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**THE VILLAGE OF HOMER GLEN  
WILL COUNTY, ILLINOIS**

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**ORDINANCE  
NUMBER 12-032**

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**AN ORDINANCE ESTABLISHING COMPREHENSIVE PARK RULES  
AND REGULATIONS OF THE VILLAGE OF HOMER GLEN, WILL  
COUNTY, ILLINOIS**

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**JAMES P. DALEY, Village President  
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**Trustees**

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**AN ORDINANCE ESTABLISHING COMPREHENSIVE PARK RULES AND REGULATIONS  
OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS**

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “*Village*”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “*Home Rule Powers*”); and

WHEREAS, the President and Board of Trustees (the “*Corporate Authorities*”) have the authority to adopt ordinances and to promulgate rules and regulations governing the use of public parks that protect the public health, safety, and welfare of the citizens of the Village; and

WHEREAS, the Corporate Authorities have reviewed the existing ordinance establishing park rules for the Village of Homer Glen; and

WHEREAS, the Corporate Authorities have determined that it is in the best interest of the health, safety, and welfare of the residents of the Village to adopt Comprehensive Park Rules and Regulations Ordinance

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

**SECTION A. DEFINITIONS.**

For the purposes of this Ordinance, the following words, terms, phrases and their derivatives shall have the meanings set forth in this Section. When not inconsistent with the context, the present tense shall include the future tense; the plural shall include the singular number and the singular number shall include the plural number. Additionally, this Ordinance shall be called and may be cited as the Park Rules and Regulations Ordinance of the Village of Homer Glen, Illinois, and is referred to herein as the Ordinance.

“Board.” The Village Board of the Village of Homer Glen, Illinois.

“Commercial Solicitation.” Any one or more of the following activities, not done for charitable purposes, by a person on Village Park Property:

1. The sale of, or seeking to obtain, orders for or the purchase of, goods, wares, merchandise, foodstuff or services of any kind, character or description, for any kind or consideration whatsoever;

2. The sale of, or seeking to obtain prospective customers for, any application or purchase of insurance of any type, kind or character; and
3. The sale of, or seeking to obtain, subscriptions to books, magazines, periodicals, newspapers of any type, kind, or publication.

“Heroes Trail System.” The Village developed and designated multi-use trail system that exists on public property, or property owned by ComEd or any affiliate company of ComEd.

“Manager.” The Village Manager of the Village of Homer Glen.

“Village Property.” All the property, real and personal, of every kind and description owned, leased or licensed by, or otherwise in possession or under the control of the Village.

“ILCS.” Illinois Compiled Statutes.

“Multi-Use Park Trail.” Any paved area within a Village Park that serves as a means of non-vehicular access within or through a park site. This does not include parking lots, skate parks, shelter pads, sidewalks and mowed, wood-chip or gravel pathways.

“Parade.” Any march or other organized movement of persons from place to place, or about a place.

“Permit.” Written authorization issued by, or under the authority of, the Village to a person or persons to engage in a particular act or acts on Village Park Property, or on the Heroes Trail System, subject to the terms and conditions specified in the permit.

“Person.” Any natural person and every firm, partnership, limited liability company, association, corporation or entity of any kind or any employee, agent, or officer thereof, except the Village and any authorized officer, employee (full or part-time, regular or temporary) or agent of the Village when acting within the scope of his authority. When person is used in conjunction with a restriction on age, it means a natural person.

“Public Assembly.” Any meeting, demonstration, picket line, or congregation of persons on the public right-of-way or on Village Park Property for a common purpose. This does not include picnics, athletic or sporting events.

“Religious Solicitation” or “Charitable Solicitation.” A request by a person on Village Park Property, directly or indirectly, of money, credit, property, financial assistance, or any other thing of value to be used for a religious or charitable purpose, including, but not limited to:

1. Any oral or written request.
2. The distribution, circulation, mailing, posting or publishing of any handbill, written advertisement or publication.

3. The public making of any announcement concerning an appeal, assemblage, athletic event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, or social gathering to be held within Village Park Property, to which the public is requested to patronize, or to which the public is requested to make a contribution for any religious or charitable purpose connected therewith.

4. The sale of, or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket or any other thing in connection with any religious or charitable purpose.

“Service dog.” Any dog that has successfully completed commonly recognized training to assist a physically disabled or handicapped person.

“Smoking.” The lighting of cigarettes, cigars, or pipes, the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from cigarettes, cigars or pipes.

“Vehicle.” Any device or instrumentality used or designed for the transportation of people, animals, plants or inanimate objects, whether motor powered or not, including, any tractor of any size, kind or description. This does not include baby carriages or bicycles when properly used on walks, nor does it include vehicles in the service of the Village.

“Village.” The Village of Homer Glen, Illinois.

“Village Park Property” or “Village Park.” Any property within the boundaries of Homer Glen designated as a municipal park by the Village Board of the Village of Homer Glen, Illinois.

