

CHAPTER 94: USE OF VILLAGE PARKS AND OTHER PROPERTIES

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§ 94.01 GENERAL PARK RULES; DEFINITIONS.

- (A) For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AFTER HOURS. From dusk until dawn the next morning.

DAWN. Thirty (30) minutes after sunrise.

DUSK. Thirty (30) minutes after sunset.

ORGANIZED GROUP(S). Any group of more than one (1) private person(s), private not-for-profit or for-profit organizations, or organized sports teams.

PARK HOURS. In the absence of any special program, permission, or permit, Village park hours shall be from dawn to dusk, unless otherwise specified in an executed Village Property Use Agreement as defined in this Chapter which has been approved by the Village Board.

PERSON: The term “person” as used herein shall mean every natural person and every organization, firm, partnership, association, corporation, or entity of any kind or any employee, agent, or officer thereof. This definition shall not include the Village and any authorized officer, employee, or agent of the Village when acting within the scope of his, her, or its authority.

VILLAGE PROPERTY: The term “Village property” as used herein shall mean all of the real property of every kind and description located within the jurisdiction of, or owned, administered, leased, or licensed by, or otherwise in the possession or under the control of the Village, including but not limited to the Community Room, as well as any pavilion, shelter, athletic field or court, street, cul-de-sac, sidewalk, trail, path, beach, park, conservation area, or open space, or other public place or facility and all waters located or flowing on, over, or adjacent to property owned, administered, leased, or licensed by, or otherwise in the possession or under the control of the Village, but excluding the Village Hall which is only available for Village meetings and Village-sponsored meetings and events.

VILLAGE PROPERTY USE AGREEMENT. A park use and license agreement entered into by any person or organized group and the Village for use of Village property for a specific date, a specific time period and/or for a specific event.

VILLAGE PROPERTY USE PERMIT. That permit applied for by any person or organized group and issued by the Village for use of Village property for a specific time period and/or event.

- (B) (1) Wherever any Village building, Village park and/or other Village property is enclosed, gated, walled, covered, fenced, or access to which is otherwise controlled by an enclosure, no person shall enter or leave said Village building, Village park and/or other Village property except by the respective means of entrance and/or exit provided for such purpose.
 - (2) Except for those person(s) otherwise authorized to do so by the Village, no person shall climb or walk upon the walls, gate(s), fences, roofs, or upon any portion of any Village property.
 - (3) Any of the entrances to any Village building, Village park and/or other Village property may be closed at any time by the direction of the officer, employee or agent of the Village in charge of such Village property at the time.
 - (C) (1) Village parks shall be opened daily to the public from dawn to dusk, except as otherwise permitted by written agreement of the Village in the form of the Village Property Use Permit or a Village Property Use Agreement.
 - (2) No person shall be, loiter, or remain in any Village building, Village park or other Village property between dusk until dawn the next morning, unless a Village Property Use Permit issued by the Village or Village Property Use Agreement entered into with the Village authorizes use of such Village property at such time or times when such Village property would otherwise be closed.
- (Am. Ord. 4-5-C, passed 8-18-2010; Amd. Ord. 2015-07-03, passed 07-16-2015)
- (D) Persons are forbidden to carry firearms or throw stones or other missiles within or on any Village property.
 - (E) (1) No threatening, abusive, insulting, or indecent language shall be allowed in or on any part of any Village property.
 - (2) No conduct shall be permitted in or on any Village property whereby a breach of the peace and/or security may be occasioned.
 - (3) No person shall commit any obscene or indecent act in or on any Village property.
 - (F) No person shall light, ignite, make, maintain and/or use any bonfire, or display, ignite, and/or discharge any fireworks on any Village property without permission to do so in writing from the Village President or from any Village Trustee of the Parks and Property Committee of the Village Board.
 - (G) No person shall cut, break, or in any way injure, damage, or deface any trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other construction or improvements located on any Village property.

