

**Ordinance Code Providing for the
Regulations and Restrictions Governing
the Use of the Park System of the
Mundelein Park & Recreation District**

WHEREAS, The Mundelein Park & Recreation District is a municipal corporation duly organized under an act of the General Assembly of the State of Illinois entitled "An Act to Provide for the Organization of Park Districts and the Transfer of Submerged Lands to those Bordering on Navigable Bodies of Water", and

WHEREAS, it is deemed advisable to collect the various Ordinances and Regulations of the Mundelein Park & Recreation District into one Ordinance Code to provide a single instrument for the governing of the business operation of the Park District, the use of parks/land and the policing of them and other facilities of the District, and the enforcement of rules affecting personal conduct of patrons and employees of the District:

Therefore, Be It Ordained,
by
the Commissioners
of the
Mundelein Park & Recreation District,
in
Lake County, Illinois

Updated August 22, 2011

CHAPTER I

Scope

SECTION 1.01 DESIGNATION

This Ordinance shall be known as the "Ordinance Code of the Mundelein Park & Recreation District, Lake County, Illinois" and the same may be so cited and referred to for purposes of identification.

SECTION 1.02 SCOPE

This Ordinance shall apply to and be enforced in all of the territory originally embraced in, heretofore added to, and which may hereafter be embraced in the boundaries of said Mundelein Park & Recreation District, and in all parks, public places and other property and facilities of every kind owned by or within the jurisdiction of the District, whether within or outside the boundaries of said District.

SECTION 1.03 DECLARATION OF CONTROL

The premises heretofore planned or plotted for park purposes as Asbury Park, Cambridge Country Park, Cardinal Terrace Park, Carl Sandburg Community Gym, Clearbrook Park, Community Park Chalet, Diamond Lake Recreation Center, Diamond Lake Sports Complex, Fairhaven Park, Gordon Ray Park, Hanrahan Park, Hickory Park, Indian Trails Park, Keith Mione Community Park, Kracklauer Park, Lake Front Boat Launch, Leo Leathers Park, Lincoln Park, Lions Field, Lone Tree Park, Longmeadow Park, Maurice Noll Park, Memorial Park, Orchard Basin Park, Orchard View Park, Bob Lewandowski North Shore Park, Regent Center, Scott Brown Park, Steeple Chase Golf Course, Lakewood Heights Vaughn-Griglak Park, John Wiech Park, Wilderness Park, Woodlands Park, Wortham Park and any other areas, playgrounds, playing fields, buildings and other public areas and facilities as may hereafter be acquired, leased, plotted or appropriated by the appropriate corporate motion of the District, are hereby declared to be in the possession and control of the Mundelein Park & Recreation District. Whenever, in this Ordinance, premises of the District are referred to, such reference shall be to and include all land, waters, buildings and other structures in the possession and under contract to the Mundelein Park & Recreation District.

SECTION 1.04 CONSTRUCTION OF WORDS

Whenever in this Ordinance the following terms are used, they shall have the meanings respectively ascribed to them in this section:

- (1) *Board* Board of Park Commissioners.
- (2) *District* Mundelein Park & Recreation District, Lake County, Illinois.
- (3) *Driver* Every person who drives or is in actual physical control of a vehicle.
- (4) *Ordinance* Mundelein Park & Recreation District Ordinance Code.
- (5) *Owner* Person who holds the legal title to a vehicle or other property of any kind; or, in the event that a vehicle or other property is the subject of an agreement for the conditional sale or lease, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Ordinance.
- (6) *Parking* The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.
- (7) *Park System* All of the land, parks, roadways, parking lots, waterways, structures and other property of every kind owned by or within the jurisdiction of the District, now or hereafter whether within or without its boundaries.

- (8) *Person* Every individual, firm, partnership, association, corporation or organization of any kind.
- (9) *Vehicle* Every device in, upon or by which any person or property is or may be transported or drawn upon a roadway.

SECTION 1.05 STATUTORY CONTROL

This Ordinance shall be subject to and controlled by "The Park District Code" of the State of Illinois and all other laws affecting the District.

CHAPTER II

Traffic Regulations

SECTION 2.01 RESTRICTED MOTOR VEHICLE AREA

No person other than employees or Commissioners of the District in the performance of their duties or authorized personnel shall bring to use any motor vehicle within the Park System except upon designated driveways or parking areas established for that purpose, including but not limited to sidewalks, grass areas, baseball diamonds and playground areas.

SECTION 2.02 PARKING

Any motor vehicle parked in the Park System at any place in a manner or for a length of time prohibited or declared to be unlawful by any Ordinance or sign of the District, is, if occupied, hereby declared to be an obstruction and a public nuisance.

SECTION 2.03 UNATTENDED MOTOR VEHICLE

No motor vehicle shall be left unattended while the motor of such is running and no motor vehicle shall be left without a driver on any grade or incline unless the vehicle is secured against moving.

SECTION 2.04 VEHICLE EQUIPMENT

It shall be unlawful to drive any vehicle in the Park System whose lights, brakes and exhaust system are not in accordance with the rules of the State of Illinois under the vehicle code.

SECTION 2.05 STARTING PARKED MOTOR VEHICLES

No person shall start a motor vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

SECTION 2.06 BACKING

The driver of a vehicle shall not back said vehicle unless such movement can be made without interfering with other traffic and with reasonable safety.

SECTION 2.07 UNNECESSARY NOISE

It shall be unlawful to operate a vehicle that makes a loud or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Park System.