“Work Permit.” The written authorization issued by or under the authority of the Village to a person or persons to engage in work on Village Park Property, subject to the terms and conditions specified in the work permit.

## **SECTION B. CONSTRUCTION, SCOPE AND SEVERABILITY.**

### **1. CONSTRUCTION.**

In the interpretation of this Ordinance, its provisions shall be construed as listed below:

- a. Where context permits, words in the masculine gender shall include the feminine and neuter genders. Words in the singular number shall include the plural number.
- b. The word “shall” is always mandatory.
- c. No provision hereof shall make unlawful any act necessarily performed by an officer, employee or agent (including any police officer) of the Village, when acting within the scope of his authority or in his line of duty or work

as such or any other person summoned by any such person to assist him in such endeavor.

- d. This Ordinance is in addition to and supplemental to all applicable local, state and federal laws and Ordinances including, and without limitation to, "The Illinois Municipal Code." 65 ILCS 5/1-1-1 *et seq.* The meaning of any term, phrase or word not otherwise defined in this Ordinance shall be construed and interpreted to mean the same as said term, phrase or word as otherwise defined, construed or interpreted in such applicable local, state, and/or federal law or ordinance.
- e. The descriptive headings of the various sections or parts of this Ordinance are for convenience only and shall not affect the meaning, construction, or interpretation of any of the provisions of this Ordinance.
- f. An attempt to commit an act or engage in an activity that is prohibited herein, shall be treated in the same manner as the commission of such act and subject to the same penalties, unless otherwise required by local, state, or federal law.

2. SCOPE.

This Ordinance shall apply to and be enforceable within and upon all Village Park Property and the Multi-Use Heroes Trail System, and shall regulate the use thereof by all persons.

3. SEVERABILITY.

If any provision of this Ordinance or application thereof to any person or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The Village reserves the power to amend or repeal this Ordinance at any time, and all rights, privileges and immunities conferred by this Ordinance, or by acts done pursuant hereto, shall exist subject to such power.

4. REPEAL.

All Ordinances establishing park rules and regulations, including Ordinances 07-039 and 09-061, as amended, are hereby repealed.

**SECTION C. GENERAL RULES.**

1. VIOLATION OF LOCAL, STATE OR FEDERAL LAWS.

No person shall commit a violation of local, state, or federal laws or regulations while on Village Park Property or on the Multi-Use Heroes Trail System.

2. PARK AND HEROES TRAIL SYSTEM HOURS.

a. Hours of Operation.

All Village Parks shall open at dawn. All Village parks shall close at dusk except lighted athletic fields and lighted tennis courts that remain open until 10:30 pm. The Manager is authorized to make extensions to these hours as necessary to the daily operations of the Village Parks. The Heroes Trail System's use during non-daylight hours is limited to passage from one point to another point and does not allow for any other activities to occur on or near the Heroes Trail System during non-daylight hours.

b. Special Closings.

The Manager may close Village Park Property or any parts thereof to the public at any time and for any interval of time, entirely or merely for certain uses, as deemed reasonably necessary and in the best interest of the Village.

3. RESTRICTED AREAS.

a. Entering Prohibited Areas.

No person shall enter upon any portion of the Village Park Property or Heroes Trail System where persons are prohibited from going by direction of the Board or Manager, as indicated by sign or notice.

b. Entering Areas Under Construction or Repair.

No person, except as is authorized by the Village, shall enter upon any part of the Village Park Property or Heroes Trail System that is under construction or closed for the purpose of repair or maintenance.

c. Entering Building or Areas Closed to Public or Scheduled for Specific Group or Activity.

No Person shall enter any building or area of Village Park Property when it is closed to the public. No person shall enter any building or area in any Village Park which is reserved or scheduled for a specific group or activity, unless such person is invited by the person responsible for such activity, and, if applicable such person has paid all appropriate admission fees.

d. Playgrounds Designated for Persons Under Twelve Years of Age.

No person over the age of twelve years or older shall use playground equipment designed for persons under the age of twelve years.

4. INTERFERENCE WITH OTHER USERS.

No person shall walk, act, or behave on any portion of Village Park Property designated for a particular game, sport, event, activity, or amusement in such a way as to interfere with the use of such portion by other persons who are properly using the same portion for the particular sport, event, activity, game or amusement for which it has been designated, nor shall any person unreasonably disturb or interfere with any person occupying any area or participating in any activity under the authority of a permit. No person shall limit or block access to Village Park Property or Heroes Trail System. No person shall engage in any activity on Village Park

Property or Heroes Trail System in a manner intended or likely to endanger, injure, or damage persons or property in any way.

