159.1) with a valid driver's license may request the Park District to operate a golf cart on any street or highway under the jurisdiction of the Park District. Any such request will be reviewed by the Park District and based upon the volume, speed and character of the traffic on the roadway, the Park District will decide whether a golf cart can be safely operated on the roadway. Any permission granted by the Park District to operate a golf cart on a roadway of the Park District will specifically designate the portions of the roadway where the golf cart may be operated. This section shall not be construed as granting permission for any person operating a golf cart to drive upon or cross any street or highway under the jurisdiction of The City of Peoria, The Village of Peoria Heights, or Peoria County, or to drive upon or cross any street or highway under the jurisdiction of the Illinois Department of Transportation. Prior to operating the golf cart on any street or highway under the jurisdiction of the Park District, the person operating the golf cart shall provide the Park District with a written statement from a licensed physician to the effect that the operator is able to safely operate the golf cart upon the roadways of the Park District in a fashion that would not be inimical to the public safety or the safety of the operator or his/her passengers. Golf carts may not be operated on Grandview Drive south of the Upper Grand View Drive Park entrance.

(C) Safety Equipment:

No golf cart may be operated on a street or highway under the jurisdiction of the Park District unless, at a minimum, it has the following safety equipment:

- (1) Brakes;
- (2) Steering apparatus;
- (3) Tires;
- (4) Rearview mirror;
- (5) Red reflectorized warning devices on the front and rear; \
- (6) A slow-moving emblem (as required of other vehicles by 625 ILCS 12-709) on the rear of the golf cart;

- (7) A headlight that emits a white light visible from a distance of at least five hundred feet (500') to the front;
- (8) A taillamp that emits a red light visible from a distance of at least one hundred feet (100') from the rear;
- (9) Brake lights; and
- (10) Turn signals.
- (11) Seat belts for driver and all passengers.

(A) Regulations Specifically Applicable to Golf Carts:

When on a street or highway under the jurisdiction of the Park District, a golf cart shall be operated in accordance with the following regulations:

- (1) The golf cart shall have its headlights and taillamps lighted at all times.
- (B) Any person operating a golf cart as authorized in this chapter shall travel on the street or highway in the same direction as traffic and as near the right side of the roadway as possible.
- (C) Except as otherwise provided in this chapter, any person operating a golf cart on streets or highways under the jurisdiction of the Park District shall obey any and all traffic regulations set forth in either the Park District's Conduct Ordinance or in the Illinois Vehicle Code.

The golf cart, driver and passengers shall be covered with either automobile insurance to the extent required by state law or by comprehensive general liability insurance with a combined single limit of Two Hundred Fifty Thousand Dollars (\$250,000.00).

.33

Pedicabs

(A) Definitions

For purposes of this chapter, "pedicab" is defined as a bicycle that has three (3) or more wheels that transports, or is capable of transporting, passengers on seats attached to the bicycle that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration; or a bicycle with a singular unarticulated frame, that pulls a device that transports, or is capable of transporting, passengers on seats attached to a passenger cab or similar device, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.

"Pedicab business" is defined as the business of operating a pedicab for the recreational or physical transportation of the general public as agreed by pre-arranged contract.

"Operator" is the owner of a business that provides pedicab services.

(B) Limitations on Operation:

Where pedicabs are to be used in the course of operation of a pedicab business, the operator must apply for and be granted a facility use agreement that provides for the specific facility/park location where the operation will be facilitated, as well as dates and times of operation of the pedicab business. Without that agreement, the operator will be deemed to be in violation of a District ordinance and be subject to a trespass fine as designated by this Conduct Ordinance.

Applicable facility use agreements will provide for indemnification language and require proof of insurance or bond at levels required by the District to include coverage naming the park district as an additional insured.

All requests for facility use agreements will be reviewed and approved by the Park District Executive Director or her/his designee and will be reviewed to determine whether the pedicab business can be safely operated on the park property requested without negative impact on park usage. This evaluation will include, but not be limited to, number of pedicabs authorized to use a specific park property and the volume of pedestrian and/or vehicular traffic in the requested park that may be negatively impacted. Appeals to decisions made herein are subject to the process as outlined within this conduct ordinance.

This section shall not be construed as granting permission for any operator to operate a pedicab business generally on any street or highway under the jurisdiction of The City of Peoria, The Village of Peoria Heights, or Peoria County, or to drive upon or cross any street or highway under the jurisdiction of the Illinois Department of Transportation.

Use of pedicabs on Park District roads is subject to the traffic rules included herein.

The Park District Executive Director shall have the authority to suspend or revoke the permission granted in a pedicab facility use agreement upon finding that public safety is at risk, or the operator has violated the facility use agreement, the regulations in subsection (C) below, or any other Park District ordinance, regulation or policy. Appeals of any such suspension or revocation are subject to the process as outlined within this conduct ordinance.

(D) Regulations specific to Pedicabs

When on a street or highway under the jurisdiction of the Park District, approved pedicab usage shall be operated in accordance with the following requirements:

1. Pedicab business operations shall only operate during hours that the designated park property is open to the public.
2. The park district reserves the right to limit streets or park areas where pedicabs may operate.
3. All drivers of pedicabs shall obey all traffic rules established by statute or ordinance.
4. No driver or other employee of a pedicab business shall imitate the name, colors, or emblems, previously adopted and in use by any another pedicab business or represent him/herself as an employee of any other pedicab business or the Park District.
5. No person shall knowingly permit any pedicab to be used in the perpetration of a crime.
6. Every driver of a pedicab shall obey all traffic rules established by statute or ordinance.
7. No pedicab driver shall exceed the rated seating capacity of the pedicab.
8. No passenger shall be allowed to ride the pedicab except in the designated seating area.
9. Pedicabs licensed under this chapter shall not operate or permit the operation of any sound amplification system that creates noise that is audible more than twenty (20) feet from the pedicab.
10. Alcoholic beverages may not be consumed on a pedicab.

7.00 NOISE

.01 - Making and Creation of Noise

(A) The making and creation of excessive, unnecessary or unusually loud noises within the limits of Peoria Park District, emanating from the use and operation of automobiles, motorcycles and similar vehicular devices, radios, amplifiers (e.g., loud speakers, bull horns, etc.), musical instruments and other such electronic devices, is a condition which is increasing and it is deemed necessary in the public interest to enact the provisions and prohibitions hereinafter contained and enacted. Further, it is declared as a matter of legislative determination and public policy that this Ordinance is for the purpose of securing and promoting the public health, comfort, convenience, safety, and welfare of the citizens of the Peoria Park District.

(1) Radios, Etc.

- (a) No person, without the express written permission of the Executive Director of Parks and Recreation, shall allow or cause to be used or operated any radio receiving set, musical instrument, loudspeaker or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the public or at any time with louder volume than is necessary for convenient hearing for the person who is in the park or vehicle in which such machine or device is operated and who is a voluntary listener thereto.
- (b) The operation of any such set, instrument, loudspeaker, machine or device in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, vehicle or place in which it is located shall be prima facie evidence of a violation of this section.

(2) Sound Advertising Devices

- (a) No person, without the express written permission of the Executive Director of Parks and Recreation, shall make or cause, permit or allow to be made any noise of any kind, by means of any radio, musical instrument, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, for the purpose of commercial advertising or attracting the attention of the public to any building, structure or portion of Park District property.
- (b) No person shall operate or cause to be operated any motor vehicle or horse-drawn vehicle, having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music or any other sound for commercial sound advertising purposes in the Park District with such sound-amplifying equipment in operation.

(3) Horns or Signaling Devices on Vehicles

- (a) No person shall allow or cause to be blown any horn or signaling device on any automobile, motorcycle, bus or other vehicle in any public park, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound, the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; the use of any such signaling device when traffic is for any reason held up.

(4) Motor Vehicle Mufflers

No person shall operate any motor vehicle within the Park District unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. For the purpose of this section, if sound in excess of the sound limit set forth in this subsection shall emanate from a vehicle, such evidence shall constitute and be admitted as prima facie evidence that it was producing excessive or unusual noises. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, but not given prima facie effect, in determining whether or not such vehicle was emanating excessive or unusual noises.

(5) Noisy Operation

- (a) No person shall operate any vehicle within the Park District which makes an unusually loud or unnecessary noise.

(6) Tire Noise

- (a) No person shall operate a motor vehicle within the Park District in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the ground because of rapid acceleration or deceleration, except where such acceleration or deceleration is necessary in an emergency situation to avoid imminent danger.