SECTION 2.08 DRIVING WHILE INTOXICATED

No person who is under the influence of intoxicating liquor, narcotic drugs or any controlled substances shall operate any vehicle in the Park System.

SECTION 2.09 SIGNS

No person shall disobey Park System all traffic signs, or deface, injure, move, or interfere with any official sign or signal.

SECTION 2.10 LIQUOR IN VEHICLE

It shall be unlawful for any person to transport, carry, or possess any alcoholic beverage in or upon or about any motor vehicle in the Park System.

SECTION 2.11 IMPOUNDING

Any vehicle which has been declared to be an obstruction and a public nuisance as provided for in this Ordinance may be removed and impounded in a storage area by any Village of Mundelein Police Officer. Before the owner or other person entitled to possession of any impounded vehicle shall be permitted to redeem the same he shall furnish sufficient evidence of his identity and ownership of the vehicle, present payment for towing, storage and other necessary charges and expenses, and sign a receipt for the vehicle.

SECTION 2.12 PARKING LOTS

No person shall park or place any vehicle or any property of any kind in the Park System so as to obstruct or interfere with traffic or travel, or endanger the public safety. No person shall park any vehicle in any of the following areas, except where otherwise designated:

- (A) On lawn areas and grounds
- (B) In front of public or private driveways
- (C) In any position to block another car or vehicle legally parked
- (D) At any place where official signs prohibiting parking have been posted by the Park District, or
- (E) Within 7 1/2 feet of either side of a fire hydrant.

SECTION 2.13 SPEED

No person shall drive any vehicle within the Park System at a speed greater than 10 miles per hour; or greater than is reasonable and proper with regard to traffic conditions and the use of the roadway; or at a speed that endangers the safety of any person or property.

SECTION 2.14 BICYCLES

- (A) No person shall ride a bicycle other than on the right-hand side of the road paving as close as conditions permit. Bicycles shall be kept in a single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicle they may be meeting. No person shall ride any other person on a bicycle.
- (B) No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is space available. No person shall leave a bicycle on the ground or pavement or set against trees, or in any place or position where other persons may trip or be injured by it.
- (C) No person shall ride a bicycle on any road between thirty (30) minutes after sunset and twenty (20) minutes before sunrise without an attached headlight plainly visible at least two hundred (200) feet, and without a red taillight or red reflector plainly visible from at least two hundred (200) feet from the rear of the bicycle.

SECTION 2.15 ATTEMPT TO ELUDE A POLICE OFFICER

Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a Peace Officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the Officer, is guilty of a Class "B" misdemeanor. The signal given by the Peace Officer may be by hand, voice, siren, or red or blue light, provided the Officer giving such signal be in Police uniform. If driving a vehicle, such vehicle shall be marked showing it to be an official Police vehicle.

SECTION 2.16 OBEDIENCE TO OFFICERS

Officers of the Village are hereby authorized to direct traffic in accordance with provisions of this Section, or in emergencies, as public safety or convenience may require. It shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of an officer. Except in case of an emergency, it shall be unlawful for any person not authorized as a Officer to direct or attempt to direct traffic.

SECTION 2.17 ILLINOIS VEHICLE CODE APPLICATION

No person shall fail to comply with all applicable provisions of the Illinois Vehicle Code, Chapter 95 1/2, in regard to equipment and operation of vehicles, in addition to regulations contained in this and other Ordinances.

SECTION 2.18 HANDICAPPED PARKING

It shall be unlawful to park any motor vehicle except a motor vehicle bearing registration plates or a certificate issued to handicapped persons, in any handicapped parking facility as designated by the Mundelein Park and Recreation District. The provisions of Chapter 95 1/2, Sections 501, 501.1, 501.2 and 501.3 of the Illinois Revised Statutes of 1985 shall apply to the prosecution of any person who is alleged to have violated any provision of this Section, and said Sections of Chapter 95 1/2 are hereby adopted by reference and made a part of this Ordinance.

CHAPTER III

Park Regulations - Conduct

SECTION 3.01 DISORDERLY CONDUCT

No person shall act in such an unreasonable manner as to alarm and disturb another and provoke a breach of the peace.

SECTION 3.02 ASSAULT AND BATTERY

- (A) No person shall, without legal justification, engage in conduct which places another in apprehension of receiving a battery.
- (B) No person shall, without legal justification, intentionally or knowingly by any means:
 - (1) cause bodily harm to another; or
 - (2) make physical conduct of an insulting or provoking nature.

SECTION 3.03 IMPROPER BEHAVIOR

No person shall use any abusive, threatening, profane, indecent or obscene language, or language calculated to occasion a breach of the peace, nor induce, commit or perform any indecent or obscene act or behavior, exhibit, possess or transfer indecent or obscene pictures, writings or articles of any kind within the Park System.

SECTION 3.04 MINORS

No parent, guardian or custodian of a minor shall permit or allow a minor to commit any act in the Park System in violation of any Law, Ordinance or Rule of the District.

SECTION 3.05 PUBLIC MEETINGS

No person or organization of any kind shall call or hold any public meeting, exhibition or entertainment of any kind within the Park System unless permission is granted by the District. Payment of expenses and indemnification of the District may be required.

SECTION 3.06 PLAY CLASSES AND CAMPS

No person or organization of any kind shall call or hold any public meeting, exhibition or entertainment of any kind within the Park System unless permission is granted by the District. Payment of expenses and indemnification of the District may be required.