- (H) No person shall post or otherwise affix any signs, bills, notice, or other paper upon any structure or thing on or within any Village property, nor upon any of the building(s), gates, fence(s), wall(s), or any other enclosures or structures which are part thereof, without permission to do so in writing from the Village Board or from the Village President or from any Village Trustee of the Parks and Property Committee.
- (I) No person shall expose or offer any article or thing for sale on or within any Village property, nor shall any hawking or peddling be allowed therein without permission to do so in writing from the Village President or from any Village Trustee of the Parks and Property Committee of the Village Board.
- (J) No person shall be present on any Village property when he or she is manifestly under the influence of alcohol, any drug or other substances not therapeutically administered, to the degree that he or she is likely to endanger himself or herself, or other persons or property, or is disturbing person(s) in his or her vicinity. No person shall bring into, sell, give away, or consume any alcoholic liquors or ingest, inhale, inject, or otherwise use any illegal drug(s) or any other drug(s) or other substance(s) not therapeutically administered in any Village park or on any other Village property, except that alcoholic liquors may be sold, served, and/or consumed on Village Property when authorized by a Class C Liquor License for a special event approved by the Village Board.
- (K) (1) No person shall bring or lead any dog or other animal into or onto any Village property unless such animal is restrained by a suitable cord, leash, or chain, not more than six feet long which is designed to and/or capable of properly restraining such animal.
(2) These restrictions will not apply to dogs utilized by police officers or service dogs.
- (L) Notwithstanding anything contained in this Chapter to the contrary, the Village Hall shall not be available for use or rental by the public, except for Village meetings and/or meetings or events sponsored by the Village.

(Ord. 4-5-C, passed 10-18-2006; Amd. Ord. 2015-07-03, passed 07-16-2015; Amd. Ord. 2017-02-15-02, passed 02-15-17) Penalty, see § 94.99

§ 94.02 USE OF VILLAGE PROPERTY BY ORGANIZED GROUPS

- (A) Village Property Use Permit; Village Property Use Agreement: Use of any Village building, Village park and/or other Village property by any organized group(s), including but not limited to any private group, private not-for-profit or for-profit organizations, or organized sports teams (collectively referred to as “organized groups”) requires the issuance by the Village of an approved Village Property Use Permit or a specific written Village Property Use Agreement between the Village and such organized group. A Village Property Use Permit Application must be submitted to the Village Board for consideration no less than forty-five (45) days prior to anticipated use. Issuance of such Village Property Use Permit(s) and/or approval of any Village Property Use Agreement is at the sole discretion of the Village Board. The required permit application fee, user fee or deposit must be submitted along with the permit application and shall be returned to the Applicant in the event that the application is denied.
- (B) No person shall use any Village building, Village park and/or other Village property for an event or activity which is not sponsored by the Village as part of or on behalf of any such organized group unless a Village Property Use Permit therefor has first been obtained from the Village and/or a

Village Property Use Agreement has been executed with the Village. All persons using Village property shall comply with the provisions of this Chapter and with the terms and conditions of their respective Village Property Use Permit issued by the Village Board and/or with the terms and conditions of their specific Village Property Use Agreement with the Village, if one is applicable, and with all other applicable ordinances, rules, regulations, agreement(s) policies, and directives of the Village regarding the use of Village property.

- (C) No person shall act or conduct himself or herself upon any portion of Village Property designated for a particular game, sport, event, amusement, activity, or other use in such a manner so as to unreasonably disturb or interfere with the use of such portion of Village Property by other persons who have been authorized to use the same for the particular game, sport, event, amusement, activity, or other use for which it has been designated, including but not limited to such persons who have a current and valid Village Property Use Permit and/or a written Village Property Use Agreement for the use of such Village property. No person shall unreasonably disturb or interfere with any person occupying an area or participating in any activity on Village property under the authority of a current, valid, Village Property Use Permit and/or pursuant to a current, written Village Property Use Agreement with the Village.
- (D) In those Village parks and/or on any Village Property having athletic fields established for specific uses, participation in team sports in areas other than athletic fields established for that specific purpose shall be and is hereby prohibited unless authorized in writing by the Village President, or his or her designee, by any Trustee who is a member of the Parks and Property Committee of the Village Board, or by the Village Administrator, or his or her designee.
- (E) In those Village parks and/or on any Village property having established athletic fields for specific uses, the type of recreation on said fields may be limited in accordance with posted signs or notices posted by the Village.
- (F) No person(s) shall utilize any Village property, including without limitation athletic fields and other Village facilities, for tournaments, leagues, or other organized recreational activities unless a Village Property Use Permit has first been obtained from the Village or a written Village Property Use Agreement with the Village has been executed allowing such use or activity.
- (G) The Village Board may issue Village Property Use Permit(s) to or enter into a written Village Property Use Agreement(s) with organized groups for the use of Village property, which Village Property Use Permit(s) or Village Property Use Agreement(s) shall authorize the use of specific Village property in compliance with the terms and conditions of such Permit(s) and/or Agreement(s) and for the specific date(s) or for a period specific therein. The use of any Village property by any person(s) or organized group(s) as authorized by any Village Property Use Permit(s) and/or any Village Property Use Agreement(s) shall be and remain subject to the requirements and restrictions of this Chapter and all other applicable provisions of the Port Barrington Code of Ordinances, as amended from time to time.
- (H) All athletic fields and other facilities located on Village Property will be subject to public or community use on a first-come, first-served basis, except that any Village-sponsored use or any scheduled use authorized by a Village Property Use Permit or by a written Village Property Use Agreement shall preempt other uses and have priority of use.