(B) Definitions

- (1) For the purpose of this subsection, the following words and phrases shall have the meanings respectively ascribed to them in this subsection:

- (a) "Decibel" means a unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.
- (b) "Muffler" means any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.
- (c) "Sound level meter" means an instrument standardized by the American Standards Association for measurement of intensity of sound, namely, Z24.3-1944.
- (d) "Sound limits" means all sound emanating from any source, measured upon the "A" weighing scale of a second level meter, in excess of the decibels measured at the distances specified shown below. The distances shall be measured from the source of the sound. With regard to motor vehicles, the distances shall be measured from the right rear wheel of the propelling unit of the vehicle in motion as it passes the sound level meter:

<u>Distance in Feet</u>	<u>Maximum Permitted Sound Level in Decibels</u>
50	85
45	86
40	87
41	

<u>Distance in Feet</u>	<u>Maximum Permitted Sound Level in Decibels</u>
35	88
30	89.5
25	91
20	93
15	95.5

8.00 BEHAVIOR

.01- Intoxicating Beverages and Controlled Substances

- (A) No person shall use, possess or be under the influence of any alcoholic beverages on any park property, unless specifically excepted by action of the Board or permission of the Executive Director, and no person shall sell, give, deliver or otherwise make available any alcoholic beverage to another person under the age of 21 years.
- (B) No person shall enter or remain on any park property under circumstances where the person knows or reasonably should know that alcoholic beverages are being or will be used, possessed or consumed on park property. For purposes of this subsection, there shall be a presumption of "reasonable knowledge" where an individual is within 25 feet of another who is using, possessing or consuming alcoholic beverages on any park property.
- (C) No person shall use, possess or be under the influence of any controlled substance, as defined in the "Controlled Substance Act" [720 ILCS 570/100 ET.SEQ.] on park property.

- (D) The possession and use of cannabis on park property is prohibited as provided herein and shall be further prohibited to the fullest extent permitted by Illinois law. It shall be unlawful for any person to engage in any of the following conduct:
- (1) undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
 - (2) possessing cannabis:
 - (A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (C) in any correctional facility;
 - (D) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or
 - (E) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 - (3) using cannabis:
 - (A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (C) in any correctional facility;
 - (D) in any motor vehicle;
 - (E) in a private residence that is used to provide licensed child care or other similar social service care on the premises;
 - (F) In any public place; or
 - (G) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;
 - (4) smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
 - (5) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, watercraft, or snowmobile while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle

Code, Section 5-16 of the Boat Registration and Safety Act, or Section 5-7 of the Snowmobile Registration and Safety Act;

- (6) facilitating the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- (7) transferring cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- (8) the use of cannabis by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty; or
- (9) the use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.

As used in this Section, "public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State, the Park District, or any other unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

- (E) Any person convicted of any violation of the provisions of Sections 8.01 (A) or 8.01 (B) of this Ordinance shall be fined not less than \$200.00 nor more than \$500.00 for each violation.

.02 - Fireworks, Explosives or Rockets

- (A) No unauthorized person shall bring or have in his/her possession or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, other fireworks or explosives of inflammable materials, or any type of rocket or model rocket, or discharge, launch or throw them into any such areas from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

.03 - Reservation of Facilities

- (A) No unauthorized person shall enter into or remain in any pavilion or park structure or section thereof which has been reserved by the Peoria Park District administrative office for a specific individual or group.

.04 - Alms

- (A) No person in a park shall solicit alms or contributions for any purpose, whether public or private, unless so authorized in writing by the Executive Director of Parks and Recreation.

.05 - Fires

- a. No unauthorized person in a park shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Executive Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarette or cigars, tobacco paper, charcoal briquette ashes, or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

.06 - Closed Areas

- (A) No unauthorized person in a park shall enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

.07 - Games of Chance

- (A) No person in a park shall gamble or participate in or abet any game of chance, except for raffles with written permission of the Executive Director.

.08 - Going Onto Ice

- (A) No person in a park shall go onto the ice on any of the waters except such areas as are designated as skating areas, and provided a safety sign is displayed.

.09 - Loitering and Boisterousness

- (A) No person in a park or facility shall engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

.10 - Domestic Animals

- (A) Dogs and other domestic animals are permitted in park district parks and open space, other than the specified outdoor locations listed below, but must be restrained at all times on an adequate leash not greater than six (6) feet in length or with a suitable training lead. Once inside the gates of a specifically identified dog park located on Park District property, owners/handlers shall abide by and follow all posted rules of the dog park. No owner or handler of a dog using Park District dog park facilities shall allow his or her dog to show aggression toward or attack people or other dogs.

Other than service animals, dogs and other domestic animals are not permitted on golf courses, in Forest Park Nature Center Nature Preserve, and in Singing Woods Nature Preserve.

- (B) Outside of park access, and except for service animals as described below, no person shall bring any dog, cat, domestic animal, or other pet into any facility or amenity, including, without limitation, buildings or spaces/courts/fields where organized activity takes place.
- (C) Service animals, as defined by the Americans with Disabilities Act, relied upon by an individual with a disability for the use and enjoyment of the activity or program will be permitted
 - i) at Peoria Zoo, but only in designated areas, and provided that the use of said animal does not cause excitability in the zoo animals; and
 - ii) at all other District indoor and outdoor facilities in accordance with the provisions of this ordinance.
- (D) An owner or handler of a domestic animal shall immediately clean-up and dispose of his or her animal's waste. All animal waste shall be sealed in a bag and disposed of in a garbage can or other designated receptacle.

.11 - Exhibition Permits or Letter of Permission

- (A) When the Executive Director has issued a permit or a letter of permission under Section 11.04 of this Ordinance or any other section which authorizes the Executive Director to issue a permit or give permission for an activity or use, or any other section which prohibits an activity or use without the written permission of the Executive Director, the recipient of the permit or letter of permission must keep that permit or letter available for inspection and production throughout

the activity or use. Failure to produce such permit or letter of permission upon the request of any authorized person or police officer who desires to inspect it for the purpose of enforcing compliance with any ordinance or rule of the District shall be a violation of this Ordinance just as if the permit were not issued or the permission had not been given.

.12 - Indecent, Lewd or Obscene Conduct

- (A) No person shall perform any of the following acts in a place where the conduct may reasonably be expected to be viewed by others:
 - (1) an act of sexual intercourse; or
 - (2) an act of deviate sexual conduct; or
 - (3) a lewd exposure of the body or any of its parts with the intent to shock another person or the intent to arouse or satisfy the sexual desires of another person; or
 - (4) a lewd touching, fondling or caressing of the body of another of either sex.
- (B) No person shall commit an "obscenity" nor solicit a sexual act from another. Where applicable, the terms in this Section shall have the meanings of those terms or defined in the Criminal Code of Illinois [720 ILCS 5/1-1 ET.SEQ.]

.13 - Carrying Dangerous Weapons

- (A) No person, except Park Police Officers or other law enforcement officers, shall possess, have or carry any pistol, switchblade, hunting knife, dagger, metal knuckles, bludgeon, karate sticks, slingshot or other dangerous weapon while in the park.

.14 - Firearms and Fireworks

- (A) No person, except Park Police or other law enforcement officers, shall carry firearms of any description, air or gas or spring gun, slingshot or missile throwing device within the park.

.15 - Use of Tobacco Products

- (A) No person under 18 years shall buy, possess or use any cigar, cigarette or tobacco in any of its forms while in the park.

.16 - Soliciting Rides

- (A) No person shall solicit a ride from the operator of any vehicles in the parks.

.17 - Use of Narcotics, Opiates and Hallucinogens

- (A) No person shall use or possess, smoke, drink or have injected into one's self, or otherwise use or possess any type of narcotic drug, opiate or hallucinogen or Controlled Substance within the parks without a valid prescription.

.18 - Possession of Narcotics, Opiate, Hallucinogenic or Controlled Substance Paraphernalia

- (A) No person shall possess instruments or paraphernalia used to smoke, drink, inject, carry or weigh any type of narcotic drug, opiate, hallucinogen or Controlled Substance within the parks without a valid prescription.

.19 - Use of Ethers, Glue or Propellant

- (A) No person shall sniff, breathe or otherwise use in any way other than the intended use by the

manufacturer of any type of glue, hair spray, paint or any commercial material or product which contains ether or glue or is propellant for aerosol products.

.20 - Operation of Vehicles Off-Road

- (A) No person shall operate or park a vehicle off the paved roadway or gravel drive unless directed by a police officer or with written permission of the Executive Director of Parks and Recreation.