SECTION 3.07 WEAPONS AND MISSILES

No person shall carry fire or discharge any gun, pistol or other firearm, nor throw or cast any stones or missiles in the Park System. No person shall carry or discharge or cause to be exploded, any fireworks or other explosive substances in the Park System. No person shall shoot any bows and arrows, air rifles, toss darts or spears, or fly power driven model aircraft except at such places as may be designated by the Director.

SECTION 3.08 GAMES AND SPORTS

No person shall engage in any sport, game or amusement in the Park System except at such places and times as may be designated by the District and then only under such rules as are prescribed. Nor shall any person walk, remain, or conduct himself upon such portion of the Park System designated for any particular game, sport or amusement in such a way as to interfere with the use of such portion by persons who are using the same for the particular sport, game or amusement for which it has been designated. No person shall engage in any activity in a rough and reckless manner so as to endanger, injure or damage persons or property in any way.

SECTION 3.09 INTOXICATING BEVERAGES - DRUNKENNESS

No person under the influence of intoxicating liquor, narcotic drug or controlled substance shall enter, be or remain in the Park System, nor shall any person bring within, possess, drink, sell or transfer any intoxicating liquors, narcotic drugs or controlled substances within the Park System. This Section shall not apply to wine intended for use and used by any church or religious organization for sacramental purposes.

ALCOHOLIC BEVERAGE POLICY

In accordance with **Public Act 82-917** which provides that "alcoholic liquors may be delivered to and sold in any building owned by a park district under the *Park District Code*, subject to the approval of the governing Board of the District, provided Dram Shop liability and maximum insurance coverage limits in accordance with the Dram Shop Act" are in force, it shall therefore be the policy of the Mundelein Park and Recreation District that the Director shall have the authority to approve by written permit, the dispensing of alcoholic beverages when application to do so follows the following guidelines:

- (A) Permit requests must be submitted a minimum of fourteen (14) days prior to date required. All non-resident applications must be submitted to the Board of Commissioners for review.
- (B) Buildings sanctioned for use are Regent Center. All consumption must take place within the building. Alcoholic beverages dispensed at picnic shelters shall be limited to beer or wine. No glass containers will be allowed at picnic shelters.
- (C) There shall be absolutely no sale of alcoholic beverages under this policy. Use is intended for social use among organized groups, such as family reunions, receptions, civic organization outings or business outings (i.e., company picnics). It is not intended for public events where members of the general public are invited.
- (D) Hours of operation shall be no earlier than 12:00 Noon, and no later than normal Park or building closing time.
- (E) All applicants shall either furnish Dram Shop Insurance in the amount prescribed by law, or apply to be added to the Dram Shop policy of the Mundelein Park and Recreation District. All costs shall be paid by the applicant.
- (F) All applicants shall strictly abide by all applicable laws, whether they be local, state or federal.
- (G) Severability - If in the judgment of the Director, or any sworn Village of Mundelein, Police Officer, any permit holder is violating this policy, the Director or Officer shall have the power to revoke said permit.
- (H) Fee for this permit shall be determined on an annual basis by the Board of Park Commissioners.

SECTION 3.10 INDECENT ATTIRE AND CONDUCT

No person shall appear in or adjacent to any public place under control of the District in a state of nudity, or in indecent or lewd attire, including suitable covering of the upper portion of the body except as permitted in the swimming pool. No person shall make any indecent exposure of his or her person or be guilty of any lewd or indecent act or behavior within the Park System.

SECTION 3.11 SLEEPING IN PARKS

No person shall sleep within the Park System between the hours of 10:00 p.m. and 6:00 a.m.

SECTION 3.12 GAMBLING

Gambling is prohibited within the Park System.

SECTION 3.13 CAMPING

No person shall place, erect or use a hammock, swing, tent or shelter, or otherwise camp or sleep in the Park System, except for organizations which receive written permission from the Director to do so.

SECTION 3.14 BEGGING

No person shall beg or solicit alms or contributions of any kind for any purpose within the Park System.

SECTION 3.15 SELLING

No person shall offer or exchange for sale any article or thing; or do any hawking, peddling or soliciting; or buy or offer to buy an article or thing; or take up any collection or solicit or receive contributions of money or anything of monetary value in or on the Park System, except when authorized to do so by written permit or contract with the Park Board. This Ordinance shall include the offer, exchange or sale of both products and services.

SECTION 3.16 BEACH AREAS

No person shall bring, deposit or leave on the beach premises or adjacent water, any food, beverage or other edibles, glass, metal or other breakable or sharp-edged object of any kind or otherwise litter the beach in any way. No person shall dig or permit the digging of any holes in the ground. No person shall spit on or otherwise defile in anyway the beach grounds or waters.

SECTION 3.17 ANIMALS

- (A) *Birds and Animals:* No person shall attempt to trap, catch, wound, kill or treat cruelly any bird or animal in any park.
- (B) *Dogs and Cats:* No person shall bring a dog or cat, except a service animal, within the Park System, whether on leash or otherwise.
- (C) *Riding Animals:* No person shall lead or allow to be loose upon District property any horse, pony or other riding animal except in areas designated for riding and by written permission of the Director.
- (D) Any animal found within the Park System in violation of this Section may be apprehended, removed to an animal shelter and impounded at the expense of the owner.
- (E) Any birds or animals referred to in sub-paragraphs B, and C of this Section may be brought within the Park System by special permission of the Director.

SECTION 3.18 RESISTING OR OBSTRUCTING A POLICE OFFICER OR EMPLOYEE

No person shall resist any Police Officer in the discharge of his duty, or fail to refuse to obey any lawful command of any such Officer or Park District employee. It is unlawful to in any manner assist any person in custody who is attempting to escape from custody.