5. INJURY TO OR DESTRUCTION OF PARK PROPERTY.

Unless authorized by a Village Board contract, or by Manager authorization, no person shall enter in or on Village Park Property to engage in any activity listed below:

- a. Destroy, kill, cut, break, deface, mutilate, injure, disturb, sever from the ground or remove any sod, earth, stone, mineral, fossil, or growing thing, whether living or dead, including but not limited to any plant, flower bed, shrub, tree, turf, grass, growth, or any branch, stem, fruit, or leaf thereof; or bring into or have in his possession in or on Village Property any tool, instrument or chemical intended to be used for the foregoing, or any garden or agricultural implements or tools which could be used for the foregoing.
- b. Burn any trees, shrubs, plants, flowers, grass, turf, plant growth or timber, on Village Park Property.
- c. Go upon any lawn, grass plot, planted area, tree, shrub, monument, fountain, sculpture, or structure where access is prohibited by signs or symbols which are posted, displayed, or where access is restricted by fence or other physical barrier.
- d. Cut, break, injure, damage, deface, destroy or alter any building, fence, monument, sculpture, bridge or other structure, or property contained therein.
- e. Operate or drive any vehicle of any kind in or on Village Park Property or on the Heroes Trail System in places other than roadways or in such a manner as to cause the same to collide with, run against, strike or cause to strike, injure, deface, or damage any appurtenance of any kind on Village Park Property or on the Heroes Trail System.
- f. Fasten any animal, or attach any rope, sign, handbill or other thing to any structure, tree, or shrub, or to any protective device around any tree or shrub growing in the Village Park Property.
- g. Allow any animal to injure or deface any Village Park Property.
- h. Fasten any bicycle, motorcycle, moped, or other vehicle to any Village Park Property or on the Heroes Trail System or leave the same standing so as to injure any Village Park Property or the Heroes Trail System, including, but not limited to, any tree, shrub, lawn or grass plot, or on any property or any appurtenance of any kind.
- i. Deface, destroy, cover over or otherwise make unreadable, any warning or prohibitory sign or symbol located on Village Park Property or on the Heroes Trail System.

j. Mark, carve, bend, cut, paint, deface, breakdown, destroy, damage, alter, change, sever, uproot, excavate, remove, attach or suspend any rope, wire or other material or contrivance to or from any Village Park Property.

k. Climb upon, hang from, stand or sit on any plant, fence, structure or other Village Park Property of any kind except such benches or property designed or customarily used for such purpose.

l. Plant any plant or fungus on Village Park Property.

m. Bury, affix or place on, in or under Village Park Property boxes, tables, cans or other storage containers (the phrase "place on" shall not mean a momentary or temporary locating of an object where the person so placing the object remains in the vicinity and clearly intends to remove the object).

6. **OBSTRUCTING OR SOLICITING OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS.**

No person shall interfere with or obstruct any officer, agent, employee or contractor of the Village while engaged in constructing, repairing or maintaining any Village Park Property or the Heroes Trail System; nor shall any person solicit any officer, agent, employee or contractor of the Village while such person is on duty.

7. **ALCOHOLIC BEVERAGES.**

No alcoholic beverages shall be sold, possessed, given away, delivered, or consumed on Village Park Property or on the Heroes Trail System, except pursuant to a permit or as otherwise authorized by the Mayor and Board.

8. **WEAPONS, FIREWORKS, EXPLOSIVES, ROCKETS.**

No person shall at any time bring onto, carry, have in his actual or constructive possession, or on or about his person, or use, fire, set off, cause to explode, discharge, burn, or throw onto Village Park Property or on the Heroes Trail System, any knife, firearm, pistol, revolver, rifle, air gun, pellet gun, bow and arrow, slingshot, blackjack, billy club, any weapon capable of discharging a projectile by air, spirit gas, or explosive substance, rocket, firecracker or other firework, missile, liquid or gaseous substance or any other dangerous weapon.

9. **SMOKING.**

Smoking or any use of any tobacco product is prohibited in all facilities owned, administered, leased, licensed by, or otherwise in the possession or control of the Village. Smoking is prohibited in all vehicles, equipment, and property owned, leased or otherwise in the possession or under the control of the Village. Smoking is prohibited in all areas on Village Park Property, and in or at all other locations where signs are posted prohibiting smoking. Smoking in any area not prohibited by this Section shall, in all respects, comply with Illinois state law.

10. PUBLIC INDECENCY.

No person on Village Park Property or on the Heroes Trail System shall commit an act of public indecency as defined in the Illinois Criminal Code of 1961.

11. DISORDERLY CONDUCT.

No person on Village Park Property or on the Heroes Trail System shall commit disorderly conduct as defined in the Illinois Criminal Code of 1961.

12. GAMBLING.

No persons on Village Park Property or on the Heroes Trail System shall commit gambling as defined in the Illinois Criminal Code of 1961.

13. CONTROLLED SUBSTANCES.

No persons on Village Park Property or on the Heroes Trail System shall commit a violation of the "Illinois Controlled Substance Act".

14. BATTERY .

No persons on Village Park Property or on the Heroes Trail System shall commit a battery against another person, as defined in the Illinois Criminal Code of 1961.