(Amd. Ord. 2015-07-03, passed 07-16-2015; Amd. Ord. 2017-02-15-02, passed 02-15-17)

§ 94.03 REQUIRED USER CHARGES AND SECURITY DEPOSITS.

The schedule of user charges and required security deposits which shall be paid by any applicant or user/licensee for the use of any Village property shall be as approved from time to time by the Village Board by separate motion, resolution, or ordinance but because the care and maintenance of Village Property is financed through support by the taxpayers of the Village, user rates for non-resident(s) and organization(s) which do not serve a significant number of Village residents (i.e., more than 10) shall be four (4) times the rates otherwise applicable to residents.

(Amd. Ord. 2015-07-03, passed 07-16-2015; Amd. Ord. 2017-02-15-02, passed 02-15-17)

§ 94.04 CHILD SEX OFFENDERS ON VILLAGE PARK PROPERTY.

- (A) Definitions: For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD SEX OFFENDER. Pursuant to 720 ILCS 5/11-9.3, the term “child sex offender” means, in relevant part, any person who: (i) has been charged with a sex offense under Illinois law, or any substantially similar federal law or law of another state, and is convicted of the offense or an attempt to commit the offense, (ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, and/or (iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act.

LOITER. Pursuant to 720 ILCS 5/11-9.4-1(a), the term “loiter” means to stand and/or sit idly, whether or not the person is in a vehicle, or remaining in or around public park property.

PUBLIC PARK. Pursuant to 720 ILCS 5/11-9.4-1(a), the term “public park” shall include any park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State of Illinois or a unit of local government.

SEX OFFENSE or **SEX CRIME.** Those enumerated crimes identified in 720 ILCS 5/11-9.3(d)(2).

VILLAGE PARK PROPERTY or **VILLAGE PARK FACILITY.** Any real property or building owned by the Village and being used by the public for recreation or used by the Village to provide recreational programs and/or recreational service(s).

- (B) The Village is concerned about persons under the age of 18 who utilize Village parks and/or participate in activities on Village property being vulnerable to child sex offenders.
- (C) The Village is concerned about child sex offenders being present at any Village park, and/or at Village park facilities, or on any other Village property for the purpose of sexual arousal and/or gratification.
- (D) 720 ILCS 5/11-9.3 and 5/11-9.4-1 prohibit a child sex offender to knowingly be present in, or loiter within, whether standing, sitting, or in a vehicle, 500 feet of any park building or on real property comprising any public park, as measured from the edge of the property comprising the public park building or the real property comprising the public park, when persons under the age of 18 are present, or to approach, contact, or communicate with a child under 18 years of age, unless the

offender is a parent or guardian of a person under 18 years of age present in the park building or on the park grounds.