SECTION 3.19 DESTRUCTION OF PROPERTY

No person shall willfully deface, disfigure, tamper with, displace or remove any Park District property, bridges, tables, benches, fireplaces, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, placards, whether temporary or permanent, equipment, facilities or park property or appurtenances whatsoever, either real or personal. No person shall fail to cooperate in maintaining rest rooms in a neat and sanitary condition. No person over the age of four (4) years shall use the rest rooms and washrooms designated for the opposite sex.

SECTION 3.20 DESTRUCTION OF LANDSCAPE

No person shall cut away, remove, injure or destroy any tree, sapling, seedling, brush or shrub, whether alive or dead. No person shall pick, gather, uproot, remove or destroy any flower, plant or grass. No person shall remove or cause to be removed any sod, earth, humus, peat, boulders, gravel or sand. No person shall climb upon any tree, plant, fence, or building within the Park System, nor shall any person walk, stand or sit upon monuments, fountains, fences, structures or property of this Park District.

The District may give rewards to the person or persons (other than Police Officers or Public Officials) who furnish information to the District directly resulting in the arrest and conviction of violators of this Provision. The District shall be the sole judge of any dispute arising over the reward and the person or persons, if any, entitled to share therein. Its decision on any matter connected with the reward shall be final and conclusive.

SECTION 3.21 ERECTION OF STRUCTURES

No person shall construct or erect any building or structure of any 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 by the District.

SECTION 3.22 REFUSE

No person shall deposit, dump, throw or place any coal, ashes, dust, manure or rubbish of any kind in or upon any part of the Park System. Paper, garbage or refuse matter shall be deposited in receptacles designated for that purpose.

SECTION 3.23 DESIGNATED ACTIVITY AREAS

- (A) *Golf*: No person shall play or practice golf in the Park System except in an established golf setting under the supervision and direction of the District.
- (B) *Baseball and Softball*: No persons shall engage in games of softball or baseball except in those parks which have established diamonds and backstops constructed for that purpose. In those parks having established diamonds, participation in softball or baseball areas other than established diamonds is limited in accordance with signs or notices posted.

SECTION 3.24 PICNICS

- (A) Picnics requiring fires may only be held in those areas where fireplaces, stoves or pits have been provided for that purpose and upon issuance of a permit by the District.
- (B) Picnic permits shall be issued to groups or organizations who conduct the business of their organization within the District. Permits shall be issued to individual or family groups who are predominately District residents, up to fifty (50) in number. In the case of the latter group exceeding fifty (50) in number, approval must be given by the Director. These permits are subject to sub-paragraphs "A," "C" and "D".
- (C) Individuals or organizations holding such permits and dispensing food, soft drinks, dairy products and confections or any products for sale may do so only in the area designated by the Director provided the aforementioned products are sold or given away only to members of the organization attending the function and not to the general public.
- (D) District residents under fifteen (15) in number may picnic without a permit at parks or playgrounds provided they are not violating sub-paragraphs "A" and "C".

SECTION 3.25 RESTRICTED AREAS

No person shall enter upon any portion of the Park System where persons are prohibited by the District as indicated by sign or notice. No person shall enter or attempt to enter any building or area in the Park System

when it is closed to the public or scheduled for a specific group or activity, unless by invitation, and where

admissions charged, upon payment of the admission fee.

SECTION 3.26 SKATING AND SLEDDING

No person shall skate, sled, toboggan, ski, slide or carry on other similar activity in the Park System except at such places and times as the District may designate for the purpose.

SECTION 3.27 BUILDING USAGE

The buildings within the Park System may be used in accordance with the following use policies and in accordance with established rules and rental agreements:

- (A) The term resident shall include:
 - (1) Groups or organizations organized within the boundaries of the Mundelein Park and Recreation District and for Park District residents;
 - (2) Groups or organizations not organized within the boundaries of the Mundelein Park and Recreation District, but which contain Park District residents.
- (B) Normal operating hours of buildings shall be 9:00 a.m. to 10:00 p.m., unless arrangements have been made in advance to pay a rental fee to extend the closing hour to 11:00 p.m., maximum. Any deviation from the 9:00 a.m. opening hour must have the approval of the Director.
- (C) The operating year for the buildings shall be January 1st to December 31st. Reservations for each succeeding year shall be accepted no earlier than August 1st.
- (D) All groups or organizations using the buildings shall observe the following rules:
 - (1) No alcoholic beverages of any kind may be brought in, consumed or sold in buildings except for religious ceremonies and then only with the consent of the Director.
 - (2) No gambling is allowed in the buildings. The determination of what constitutes gambling shall rest with the Director.
- (E) Individuals or groups shall not deface any portion of the building. All decoration of the buildings for functions must be cleared with the staff in advance of the activity, and put up in an approved fashion.
- (F) Persons whose conduct, action or language is determined by the District to be detrimental to the public may be barred from further use of the building and required to leave the premises, in addition to penalties specified in Section 11.05.
- (G) Organizations holding permits may operate concessions for the sale of soft drinks, dairy products, confections, clothing, furniture or other products not expressly forbidden herein, provided permission has been granted and said organization has conformed to District rental and use regulations.

SECTION 3.28 WATERCRAFT

No watercraft of any kind shall be launched from District property, except by permit only and at such places as designated for that purpose.

SECTION 3.29 SWIMMING

No person shall enter or remain in the water within the Park System.

SECTION 3.30 HOURS OF OPERATION

It shall be unlawful for any person to be present on any District property between sunset and sunrise daily, unless prior approval has been secured.