15. DEVICES for RECORDING and/or TRANSMITTING VIDEO.

Consistent with state law and at the approval of the Board or Manager, the Village may authorize the placement of video cameras, video monitoring equipment and recording devices for the purpose of protecting Village Park Property and the Heroes Trail System. To the extent required by state law, signs will be present and posted at these sites notifying the general public of this policy.

16. POSTING PRINTED or WRITTEN MATERIAL ON PUBLIC PLACES AND OBJECTS.

a. No person shall paint, write on, mark, deface, post, or otherwise affix, any printed or written words, symbols, materials or other marks upon Village Park Property or on the Heroes Trail System, or any object located on Village Park Property or on the Heroes Trail System, unless a permit has first been obtained from the Board or Manager.

b. No person may erect or place any sign on Village Park Property or on the Heroes Trail System unless a permit has first been obtained from the Village. This prohibition shall apply, without limitation, to signs promoting or opposing any candidate for public office or any public question, and signs advertising real or personal property for sale or employment opportunities.

c. The Village may remove any printed or written word, symbol, material, sign or other mark found posted or otherwise affixed upon any Village Park Property or on the Heroes Trail System or any object located on Village Park Property or on the Heroes Trail System in violation of the provisions of this Section. Any item removed by the Village will be considered abandoned property and will be disposed of immediately by the Village. The person responsible for any such defacing, writing or posting shall be

liable for the cost incurred in the removal thereof, in addition to and including any fines levied for the offense.

17. GAMES AND SPORTS.

The following athletic or sport activities may only be pursued in designated areas within the Village Park Property. No person shall engage in any other athletic or sport activity in an area specifically identified as being for the following restricted uses.

a. Skating, Sledding, Tobogganing, Skiing, Sliding and Similar Activities.

No person shall skate, sled, toboggan, ski, slide or engage in similar activities on Village Park Property locations and times when prohibited.

b. Bicycling on Village Park Property (Does Not Include the Heroes Trail System).

1. The operator of a bicycle emerging from a driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any driveway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

2. No person shall ride a bicycle on any street or path where signs are posted prohibiting riding bicycles on those streets or paths.

3. Bicycles shall not, at any time, in any place, be parked by anyone in such a manner as to obstruct or interfere with pedestrians or vehicular traffic. No person shall leave a bicycle lying on the ground or pavement, or set against trees, or otherwise in a place other than a bicycle rack, when a bicycle rack is provided and there is space available.

4. All bicycles, when operated on roadways, park paths, or sidewalks, shall be kept to the right and shall be operated as nearly as practicable to the right-hand edge of the roadway, park path or sidewalk.

5. No person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other persons and property.

6. Every person operating a bicycle within or on Village Park Property shall observe all traffic rules and regulations applicable to motor vehicles under this Ordinance, except those provisions of this Ordinance which by their nature can have no applications and except as otherwise provided by this Section.

c.     Bicycling on Village's Heroes Trail System

1.     The operator of a bicycle emerging from the paved Heroes Trail System shall, upon approaching a sidewalk or a roadway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

2.     No person shall operate a bicycle on the Village's Heroes Trail System before dawn or after dusk without:

i.     A clear, white, properly lighted headlight, visible under normal atmospheric conditions from the front at a distance of at least 500 feet, and firmly attached to the bicycle; and

ii.    Without a red reflector firmly attached to the bicycle, which is clearly visible in the headlight beam of an automobile for a distance of 500 feet to the rear of the bicycle.

3.     No person shall ride a bicycle on any street or path where signs are posted prohibiting riding bicycles on those streets or paths.

4.     Bicycles shall not, at any time, in any place, be parked by anyone in such a manner as to obstruct or interfere with pedestrian or bike traffic on the Heroes Trail System. No person shall leave a bicycle lying on the ground or pavement, or set against trees, benches, or any other fixture, or otherwise in a place other than a bicycle rack, when a bicycle rack is provided and there is space available.

5.     All bicycles, when operated on the Heroes Trail System, shall be kept to the right and shall be operated as nearly as practicable to the right-hand edge of the path.

6.     No person shall operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard for the safety of the rider and of other persons and property on the Heroes Trail System.

7.     Every person operating a bicycle within or on the Heroes Trail System shall observe all traffic rules and regulations applicable to motor vehicles under this Ordinance, except those provisions of this Ordinance which by their nature can have no applications and except as otherwise provided by this Section.

d.     Golf

No person shall play or practice golf on Village Park Property, except when involved in an established golf program under the supervision and direction of the Village, or in an area designated for the playing and practicing of golf.