- (E) 720 ILCS 5/11-9.3 prohibits a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any facility providing programs or services exclusively directed toward persons under the age of 18.
- (F) Village officials or their designees are authorized to check Village park program registrants and Village park facility pass holders against the state sex offender registry promulgated by the State Police.
- (G) Anyone convicted of a sex crime or required to register as a sex offender shall be prohibited from being present on or within 500 feet of Village park property or in any Village park facility.
- (H) If the Village has reasonable cause to prohibit a person from being present on Village park property or in any Village park facility, the following procedures shall apply.
 - (1) The Village shall provide written notice to the person that he or she is prohibited from being present on any Village park property, which notice shall include a statement as to the reason(s) for the Village's decision.
 - (2)
 - (a) If the individual subject to such prohibition wishes to contest the Village's decision, he or she may, by written request within seven (7) days of receipt of the Village's notice, request a hearing before the Village Board or its designee.
 - (b) At such hearing, the individual subject to such prohibition must provide all evidence in support of his or her position.
 - (c) After the conclusion of such hearing, the Village Board or its designee shall review all of the evidence submitted and shall provide its written decision to the person requesting such hearing no later than thirty (30) days after the conclusion of such hearing.
 - (d) The decision of the Village Board or its designee shall be final.
 - (3) The Village Board may periodically review the necessity of its decision in each such case.
- (J) If the sex offender is a parent or guardian of a minor under the age of 18 who is present on Village property, the offender may also be present on such Village property, but only for the duration of the subject activity.

(Ord. 4-5-E, passed 1-18-2006; Amd. Ord. 2015-07-03, passed 07-16-2015; Amd. Ord. 2017-02-15-02, passed 02-15-17) Penalty, see § 94.99

§ 94.05 CAMPING.

- (A) No person shall erect, maintain, use, or occupy any tent, shelter, or structure, including any house trailer or mobile home anywhere within the Village, except as otherwise specifically authorized by the Village Board.

- (B) Notwithstanding the provisions of Paragraph (A) above, nothing shall prohibit overnight camping in a tent or similar temporary structure where the structure is erected, maintained, used, or occupied for no longer than 24 hours and when the structure is situated on a lot which is already improved with an authorized permanent residential structure, and with the permission of the owner(s) of such lot.

(Ord. 11-1-B, passed 7-21-1982; Amd. Ord. 2015-07-03, passed 07-16-2015) Penalty, see § 94.99

§ 94.06 RESTRICTIONS RELATIVE TO PIER INSTALLATION ON VILLAGE PROPERTY OR IN WATER ADJACENT TO VILLAGE PROPERTY

- (A) For purposes of this Section, the term “Village Property” shall be defined as and shall have the meaning ascribed thereto in Chapter 94, “Use of Village Parks and Other Properties”, as amended from time to time, of the Port Barrington Code of Ordinances.
- (B) The Corporate Authorities of the Village shall not permit the installation of any new and/or additional private piers on any Village property or in any water adjacent thereto, and only the Corporate Authorities of the Village shall have the authority to authorize the construction, installation, and/or addition of any pier on Village Property or in any water adjacent thereto or any other improvement(s) to, on or upon any Village Property.
- (C) Existing private piers located on Village Property or in any water adjacent to Village Property which are in good condition will generally be allowed to remain, unless otherwise required by the Corporate Authorities of the Village. All other private piers located on Village Property or in any water adjacent to Village Property shall be removed by and at the sole cost and expense of the owner(s) thereof in a timely manner, provided however, the Village shall have the right, but not the obligation, to do so. No person shall make any alteration or repairs of any kind to any such private pier or appurtenance(s) thereto located on Village Property or in any water adjacent to Village Property without the written permission for such alteration(s) or repair(s) from the Village Board.
- (D) The Corporate Authorities hereby approve, authorize and direct the demolition and removal by the Village’s Director of Public Works, or his designee, at the sole cost and expense of the owner(s) of said pier(s), of any pier located on Village Property or in any water adjacent to Village Property that is, as determined by the Village, to be in such condition and/or disrepair so as to constitute a potential safety hazard if the owner(s) of such pier(s) fail to promptly remove or cause the removal of such pier(s). The owner(s) of any such private pier(s) demolished and/or removed by the Village shall be responsible to reimburse the Village for all costs thereof incurred by the Village and said costs shall be a debt due and owing to the Village, which the Village is authorized to collect pursuant to law.
- (E) Existing private piers now located on Village Property or in any water adjacent to Village Property which are found upon inspection thereof by the Village to be in good condition and which are not otherwise a safety hazard on or after the date of approval of this Section must be maintained by the owner of the adjacent private property as the owner of the pier to ensure that such pier remains in a good and safe condition.
- (F) The use of all piers located on Village Property or in any water adjacent to Village Property shall be and remain subject to the Village’s regulations relative to the use and the hours of use of Village Property as set forth in Chapter 94, “Use of Village Parks and Other Properties”, as amended from time to time, of the Port Barrington Code of Ordinances, including the prohibition on the use of

such Village Property from dusk to dawn and the prohibition against parking vehicles or boats on Village Property, all as set forth in said Code.