SECTION 3.31 AVIATION

- (A) No person except as provided in this Code, shall, upon over any property under the jurisdiction of the Mundelein Park & Recreation District, including Diamond Lake, make any ascent or descent in or from any aircraft, balloon, glider, hang glider, kite, parachute or any similar device. No person, except as herein provided, shall fly over any such property in a hang glider, kite, parachute or any similar device.
- (B) No person, except as provided in this Code, shall assist any person performing the acts set forth in "A" above. Assistance as used herein shall include, but not be limited to, operating a boat which pulls the person committing the aforesaid prohibited acts.
- (C) The Director may issue a permit for any of the aforesaid activities on Diamond Lake for special events when the lake can be kept free of other boat traffic and when such activity can be conducted safely for all persons using Park Property.

CHAPTER IV

Enforcement

SECTION 4.01 PERMITS AND PASSES

- (A) Any act prohibited by or under this Code or any other Ordinance or Rule of the District, provided such act be otherwise prohibited by Law or Ordinance, shall be lawful to the extent authorized or permitted under the provisions of a permit issued or permission granted by the District.
- (B) Permits shall be issued and permission granted only upon the payment of such fees as may be established from time to time by the District. All terms for the issuance of the permits and granting of permission must be strictly complied with and any violation of same or any other Law, Ordinance or Rule of the District, shall be grounds for revocation of same.

SECTION 4.02 RULES TO OBEY

No person shall violate or disobey any Rule of the District relating to the use and government of the Park System.

SECTION 4.03 EJECTMENT OR ARREST

The Police Force of the Village of Mundelein shall have the authority to eject or place under arrest any person acting in violation of this Ordinance.

SECTION 4.04 SEIZURE OF PROPERTY

The Police Force of the Village of Mundelein shall have the authority to seize and confiscate any property, thing or device in or used in the parks in violation of this Ordinance.

SECTION 4.05 PENALTIES

Any person violating or disobeying any clause or provision of any Section of Chapters IX, X, XI and XII of this Ordinance, or any other regulatory Ordinances or Rules of the District, shall be guilty of a misdemeanor; may be forthwith evicted from the Park System; may have their pass forfeited for the season; and shall be fined upon conviction of not less than five (5) dollars and not more than two hundred (200) dollars for each offense.

CHAPTER V

Waters of Diamond Lake - Rules and Regulations

SECTION 5.01 POLICY

It is the policy of this Park District to promote safety for persons and property in and connected with the use, operation and equipment of vessels on the waters of Diamond Lake.

SECTION 5.02 DEFINITIONS

As used in this Ordinance, unless the context clearly requires a different meaning:

- (A) "Vessel" or "Watercraft" means every description of watercraft, other than a sea-plane on the water, used or capable of being used as a means of transportation on water.
- (B) "Motorboat" means any vessel propelled by machinery whether or not such machinery is the principal source of propulsion.
- (C) "Sailboat" means any watercraft propelled by sail or canvas. Any watercraft propelled by both sail and machinery shall be deemed a motorboat when being so propelled.
- (D) "Owner" means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under lease not intended as a security.
- (E) "Person" includes any individual, firm, partnership, association, corporation or organization, except the United States and the State of Illinois; and includes any agent, trustee, executor, receiver, assignee or other similar representative thereof.
- (F) "Operate" means to navigate or otherwise use a vessel.

SECTION 5.03 REGISTRATION NUMBER DISPLAYED

The owner shall paint on or attach to both sides of the bow (front) of a motorboat or sailboat over twelve (12) feet in length, the registration number which shall be of block characters at least three (3) inches in height. The figures shall read from left to right, be of contrasting color to their background and be maintained in a legible condition. No other number shall be displayed on the bow of the boat. In affixing the number to the boat, a space or a hyphen shall be provided between the IL and the number and another space or hyphen between the number and the letters following. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat or sailboat for which issued. On vessels of unconventional design or so constructed that it is impractical or impossible to display identification numbers in a prominent position on the forward half of their hulls or permanent substructures, numbers may be displayed in brackets or fixtures firmly attached to the vessel.

SECTION 5.04 PERSONAL FLOTATION DEVICES

- (A) It is unlawful to operate any recreational boat less than sixteen (16) feet in length or a canoe or kayak unless at least one Coast Guard approved PFD of the following types or their equivalent is on board for each person: Type I, Type II, or Type III (wearable PFDs).
- (B) No person may use a recreational boat sixteen (16) feet or more in length unless at least one Coast Guard approved PFD of the following types or their equivalent is on board for each person: Type I, Type II, ~~or~~ Type III or Type IV.
- (C) No person may use a recreational boat sixteen (16) feet or more in length except a canoe or kayak, unless at least one Type IV Coast Guard approved PFD or its equivalent is on board in addition to the PFD's required in paragraph (B) of this Section.

SECTION 5.04 PERSONAL FLOTATION DEVICES (continued)

- (D) When assisting a person on water skis, aquaplane or similar device, there must be one (1) U.S. Coast Guard approved lifesaving device on board for each person being assisted or towed.
- (E) No person may use a recreational boat unless each device required by the Section is:
 - 1. Readily accessible;
 - 2. In serviceable condition;
 - 3. Of the appropriate size for the person for whom it is intended; and
 - 4. Legibly marked with the U.S. Coast Guard approval number.
- (F) No person may operate a personal watercraft or specialty prop-craft unless each person aboard is wearing a Type I, Type II, Type III or Type V PFD approved by the United States Coast Guard.
- (G) No person may operate a watercraft under 26 feet in length unless a Type I, Type II, Type III or Type V personal flotation device is being properly worn by each person under the age of 13 on board the watercraft at all times in which the watercraft is underway, however, this requirement shall not apply to persons who are below decks in totally enclosed cabin spaces. This provision shall not apply to a person operating a watercraft on private property.