18. ANIMALS AND PETS.

a. No person shall chase, trap, wound, kill, trap cruelly, or attempt to trap, catch, wound or kill any amphibian, reptile, bird or mammal on Village Park Property. No person shall bring any mammal, amphibian, reptile, bird, fish or other animal on Village Park Property, except dogs, which shall at all times be on a leash and under control. Any unleashed dog found on Village Park Property may be apprehended by the proper authorities or authorized personnel and removed to an animal shelter, public pound or other place available for said purposes and impounded at the expense of the animal's owner and/or the person who brought said animal onto Village Property. No person shall permit any pet in his custody to enter upon or remain upon any area of a park utilized as a non-turf area, including but not limited to baseball infields, volleyball courts, basketball courts and tennis courts, children's play area, playground, washroom facilities, drinking fountains or other areas as posted to prohibit pets. The person accompanying the dog shall immediately clean up and remove any excrement from the dog. Persons must at all times, have in their immediate possession, a device for the removal of the excrement and a depository for the transmission of the excrement to a receptacle located upon, owned or possessed by the person, or in park receptacles, provided the excrement is secured in a proper depository container such as a plastic bag. However, nothing in this Ordinance shall prohibit a service dog assisting a physically disabled or handicapped person from entering or remaining at any location in or on Village Park Property or the Heroes Trail System. It is expected that sight-impaired individuals will make every effort to immediately clean up after their service dog; however, the failure to do so shall not be deemed a violation of this Ordinance, unless such sight-impaired individual is accompanied by a non-impaired person. In such event, the person accompanying the sight-impaired person shall be liable under the provisions of this Section. The Manager is authorized to waive these requirements, at his discretion.

b. Any animal found on Village Park Property or the Heroes Trail System, in violation of this Section, may be apprehended by the proper authorities or authorized personnel and removed to an animal shelter, public pound or other place provided for that purpose pursuant to the applicable laws or Ordinances of the Village of Homer Glen and/or Will County.

19. OBSTRUCT PUBLIC WAYS AND PLACES.

It shall be unlawful for any person to stand or remain idle either alone or in consort with others on Village Park Property in such a manner as to:

a. Obstruct or block any driveway, public sidewalk, trail, or access to any other public place or building by interfering with or impeding the free and uninterrupted passage of vehicles, traffic or pedestrians; or

b. Commit any act or place any object in or upon any driveway, public sidewalk, trail, or access to any other public place or building which is an obstruction or interference to the free and uninterrupted use of property or ingress and egress to such driveway, public sidewalk, trail, or access to any other public place or building.

20. SLEEPING ON/OR INSIDE VILLAGE PARK PROPERTY AND ON THE HEROES TRAIL SYSTEM.

- a. No person shall sleep on benches, sidewalks, parking lots, tables, playgrounds or playground equipment, stairways, doorways or rooms of Village Park buildings or other Village Park Property or the Heroes Trail System, in a manner which unreasonably obstructs, interferes with or impedes the movement of other persons or their access to or use of any such location, equipment or facility.
- b. No person shall remain overnight on Village Park Property or the Heroes Trail System unless a permit has first been obtained from the Village.

21. DUMPING AND LITTERING.

- a. No person shall litter, cast, throw, drop, place, lay or otherwise deposit, leave or scatter any placard, handbill, pamphlet, circular, book, notice or paper of any kind, or place, pile or otherwise dump, leave or deposit in any manner any kind of dirt, rubbish, refuse, ashes, garbage, waste material, snow, ice, or other substance or material of any kind, whether liquid, solid or gas, on, over or in any Village Park Property except as specifically permitted by the Village. Nor shall any person spit upon or otherwise defile Village Park Property, except that paper, glass, cans, garbage and other refuse resulting from picnics or other lawful use of Village Park Property may and shall be deposited in receptacles provided by the Village for that purpose. Where receptacles are not so provided, are missing, or are full to capacity, all such garbage, refuse or other material shall be carried away from the Village Property by the person or persons responsible for the presence of such material and properly disposed of elsewhere.
- b. Any person violating this Section may be assessed the cost to the Village of removing any such improperly deposited substance or material and such charge shall be in addition to and not in lieu of any other penalties provided for violation of this Ordinance.

22. ENCROACHMENTS.

No building or other structure, landscape or planting, or any part thereof shall extend into, upon or over any part of any Village Park Property.

23. MOTORIZED VEHICLES.

The provisions of this Section shall not be construed to apply to emergency, police or fire vehicles or any vehicle owned by the Village or a Village employee displaying proper identification where the employee is duly authorized to operate such vehicle at such location. All vehicles, except police, fire or Village of Homer Glen municipal vehicles are prohibited from ever driving on any portion of the Heroes Trail System.

- a. Unattended Vehicles.  
No person shall leave a motor vehicle unattended on any Village Park Property while the motor of such vehicle is running.

b. Repairs and Cleaning of Vehicles.

No person shall change any parts, change oil, repair, wash, grease or clean a vehicle on any parking area in or on Village Park Property except when such repairing or cleaning is necessary to insure good vision, or emergency repairs are necessary to remove such vehicle from the parking area.

c. Negligent Driving.

1. No person shall drive or operate any vehicle on Village Park Property negligently, recklessly or without due caution, or in any other manner so as to endanger any person or property.

2. All vehicles shall be driven or operated on the right side of any roadway open to travel, except when passing other vehicles.

3. It shall be unlawful to race or drive any vehicle in excess of the posted speed or, in the absence of posting, in excess of twenty (20) miles per hour on any roadway within the Village Park system.

4. No person shall fail to observe any traffic signs indicating speed, direction, caution, stopping, parking, crosswalk lanes, traffic lane markers and other signs posted by the Village for safeguarding life and property.

5. Every driver of a vehicle shall yield the right-of-way to a pedestrian at any marked crosswalk or within any unmarked crosswalk at any intersection. Any pedestrian crossing at a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right-of-way to vehicles upon the roadway. However, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrians upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any person upon a roadway.

d. Driving Areas.

No motor vehicles shall be managed, controlled or operated upon Village Park Property except over and upon such roadways, parking lots or other areas designated or marked for use by motor driven vehicles, unless permitted by the Manager or his designee.

e. Parking.

1. No person shall park any vehicle or allow any vehicle to remain parked in any Village Park Property beyond the normal closing hour except when a different closing hour has been designated by the Village for that area, or unless permission has first been obtained from the Village. In no event shall any vehicle, except Village vehicles, be parked on Village Park Property after 10:30 p.m.,

except with the approval of the Village, which approval shall automatically be deemed given in connection with activities conducted by the Village.

2. No person shall park or place any vehicle on Village Property so as to obstruct or interfere with traffic or travel, or endanger the public safety, and no person shall stop, park, or place any vehicle in any of the following places except when otherwise designated, or when in compliance with the instructions of a police officer or agent of the Village:

- i. on the left side of any roadway;
- ii. on the lawn areas and grounds;
- iii. in front of a public or private driveway;
- iv. within any intersection;
- v. within 30 feet of any stop sign or traffic control signal located at the side of a roadway;
- vi. on the roadway side of any vehicle parked at the edge or curb of the roadway;
- vii. on any sidewalk;
- viii. at any place where official signs or other markings prohibit parking, or where curbs have been painted yellow; or
- ix. at any place or time where a permit or sticker is required by the Village for parking unless the required permit or sticker has been obtained and is displayed on the vehicle.

3. Whenever any vehicle is parked in violation of the provisions of this Section prohibiting or restricting parking, and there is no person in attendance upon such parked vehicle to be served immediately with a notice to appear in court to answer the charge of such violation, any police officer observing such violation may attach to the vehicle used in such violation, a notification ticket, so that the person in whose name such vehicle is registered may appear in court on a day certain, and at a designated court room to be named in such notice, and answer to the charge of such violation. It shall be unlawful for any person other than the driver of the vehicle to which said notice is attached to remove the notification ticket from said vehicle.

f. Incorporation of State Statutes.

In addition to the provisions of this Ordinance, and to the extent not inconsistent therewith, no person shall operate a vehicle or perform any act in any manner on Village Park Property in violation of Chapter 11 of the Illinois Vehicle Code (625 ILCS 5/11-100, *et seq.*) which provisions are specifically incorporated in this Ordinance by reference.

#### 24. PERMITS.

No person shall fail to produce or display any permit or pass required in order to engage in any activity on Village Park Property that requires said permit, upon request of any authorized

person who shall desire to inspect the same for the purpose of enforcing compliance with this Ordinance.

25. REVOCATION OF PRIVILEGES.

Any person violating or disobeying any Section or part thereof of this Ordinance, or any other Ordinance rule or regulation of the Village, may be forthwith evicted from Village Park Property, and may have admission rights to Village Park Property terminated, revoked, forfeited or suspended for any reasonable period of time including, but not limited to, the remainder of the relevant program or playing season (days, weeks, months or years) as determined by the Manager or the Manager's designee.

No person shall, without a permit:

- a. Conduct a public assembly or parade;
- b. Circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any outdoor facility or parking lot;
- c. Conduct any exhibit, music or dramatic performance, fair, circus, concert, play, radio, or television broadcast, other than a news transmission;
- d. Exhibit or display any motion picture, television program or similar event;
- e. Create or emit any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by any other person;
- f. Place, station, or erect any building, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum, hammock, swing, tent, shelter or other structure or camping equipment;
- e. Station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- f. Sell, lease, advertise, or offer for sale or lease any goods or services;
- g. Display, post, or distribute any placard, handbill, pamphlet, circular, book, or other writing containing commercial advertising matter on Village Property;
- h. Bring, land, or cause to ascend or descend or light on Village Property, any airplane, helicopter, flying machine, piloted balloon, parachute, motorized model aircraft, model rocket or other motorized apparatus for aviation;
- i. Use Village Property for day camps, instructional classes or organized groups not sponsored by the Village;

- j. Create, light, or make use of a fire, including fires in fireplaces, stoves and pits;
- k. Sell, bring within, give away, deliver, or consume alcoholic beverages on Village Property; or
- l. Construct, maintain or use any canopy or tent upon Village Property.

26. APPLICATION FOR PERMITS.

a. Filing Written Application.

Any person seeking the issuance of a permit shall apply for a permit by filing a written application for permit on a form that shall be prescribed by the Manager. Except as otherwise provided, applications for permits shall be filed with the Manager, or designated alternate, at Village Hall.

b. Application Fee.

For any activity requiring a permit, no permit shall be granted unless the applicant shall have paid, at the time of filing an application for a permit, the required application fee in an amount in accordance with the schedule of fees established by the Village Board. As permitted by law, fees that are charged to residents of the Village of Homer Glen need not be the same as fees charged to non-residents of the Village.

c. Security Deposit.

For any activity requiring a permit and, if required by the Village, no application for permit shall be granted unless the same shall be accompanied by the deposit of a sum of money equal to the estimated cost of policing, cleaning up and restoring the Village Property upon the conclusion of the use or activity, as set by the schedule of fees established by the Village Board. Promptly after the conclusion of a permit activity, the Village shall inspect the premises and equipment used by the permittee. If it is determined by such inspection, that the permitted event proximately caused damage to Village Property in excess of normal wear and tear and which requires repairs in excess of routine maintenance, or determined that fines may be assessed against the permittee pursuant to this Ordinance, the Village shall retain the security deposit, or any portion thereof, necessary to pay for the cost of any fines that may be assessed against the permittee. The Manager or his designee shall give written notice of the assessment of damages or fine that may be assessed and retention of the security deposit to the permittee by personal delivery or by deposit via the United States mail, with proper postage prepaid to the name and address set forth in the application for permit.

d. Indemnification and Reimbursement Agreement.

If required by the Village, no application for permit shall be granted unless the applicant shall have executed an agreement with the Village, on a form to be prescribed by the Manager, in which the applicant shall promise to indemnify the Village and hold

the Village harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control in so far as permitted by law.

e. Insurance.

If required by the Village, the applicant shall procure and maintain at all times during its use of Village Property, insurance in such amounts and with such coverage as shall reasonably be required by the Village and shall name the Village as an additional insured there under. The amounts and type of insurance requested shall be determined by the Manager, based upon the nature of the activity and the risk involved. Applicant shall provide the Village with a certificate from its insurer evidencing such coverage prior to applicant's use of Village Property.

27. PROCESSING OF APPLICATION OF PERMITS.

a. Order.

Applications for permits shall be processed and scheduled giving preference in the following order to the following activities and groups, regardless of the order of receipt of fully executed applications:

1. Village of Homer Glen sponsored and supervised programs and activities;
2. Homer Glen resident-based not-for-profit community, athletic and social organizations;
3. Other units of local government located in Homer Glen;
4. Village approved activities sponsored by an individual or group of Homer Glen residents; and
5. All others in the order the applications were received.

b. Preliminary Approval.

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a preliminary approval will be issued.

c. Written Denials.

Except for applications for permits for which preliminary approvals have been issued, applications for permits shall be deemed approved subject to insurance requirements as provided in this Ordinance. If no written denial is issued within twenty-one (21) days of the date on which the application is fully completed, executed and filed with the Manager or designated alternate, the Village may extend the period of review for an additional twenty-one (21) days by issuance of a written notice of extension. If, prior

to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed approved.

d. Notice of Extended Review or Denial or Issuance of Permit.

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

e. Contents of Notice; Grounds for Denial.

Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the Village for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application for permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the Village shall propose an alternate place, if available for the same time, or an alternate time, if available for the same place. The Village may deny an application for permit on any of the following grounds:

1. The application for permit is not fully completed and executed;
2. The applicant has not tendered the application fee, user fee, indemnification agreement or security deposit or the application fee, user fee, indemnification agreement or security deposit has not been tendered in a timely manner;
3. The application for permit contains a material falsehood or misrepresentation;
4. The applicant or the person on whose behalf the application for permit was made has, on prior occasions, damaged Village Property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Village;
5. A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part thereof;
6. The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Village;
7. The proposed use or activity is prohibited by or inconsistent with the recognized and accepted uses of park or part thereof;

8. The applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the Village concerning the sale or offering for sale of any goods or services;
9. The use or activity intended by the applicant is prohibited by law, by this Ordinance, or by another ordinance of the Village establishing park rules and regulations;
10. The applicant has not secured the requisite insurance;
11. The applicant or the person on whose behalf the application for permit was made, has on prior occasions made material misrepresentations regarding the nature or scope of the event or activity previously permitted or has violated the terms of prior permits issued to the applicant; or
12. The use of a Village Park Property by applicant would conflict with the use of the Village Park Property by a person or persons given a higher priority pursuant to this Ordinance.

f. Amendment or Revision of Applications.

Any amendment or revision of an application for permit shall, for purposes of determining the priority of the application for permit, relate back to the original filing thereof, but the time in which the Village shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

28. PROCEDURES FOR REVIEW; WAIVERS.

a. Review by Manager and Mayor.

1. Any applicant who is denied a permit or a permittee who is assessed damages or a fine pursuant to this Ordinance may, within seven (7) days of the service of notice of such determination, file a written appeal from such determination with the Mayor;
2. The Manager shall provide the permittee said notice regarding the date on which the appeal was reviewed by the Mayor and the Manager shall provide the applicant or permittee a notice that the Mayor has affirmed, modified, or reversed the denial;
3. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent via United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;

b. Waiver of Requirements.

Any requirements for a limitation upon a permit or the requirement of permit may be waived by the Manager if the activity is protected by the First Amendment of the United States Constitution and the condition would be so financially burdensome that it would preclude the applicant from using Village Property for the proposed activity. Fees for equipment and services may not be waived pursuant to this subsection. Application for a waiver shall be made on a form prescribed by the Manager.

29. FINES FOR PERMIT VIOLATIONS.

The violation by a permittee of the terms of a permit or the ordinances and regulations of the Village shall subject the permittee upon a finding of liability for the violation to the maximum amount of fine permitted by this Ordinance. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the Village on behalf of the permittee pursuant to this Ordinance, and may be assessed an amount in excess of any security deposit held by the Village. The Manager shall provide the permittee prompt written notice of any fines to be assessed against the security deposit. Such notice shall be served on the permittee by personal delivery, or by deposit in the United States mail, with proper postage prepaid to the name and address set forth on the application for permit.

**SECTION D. PATRON PROPERTY.**

1. LOST AND FOUND ARTICLES.

Whenever a Village employee or agent finds lost articles on Village Property, he shall report such findings to the Manager. The Manager shall make reasonable effort to locate the owner. If the property is unclaimed by the owner or person legally entitled to possession after such reasonable efforts, the property will be transferred to the Village for disposition in the same manner as provided in the "Law Enforcement Disposition of Property Act" (765 ILCS 1030/0.01, *et seq.*) Items such as towels, clothing, balls, gloves, shoes, chairs, cups, coolers and other general park use items may be disposed of in any manner determined to be reasonable by the Manager.

**SECTION E. ORDINANCE ENFORCEMENT.**

1. ORDINANCE ENFORCEMENT.

Proceedings to enforce violations of this Ordinance may be initiated and conducted in accordance with the provisions of the Village ordinances providing for administrative adjudication of code violations or by any other means provided by law.

2. NON-EXCLUSIVITY OF PENALTIES.

The penalties provided for in this Ordinance are in addition to and not exclusive of any other remedies available to the Village as provided by applicable law. The penalties provided for in any Section of this Ordinance may be imposed or assessed in addition to and not necessarily in lieu of the penalties provided for in other Sections of this Ordinance.

3. POLICE FORCE.

Village Police: Representatives from the Will County, Illinois Sheriff's Department are hereby authorized to enter upon the property owned, leased, or controlled by the Village for the purpose of enforcing the ordinances of the Village of Homer Glen, the County of Will, the State of Illinois and all laws and ordinances amendatory thereof.

4. PARENTAL RESPONSIBILITY.

a. The definitions of "legal guardian" and "minor" are as follows:

"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 or the Juvenile Court Act of 1987.

"Minor" means a person who is above the age of 11 years, but not yet 19 years of age.

b. The parent or legal guardian of an unemancipated minor who resides with such parent shall be responsible for the care, supervision, actions and conduct of such unemancipated minor when the unemancipated minor is on or using Village Property, Village Park Property or the Heroes Trail System.

c. Liability. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or any Village Property.

d. The Village may seek to recover actual damages to Village Property caused by the willful or malicious acts of an unemancipated minor from the parent or legal guardian pursuant to the provisions of the Illinois Parental Responsibility Act, 740 ILCS 115/1 *et seq.* This remedy is non-exclusive and shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis.

5. VIOLATIONS AND FINES.

Any person who violates any provision of any Section of this Ordinance shall, upon a finding of liability for said violation, be subject to a fine of not less than \$50.00 and not more than \$1,000.00. Each day that a violation continues and every violation of each separate Section of this Ordinance shall be deemed a separate violation. The Village may establish a schedule of violations for which a citation may be issued and paid without requiring appearance by the violator at an administrative hearing.

Adopted this 26<sup>th</sup> day of June, 2012 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
DeVivo	X			
Kagianas	X			
Niemiec	X			
Sabo	X			
Yukich	X			
Daley (Village President)	-			
TOTAL	6	0	0	- .....

**APPROVED** by the Village President on June 26, 2012.

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James P. Daley  
Village President

ATTEST:

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Gale Skroboton  
Village Clerk