.21 - Criminal Acts

- (A) No person in a park shall commit any act prohibited by the Criminal Code of the State of Illinois as set forth in Chapter 38 of the Illinois Revised Statutes.

.22 - Entering Waters

- (A) Unless specifically authorized to do so as part of maintenance or construction functions, no person shall enter the waters of any fountain, pond, lake, stream or other body of water (whether natural or artificial, temporary or permanent) on or adjacent to Park District property, except for designated swimming or wading pools and water slides, but the use of such swimming or wading pools and water slides must be in accordance with the specific operating regulations thereof relating to the hours of operation, the conduct, dress, etc., of that facility.

.23 - Curfew

- (A) No person between the ages of 6 and 16 years shall be present on any Park District property between the hours of 9:00 a.m. and 2:30 p.m. on any day on which that person's public or private school is in session.
- (B) No person less than 13 years of age shall be present on any Park District Property between 9:00 p.m. and 6:00 a.m. the following day, on any day of the week.
- (C) Unless otherwise posted, no unauthorized person shall be present on Park District property between sunset and sunrise the following day.
- (D) Any parent, guardian or other responsible adult who knowingly permits a person in his or her custody or control to violate the provisions of Section 8.23 of this Ordinance shall be found in violation of this Section (D) and, upon conviction shall be fined in accordance with Section (E) herein.
- (E) It is a defense to a violation of any provision of Sections (A), (B) and (D) of Section 8.23 if a person engaged in a prohibited conduct is:
 - (1) accompanied by a parent, legal guardian or other person over the age of 18 approved by the parent or legal guardian;
 - (2) participating in, traveling to, or returning from:
 - a. a school related activity;
 - b. a religious event;
 - c. lawful employment
 - d. an emergency involving an imminent threat of serious bodily injury or substantial damage to property;
 - e. an activity protected under the First Amendment to the United States Constitution or Article I, sections 3, 4, and 5 of the Constitution of the State of Illinois;
 - f. an activity conducted by a not-for-profit agency or government entity that provides recreation, education, or training.

A citation may be issued under Section 8.23 if the officer reasonably believes that a violation has occurred and that none of the foregoing defenses apply.

- (F) Any person convicted of any violation of any provision of Section 8.23 of this Ordinance shall be fined \$50.00 for the first violation in any 12-month period; \$75.00 for a second violation alleged to occur in any 12-month period; and \$200.00 for a third or subsequent violation alleged to have occurred in any 12-month period.

.24 - Prohibited Activities

- (A) No person in a Park shall engage in any activity or perform any action which interferes with or creates a nuisance to others in the area or damages Park property, unless authorized by the Park District and occurring in the area or facility set apart for such activity under all applicable rules and regulations.

9.00 USE OF RESTRICTED AREAS

.01 - Use of Restricted Areas: Golf Courses

- (A) Every player must have individual golf playing equipment. All players shall abide by the rules and regulations posted at each golf course. No unauthorized person shall be present on a golf course between sunset and sunrise the following day.
- (B) Non-Golfing Persons on Golf Courses
 - (1) Non-playing persons are not permitted on Peoria Park District golf courses without the consent of the Park District's Superintendent of Golf or his/her designee. In rendering a decision, the Superintendent of Golf or his/her designee will take into consideration the age and physical ability of the non-player, course conditions, and playing conditions on the course at the time.
- (C) Under Junior Age (3-11 Years of Age) Golfers
 - (1) Under junior age golfers will be permitted to play all golf courses in the Peoria Park District if they become certified. To be certified, the under junior age golfer will be required to play a minimum of three (3) holes or maximum of six (6) holes with the Certifying Professional. During this time, the junior golfer will be expected to display his/her knowledge and understanding of the following:
 - (a) Good conduct and ability to keep up with the regular flow of play.
 - (b) Know where to pay his/her green fee.
 - (A) Understand that his/her register receipt and validated score card must be presented to the starter and have his/her name entered on the starting sheet.
 - (B) Realize when his/her group is behind one full hole that the following group should be invited to play through.
 - (e) Bunkers should be raked when leaving them.
 - (f) Know the rules of play well enough to keep up with the flow of play.
 - (g) To replace divots and repair ball marks on the greens.

- (2) If his/her certification is approved, he/she will be issued an identification card to present when paying green fees as well as having a bag tag issued to identify him/her as a Peoria Park District Under Junior Age Certified Golfer. This will entitle the junior to play during the normal junior hours and at the regular junior green fee, but he/she must be accompanied by a playing adult.
- (3) The above procedures do not apply to Detweiller Golf Course & the Golf Learning Center.

.03 - Use of Restricted Areas: George L. Luthy Memorial Botanical Garden

- (A) The fenced area bounded by Prospect Road on the West, Gift Avenue on the North, Park road on the East and the Glen Oak tennis courts on the South will be known as the George L. Luthy Memorial Botanical Garden. Special restrictions shall apply:
 - (1) No bicycle riding
 - (2) No pets
 - (3) No Frisbee, baseball, football or other sports shall be played.
 - (4) No commercial photography without consent of Luthy Botanical Garden Manager.

10.00 MERCHANDISING, ADVERTISING AND SIGNS

.01 - Vending and Peddling

- (A) No person in a park shall expose or offer for sale any article or thing, nor shall he/she station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is herein made as to any regularly licensed concessionaire or others, acting by and under the authority and regulation of the Executive Director of Parks and Recreation.

.02 - Advertising

- (A) No person in a park shall announce, advertise, or call the public attention in any way to any article, or service for sale or hire, except when prior authorization in writing is given by the Executive Director of Parks and Recreation or his/her designee.

.03 - Signs

- (A) No person in a park shall paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except when prior authorization in writing is given by the Executive Director of Parks and Recreation or his/her designee.

11.00 PARK OPERATIONS

.01 - Hours

- (A) Except as otherwise determined by the Executive Director, Parks shall be generally open to the public every day of the year during designated hours.
- (B) Unless otherwise posted or approved by the Executive Director, Parks shall open at sunrise and shall close at sunset. All use of Parks shall be in accordance with this Conduct Ordinance.

.02 - Closed Areas

- (A) Any section or part of any park may be declared closed to the public by the Executive Director of Parks and Recreation, or his/her designated authority, at any time and for any interval of time, either temporarily or at regular intervals and stated intervals (daily or otherwise) and either entirely or merely certain uses as the Executive Director of Parks and Recreation shall find reasonably necessary.

.03 - Lost and Found Articles

- (A) All park attendants shall report all recovered articles to the Park Police. The Park Police shall make every reasonable effort to find articles reported as lost and locate owners of recovered property (ref. 12.02).

.04 - Park or Facility Rentals

- (A) Authorization shall be obtained from the Executive Director of Parks and Recreation or a designated authority before reserving park areas or facilities for exclusive use by an individual or group referred to below as a permittee:

(1) In order to rent a Peoria Park District location, the applicant shall provide:

- (a) The name and address of the applicant.
- (b) The name and address of the person or persons, corporation or association sponsoring the activity, if any.
- (c) Specific park or facility location requested.
- (d) The day and hours for which usage is desired.
- (e) The purpose of the event, along with any specific needs for equipment, etc.
- (f) Anticipated size of the gathering.
- (g) Any other information which the Executive Director shall find reasonably necessary to make a fair determination as to whether a rental should be authorized and whether additional authorization is required by policy.
- (h) proof of insurance if required to support the proposed use. Additional insurance will be required where alcohol service is proposed.

(2) Standards of Issuance: The Executive Director or the designated authority shall execute a rental agreement to the permittee when:

- a) The proposed activity or use of the park shall not reasonably interfere with or detract from the general public enjoyment of the park.
- (b) The proposed activity and use will not reasonably interfere with or detract from the promotion of public health, welfare, safety and other recreation.
- (c) The proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (d) The proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the Park District.
- (e) The facilities desired have not been reserved for other use at the day and hour required in the application.
- (f) The required rental fee or pre-determined deposit for the area or facility desired has been paid.

(3) Use:

- (a) The permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted within the rental agreement.

(4) Fees: Fees for rental use will be based upon length of use and proposed impact on the property. The permittee will be responsible for all direct fees incurred as a result of the use, including but not limited to police or security presence, litter pick-up, equipment used, and other agreed upon park/facility costs. When alcohol is present, the District reserves the right to require police or security presence, with the cost charged to the permittee.

(5) Liability of Permittee:

(a) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person of reserving group whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(6) Revocation

(a) The Executive Director shall have the authority to revoke a rental use agreement upon a finding of violation of any rule or ordinance, or upon good cause shown.