SECTION 5.05 LIGHTS

- (A) It is unlawful to operate any vessel less than twenty-six (26) feet in length unless the following lights are carried and displayed when underway from sunset to sunrise:
 - 1. A bright, white light aft to show all around the horizon, visible for a distance of two (2) miles.
 - 2. A combination light in the forepart of the boat lower than the white light aft, showing green to starboard and red to port, so fixed as to throw a light from dead ahead to two (2) points abaft the beam on their respective sides and visible for a distance of not less than one (1) mile.
- (B) Watercraft propelled by muscular power when underway shall carry on board from sunset to sunrise, but not fixed to any part of the boat, a lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two (2) miles or more, and shall display such lantern in sufficient time to avoid collision with another watercraft.
- (C) Sailboats equipped with motors and being propelled partly or solely by such motors shall carry and display the same lights required for motorboats of the same class. Sailboats of less than twenty-six (26) feet in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the combination running light, but not the white light aft. Sailboats twenty-six (26) feet or more in length, equipped with motors but being propelled entirely by sail between sunset and sunrise, shall have lighted the colored side lights suitably screened, but not the white lights prescribed for motorboats.
- (D) Dinghies, tenders and other watercraft, whose principal function is as an auxiliary to other larger watercraft, when so operating, need carry only a flashlight visible to other craft in the area.
- (E) Power driven vessels and sailing vessels at anchor must display anchor lights. An anchor light for a vessel less than 20 meters in length is an all-round white light visible for 2 miles exhibited where it can best be seen. Vessels less than 7 meters are not required to display anchor lights unless anchored in or near a narrow channel, fairway or anchorage or where other vessels normally navigate.

SECTION 5.06 MUFFLERS

Except in case of a motorboat actually competing in a race or regatta sanctioned by the Park District, it is unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha unless the same is provided with a stock factory muffler, underwater or other modern device capable of adequately muffling the sounds of the exhaust of the engine. The phrase "adequately muffling" shall mean that the motor's exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise. The discharge of cooling water at the water line through the exhaust of an inboard engine shall be considered an adequate muffling device.

SECTION 5.07 WHISTLES

It is unlawful to operate a motorboat without a mouth, hand or power operated whistle, horn other appliance, capable of producing a blast of two (2) seconds or more in duration and audible for at least one-half (1/2) mile. This regulation applies to all motorboats regardless of size of motor.

SECTION 5.08 FIRE EXTINGUISHER

It is unlawful to operate a motorboat anywhere in this State without at least one U.S. Coast Guard approved fire extinguisher, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

SECTION 5.09 CARBURETOR ARRESTERS

Carburetors on all engines of motorboats other than those propelled by a detachable outboard motor shall be fitted with or protected by a U.S. Coast Guard approved device for arresting backfire.

SECTION 5.10 VENTILATORS

Except for open boats, all motorboats which use fuel having a flash point of one hundred and ten (110) degrees Fahrenheit or less shall have at least two (2) ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one (1) exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge, and at least one (1) intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being re-circulated.

SECTION 5.11 SEALING OF MARINE HEADS

No marine head (toilet) on any boat or watercraft operated upon waters of Diamond Lake may be so constructed and operated as to discharge any sewage into the waters, directly or indirectly.

SECTION 5.12 BATTERY COVERS

Every motorboat equipped with storage batteries shall be provided with suitable supports and secured against shifting with the motion of the boat. Such storage batteries shall be equipped with non-conductive shielding means to prevent accidental shorting of battery terminals.

SECTION 5.13 CAPACITY PLATES

Every vessel less than twenty-six (26) feet in length, designed to carry two (2) or more persons and to be propelled by machinery as its principal source of power, or designed to be propelled by oars, shall, if manufactured or offered for sale in this State, have affixed permanently thereto by the manufacturer a capacity plate as required by this Section.

SECTION 5.14 CARELESS OPERATION

- (A) No person shall operate any motorboat in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons; or at a rate of speed greater than will permit him/her to bring the motorboat to an emergency stop with ample clearance.
- (B) No person shall operate a motorboat in a circular course within two hundred (200) feet around another boat or swimmer.

SECTION 5.15 RECKLESS OPERATION

No person shall operate any watercraft, specialty prop-craft, personal watercraft or manipulate any water skis, aquaplane or similar device in such a manner as to endanger the life, limb or property of any person. No person shall operate any recreational motorboat so as to approach or pass another boat in such a manner or at such a rate of speed as to create a hazardous wake or wash. A person convicted of committing a violation of this section shall be guilty of aggravated reckless operation of a watercraft if the violation of this Section resulted in great bodily harm or permanent disability or disfigurement of another, when the violation was a proximate cause of the injuries.

SECTION 5.16 AGE OF OPERATORS LIMITED

- (A) No person under 10 years of age may operate a motor boat.
- (B) Persons at least 10 years of age and less than 12 years of age may operate a motorboat only if:
 - (1) They are accompanied on the motorboat and under the direct control of a parent or guardian, or a person at least 18 years of age designated by a parent or guardian.
- (C) Persons at least 12 years of age and less than 18 years of age may operate a motorboat only if:
 - (1) They are accompanied on the motorboat and under the direct control of a parent or guardian or
 - (2) A person at least 18 years of age designated by a parent or guardian or
 - (3) Such motorboat operator is in possession of a Boating Safety Certificate issued by the Department of Natural Resources, Division of Education or a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron.
- (D) Violations of this Section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under Chp. 625 Art, 11A of the Illinois Boat Registration and Safety Act.