- (G) The Village hereby grants a revocable license to the owner(s) of private piers on Village Property for the purpose of permitting the owner(s)' continued maintenance of their respective private piers at their present location on Village Property, subject to the timely and continued compliance by the owner(s) with the terms and conditions of this Policy and all applicable provisions of the Port Barrington Code of Ordinances, including but not limited to the following:
- (1) The owner(s) of any private pier(s) located on Village Property or in any water adjacent to Village Property and their heirs, successors, and assigns shall be solely responsible for the maintenance thereof in a good and safe condition and the repair of any damages to their respective private pier(s) from whatever cause(s).
 - (2) The owner(s) of such private pier(s) shall in no way have or acquire any right, title or interest in or to the Village Property on which their respective pier(s) are located, and any permission granted by this Section shall be deemed a license only to temporarily use and occupy the respective approved portion(s) of the Village Property for the limited purposes and for a limited term as herein stated and shall not confer any permanent right, privilege, license or franchise to any person(s) to occupy or use any Village Property.
 - (3) The Village, by the license herein granted for certain private pier(s), assumes no obligation or responsibility for the maintenance of such private pier(s), and the Village hereby disclaims any responsibility or obligation for such maintenance, and such continued maintenance shall be the sole responsibility of said owner(s) of such pier(s) and their heirs, successors, and/or assigns, and/or as the then owner(s) of record of the adjacent private property.
 - (4) If the owner(s) of such private pier(s) or their heirs, successors, and/or assign, or any of them, fail to fulfill any of their obligations and responsibilities as set forth in this Section, including but not limited to the complete removal of such pier(s), then the Village may, but shall not be obligated to do so, and the Village shall have the right to recover from such owner(s), or their heirs, successors, and/or assigns, any costs and expenses incurred by the Village in fulfilling said responsibilities, together with reasonable attorneys' fees and other costs incurred by the Village in such collection.
 - (5) The grant of the license as herein provided for private pier(s) which are located on Village Property or in water adjacent to Village Property shall be subject to timely and continued maintenance by the then owner(s) of such private pier(s), each in a good and safe condition, and the timely and continued compliance by such then Owner(s) with this Policy and all applicable provisions of the Port Barrington Code of Ordinances.
 - (6) The Village shall have and reserves the right at any time to remove any of the private pier(s) located on Village Property or in water adjacent to Village Property whenever the Corporate Authorities of the Village determine that it is in the best interests of the Village to do so.
 - (7) Nothing in this Section will create, or be construed or interpreted to create, any third-party beneficiary rights, and no parties, other than the Village, shall have the right to enforce this Section and the policies herein adopted.

(Ord. 2017-01-18, passed 01-18-17)

§ 94.99 PENALTY.

- (A) (1) Any person who violates or fails to comply with any provision of § 94.01 or of § 94.02, upon conviction thereof, shall be fined not less than \$100.00, nor more than \$750.00, plus any Village cost(s) of prosecution.
(2) Each day that a violation occurs or continues shall be deemed a separate offense.
- (B) Any person who violates or fails to comply with any provision of § 94.04 shall be subject to a minimum fine of not less than \$500.00, nor more than \$750.00, and shall be requested to leave the subject Village property immediately. Each day that a violation occurs or continues shall be deemed a separate offense.
- (C) Any person who violates or fails to comply with any provision of § 94.05 shall be subject to a fine of not less than \$100.00 and not more than \$750.00 for each day a violation exists or continues. Each day that a violation occurs or continues shall be deemed a separate offense.

(Ord. 11-1-B, passed 7-21-1982; Ord. 4-5-E, passed 1-18-2006; Ord. 4-5-F, passed 2-15-2006; Ord. 4-5-C, passed 10-18-2006; Amd. Ord. 2015-07-03, passed 07-16-2015)