(7) Appeal: If a rental request is denied:

(a) Within five (5) days of determination that the rental will not be allowed, the Executive Director shall apprise the applicant in writing of the reasons for refusing the use, and any aggrieved person shall have the right to appeal in writing within five (5) days to the Park Board, which shall consider the application under the standards set forth in subsection (2) hereof and sustain or overrule the Executive Director's decision, at the next regular Park Board meeting. The decision of the Park Board shall be final.

.05 – Rentals with Alcohol Approval

(A) Authorization to dispense alcoholic beverages shall be obtained from the Executive Director of Parks and Recreation or the designated authority before participating in the activities, otherwise permitted under the previous section, when alcoholic beverages are to be dispensed. Authorization under this section is required in addition to compliance with the provisions of 11.04, which are applicable in their entirety.

(B) Standards of Issuance: The Executive Director or designated authority may issue a permit for private rentals with liquor approval hereunder when, in addition to the findings under 11.04(A)(2):

(a) the proposed activity and use will not entail any likelihood of alcohol use by persons of non-age (i.e., under 21 years of age) who might be in attendance;

(b) adequate arrangements have been made for security, insurance (both dram shop and liability), and protection from damage or injury; and

(c) proof of proper licensing by the State of Illinois or other applicable body is provided.

(C) Notwithstanding the issuance of a permit pursuant to this Ordinance, no permittee shall sell, give, deliver or otherwise make available any alcoholic beverage to another person under the age of 21 years.

(1) No person under the age of 21 years shall attempt to or actually purchase, accept delivery, have in his or her possession, or consume any alcoholic beverage.

(2) Any person convicted of any violation of the provisions of Section 11.05 of this Ordinance shall be fined not less than \$200.00 nor more than \$500.00 for each violation.

12.00 RECREATIONAL ACTIVITIES

.01 - Area and Facility Use

- (A) No person in a Park shall picnic, lunch, golf, skate, swim, boat, ride a horse, camp, fish, conduct a water balloon fight or balloon release, create or use a slip-n-slide or similar device, take part in or abet the playing of any games, or perform any action which interferes with or creates a nuisance to others in the area or damages Park property, unless authorized by the Park District and occurring in the area or facility set apart for such activity under all applicable rules and regulations.

13.00 ENFORCEMENT

.01 - Officials

- (A) The Board of Trustees, Executive Director, Park District employees designated by the Executive Director, Board Secretary, Police Officers, and Supervisors shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance.

.02 - Ejection, Suspension, and Banishment

- (A) The Board of Trustees authorizes the Executive Director, with consultation from the Chief of Park Police, to specifically designate authority to Park District employees to eject or suspend from any Park any person acting in violation of this Ordinance for a period up to and including 30 days. Designated employees making such ejection or suspension must promptly notify the Executive Director of any suspension lasting more than 24 hours.
- (B) The Board of Trustees further authorizes the Executive Director to suspend or banish from any Park any person acting in violation of this Ordinance for a period exceeding 30 days.
- (C) A No Trespass Notice shall be issued to any individual suspended or banished for a period exceeding 24 hours, exclusive of any investigatory period during which the Park District is promptly investigating such violation. The No Trespass Notice shall either be personally served on the individual or sent via U.S. Mail to the individual's last known address.
- (D) Any suspension or banishment where a No Trespass Notice is issued may be appealed as set forth in Section 14.04(B).

.03 - Seizure of Property

- (A) The Trustees, Executive Director, Secretary, Police Officers and Supervisors shall have the authority to seize and confiscate any property, thing or device in or used in the parks in violation of this Ordinance.

14.00 PENALTY

.01 - General

- (A) Unless a specific penalty is otherwise provided for, the violation of any provision of this Conduct Ordinance shall be punishable by a fine of not less than \$50.00 and not more than \$500.00 for each offense. Each day any violation of any provision of this Conduct Ordinance continues shall constitute a separate offense.
- (B) In addition to, or in the alternative to, the assessment of a fine as set forth in paragraph (A) above, the Park District may seek restitution for the violation of any provision of this Conduct Ordinance pursuant to 70 ILCS 1205/8-1(e).

- (C) In addition to, or in the alternative to, the assessment of a fine as set forth in paragraph (A) above and/or restitution as set forth in paragraph (B) above, the violation of any provision of this Conduct Ordinance may be punishable by ejection, suspension, and/or banishment in accordance with Section 13.02. Any suspension or banishment where a No Trespass Notice is issued in accordance Section 13.02 may be appealed as set forth in Section 14.04(B).

.02 - Vehicular Parking Violations

Upon issuance of citation for the violation of Ordinances included in paragraphs 6.07, 6.07-A, 6.07-A1, 6.07-B, 6.07-C and 6.07-D the fine shall be \$10.00 (effective August 12, 1987) if paid within 10 days and upon failure to pay such penalty within 10 days, the penalty shall be \$16.00, and for the violation of Ordinances in paragraph 6.07-A2 the fine shall be \$200.00 (effective February 28, 1996) if paid within 10 days and upon failure to pay such penalty within 10 days, the penalty shall be \$225.00. The fine shall be paid to a person designated by the Executive Director of Parks and Recreation at the Park District office.

.03 - Other Non-Moving Vehicular Violations

- (A) Upon issuance of citation for the violation of Ordinances included in paragraph 6.07-E the fine shall be \$20.00 (effective August 12, 1987), if paid within 10 days and upon failure to pay such penalty within 10 days the penalty shall be \$30.00, and for violation of Ordinances included in paragraphs 6.07-F, 6.07-G, 6.07-H, 6.27 and 6.28 the fine shall be \$10.00 (effective August 12, 1987), provided it is the first violation of the particular Ordinance by the person seeking to pay such fine; that the Chief of Park District Police consent to the acceptance of such minimum fine, do so to the person designated by the Executive Director of Parks and Recreation at the Park District office and within 48 hours of the time the individual was given a ticket for such violation.

.04 - Processing of Violations

- (A) All violations must be processed in a Court of Law except violations solely resulting in ejection, suspension, and/or banishment as set forth in Sections 13.02 and 14.01(C), and those non-moving vehicular violations designated in Sections 14.02 and 14.03.
- (B) A person who, in accordance with Sections 13.02 and 14.01(C), is issued a No Trespass Notice shall have the right to appeal his or her suspension and/or banishment as follows:
 - (1) The individual subject to the No Trespass Notice, or his or her authorized representative, must file a written request for appeal with the Board Secretary setting forth the individual's name, current address, telephone number, and the reason(s) why the individual believes the No Trespass Notice should be rescinded. Said request for appeal must be delivered to the Board Secretary, postmarked by the U.S. Postal Service, or deposited with a third-party commercial carrier within 14 days from the date the No Trespass Notice is either personally served on the individual or postmarked by the U.S. Postal Service. All appeals pursuant to this Section will be heard by a Hearing Officer appointed by the Executive Director. The appealing party, or his or her authorized representative, and the Executive Director, or the Executive Director's designee, shall appear before the Hearing Officer at an established time, date, and location to present evidence as to why the No Trespass Notice should be enforced or rescinded. Both parties shall receive notice of the time, date, and location of the appeal hearing no less than 10 days before said hearing is to occur. The rules of evidence and procedure shall not apply to said hearing. The decision of the Hearing Officer on the appeal will be the final, binding decision of the Park District and shall be subject to the Administrative Review Law.

.05 Towing of Motor Vehicles Any vessel, watercraft, vehicle, or aircraft (hereinafter collectively referred to as "Vehicle"), stopped, standing, parked, or occupying any portion of any street, roadway, or Park

property, whether operable or inoperable, in violation of any provision of this Conduct Ordinance, the Illinois Vehicle Code, or any applicable state or federal law is hereby declared a public nuisance. An officer of the Peoria Park District Police Department may tow, or cause to be towed, a public nuisance Vehicle in accordance with the following procedures:

- (A) The owner, operator, or person in physical control of the Vehicle shall be notified that a violation of this Section exists prior to, or at the time of, towing the Vehicle, if reasonably practical. Said notice shall be provided in writing by the Police Chief, a law enforcement officer, or a designee of the Police Chief. However, if circumstances do not permit notice prior to, or at the time of, towing, the owner of record shall be notified within five (5) business days of the violation and subsequent towing.
- (B) The notice referred to in Paragraph A above shall either be personally served by the Police Chief, a law enforcement officer, a designee of the Police Chief, or any person authorized by law to make personal service, or the notice may be sent via certified mail to the owner of record's last known address. Such notice shall include the following:
 - i. The location of the Vehicle prior to towing;
 - ii. The violation of the Park District Code, Illinois Vehicle Code, or law giving rise to the towing;
 - iii. The name of the towing or wrecking company;
 - iv. The location of the towing or wrecking company or towing yard where the Vehicle is located;
 - v. The process for recovering the towed Vehicle, including the administrative and/or processing fee required for release of the Vehicle and the location where said fee may be paid; and
 - vi. The right to an administrative hearing as set forth in subsection 14.06(D).
- (C) The owner of record of the towed Vehicle may secure the release of said Vehicle by appearing in-person at the Peoria Park District Police Department, located at 1125 W Lake Avenue, Peoria, IL 61614, during regular business hours from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding designated holidays, to obtain a Release. Alternatively, the owner of record of the towed Vehicle may secure the release of said Vehicle outside of regular business hours by appearing in-person before a designee of the Peoria Park District Police Department as set forth in the towing notice. In order to obtain a Release, the owner of record shall pay an administrative and processing fee in the amount of \$25.00, if paid directly to the Peoria Park District Police Department during regular business hours, or an administrative and processing fee in the amount of \$50.00, if paid to a designee of the Peoria Park District Police Department outside of regular business hours. The owner of record shall also be separately responsible for any accrued towing and storage fees. In the sole discretion of the Peoria Park District Police Department, the owner of record may be required to present sufficient documentation evidencing ownership to obtain a Release. The Park District Police Department shall hold the administrative fee in escrow until such time as a request for hearing would be untimely, or if a hearing has been timely requested in accordance with subsection 14.06(D), until said hearing is completed.
- (D) Hearings and Hearing Procedure.
 - (1) The owner of record of a towed and/or impounded Vehicle may seek a preliminary probable cause hearing by filing a written request with the Peoria Park District Police Department within twenty-four (24) hours of the towing or impoundment or within twenty-four (24) of service of a towing or impoundment notice, whichever is later. This twenty-four (24) hour period shall not include Saturdays, Sundays, holidays, or days Park District offices are closed.
 - (2) The preliminary probable cause hearing shall be conducted by a Hearing Officer appointed by the Executive Director of the Park District within five (5) business days, unless agreed upon by the parties or good cause exists for an extension of time. However, unless agreed by the parties, an extension of time for good cause shall not exceed five (5) additional business days.

- (3) All interested persons shall be given a reasonable opportunity to be heard at the preliminary probable cause hearing. The formal rules of evidence will not apply at said hearing and hearsay evidence shall be admissible. If, after the hearing, the Hearing Officer determines there is probable cause to believe the Vehicle, is subject to towing and/or impoundment under this Section, the Hearing Officer shall order the continued impoundment of the Vehicle, unless the owner obtains a Release as provided for in this Section. If the hearing officer determines there is no probable cause for towing and/or impoundment, the Vehicle shall be returned to the owner without penalty or other fees.
- (4) Within ten (10) business days of the towing or impoundment or ten (10) business days of personal service of a towing or impoundment notice or preliminary probable cause hearing decision, whichever is later, the owner of record of a towed and/or impounded Vehicle may seek an administrative hearing by filing a written request with the Peoria Park District Police Department.
- (5) The administrative hearing shall be conducted by a Hearing Officer appointed by the Executive Director of the Peoria Park District.
- (6) Unless continued by the Hearing Officer, the administrative hearing shall be held no later than forty-five (45) days after the written request for hearing was delivered to the Peoria Park District Police Department.
- (7) The Hearing Officer shall notify the owner of record, by mail, of the date, time, and location of the administrative hearing no less than ten (10) days prior to the hearing date.
- (8) At any time prior to the hearing, the Hearing Officer may, at the request of the Peoria Park District or owner of record, direct witnesses to appear and give testimony at the hearing.
- (9) All interested parties shall be given an opportunity to be heard at the administrative hearing. The formal rules of evidence will not apply at the hearing, but hearsay evidence shall be admissible only if determined credible by the Hearing Officer.
- (10) If the owner of record fails to appear at the administrative hearing scheduled in accordance with this Section, the Hearing Officer shall find the owner is in default and enter an order in favor of the Peoria Park District.
- (11) If, after considering all relevant, admissible evidence presented at the administrative hearing, the Hearing Officer determines, by a preponderance of the evidence, that the Vehicle was used in connection with the commission or attempted commission of any offense set forth in subsection (A), the Hearing Officer shall enter an order finding the owner of the Vehicle civilly liable to the Peoria Park District for fine of \$500.00, the applicable administrative and processing fee, and any other costs deemed reasonable under the circumstances. The owner of record shall be separately responsible for any accrued towing, impoundment, and/or storage fees. The owner, operator, or individual in possession of the Vehicle impounded under this Section shall also be subject to all fees, fines, and penalties that may be assessed by a court of law for the underlying violations.
- (12) If the Hearing Officer enters an order finding the owner of record liable to the Peoria Park District for the administrative fee, any Vehicle still impounded shall continue to be impounded until the owner pays all applicable fines, costs, and fees, or until disposal of the Vehicle pursuant to subsection (F).
- (13) If the Hearing Officer finds, by a preponderance of the evidence, that the vehicle was not used in the commission or attempted commission of any offense set forth in subsection (A), the Hearing Officer shall order the immediate return of the owner's Vehicle and of any fines or fees paid by the owner to the Park District.

- (E) Administrative Review.
 - (1) A final order entered by a Hearing Officer under this Section is subject to review under the Administrative Review Act, 735 ILCS 5/3-101 et seq.

- (F) Payment of Fees and Costs; Disposal of Vehicles.
 - (1) All fines and administrative and processing fees imposed pursuant to this Section shall constitute a debt due and owed to the Peoria Park District. Said debt may be satisfied by full payment to the Peoria Park District Police Department.
 - (2) If the fine, administrative and processing fee, applicable towing and impoundment fees, and/or other fees and costs awarded by a Hearing Officer or court of law, are not paid within thirty (30) days after the expiration of time for filing a written request for hearing or, alternatively, within thirty (30) days after the expiration of time for administrative review of the Hearing Officer's determination, or, alternatively, within thirty (30) days after an action seeking administrative review has been resolved and in favor of the Peoria Park District, whichever is applicable, the Vehicle shall be deemed unclaimed and shall be disposed of in the manner provided for the disposition of unclaimed vehicles under the Illinois Vehicle Code.

- (G) Vehicle Possession.
 - (1) Except as otherwise provided by law, no owner of record, lien holder, individual, or entity shall be legally entitled to take possession of a Vehicle impounded under this Section until all applicable fines, fees, and costs are paid, in full.
 - (2) Whenever an individual or entity with a lien of record against an impounded Vehicle has commenced proceedings to repossess said Vehicle, possession of the Vehicle shall be given only if the individual or entity agrees, in writing, to pay to the Peoria Park District or other applicable party all fines, fees, and costs provided herein from the proceeds of the sale of the Vehicle.

15.00 PARENTAL RESPONSIBILITY

.01 - Definitions

- (A) Definitions as used in this Ordinance, unless the context otherwise requires, the terms specified have the meanings ascribed in them:
 - (1) "*Legal Guardian*" means a person appointed guardian, or given custody, of a minor by a Circuit Court of the State, but does not include a person appointed guardian, or given custody, of a minor under the Juvenile Court Act.
 - (2) "*Minor*" means a person who is above the age of seven (7) years, but not yet seventeen (17) years of age.

.02 - The parent or legal guardian of an emancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Ordinance, upon the concurrence of the events described in (A), (B) and (C) below.

- (A) An emancipated minor residing with said parent or legal guardian shall either be adjudicated to

be in violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt or violation of any ordinance, law or statute prohibiting willful and malicious acts causing injury to a person or property; and

- (B) said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service return, from the Peoria Park District Police Department, following adjudication or non-judicial sanction; and
- (C) if at any time within one (1) year following receipt of the notice set forth in (B) above, said minor is either adjudicated to be in violation of any ordinance, law or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in (A) above.

.03 - Any person convicted of any violation of the provisions of this Ordinance shall be fined not less than twenty-five (\$25.00) dollars, nor more than five hundred (\$500.00) dollars for each offense.

16.00 INJURING OR DESTROYING PROPERTY

.01 - It shall be unlawful for any person to willfully, maliciously or negligently break, deface, injure or destroy any property within the boundaries of any park or recreation facility, whether such property is owned by the Peoria Pleasure Driveway and Park District, state, county, city, or any other governmental body, or owned by any private person.

.02 - Snowmobiling

- (A) No person shall snowmobile on any park property except at designated places and only with proper license. All snowmobiles must be in accordance with the Snowmobile Registration and Safety Act, [625 ILCS 40/1-1 ET.SEQ].

.03 - Boating

- (A) No person while boating on any body of water owned or under control of the Peoria Park District shall be without proper license and be in accordance with the Boat Registration and Safety Act, [625 ILCS 45/1-1 ET.SEQ].

17.00 ANTI-LITTERING ORDINANCE

.01 - Definitions

- (A) As used in this regulation, unless the context otherwise requires: "*Litter*" means any discarded, used or unconsumed substance or waste. "*Litter*" may include, but is not limited to, any garbage, trash, refuse, debris, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

.02 - Dumping, Depositing, Etc. of Litter Prohibited

- (A) No person shall dump, discard, leave, cause or permit the dumping, discarding, or leaving of litter upon any property in this park district, or upon or into any stream or body of water in this Park District.

03 - Violations: Penalty

- (A) Persons who violate the above provision are subject to the penalties set out in this section.

- (1) Any person guilty of violating Section 2 shall be fined for the first conviction not less than \$25.00 nor more than \$200.00 plus costs for the second conviction or subsequent convictions, not less than \$100.00 nor more than \$200.00 plus costs.
- (2) In addition to any fine imposed under this regulation, a Court may order that the person convicted of such violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the cost of such supervision as costs against the person so convicted.
- (3) The penalties prescribed in this regulation are in addition to, and not in lieu of, any penalties, rights, remedies, duties or liabilities otherwise imposed or conferred by law.

18.00 AUTHORIZED PRIVATE ROADWAY, CURBS AND GUTTERS, DRIVEWAY AND SITE IMPROVEMENT ON PARK DISTRICT PROPERTY. PROCEDURES FOR OBTAINING PERMISSION OF PARK DISTRICT

.01 - The following policy shall be applicable to any modifications to roadways, curb and gutter, driveway and site improvements along Peoria Park District owned rights-of-way.

.02 - All sidewalk replacement and/or original installation is the entire responsibility of the property owner subject to the following requirements:

- (A) Payment of a \$200.00 permit fee.
- (B) Construction standards shall conform to those established by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (C) An engineering plan and profile of the proposed improvement shall be submitted by the owner to the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (D) No construction will proceed without approval of plans by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (E) The property owner shall sign a license agreement provided by the Park District that describes the property owner's rights and obligations concerning the use of the Park District's property.
- (F) Contractor performing the work shall be approved by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (G) Pleasure Driveway and Park District's Planning, Design and Construction Department shall be notified in writing 48 hours prior to when the improvement work is started.
- (H) Any landscape features damaged or removed shall be replaced at a location and in a manner designated by the Pleasure Driveway and Park District's Planning, Design and Construction Department.

.03 - Curb or Curb and Gutter Replacement and/or Original Installation Requirements

- (A) If an improvement is scheduled within five years by the Pleasure Driveway and Park District, the District will not participate and the owner shall bear the entire cost.
- (B) If no improvement is scheduled and if funding is available, the Pleasure Driveway and Park District may participate to a maximum of one-half the cost.
- (C) Payment of a \$200.00 permit fee.
- (D) Construction standards shall conform to those of the City of Peoria or as established by the Pleasure Driveway and Park District's Planning, Design and Construction Department.

- (E) The property owner shall sign a license agreement provided by the Park District that describes the property owner's rights and obligations concerning the use of the Park district's property.
- (F) An engineering plan and profile of the proposed improvement shall be submitted by the owner to the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (G) No construction will proceed without approval of plans by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (H) Contractor performing the work shall be approved by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (I) Pleasure Driveway and Park District's Planning, Design and Construction Department shall be notified in writing 48 hours prior to when the improvement work is started.
- (J) Any landscape features damaged or removed shall be replaced at a location and in a manner designated by the Pleasure Driveway and Park District's Planning, Design and Construction Department.

.04 - Driveway Replacement or Installation Requirements

- (A) Payment of a \$200.00 permit fee.
- (B) Construction standards shall conform to those of the City of Peoria or as established by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (C) An engineering plan and profile of the proposed improvement shall be submitted by the owner to the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (D) No construction will proceed without approval of plans by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (E) The property owner shall sign a license agreement provided by the Park District that describes the property owner's rights and obligations concerning the use of the Park District's property.
- (F) Contractor performing the work shall be approved by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (G) Pleasure Driveway and Park District's Planning, Design and Construction Department shall be notified in writing 48 hours prior to when the improvement work is started.
- (H) Any landscape features damaged or removed shall be replaced at a location and in a manner designated by the Pleasure Driveway and Park District's Planning, Design and Construction Department.

.05 - Yard or Site Improvements Where Installed on Park Property Requirements

- (A) Payment of a \$200.00 permit fee.
- (B) An engineering or landscape plan (to include elevations) of the proposed improvement shall be submitted by the owner to the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (C) No construction will proceed without approval of plans by the Pleasure Driveway and Park District's Planning, Design and Construction Department.

- (D) Contractor performing the work shall be approved by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (E) The property owner shall sign a license agreement provided by the Park District that describes the property owner's rights and obligations concerning the use of the Park District's property.
- (F) Pleasure Driveway and Park District's Planning, Design and Construction Department shall be notified in writing 48 hours prior to when the improvement work is started.
- (G) The owner shall guarantee that plantings will be replaced if they do not survive through the next full growing season.
- (H) Any landscape features damaged or removed shall be replaced at a location and in a manner designated by the Pleasure Driveway and Park District's Planning, Design and Construction Department.

.06 - Other Improvements or Uses of Park Property Requirements

- (A) A written plan of the proposed use shall be submitted by the owner to the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (B) The use or improvement construction may not proceed without approval of the plans by the Pleasure Driveway and Park District's Planning, Design and Construction Department.,
- (B) The persons performing any work related to the use or improvements shall be approved by the Pleasure Driveway and Park District's Planning, Design and Construction Department.
- (D) The property owner shall sign the license agreement provided by the Park District that describes the property owner's rights and obligations concerning the use of the Park District's property.
- (E) Pleasure Driveway and Park District's Planning, Design and Construction Department shall be notified in writing 48 hours prior to when the use or improvement work is started.
- (F) If plantings are part of the proposed use or improvement, the owner shall guarantee that plantings will be replaced if they do not survive through the next full growing season.
- (G) Any landscape features damaged or removed shall be replaced at a location and in a manner designed by the Pleasure Dr Driveway and Park District's Planning, Design and Construction Department.

.07 - Park District staff shall develop the license agreements to be sent to the property owners as required by this Ordinance.

.08 - Authorization shall be obtained from the Executive Director or his/her designee for all vehicles over 8,000 lbs. gross weight for each day when using any roadway under the control of the Peoria Park District.

.09 - When more than one type of improvement is planned for construction and when permits are applied for concurrently, the maximum permit fee shall be \$200.00.

19.00 EASEMENTS

.01 - When a request is received for an easement on or across Park District property by a private or non-tax supported party or agency, which easement can be feasibly accommodated and allowed, but is not for the purpose of directly serving the Park District property or facility, the required expense for the production and/or review of the documentation and time expended by the Park District Attorney and Administrative Staff submitting said request for Park Board approval is to be reimbursed at actual cost

by the requesting party or agency.

20.00 SCENIC VIEWS

.01 - General Statement

- (A) It is the responsibility of the Peoria Park District to assure the public that surroundings are safe, healthy, productive, and aesthetically and culturally pleasing. Existing and potential scenic views shall be identified, inventoried and analyzed. Methods and procedures shall be adopted to conserve valuable environmental amenities. Previously unidentified characteristics shall be given appropriate consideration. A systematic approach shall be adopted, utilizing staff resources in the process of implementing the purposeful management of scenic views for the benefit of the general public.

.02 - Specific Guidelines for Grand View Drive Scenic View

- (A) The goal of the Grand View Drive scenic view policy is to provide maximum scenic views of the Illinois River valley while keeping hillside erosion to a minimum.
- (B) The objective of the Grand View Drive scenic view policy are:
- (1) Determine how much of the scenic view provided is adequate to satisfy the primary purpose of Grand View Drive Park.
 - (2) Determine which trees need to be removed to increase the scenic view and/or maintain the existing scenic view.
 - (3) Determine a long-range management plan on how to establish and maintain the hillside meadow plant community necessary to provide the scenic view, central woody vegetation and minimize soil erosion.

21.00 STATUE, ART WORK, MEMORIALS

.01 – The Peoria Park District recognizes and honors the connections between art and nature and is committed to collaboration with the community to offer spaces for placement of statues, artwork, and memorials as approved.

For the purposes of this ordinance, the District applies the following definition of terms:

- a. Statue: 3D artwork depicting human figures
- b. Artwork: murals, sculptures, or other artistic expressions
- c. Memorial: this contemplates name plates affixed to amenities in District spaces or places, to include benches, trees, or rocks.

To determine the propriety of acceptance and placement of any statue, art work or memorial on any ark District property, and prior to placement of same, the opportunity will be vetted by the District's Planning Committee with subsequent approval sought from the full Peoria Park District Board of Trustees. The viability of a proposal will be considered using the following:

(A) Impact of Proposal

- (1) The impact of the proposal should be established by determining what the purpose of such proposal is and if the proposal is significant enough to warrant the placement and perpetual care and maintenance by and in a public park. Considerations include but are not limited to:

- (a) utility in proposed space: will it add to the experience of park patrons?

(b) historical/educational/artistic significance of the proposal: Is the addition historically or educationally significant to the Peoria area community? Is the artist widely known locally or beyond?

(c) other considerations as appropriate: generally, the District will not accept proposals for addition of artwork/statues that represent or seek to honor specific individuals, past or present.

(B) Funding

(1) Proposals must provide a plan for covering the initial capital expenditures for the placement of the proposed statue, artwork, or memorial. Budgeted costs must include installation, site alterations, and annual/perpetual maintenance and refurbishing needed to maintain the integrity of the proposed addition. Unless waived by the Board of Trustees, an endowment for the care of the statue/artwork/memorial must be considered and appropriate arrangements made for any project with a value in excess of \$10,000. The cost of the project will include the value of the proposed art piece, its installation and care, lighting, signage, and/or other associated costs. Staff will work with relevant experts to determine the full budget, including the endowment cost, for the project in advance of Board determination.

Cost of the addition of requested memorial park amenities to include benches or kiosks will be priced by District staff with the same rationale cited above to ensure their long-term maintenance and care. Pricing will be reviewed annually.

(2) Unless there are special circumstances associated with the request, no public dollars will be allocated to proposals submitted for consideration.

(C) Site and Design

(1) The appropriate site for placement of a proposed project, which has been deemed significant and appropriate and all prior considerations being met, is to be selected and approved by the proper Park District authority, which would consist of the project proponent, the Executive Director of Parks and Recreation and Planning/Design staff, and the Planning Committee of the Park Board.

After review and consensus, the project will be presented to the full Board of Trustees at a public meeting with full public notification and opportunity for opinions and responses prior to final approval of the proposal. Such notice and response opportunity may be at a regular Park Board meeting or at a special meeting called for this purpose, as deemed to be appropriate to the individual matter.

(D) Removal of Statue, Artwork, or Memorial

The Peoria Park District Board of Trustees reserves the right to remove any statue, artwork, or memorial after giving proper public notice and providing the opportunity for opinions and responses prior to a final vote. Items may be removed without this process where they may pose a threat to public safety due to their current physical condition. If funds remain in the assigned endowment, endowment funds will be used to cover the cost of removal with any remainder transferred to the Legacy Fund unless otherwise directed by the Board of Trustees.

22.00 HISTORIC PRESERVATION (Purpose and Intent)

- .01 - The protection, enhancement, perpetuation and use of cultural resources that are reminders of past eras, events and persons important in local, state, or national history, or which provide significant examples of architectural styles of the past or are unique and irreplaceable assets of the Park District.
- .02 - Foster civic pride in accomplishments of the past or natural features that are unique to the area.
- .03 - Foster and encourage preservation, restoration, and rehabilitation of historic structures and cultural resources.

DEFINITIONS

- (A) "Cultural Resource" means structures, sites, scenic areas, views and vistas, places, areas, landscape, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, environmental or historical significance to the citizens of the community designated and determined to be appropriate for historic preservation pursuant to the provisions of this ordinance.
- (B) "Historic District" means any delineated geographic area having historical significance, special character or aesthetic value which serves as an established neighborhood, community center, or distinct section of the Park District, possessing a significant concentration, linkage, or continuity of site, structures or objects united historically or aesthetically by plan or physical development; and which has been designated a historic district pursuant to this ordinance or other listings.
- (C) "Landmark" means any site, including significant trees or other significant permanent landscaping located on a site, place, structure, street improvements, sign, work of art, natural feature or other object representative of the historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage of the Park District and which has been designated a landmark pursuant to this ordinance.
- (D) "Alteration" means any act or process which changes one (1) or more of the exterior architectural features of any structure listed in the Park District Register. Further, "alteration" means any act or process which alters a scenic area or other type of cultural resource listed in the Park District register.
- (E) "Qualified Historic Property" means a property listed on any official federal, state, city, county, or Park District register.
- (F) "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focus upon the ongoing ordinary maintenance and repair of historic materials and features rather than extensive replacement and new construction.
- (G) "Reconstruction" means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
- (H) "Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations and additions, while preserving those portions or features which convey its historical, cultural, or architectural values.
- (I) "Restoration" means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of structural, mechanical, electrical and plumbing systems and other code-required work to make properties functional and safe for public display or use is appropriate within a restoration project.
- (J) "Demolition" means any act or process that destroys in part or in whole a landmark or other cultural resource.
- (K) "Scenic Area" means an area or site that, as a result of appearance or character, remains relatively unchanged from and embodies the essential appearance related to a culture from an earlier historic or prehistoric period, including but not limited to a unique location, appearance or familiar vista or visual feature associated with the heritage or culture of the Peoria Park District, the City of Peoria, State of Illinois, or the Nation.
- (L) "Landscape" means a natural feature or group of natural features including, but not limited to, forests, woods, hills, valleys and rivers.

- (M) "Structure" means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including, but not limited to, buildings, houses, bridges, pergolas, roads or statues.
- (N) "Historic Resource" means any structure, cultural resource, historic district, or landmark included in the Park District Register of Historic Resources.
- (O) "Ordinary Maintenance" means repairing any deterioration, wear or damage to a structure, or any part thereof, in order to return the structure as nearly as practicable to its condition prior to the occurrence of such deterioration, wear or damage. Ordinary maintenance shall further include replacement of exterior elements or necessary hardware, including signs, using the same materials having the same appearance.

CRITERIA FOR HISTORIC DESIGNATION

In determining whether a structure, site or district is appropriate for designation as a Park District historic resource, the Park Board shall consider whether the resource proposed for designation meets one or more of the following criteria:

- (A) It is representative of the notable work of a master designer, builder, architect, or landscape architect whose individual ability has been recognized throughout the District.
- (B) It establishes a sense of time and place unique to the Park District.
- (C) It is suitable for preservation or restoration because of its integrity of location, design, materials, and workmanship.
- (D) It exemplifies or reflects valued elements of the Park District's cultural, social, economic, political, aesthetic or engineering history.
- (E) It embodies unique location, scenic significance, environmental importance, or singular natural features.
- (F) It embodies elements of outstanding or innovative attention to architectural or engineering design, detail, craftsmanship, or use of materials.

PARK BOARD DUTIES

The Park Board will identify and actively encourage the conservation of the Park District's historic resources by initiating and maintaining the Park District Register of Historic Resources ("Register") and reviewing any proposed alteration, reconstruction, rehabilitation, restoration or demolition of historic resources listed in the Register. A proposed alteration, reconstruction, rehabilitation, restoration or demolition of a historic resource listed in the Register is referred to as a "Change."

In carrying out these responsibilities, the Park Board shall engage in the following:

1. Direct Park District staff to conduct and maintain a comprehensive inventory of Peoria Park District historic resources within the boundaries of the Peoria Park District. Public input will be solicited and reviewed for historic resources to be included in the Park District Register prior to the adoption by the Board of Trustees of the initial Park District Register. The Park District shall hold a public hearing prior to the adoption of the initial Park District Register. Notice of the public hearing shall be in accordance with the provisions of Section 3(e) of this Ordinance. An application form will be created so that a citizen can nominate a property to be included in the Park District Register. Requests for designation of an individual Park District resource may be initiated by any person or organization on application forms provided at Glen Oak Administration or on the website. Completed application forms will be submitted to the Executive Director of Parks and Recreation for staff review and brought forth to the Board with the staff's recommendations. In the event the staff recommends not including a nominated property in the Park District Register, the staff's report/recommendation will be provided to the

person(s) nominating the property in advance of Board action on the staff's recommendation. In the event that the Board of Trustees denies a designation for a property nominated for inclusion on the Park District Register, no application related to the same property may be filed during the twelve (12) months following such denial by the Board of Trustees.

2. The Register shall be a compilation of structures, cultural resources, historic districts, or landmarks identified by the Park Board as having historic, aesthetic, or environmental significance worthy of recognition and protection by the Park District. Park District staff shall make an annual report to the Park Board on the status and condition of each historic resource listed in the Register.
3. Review staff proposals for a Change to an historic resource listed in the Register.
 - a. The staff shall make a report to the Park Board for a review of a proposed change to an historic resource listed in the Register.
 - b. Each report for review of a proposed Change shall be accompanied by such detailed plans or any other information the Park Board deems necessary for a proper review of the proposed project.
 - c. The Park Board shall meet with the staff and review the proposed Change according to reasonable design review criteria.
 - d. Public comment shall be sought on any proposed Change to an historic resource listed in the Register. The Park District shall compile a list of person, groups and organizations which are interested in the preservation of historical and cultural resources. Any known persons, groups, or organizations, including the person(s) who originally nominated the property included on the Park District Register for which a Change is proposed, shall be notified in writing of the date, time, place and purpose of any Park Board meeting when an historic resource is considered for a Change under the review process.
 - e. The Park District shall hold a public hearing on a proposed Change to an historic resource listed in the Register. Notice of the public hearing shall be published in the principal newspaper of general circulation not less than 7 days nor more than 14 days prior to the date set for the public hearing. Notice of a hearing shall be given to the Peoria Historical Society, the Peoria Historic Preservation Commission, and to all registered neighborhood associations.
4. Park Board approval is required prior to commencement of work on a Change to a Register property excluding ordinary maintenance and repair or emergency measures. Nothing in this ordinance shall be construed to prevent the ordinary maintenance of any scenic area or landscape or to prevent the removal of such landscaping which the Superintendent of Parks certifies is required for the public safety because of unsafe or dangerous condition. Any landscape maintenance shall be done in accordance with generally acceptable horticultural practice.
5. Park District Staff shall promote and conduct public information, educational, and interpretive programs pertaining to the Park District's historic resources.

23.00 ACCESS TO PARK DISTRICT ROCK ISLAND GREENWAY

- .01 Motorized vehicle access to the Peoria Park District Rock Island Greenway operated by the Park District is prohibited, except in the following cases:
- A Park District crews and Park District contracted projects at the discretion of the Executive Director, the Superintendent of Parks, or the Superintendent of Planning, Design, and Construction.
 - B. Use of accessibility devices designated as "wheelchairs", or that fit the criteria of the Other Power-Driven Mobility Devices (OPDMD) administrative policy.

- C. Emergency vehicles during an emergency response.
- D. The City of Peoria and Village of Peoria Heights equipment and crews during the performance of their respective public maintenance duties.
- E. Utilities during bona fide emergency operations requiring immediate action to prevent imminent loss of property or life.
- F. Entities that have applied for and received a permit pursuant to this Section 24.00. Such access shall be expressly limited by and subject to the terms of this Section 24.00 and the terms of the permit.

.02 PERMIT REQUIREMENTS

A. An applicant seeking a motor vehicle access permit to access the Peoria Park District Rock Island Greenway must submit the following:

- 1. A permit fee in the amount of \$100.00.
- 2. A fully completed Park District Vehicle Access Permit Form, which shall include, without limitation:
 - (a) a description of the reason for using the pathway;
 - (b) the location of the pathway to be used;
 - (c) a description of each vehicle, including the type and weight of the vehicle
 - (d) an agreement signed by the applicant and its contractor acknowledging and agreeing to be bound by this Section 24.00 and Section 25.00 of this Conduct Ordinance.
- 3. A certificate of insurance showing:
 - (a) Automobile or equipment insurance for each vehicle to be used on the pathway.
 - (b) Commercial Liability Insurance.
The Certificate must show the Park District, City of Peoria, and Village of Peoria Heights as additional insureds.
- 4. A fully completed Park District Statement of Traffic Control Responsibility.
- 5. If a vehicle in excess of 2,000 lbs. gross weight is to be used, the applicant must post a good and sufficient bond with the Park District in a penal sum calculated by the Park District in accordance with the bond amount scheduled below. The bond shall be conditioned upon faithful adherence to the rules and regulations contained in this Section 24.00. In the event that the permit holder damages the pathway, the bond proceeds may be used by the Park District to repair such damage, pursuant to Section 25.00 of this Conduct Ordinance. Alternatively, the applicant may deposit cash or an irrevocable letter of credit in a form acceptable to the Park District in lieu of the bond.

B. Bond Amount Schedule:

Paved Pathway:

\$60.00 per linear foot to be accessed

C. Any permit issued pursuant to this Section 24.00 shall not allow use of the Peoria Park District Rock Island Greenway during the months of March, April or May.

.03 Any person or entity entering or using the Peoria Park District Rock Island Greenway other than in compliance with this Section 24.00 and in accordance with the terms of a permit shall be subject to ejection and a fine not less than \$100.00 and not more than \$500.00 for each vehicle in violation. Each day a violation occurs is a separate offense. The foregoing ejection and fines shall be independent and in addition to the obligations to repair damage as set forth in Section 25.00 of this Conduct Ordinance.

24.00 DAMAGE TO PARK DISTRICT PROPERTY.

- .01 Any person or entity who shall damage Park District property, including, without limitation, Park District streets, pathways or rights-of-way, shall be responsible for the prompt repair of such damage.
- .02 If a permit holder or its contractor fails to promptly repair such damage, the Park District may suspend any applicable permit until the repairs are made to the satisfaction of the Park District.
- .03 Further, in the case of pathways where a bond or other security has been posted pursuant to Section 24.00 of this Conduct Ordinance, such security may be used to perform such repairs. In the event such security is insufficient to cover the cost to repair the damage, the permit holder and its contractor shall be jointly and severally liable for the balance of such costs.

APPENDIX

APPENDIX - PEORIA PARK DISTRICT ETHICS ORDINANCE NO. 274

PREAMBLE

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by the Public Act 93-617, effective December 9, 2003), codified at 5 ILCS 430/1-1 and following (the "Act"), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the Act requires all units of local government, including park districts, within six months after effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government, including park districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PLEASURE DRIVEWAY AND PARK DISTRICT OF PEORIA, ILLINOIS, AS FOLLOWS:

SECTION 1: The policies of the Board of Trustees are hereby amended by the addition of the following provisions:

ARTICLE 1 DEFINITIONS

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

"Board of Trustees" means the Board of Trustees of The Pleasure Driveway and Park District of Peoria, Illinois.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3 and following).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposed of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time"

includes any period of time when the officer is on premises under the control of the employer an any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by the Board of Trustees, whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the Board of Trustees.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

- (8) Initiation for circulation, preparing, circulating, reviewing, or filling any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited Source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

ARTICLE 5 PROHIBITED POLITICAL ACTIVITIES

Section 5-1. Prohibited political activities.

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Board of Trustees in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacations or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 10 GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the infidel who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

- (9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.
- (13) Any item or items provided by the Peoria Park District in support of the employee's or officer's discharge of official duties.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

ARTICLE 15 ETHICS ADVISOR

Section 15-1. The acting attorney of the Board of Trustees shall be designated as the Ethics Advisor for the Peoria Park District.

Section 15-2. The Ethics Advisor shall provide guidance to the officers and the employees of the Peoria Park District concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

ARTICLE 25 PENALTIES

Section 25-1. Penalties. The penalties for violation of Section 1 of this Ordinance shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the State Officials and Employees Ethics Act.

SECTION 2: This Ordinance does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Peoria Park District officers and employees. To the extent or that any such ordinances or policies are less restrictive than this Ordinance, however, the provisions of this Ordinance shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

SECTION 3: Any amendment to the Act that becomes effective after the effective date of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation, acceptance, offering, and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by units of local government shall not be incorporated into this Ordinance by reference without formal action by the Board of Trustees.

SECTION 4: If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or re-hearings. This Ordinance shall be deemed repealed without further action by the Board of Trustees of the Peoria Park District if the Act is found unconstitutional by the Illinois Supreme Court.

SECTION 5: If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Board of Trustees of the Peoria Park District.

SECTION 6: This Ordinance shall be in effect upon its approval by the Board of Trustees.