SECTION 5.17 INTERFERENCE WITH NAVIGATION

No person shall operate any watercraft in a manner which is unreasonable or unnecessarily interferes with other watercraft or with the free and proper navigation of the waters of Diamond Lake. Anchoring under bridges or in heavily traveled channels constitutes such interference, if unreasonable under the prevailing circumstances.

SECTION 5.18 OVERLOADING

No motorboat may be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather or other existing operating conditions. To determine safe carrying capacity, the following criteria shall be considered:

- (A) The total weight of persons, gear or other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.
- (B) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred and fifty (150) pounds.
- (C) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

SECTION 5.19 INCAPACITY OF OPERATOR

The owner of any motorboat, or any person in charge or in control, shall not authorize or knowingly permit the same to be operated by any person who, by reason of physical or mental disability, is incapable of operating such motorboat under the prevailing circumstances.

SECTION 5.20 WAKE-POSTED AREAS

- (A) A wake is defined as a movement of the water created by a boat underway, which is great enough to disturb a boat at rest. But under no circumstances shall a boat underway exceed five (5) miles per hour while in a posted "No Wake" area. "No Wake" areas shall be clearly posted with buoys or appropriate signs. All buoys or signs posting such "No Wake" areas shall meet the specifications as prescribed by the United States Coast Guard or the Illinois Department of Conservation.
- (B) Under no circumstances shall a boat underway create a movement of the water great enough to disturb a boat at rest and under no circumstances shall a boat underway exceed five (5) mph during the period of one-half (1/2) hour after sunset to 9:00 am.

SECTION 5.21 TRAFFIC RULES

- (A) *Passing:* When two (2) boats are approaching each other "head on" or nearly so (so as to involve risk of collision) each boat must bear to the right and pass the other boat on its left side.
- (B) *Crossing:* When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right of way.
- (C) *Overtaking:* One boat may overtake another on either side, but must grant right of way to the overtaken boat.
- (D) *Sailboats and Rowboats:* When a motorboat is approaching a boat propelled solely by sails or oars, the motorboat must yield the right of way to the sailboat or rowboat. However, when a large craft is navigating in a confined channel, the large craft has the right of way over a boat propelled solely by oars or sails.
- (E) No person shall operate a personal watercraft or specialty prop craft between the hours of sunset and sunrise.

SECTION 5.22 REGATTAS AND RACES

The Park District may authorize the holding of regattas, motorboat or other boat races on any waters of Diamond Lake. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, whether observers or participants. Whenever a regatta, motorboat or other boat race is proposed to be held, the person in charge thereof, shall, at least thirty (30) days prior thereto, file an application with the Park District for permission to hold such regatta, motorboat or other boat race. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other boat race and it shall not be conducted without written authorization of the Park District.

SECTION 5.23 WATER SKIING

When towing a person on water skis, aquaplane or similar device, at least two (2) competent persons must be in the boat. It is unlawful to water ski from the period of one-half (1/2) hour after sunset to one-half (1/2) hour prior to sunrise.

All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

SECTION 5.24 RESTRICTED AREAS

No person shall operate a motorboat within a water area which has been clearly marked by buoys or signs as a bathing, fishing or otherwise restricted area, except in the manner prescribed by the buoys or signs marking the area. In areas designated as "No Wake" areas, no motorboat underway shall exceed 5 miles per hour within the posted "No Wake" area.

SECTION 5.25 INTOXICATION

It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit forming drugs to operate or be in actual physical control of any watercraft.

- (A) It shall be unlawful for the owner of any watercraft, or any person in charge or in control thereof, to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or controlled substance.
- (B) No intoxicating liquors of any type whether in bottles, cans or any type containers shall be allowed to be on, to be attached to, or to hang from any watercraft or vessel.

SECTION 5.26 PASSENGER LOCATION

No person operating a motorboat shall allow a person in the motorboat to ride or sit on the gunwales, tops of seat backs, or in the decking over the bow or stern of the motorboat while the motorboat is underway, unless the person is inboard of guards or rails provided on the motorboat to prevent passengers from being lost overboard.

Nothing in this section shall be construed to prohibit entry upon the decking over the bow or stern of the motorboat for the purpose of anchoring, mooring, or casting off or some other necessary purpose nor to prohibit customary practices while lawfully engaged in commercial fishing under the provisions of the Fish and Aquatic Life Code or hunting and trapping under the provisions of the Wildlife Code.

SECTION 5.27 THROWING DEBRIS INTO LAKE

No person shall be allowed to cast, throw or deposit any bottles, glass, cans, garbage, refuse or any other type of debris into the waters of Diamond Lake.

SECTION 5.28 DRIVING OF AUTOMOBILES, TRUCKS, ETC.

Driving of automobiles, trucks, motorcycles and mini bikes on the frozen waters of Diamond Lake is prohibited.

SECTION 5.29 SNOWMOBILES AND ALL TERRAIN VEHICLES

- (A) Snowmobiles and all terrain vehicles are prohibited from being on the frozen waters of Diamond Lake between the hours of 10:00 p.m. and 8:00 a.m.
- (B) All terrain vehicles with less than four (4) wheels, or continuous tracks are prohibited from being on the frozen waters of Diamond Lake at any time.
- (C) Snowmobiles and all terrain vehicles shall keep a distance of one hundred (100) feet from ice skaters or persons on the frozen waters of Diamond Lake.

