

CHAPTER 87: CITY PARKS

Section	
97.01	General
97.02	Permit application
97.03	Maintenance
97.04	Indemnification
97.05	General rules for use of park

§ 87.01 GENERAL.

No person shall use the city park known as Krenl Park except in conformity with the rules and regulations promulgated in this Chapter 87. (Ord. 97-46, passed 12-9-97)

§ 87.02 PERMIT APPLICATION.

Applications for private use of the city park must be made with the City Clerk's Office. Permits shall be signed by an adult, 21 years of age or older, who assumes responsibility for the group. A \$25.00 permit fee shall be paid to the city at the time of application for a permit to use the park. This application, together with all fees and charges must be received by the city no later than one week in advance of the desired date. (Ord. 97-46, passed 12-9-97)

§ 87.03 MAINTENANCE.

All permit park users will be responsible for any set-up/take-down and cleanup unless otherwise arranged. If the park is left in such a condition as to require additional maintenance by the city, the individual signing the permit shall be liable for this expense and for any damages to the park or to equipment in the park. (Ord. 97-46, passed 12-9-97)

§ 87.04 INDEMNIFICATION.

The city assumes no responsibility for any accident to person or loss of property. The applicant shall provide a certificate of insurance that would

insure the applicant, guests and city for the requested use of the park. The user shall also agree to indemnify, hold harmless and defend the city for any accidents resulting in bodily injury or property damage while using the park. Disorder among those using the park pursuant to a permit shall be cause for cancellation of that permit, and shall be cause for denial of future permits. (Ord. 97-46, passed 12-9-97)

§ 87.08 GENERAL RULES FOR USE OF PARK

Any use of loud speakers or public address instruments is prohibited except by special written permission by the City Administrator. The posting of advertisements of any product or service for sale is not permitted in the city park. No individual or group shall charge admission or any other fee in connection with its use of the park, unless written permission is granted by the City Administrator at the time of issuance of the permit. Alcoholic beverages, gambling and use of the park for other than the use applied for are prohibited. The established-closing hour of the park is 10:00 p.m. unless special written permission is given by the City Administrator in connection with any permit issued hereunder. (Ord. 97-46, passed 12-9-97)

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the Board of Trustees shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

herein, the city shall have available to it all remedies in law or in equity or as may be otherwise provided for by the ordinances of the city.
(Am. Ord. 97-09, passed 6-24-97)

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) If an ILCS site is included in the history, this indicates that the text of the section reads substantially the same as the statute.

Example: (ILCS Ch. 65, Act 5, 3-2-1) (Ord. 10, passed 1-17-80; Am. Ord. 20, passed 1-1-85).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information.

§ 10.99 GENERAL PENALTY.

Any person, firm, corporation, partnership, limited liability company, or other entity recognized in law who violates any provision of the ordinances of the city for which another penalty is not specifically provided shall, upon conviction, be subject to a fine of not less than \$75 nor more than \$750. Each and every day that a violation occurs or exists shall constitute a separate and distinct offense for which a fine may be imposed upon conviction. In addition to the penalties provided

City of Oakbrook Terrace

ADMINISTRATIVE POLICY # 08 - 03

Creation Date: December 9, 2008
Issued By: Assistant City Manager
Approved By: Mayor And City Council
Re: City Park Use

I. Purpose

- A. To clarify the rules and regulations governing the use of Kremlin Park, or any future park that is owned and operated by the City of Oakbrook Terrace (the "City"), for scheduled gatherings by outside groups.
- B. To coordinate the use of limited park space.
- C. To assure preservation of park facilities and prevent uses that are dangerous, unlawful or impermissible under the rules and regulations established in this Policy.

II. Position Statement

The City's parks may be utilized for public or private assembly on terms and conditions set forth in this policy. Approval for the park use will require that the event or activity meet the following standards:

- A. The primary purpose of the gathering provides for an event, activity or program that would be in the public interest and that would be consistent with law.
- B. The activity or event does not unlawfully discriminate or defame any individual or organization and/or create an unreasonable danger to park facilities or to the health and safety of the public.

III. Reservations

- A. City parks are available for use by the general public on a first-come, first-served basis; however, priority scheduling for all City parks shall be as follows:
 1. City-sponsored events, meetings and/or scheduled programs.
 2. Organizations or groups that are located within the corporate limits of the City, or that provide services to residents of the City.
 3. Residents of the City
 4. Non-residents

- B. Those interested in reserving a City park are required to complete the *Park Use Permit Form*. In order for a park use permit to be considered, a *Park Use Permit Form* must be submitted to the City Manager's Office with a \$25.00 permit fee and any required insurance documentation.
- C. The application, fees and documentation must be received no later than one (1) week in advance of the desired date for the proposed use or activity.
- D. The permit fee and insurance may be waived if the City Attorney determines that the activity is protected by the First Amendment, and that the requirements would be so burdensome as to preclude the applicant from using a City park for the proposed activity. Such determination shall be based on an affidavit from the applicant and sufficient financial information about the applicant to enable the City Attorney to reasonably determine whether the fee and insurance requirements would be unduly burdensome to the applicant. Fees for equipment or other special arrangements shall not be waived. The City Attorney's determination shall be made within fourteen (14) days after receipt of the required affidavit and financial information. Denials of such waivers shall be subject to the appeals procedures set forth in Section IV-D.

IV. Capacity

The number of attendees at any event, activity or program shall be limited based on the size of the park. The City Manager or a designee shall determine the reasonable capacity at the time of issuing any permit based on a determination of what limitations are needed to assure that persons attending the event, activity or program can and will stay on the park site and will not trespass on private property, that the number of persons will not result in damage to the public park, and that sufficient lawful parking is available for the attendees so that parking restrictions in the area can be followed.

V. Consideration and Granting or Denial of Permits

- A. Any application for a permit for the use of a City park shall be considered by the City Manager, and a permit shall be granted or denied within not more than twenty-eight (28) days after the filing of the application. Any application not acted upon by the City Manager within such time shall be deemed granted.
- B. The City Manager may deny a permit only for one or more of the following reasons:
 - 1. The application (including any required attachments and submissions) is not fully completed and executed;
 - 2. The applicant has not tendered the required permit fee, indemnification agreement, or insurance certificate with the application;
 - 3. The application contains a material falsehood or misrepresentation;

4. The applicant is not at least twenty-one (21) years of age;
5. The applicant, or the organization on whose behalf the application was made, has on prior occasions damaged City property and has not paid in full for such damage, or the applicant or such organization has other outstanding and unpaid debts owed to the City;
6. A fully executed prior application for a permit has been received for the same time and place, and a permit has been or will be granted to such prior applicant for uses or activities that do not reasonably permit multiple occupancy of the particular park or portion thereof;
7. The proposed use or activity would conflict with previously planned programs or activities organized and conducted by the City and previously scheduled for the same time and place;
8. The proposed use or activity is prohibited by or inconsistent with the available uses of the park or portion thereof as designated by the City or exceeds the reasonable capacity of the park;
10. The proposed use or activity would present an unreasonable danger to the health or safety of the applicant or other users of the park, of City employees, or of the public;
11. The applicant has not complied or cannot comply with any applicable licensure requirements, ordinances or regulations of the City; or
12. The proposed use or activity is prohibited by law, including the ordinances or regulations of the City.
- C. Written notice of any denial of a permit for use of any City park shall be provided to the applicant, and shall include the grounds for denial. If possible, the denial may include measures by which the applicant may cure any defects in the application, including but not limited to an alternative date and time for the event or activity.
- D. Any applicant who is denied a permit may, within seven (7) days after service of notice of such determination, file a written appeal to the Mayor. The Mayor shall have seven (7) days from the date on which the appeal was filed to serve upon the applicant a notice that the denial of a permit has been affirmed, modified or reversed. If the denial is affirmed or modified, the applicant shall have the right to promptly appeal the denial or modification to the Circuit Court for the Eighteenth Judicial Circuit.

VI. Insurance and Indemnification

- A. Insurance: For events involving large groups (75 persons or more) or groups planning certain special activities (use of inflatables, tents, special equipment),

any permit to be issued will be subject to a requirement that the permittee provide evidence of comprehensive general liability insurance with minimum limits of \$1,000,000 general liability coverage. The required certificate of insurance shall name the City as an additional insured under the policy. Additional coverage may be requested when deemed necessary due to the specific risks posed by the permitted activity.

- B. The City assumes no responsibility for any personal injury or loss or damage to property within a City park during an activity or event for which a permit is granted. The applicant and any organization on whose behalf the application was made shall provide a certificate of insurance as evidence of coverage to insure the applicant, its guests and the City, its officers, agents, employees and volunteers from and against any and all claims, costs, causes, actions and expenses, including but not limited to attorneys' fees incurred by reason of lawsuit or a claim for compensation arising in favor of any person, on account of personal injuries or death, or damages to property occurring, growing out of, incident to, or resulting directly or indirectly from the applicant or organization's use of the park.

VII. Rules

- A. The applicant shall be present at the activity or event, and shall assume complete responsibility for any damages to a City park. If the City repairs or replaces any property as a result of any such damage, the applicant shall be charged the cost of materials and labor incurred by the City.
- B. Disorderly conduct during the use of a City park under a Permit may result in revocation of the Permit and clearing of the park, if required, in order to preserve the public safety and welfare.
- C. No Alcoholic Beverages shall be allowed in any City park.
- D. The *Park Use Permit Form* shall be referred to and used as a Permit upon the approval of the City, and such Permit shall be on the park site at all times during a permitted event or activity.
- E. Fires of any kind shall be prohibited.
- F. No motorized vehicles shall be allowed on any City park grounds, other than in designated parking areas.
- G. No littering shall be allowed. When an event or activity has ended, the applicant shall provide for full clean-up of the area.
- H. The event or activity shall be confined within the park grounds and to the number of attendees permitted, and no person shall be permitted to trespass upon any private property bordering the park area.

- I. The applicant shall notify the City of any request for special arrangements or equipment at the time the application is filed, and the applicant shall be responsible to pay the City for all labor and materials required.
- J. The applicant or another responsible person in the City's park at the time of a permitted event or activity shall immediately report any unlawful acts or incidents involving personal injury or property damage, dangerous or unsafe conditions, disorderly conduct, or similar incidents to the City's Police Department by calling 9-1-1.
- K. The posting of advertisements for any product, service or sale shall not be permitted in any City park.
- L. No individual or group shall charge admission or any other fee in connection with its use of a City park, unless written permission is granted by the City Manager at the time of issuance of the permit.
- M. No gambling shall be permitted in any City park.
- N. City park hours are from 6:00 a.m. until 10:00 p.m. No person shall be or remain in any City park at any other time.
- O. Because the City's parks are located in close proximity to residential areas, the use of loud speakers or other public address systems shall not be permitted unless written permission is granted by the City Manager at the time of issuance of the permit. Any such permission may specify conditions of use to protect the surrounding residential properties from unreasonable noise, and such conditions may include the decibels of volume permitted, the direction of the speakers, the hours of use, and similar protective measures.
- P. The firing, discharge or setting off of any rocket, firecracker, fireworks or other explosive device shall be prohibited in the City's parks.