SECTION 5.30 BOAT LAUNCHING SITE

- (A) All persons shall close and lock gate immediately upon entering and leaving the Mundelein Park and Recreation District Lake Front Park on Diamond Lake Road, Mundelein, Illinois.
- (B) No vehicle or vessel shall be admitted to the Mundelein Park and Recreation District Lake Front Park boat launch area unless said vehicles and/or vessels are properly registered with the Mundelein Park and Recreation District and display a current Mundelein Park District parking sticker located on the top middle of the windshield of the vehicle and a boat launch sticker displayed on the left bow side of the vessel.
- (C) Swimming and fishing are prohibited at the Boat Launch Site.

SECTION 5.31 FISHING

- (A) No person shall catch or attempt to catch or have within their possession in excess of the creel limit on Northern Pike of three (3) per day and Largemouth Bass of six (6) per day. Nor shall any person catch or attempt to catch or have within his/her possession a Northern Pike less than twenty-four (24) inches in length.
- (B) No person shall catch or attempt to catch or have within their possession in excess of the creel limit on Muskellunge of three (3) per day, nor shall any person catch or attempt to catch or have within their possession a Muskellunge less than thirty (30) inches in length.

SECTION 5.32 RAFTS AND PLATFORMS

No person, group or organization shall be allowed to have any raft, platform or structure of any type on the waters of Diamond Lake owned or controlled by the Mundelein Park and Recreation District without the express written consent of said District.

SECTION 5.33 COLLISION, ACCIDENTS AND CASUALTIES: REPORTS

- (A) The operator of a vessel involved in a collision, accident or other casualty, so far as he/she can do so without serious danger to his/her own vessel, crew, passengers and guests, if any, shall render to other persons affected by the collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or to minimize any danger caused by the collision, accident or other casualty. The operator shall give his/her name, address and identification of his/her vessel to any person injured and to the owner of any property damaged in the collision, accident or other casualty.
- (B) If the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of \$100.00, the operator shall file with the Park District a full description of the collision, accident or other casualty.
- (C) Reports of accidents resulting in personal injury must be filed with the District on a Park District Accident Report from within seventy-two (72) hours. Accidents which result in loss of life must be reported to the Park District within forty-eight (48) hours.

SECTION 5.34 APPLICATION AND JURISDICTION

The Park District shall, for the purposes of this Ordinance, have full and complete jurisdiction of all waters of Diamond Lake owned and controlled by the Mundelein Park and Recreation District, subject only to the paramount authority of the State of Illinois and the Federal Government with reference to the navigation of the waters of Diamond Lake, and further subject to such powers as may be granted to political sub-divisions of the State and Federal Government.

SECTION 5.35 ENFORCEMENT

It is the responsibility of all Conservation, Police Officers and other employees of the District designated by the Director to enforce this Ordinance and the duty of District Police Officers to arrest any person detected in violation of any of the provisions of this Ordinance.

It is further the duty of all such Officers to make prompt investigation of any violations of the provisions of this Ordinance reported by any other person and to cause a complaint to be filed before the Circuit Court if there seems just ground for such complaint and evidence to support the same. Every vessel subject to this Ordinance, if underway and upon being hailed by a designated Law Enforcement Officer, must stop immediately and lay to and shall maneuver in such a way as to permit such Officer to come aboard.

SECTION 5.36 INSPECTIONS

The District Commissioners, Director and Police may board and inspect any watercraft at any time for the purpose of determining if the provisions of this title are being complied with. If the boarding Officer discovers any violation of the provision of this title, he/she shall issue a summons to the operator of such a boat requiring that the operator appear before a court or magistrate having jurisdiction in the county within which the offense was committed.

SECTION 5.37 PROSECUTIONS

All prosecutions under the provisions of this title shall be brought before a Circuit Court having jurisdiction under the law relative to the enforcement of these provisions.

SECTION 5.38 PENALTIES

- (A) Any person who violates any of the provisions of Sections 5.14, 5.15 and/or 5.33 of this title shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both.
- (B) Any person who violates any of the provisions of Section 5.03 through 5.40 of this title shall be punished by a fine of not less than \$25.00 nor more than \$100.00. This excludes Sections 5.14, 5.15 and 5.33 as per sub-paragraph (A) of this Section.

SECTION 5.39 RESISTANCE TO OFFICERS

It is unlawful for any person to resist or obstruct any Officer or employee of the Park District in the discharge of his/her duties under the provisions hereof.

SECTION 5.40 ICE FISHING STRUCTURE

Although it shall be lawful for fisherman to construct or erect temporary shelters (shanties, sheds tents, etc.) upon the frozen waters of Diamond Lake for use while ice fishing, it shall be unlawful to leave such shelter unattended at any time. It is the intent of this Ordinance that any ice fisherman using such a shelter or structure remove said structure from the frozen waters of Diamond Lake promptly at the conclusion of his/her fishing. In no case shall any such shelter be left unattended or abandoned.

CHAPTER VI

Construction and Repeal

SECTION 6.01 OWNER LIABILITY

Any person who is owner, registered owner or in control of any animal, vehicle or other property of any kind brought, placed, parked or remaining in the Park System in violation of this Ordinance or any other Ordinance or Rule of the District, shall be deemed *prima facie* responsible for any violation involved and subject to the penalties provided herein.

SECTION 6.02 REPEAL

All Ordinances, Resolutions and Rules in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed.