

## DEKALB COUNTY FOREST PRESERVE DISTRICT CODE

### Chapter 1.00 GOVERNANCE

#### Section 1.10 Scope

The provisions of this Code, along with other Ordinances, Resolutions, and Administrative Directives, as well as the "Downstate Forest Preserve District Act" (Chapter 70 ILCS Section 805) as enacted by the State of Illinois, shall govern all matters of the Forest Preserve District.

#### Section 1.20 Governing Body

The Commission shall consist of 24 Commissioners, who are also the elected members of the DeKalb County Board, as is provided for by Illinois State Law.

#### Section 1.30 Officers

- A. At the organizational meeting of the Commission held the first Monday of December in each even numbered year, and whenever a vacancy in the offices of President or Vice-President shall occur, the Commission shall elect from its membership a President and a Vice-President who shall be nominated and voted upon separately as follows:

The President pro tem shall ask for nominations for the office of President.

1. When there is one nominee, a voice vote shall be taken.
2. When there are only two nominees to be voted on, a roll call vote shall be taken with the Commissioners stating the name of their choice. A tie vote shall result in a re-vote or re-votes until a President has been elected.
3. When there are more than two nominees a roll call vote shall be taken with the Commissioners stating the name of their choice. If no nominee receives a majority of the votes cast a runoff election shall be conducted between the two top vote getters.
4. When there is a three-way tie for top vote getter an "odd man out" coin flip shall determine the runoff nominees.
5. When one nominee has a larger number of votes, but not a majority, and two or more candidates are tied for second, a coin flip, or series of coin flips shall be conducted until only one nominee has a coin showing "heads." That nominee shall then participate in a runoff election against the nominee with the larger number of votes.

The President shall ask for nominations for the office of Vice-President (if that office is vacant) and shall follow the same process outlined above to elect a Vice-President.

- B. It shall be the President's responsibility to preside over the meetings of the Commission, to appoint the committees of the Commission with the advice and the consent of the entire Commission, to compile the agenda for Commission meetings, and to perform such other duties as the Commission may from time to time assign.
- C. It shall be the Vice-President's responsibility to preside over the meetings of the Commission in the absence of the President and to perform such other duties as the Commission may assign from time to time.

## **Chapter 2.00 COMMISSION MEETINGS**

### **Section 2.10 Meetings Generally**

- A. Meetings shall be held on the third Wednesday of each month. Regular meetings of the Commission shall normally commence immediately after the monthly DeKalb County Board meeting and shall end no later than 10:30 p.m. unless extended by majority vote of the Commissioners present. The meeting agenda, Commission minutes, Committee reports, and a compilation of bills to be paid shall be made available to Commissioners, and to the public, on the DeKalb County Forest Preserve District Web Page (which is currently hosted by, and a part of) the DeKalb County Government website, not less than five calendar days prior to regular Commission meetings, though for special unique circumstances a 48-hour posting notice may be approved by the District President.
- B. Special meetings of the Commission (a) may be called by the President or (b) shall be held when requested by at least one-third of the Commissioners, which request shall be in writing, addressed to the Clerk of the Commission (which is the DeKalb County Clerk & Recorder), and specifying the time and place of such meeting. The Clerk shall then give notice of such special meeting to Commissioners and to the general public as required by law.
- C. Regular meetings of the Commission may be cancelled by a two-thirds majority vote of the Commission. Notice of cancellation shall be provided by e-mail to Commissioners and the Department Head within 12 hours of the vote to cancel the meeting. No more than two meetings may be cancelled in any calendar year. Regular meetings of the Commission may be cancelled upon shorter notice, in the discretion of the Commission President, in case of emergency, inclement weather, act of God, or other extraordinary circumstance or event.

### **Section 2.20 Agenda of the Commission Meeting**

- A. The President, with assistance from the Forest Preserve Superintendent, shall prepare an agenda for each regular and special meeting of the Commission. The agenda will be based on action items approved by the Forest Preserve Standing Committee(s). The agenda shall be in writing and shall be distributed to Commissioners and made available to the public and to the news media not less than five calendar days prior to the meeting for which the agenda is prepared.
- B. The agenda shall be sufficiently itemized to apprise Commissioners and the public of the matters to be considered by the Commission.
- C. Only Commissioners shall have the right to have matters placed on the agenda. All matters to be placed on the agenda shall originate from a standing or ad-hoc committee.
- D. A matter not on the agenda may be discussed upon a motion made, seconded and passed by two-thirds of the Commissioners voting. No final action may be taken on items not part of the published agenda for that meeting.

### **Section 2.30 Order of Business**

The order of business at meetings of the Commission meeting shall be as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. Communications & Proclamations
5. Public Comments
6. Reports of Standing Committees with Ordinances & Resolutions
7. Reports of Special Committees with Ordinances & Resolutions
8. Old Business
9. New Business & Referral of Matters to Committee
10. Adjournment

### **Section 2.35 Public Comments**

A time shall be provided on the agenda of each regular meeting of the Commission for members of the public to be heard. Such time shall not exceed 30 minutes. Each person desiring to be heard shall be allotted three minutes in which to address the Commission and each speaker shall identify himself by name. No member of the public may address the Commission on any issue that has been the subject of a properly noticed and legally held public hearing, conducted by a hearing officer. Time limits may be waived by a vote of the majority of the Commissioners present. Members of the public wishing to speak on an item that is on that evening's agenda may do so either at the beginning of the meeting or at the time the Commission considers that particular item. Comments on items not on the agenda shall be made under "Persons to be heard from the floor."

### **Section 2.39 New Business & Referral of Matters to Committee**

New matters presented to the Commission shall be stated in writing and shall be referred to the appropriate committee(s) by the President without debate.

### **Section 2.40 Seating**

Members of the Commission shall be seated in alphabetical order.

### **Section 2.50 Quorum**

Thirteen Commissioners shall constitute a quorum for meetings of the full Commission.

### **Section 2.60 Decorum of Commissioners**

All Commissioners shall comport themselves in a manner befitting that of a public official. Commissioners shall be respectful of one another, of District staff, and of those members of the public whom they serve. Commissioners shall attend meetings of the full Commission dressed in business casual or professional attire.

## **Section 2.70 Rules of Order**

The rules contained in Robert's Rules of Order, Newly Revised, shall govern the Commission in all cases to which they are applicable, and in which they are not inconsistent with the rules of the Commission including, but not limited to, the following rules:

1. The President shall preserve order and decorum and decide all questions of order, subject to an appeal to the Commission without debate.
2. No member shall have the privilege of the floor until he shall respectfully address the President, rise, if practical, and be recognized. Commissioners shall remain standing when addressing the President or the Commission.
3. When two or more Commissioners shall address the President at the same time, the President shall name the Commissioner to speak first.
4. No member shall speak to a question for more than five minutes the first time, and no member may speak twice on the same question until all Commissioners who wish to have spoken. A member may speak for no more than five minutes the second time unless granted permission by the President.
5. No member shall absent himself before the formal close of the day's session, unless excused by the President of the Commission.
6. A member may abstain from voting on any issue, provided that an abstaining member shall not be counted as a voting member for any purpose. No member shall pass a vote.
7. No motion shall be debated before it has been seconded; when seconded, it shall be stated by the President before being debated, and every such motion shall be reduced to writing and made a part of the Commission's minutes stating the name of the moving member and seconder.
8. After a motion is stated by the President or read by the Clerk, it shall be deemed to be in the possession of the Commission, but may be withdrawn by the moving member with consent of the second at any time prior to an amendment or decision thereon.
9. A roll call vote shall be called on any question upon the demand of any one member.
10. The Clerk shall call the names of Commissioners in alphabetical order when calling the roll or when polling a vote. Beginning with the first roll call vote following the seating of the new Commission at the Organizational meeting held on the first Monday of December of each even-numbered year, the Clerk shall call the first member in alphabetical order and then cycle through the alphabet one member per meeting, skipping Commissioners who may be absent, until the last member in alphabetical order has voted first, and then begin the process again. The clerk shall restart the process at the beginning of each Organizational meeting in even-numbered years.
11. A motion to reconsider can be made only at the same meeting and by a member voting with the majority.
12. A motion to adjourn shall always be in order and shall be decided without debate, unless a question of what time to adjourn to shall occur.
13. No alteration shall be made in any of the rules of the Commission without the consent of a majority of the Commissioners of the Commission, nor without two weeks' notice being given to the motion therefor, but the rules may be suspended in any particular case by vote of two-thirds of the Commissioners voting.
14. No unauthorized person or persons may enter into, or remain, in the seating area for the Commissioners or those areas immediately adjacent to the seating area of the Commissioners, beginning one half-hour prior to Commission meetings and ending one half-hour after adjournment of the Commission. No unauthorized person or persons may distribute materials or speak to Commissioners of the Commission in the Commission seating area during such periods.

15. Full Commission meetings and Committee meetings may be recorded by a third party or the Commission in any form, except where the meeting is held in closed session or where an individual providing testimony to the Committee or full Commission objects. Where a witness objects to providing testimony while recorded by a third party, the third party shall cease any and all recording during the testimony, but may resume, once the testimony is completed.
16. Any member of the public who persists in disrupting or interfering with the orderly business of the Commission shall be removed from the meeting premises by a law enforcement officer at the direction of the President.
17. A consent agenda may be presented by the President at the beginning of a meeting. Items may be removed from the consent agenda at the request of any member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the member requesting the item's removal from the consent agenda. Expenditure of funds may never be subject to consent agenda.

**Chapter 3.00 RESERVED FOR FUTURE USE**

## **Chapter 4.00 STANDING COMMITTEES**

### **Section 4.10 Appointment of Standing Committees and Committee Leadership**

- A. At the Organization meeting held the first Monday of December in even numbered years, the President of the District will appoint a Committee Chairman, a Committee Vice-Chairman, and Committee members for each Standing Committee of the District. The appointments require the consent of the majority of the Commissioners present and voting.
- B. In the event of a vacancy in any of the above Standing Committee positions, the vacancy will be filled as soon as possible at a regular meeting of the Commission, in a manner consistent with the process for making the original appointments.
- C. If a Committee member is prevented from physically attending a Committee meeting because of:
  - 1. Personal illness or disability, or
  - 2. Employment purposes or the business of the public body, or
  - 3. A family or other emergency

then a quorum of the members of the Committee may allow, by majority vote, a Committee member to attend the meeting by other means. "Other means" shall mean by video or audio conference. If a Committee member wishes to attend a meeting by other means, the member shall notify the District office or Committee Chair before the meeting, unless advance notice is impractical, and then District office or Committee Chair shall make appropriate arrangements for attendance by other means by the member.

- D. Committee members shall serve until the next Organizational Meeting of the Commission. At the request of a committee member, such member's Committee may be changed by the President with the consent of the entire Commission. If a member misses more than three Standing Committee meetings in one (1) calendar year, the President, at his discretion, may request that the Commission, in conjunction with the County Board, reassign the member to another County Board Committee and a County Board Committee member be assigned to the Forest Preserve District Standing Committee.
- E. Members who do not attend a Committee meeting in person, but attend by other means, as defined in subparagraph (D) above, shall not receive any otherwise applicable per diem compensation, or mileage reimbursement, for such attendance by other means.
- F. In the event that a Committee Chairman is absent or attends a meeting by other means, the Committee Vice Chairman shall preside over the meeting. In the event that both the Committee Chairman and Vice Chairman are absent or attend by other means, the Committee members shall elect a Committee member to preside over the meeting.
- G. The Commission may create, change, or delete Standing Committees and Ad Hoc Committees from time to time as they desire. All Standing and Ad Hoc Committees serve in an advisory capacity. In addition to advising the Commission, the Standing and Ad Hoc Committees shall perform such functions as are determined by the Commission. Only one Standing Committee Chairman and members may be eligible for compensation pursuant to the provisions of Section 5.30 below.

## **Section 4.20 Standing Committees Enumerated**

The Standing Committees are:

- A. *Forest Preserve Operations Committee.* This Committee advises the Commission in all matters relating to the Forest Preserve District, including, but not limited to finance, capital planning and development, forest preserve site management, personnel, and land acquisitions. The Committee also forwards to the Commission President, for purposes of assembling a Commission meeting agenda only, recommended business items for consideration by all Commissioners at their regular or special Commission meetings.

## **Section 4.30 Committee Meetings**

- A. Without permission of the Commission President, no Committee may conduct business during any regular or special meeting of the Commission.
- B. Standing Committees shall establish regular meeting dates and times which shall be published in accordance with the Illinois Open Meetings Act.
- C. No Committee shall meet without a quorum being present. A quorum of a Standing Committee shall be a majority of its members. Members in attendance by other means, as provided for in this Code, shall not be included for purposes of establishing a quorum, but shall have the right to participate fully in the meeting and vote on all matters in the same manner as if the member were present in person.
- D. A Committee Chairman may cancel a meeting in case of emergency, inclement weather, act of God, or other extraordinary circumstance or event. If the Committee Chairman determines that there is an apparent lack of business items to warrant the cancellation of a meeting, the Forest Preserve Superintendent, or designee, will contact each of the Standing Committee members for concurrence in cancelling the meeting. If during that process a member suggests a business item to the Forest Preserve Superintendent, or designee, a new round of contacts will be made. If two-thirds of the Committee members agree to cancel the meeting, the meeting will be cancelled.

## **Section 4.40 Minutes of Standing Committees**

All Committee minutes shall be in writing and shall be made available to all members of the Commission via a web site utilized by the District. Committee minutes shall be available to the Commissioners and the public not less than five calendar days prior to the Commission meeting at which information contained in the minutes would be considered. In addition, as a courtesy to the public, audio recordings of Committee meetings will be made available, as soon as practical, via the web site utilized by the District, for a period of 12 months following the date of the meeting.

## **Chapter 5.00 FINANCE**

### **Section 5.10 Fiscal Year**

The fiscal year for the District shall be a period commencing January 1 of each year and ending December 31 of each year.

### **Section 5.20 Claims**

No claim or bill shall be submitted to the Commission until such claim or bill has first been submitted for review to the accounting department. Should the Forest Preserve District not have an accounting department, the Commission may contract for that service or arrange to use DeKalb County Government's Finance Office. A list of monthly claims shall be made available to each Commissioner and it shall not be necessary for the list of claims to be read aloud at any Commission or Standing Committee meeting.

### **Section 5.30 Compensation**

Compensation for the Forest Preserve Commissioners will be set as follows as of January 1, 2019:

- A. The President will serve without compensation.
- B. The Vice-President will serve without compensation.
- C. The Commissioners, except for Standing Committee Chairs and Members as noted in sections (D) and (E) below, will serve without compensation.
- D. The Standing Committee Chairs will receive the same compensation as the DeKalb County Government Standing Committee Chairs receive, when calculated on an annual basis. This will be paid proportionately on a monthly basis on the first payroll of the month, following the month of service. This compensation is in addition to compensation paid for serving on a Standing Committee.
- E. The Standing Committee members, including the Standing Committee Chairman, will receive annual compensation equal to eleven (11) times the per diem amount paid to DeKalb County Government Standing Committee members. This will be paid proportionately on a monthly basis on the first payroll of the month, following the month of service, but no payment will be made in the month of July.

**Chapters 6.00 thru 9.00      RESERVED FOR FUTURE USE**

## **Chapter 10.00 OFFICERS AND EMPLOYEES GENERALLY**

### **Section 10.10 Forest Preserve Superintendent**

- A. *Position created.* There is hereby created the position of Forest Preserve Superintendent.
- B. *Appointment.* The Superintendent position, when vacant, shall be filled via the following procedure:
1. The Forest Preserve Operations Committee shall act as a Selection Committee.
  2. The Committee shall review the credentials of all applicants and select not more than five persons for personal interviews.
  3. Following completion of all scheduled interviews, the Selection Committee shall forward to the full Commission at its next meeting a recommendation to hire one of the candidates.
  4. A majority vote of those Commissioners present in favor of the hiring resolution shall end the selection process. Should the motion fail, the Selection Committee shall restart the process outlined above.
- C. *Qualifications.* The District will seek candidates with relevant education, administrative, management, field, and government experience.
- D. *Authority, duties and responsibilities.*
1. The Superintendent reports directly to the Commission through the Chairman of the Forest Preserve Operations Committee and the President of the Commission.
  2. The Superintendent is responsible for gathering and disseminating to the Commission objective information which will aid in their decision-making process including, where appropriate, staff recommendations.
  3. The Superintendent facilitates and promotes communication between the Commission, the public, District employees, external boards, commissions and their governments.
  4. The Superintendent provides key staff support to the Commission in its policy formulation efforts and makes recommendations as appropriate. The Superintendent assures that the actions of the Commission, as expressed through their various ordinances and resolutions, are carried out.
  5. The Superintendent is responsible for the day-to-day coordination and operation of all District services that are under the control of the Commission.
  6. The Superintendent is authorized to amend cost center budgets between line-items and categories within a cost center's total appropriation, but only the Commission may increase or decrease the total fund appropriation for a cost center.
  7. In the event of an emergency, the Superintendent, in consultation with the Chairman and Vice-Chairman of the Forest Preserve Operations Committee, may authorize additional spending to address the emergency, but such expenditures must be reported to the Commission at their next regular meeting.
  8. The Superintendent is responsible for the allocation, use, renovation, safety, and stewardship of the District's buildings and grounds.
  9. The Commission retains the authority to approve the number of authorized positions for the District, but the Superintendent may approve staff re-organizations where the resulting annualized expenses do not exceed the monies already budgeted.

10. Labor contracts are to be negotiated and recommended by the Superintendent to the Commission for the Commission's final approval. Before negotiations begin, the Superintendent shall gather input from the Forest Preserve Operations Committee. Labor disputes and policy interpretations arising above the Superintendent will be handled by the Forest Preserve Operations Committee.
  11. The Superintendent is responsible for over-seeing the hiring and dismissal of all staff. In situations where the Superintendent deems it necessary, the Superintendent shall have the power to order the immediate suspension of a District employee, with or without pay, as deemed appropriate.
- E. *Limitations on authority.* No provision of this section is intended to vest in or grant to the Superintendent any duty or any authority reserved to the Commission by law; nor may the Superintendent purchase or sell real estate on behalf of the District, nor bind the District to any debt obligation, unless specifically granted such authority by an ordinance or resolution.
  - F. *Removal.* The Superintendent is an employee at will who serves at the pleasure of the Commission. The Superintendent may be removed by a majority vote of the full Commission at any regular meeting of the Commission. In situations where the President deems it necessary, the President shall have the power to order the immediate suspension of the Superintendent, with pay, until acted upon by the Commission. In such cases, the Commission shall act on the suspension at their next regular meeting, voting to remove permanently, or take other appropriate action, or reinstate the Superintendent.
  - G. *Performance Evaluations.* The Forest Preserve Operations Committee will perform evaluations of the Superintendent in a manner as determined appropriate, from time to time, by the Committee. The intent of the evaluation will be to keep lines of communication open, to facilitate the accomplishment of Commission goals, and to foster positive relationships between the Commissioners and the Superintendent.
  - H. *Residency.* The Forest Preserve Superintendent is required to live in DeKalb County within eighteen (18) months of their first day of employment (work). This requirement may only be waived or modified by action of the Commission. Failure of the Superintendent to comply with this requirement is grounds for dismissal, but dismissal is subject to formal action by the Commission.

**Chapter 11.00 thru 19.00 RESERVED FOR FUTURE USE**

## Chapter 20 INDEMNIFICATION

### Section 20.10 Indemnification of Officials, Officers, Employees and Certain Appointees

To the fullest extent permitted by the Constitution of the State of Illinois and applicable law, all District Officials, Officers and their employees, including the following:

- A. Forest Preserve Commissioners
- B. State's Attorney
- C. County Treasurer
- D. Forest Preserve Superintendent

shall be indemnified, defended and held harmless by the District from and against all liabilities, expenses or investigation, judgments and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such officer, employee or appointee in connection with or resulting from any claim made against him or her, or any action, suit, proceeding or investigation in which he or she may be involved by reason of his or her being or having been such officer, employee or appointee of the District, whether or not he or she continues to be such officer, employee or appointee at or after the time of such claim, action, suit, proceeding or investigation; provided however, that the foregoing indemnity shall not extend to any of the following:

1. Any liability or cost with respect to any matter as to which such officer, employee or appointee is finally adjudged to be guilty of bad faith, or actual malice, or willful and wanton misconduct in the performance of his or her duties as such officer, employee or appointee.
2. Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless:
  - a. Such settlement has been approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby; or
  - b. Such settlement has been made with the approval of the State's Attorney, a special Assistant State's Attorney, or special State's Attorney, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or willful and wanton misconduct on the part of such officer, employee or appointee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion.
3. Any liability of judgment payable to the District itself.
4. The cost of legal representation, except as provided by: The State's Attorney; a special Assistant State's Attorney, duly appointed by the State's Attorney; or a special State's Attorney, appointed by a Court having jurisdiction over such claim, action, suit or proceeding.
5. Any liability or costs incurred as a result of the District officer's, District employee's or appointee's failure to provide timely notice of such claims, action, suit or proceeding.
6. Any liability of costs incurred as a result of the District officer's, District employee's or District appointee's failure to reasonably cooperate in the defense of such claim, action, suit or proceeding.

The foregoing rights of indemnification shall be in addition to any other rights to which such officer, employee, or appointee may otherwise be entitled as a matter of law.

## **Chapter 21.00 ETHICS POLICY**

### **Section 21.10 Policy**

The District hereby accepts the Ethics Policy of DeKalb County Government of Sycamore, Illinois, as amended from time to time, as its own Ethics Policy, plus any specific provisions the District may add.

### **Section 21.20 Ethics Policy Advisor**

The District's attorney, who is the DeKalb County State's Attorney, is designated as the Ethics Advisor for the District.

### **Section 21.30 Penalties**

An officer or employee who intentionally violates any provision of Section 21.10 is subject to discipline or discharge.

## **Chapter 22.00 GIFT BAN POLICY**

### **Section 22.10 Policy**

The District hereby accepts the Gift Ban Policy of DeKalb County Government of Sycamore, Illinois, as amended from time to time, as its own Gift Ban Policy, plus any specific provisions the District may add.

### **Section 22.20 Gift Ban Policy Advisor**

The District's attorney, who is the DeKalb County State's Attorney, is designated as the Gift Ban Policy Advisor for the District.

### **Section 22.30 Penalties**

An officer or employee who intentionally violates any provision of Section 22.10 is subject to discipline or discharge.

## **Chapter 23.00 SEXUAL HARASSMENT POLICY**

### **Section 23.10 Policy**

The District hereby accepts the Sexual Harassment Policy of DeKalb County Government of Sycamore, Illinois, as amended from time to time, as its own Sexual Harassment Policy, plus any specific provisions the District may add.

### **Section 23.20 Sexual Harassment Policy Advisor**

The District's attorney, who is the DeKalb County State's Attorney, is designated as the Sexual Harassment Policy Advisor for the District.

### **Section 23.30 Penalties**

An officer or employee who intentionally violates any provision of Section 23.10 is subject to discipline or discharge.

**Chapters 24.00 thru 29.00 RESERVED FOR FUTURE USE**

## **Chapter 30.00 FOREST PRESERVE LANDS & FACILITIES**

### **Division One Public Use**

#### **Section 30.101 Public Use and Purpose of the District**

Forest Preserves are for use by the general public. One of the functions of the District is to acquire, protect, restore, restock develop and interpret a well-balanced system of areas with scenic, ecological, recreational and historic values for the inspiration, education, use and enjoyment by the public. This article is intended to help carry out this function.

*(Ordinance #1998-10; 04-15-1998)*

#### **Section 30.102 Hours of Use**

- A. Russell Woods, Chief Shabbona, Sannauk and MacQueen Forest Preserves shall be open to the public from 8 a.m. to 10 p.m. All other preserves shall be open from 8 a.m. to sunset.
- B. No person shall remain in the forest preserves when the forest preserves are not open to the public without a permit for camping, overnight shelter use, or special events.

*(Ordinance #1998-10; 04-15-1998)*

#### **Section 30.103 Permits**

- A. No person shall conduct, operate, present, manage or take part in the following activities in a forest preserve unless a permit is obtained from the forest preserve superintendent, park manager or forest preserve personnel prior to the start of the activity:
  - 1. Any contest, show, exhibit, dramatic performances, play, act, motion picture, acrobatic feat, bazaar, sporting event, musical event, ceremony, children's day camp or any public meeting, assembly or parade including, but not limited to, drills or maneuvers, rallies, picketing, speeches and addresses, marches or political meetings;
  - 2. Any use of any preserve area or facility by a certain person or group of persons to the exclusion of others;
  - 3. Tent camping on lands of the district or inhabiting any structure of facility overnight. (Tent camping permitted only at Russell Woods and MacQueen Forest Preserves.)
- B. Person desiring the above activity may apply to the superintendent, park manager or forest preserve personnel for a written permit under the following categories and subject to fees set by the Commission:
  - 1. *Picnic.* A picnic permit is required for groups of 20 or more people to have a picnic (a deposit may be required). If a person desires to reserve a designated area or areas to the exclusion of others or desires to conduct, in conjunction with the picnic, related controlled activities such as, but not limited to, amplification, special vehicle access, animal rides and the like, then a picnic permit, valid for one day, is required,
  - 2. *Shelter permits.* Shelter house permits (enclosed, open air, and lodge) are required by groups wanting to rent out these facilities. The fee schedule is as follows and fees may be changed from time to time:

## Enclosed shelters (MacQueen, Russell, Chief Shabbona, &amp; Sannauk Preserves)

	Resident	Nonresident
8:00 a.m.—5:00 p.m.	\$15.00	\$20.00
5:00 p.m.—10:00 p.m.	\$10.00	\$15.00

Overnight use of enclosed shelters by organized groups (primarily weekend use by scouts), the fees are:

	Resident	Nonresident
Friday p.m.—Saturday p.m.	\$25.00	\$30.00
Friday p.m.—Sunday p.m.	\$35.00	\$40.00
<b>MACQUEEN LODGE</b>		
8:00 a.m.—5:00 p.m.	\$35.00	\$40.00
5:00 p.m.—10:00 p.m.	\$15.00	\$20.00
<b>AFTON PRESERVE</b> 8:00 a.m. to sunset		
Large open air shelter	\$20.00	\$25.00
Small open air shelter	\$15.00	\$20.00
Enclosed shelter	\$35.00	\$40.00
<b>P.A. NEHRING, KNUTE OLSON JR.</b> 8:00 a.m. to sunset		
Open air shelter	\$25.00	\$30.00

Shelter permits are secured through the park manager at the site requested or through the DeKalb County Forest Preserve District Office. Security deposits may be required.

3. *Tent camping.* (Russell Woods and MacQueen forest preserve only.) A permit is required. The permit reserves a designated area or areas to the exclusion of others and allows permittee to remain in the preserve overnight. For organized, sponsored youth group campsites, the permit may be valid from one to seven consecutive nights, for family or adult campgrounds, the permit may be valid from one to seven consecutive nights. The permit may provide permission for other permit-controlled activities. Tent camping fee is \$4.00 per tent. Campfire must be in designated areas only.
4. *Special event.* A permit is required for any of the other activities listed in subsection (a)(1) above. The permit may be valid for from one to seven consecutive days. The permit may provide for use of consecutive days. The permit may provide for use of an area or areas to the exclusion of other and for other permit-controlled activities pursuant to this article.
5. *Permits in general.* Permits are not transferable and fees paid are not refundable. Minor changes in the permit may be made upon written permission of the superintendent for no additional fee providing that the that the specific forest preserve designated is not changed, the date or dates involved are not changed, the number of the designated areas is not increased and the request for change is made prior to the event. Permits may also be required for other activities.

[\(Ordinance #1998-10; 04-15-1998\)](#)

### **Section 30.104 Use of Firewood**

- A. No person shall transport any firewood into any county forest preserve or use, for any purpose, any outside firewood in any forest preserve;
- B. Firewood logged from each individual forest preserve will be provided by forest preserve staff at a user fee to be used in designated camping areas only.
- C. No person shall remove any firewood from designated camping areas of the forest preserve, including any scavenged wood such as twigs and branches.

*(Ordinance #2006-17; 07-19-2006)*

## **Division Two Protection of Property, Structures, and Natural Resources**

### **Section 30.111 Destruction or Misuse of Property and Structures.**

No person shall upon or in connection with any property of the district:

- 1. Destroy, deface, paint, alter, change or remove any monument, stone marker, bench mark, stake, post or blaze marking or designating any boundary line, survey line or reference point.
- 2. Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, picnic table, bridge, pier, drain, well, fountain, pump, telephone, lamp post, fence, gate, refuse container, exhibit, display, tool storage box, utility outlet, movie screen, flagpole or any other structure or parts thereof, without permission of the superintendent;
- 3. Deface, destroy, cover, damage or remove any placard, notice, or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the district to announce the rules, regulations and warnings or any other information to the public necessary or desirable to the proper use of the forest preserves;
- 4. Take, appropriate, excavate, injure, destroy or remove any historical or prehistorical ruin or parts thereof, or any object or antiquity, without written permission of the superintendent;
- 5. Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade or any other movable or nonmovable property into any lake, pond, slough, stream, or lagoon;
- 6. Occupy or inhabit, or cause to be occupied or inhabited, any house, barn, shelter, shed or other structure or use for storage, or cause to be used for the storage of any goods, any house, barn, shelter, shed or other structure without approval of the Commission, and written permission of the superintendent.
- 7. Enter into or upon any preserve or waters or areas thereof or structure closed or posted against trespass, without permission of the superintendent; these structures or areas may be, but are not limited to, employee residences and their immediately surrounding area, construction areas, work safety zones, equipment or material storage structures or areas, work shops or stations, tree nurseries or areas undergoing intensive restoration or other soil or vegetative treatment or areas hazardous to public safety and health;
- 8. Tamper with in any way, enter or climb upon, damage or remove anything from, any district vehicle, water craft, machine or implement, without written permission of the superintendent;
- 9. Misuse any refuse container or receptacle by depositing into any hot coals or other hot or burning substances; or by depositing into it any garbage, trash, refuse or other unwanted material that was not generated on the site in the course of normal, lawful use of the DeKalb County forest preserve district's facilities.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.112 Destruction or Misuse of Natural Resources.**

No person shall upon or in connection with any property of the district:

1. Cut, remove, uproot or wantonly destroy any tree, sapling, seedling, bush, shrub, flower or plant, whether alive or dead or ship, blaze, box girdle, trim or otherwise deface or injure any tree, shrub or bush or break or remove any branch or foliage thereof or pick or gather any seed of any tree or other plant, without written permission of the superintendent;
2. Remove or cause to be removed any sod, earth, humus, downed timber, wood chips, peat, rock, sand or gravel or remove or cause to be removed any other natural material of the forest floor or earth, without written permission of the superintendent;
3. Hunt, drive, pursue, trap, catch, capture, molest, poison, wound, or kill, or attempt to hunt, trap, catch, capture, molest, poison, wound or kill any invertebrate animal, mammal, bird, reptile or amphibian, disturb, or rob the nest of any mammal, bird, insect, reptile or amphibian, or the lair, den or burrow of any mammal, bird, insect, reptile or amphibian, without written permission of the superintendent;
4. Fish in any waters of the district posted against fishing or by using a bow and arrow, spear or slingshot; or by using hooks baited with live or dead fish, amphibian, reptile or bird, or with any device using more than two hooks per line; or any net, seine or trap; or with attended or unattended lines during the hours that forest preserves are closed as defined by provisions of this article or in violation of any applicable laws of the state in violation of any regulations or restrictions posted by the superintendent controlling the size, species and number of fish that can be taken from a designated body of water;
5. Release or cause to be released any wild domestic or pet animal, bird, fish or reptile or bring in or plant or distribute the seeds or spores of any flowering or nonflowering plant brought into or upon district lands, or waters from any outside source whatsoever, without written permission of the superintendent;
6. Use or cause to be used any chemical or biological pesticide, herbicide or any other substance, measure or process designed to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, without written permission of the superintendent and then only in compliance with all applicable laws of the state and the United States;
7. Drive, or cause to be driven, any cattle, horses, sheep, goats, swine or other livestock to graze or browse, without permission of the superintendent;
8. Deposit, dump, throw, cast, lay or place, nor cause to be deposited, dumped, thrown, cast, laid, or placed any ashes, trash, rubbish, paper, litter, garbage, refuse debris, or junk.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.113 Contraband**

All animals, plants, birds, fish or reptiles, or parts thereof, killed, captured, trapped or taken or bought, sold or bartered or had in possession contrary to any provision of this article or applicable laws of the state shall be, and are hereby declared contraband and, as such, shall be subject to seizure by any commissioner, superintendent or park manager or employee of the district or by any duly sworn peace officer.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.114 Destruction by or Misuse of Fire.**

No person shall upon or in connection with any property of the district:

1. Set fires, or cause to be set on fire, any tree, forest, brush land, grassland, meadow, prairie, marsh, slash, refuse, refuse container or structure (unless fire is used as natural resource management);
2. Build a fire anywhere, for any purpose, except in provided fireplaces or provided picnic grills, campsites, wood stoves, without a written ground fire permit from the superintendent;
3. Build a fire or cause a fire to start in or out of a receptacle close to or in any structure whatsoever of close to any tree or other plants in such a way as to deface, damage or destroy that structure or scar, injure or destroy any tree or plants or their foliage;
4. Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker or match;
5. Build any fire whatsoever for any purpose in or out of a receptacle or fireplace and leave it unattended, unless such fire is properly extinguished. For the purpose of this article, fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substances are cold to the human touch.

*(Ordinance #1998-10; 04-15-1998)*

## **Division Three Regulations**

### **Section 30.121 Regulation of Sports and Games**

No person shall upon or in connection with any property of the district:

1. *Horseback riding.* Bring into, unload, use or ride any horse except on those fields, lots, areas, trails, paths, or roadways designated by the superintendent. Where allowed, horses shall be used in accordance with the rules, regulations and restrictions duly set forth as part of such permit or posted.
2. *Bicycling.*
  - a. Ride a bicycle on any path, trail, roadway or other area designated and posted prohibiting bicycles or on any path, trail or area designated and posted as being a horse or equestrian trail or area by the superintendent;
  - b. Fail to ride a bicycle as closely as possible to the right-hand side of any road, trail or path, as conditions shall permit;
  - c. Carry another person on the handlebars, frame or fender or so ride on a bicycle except on a suitable seat attached to such bicycle for such purpose or operate a bicycle in a reckless manner so as to endanger pedestrians;
  - d. Ride a bicycle on any path or trail more than two abreast or on a roadway or road used by the public for regular motor vehicle access in any other manner than single file.
3. *Sound or energy amplification.* Play or operate any sound amplification devices including radios, tapes, CD players, television sets, public address systems, musical instruments and the like or operate any other energy amplification service in such a way as to be audible beyond the immediate vicinity of such device or musical instrument or in such a manner as to disturb the quiet of camps, picnic areas or other public gathering places, without written permission of the superintendent.

4. *Winter sports.*

- a. Sled, toboggan, ski, slide or snowmobile in any area posted by the superintendent as being "off limits", "unsafe" or "hazardous" or as being "closed" due to inadequate snow cover or other environmental conditions or upon being duly notified of such by the superintendent or park manager.
- b. Enter on or upon any frozen waters to skate, fish, slide or walk or for any purpose whatsoever when such waters are posted "close" or "unsafe" or "hazardous" by the superintendent, park manager or other forest preserve personnel when notified of such conditions by the superintendent.
- c. Fish through the ice on any frozen waters or parts thereof designated as ice skating areas by the superintendent.
- d. Bring onto or upon the frozen waters of any lake, pond or watercourse any iceboat or wind-driven-like device or other vehicle, without written permission of the superintendent.

*(Ordinance #1998-10; 04-15-1998)*

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**Section 30.122 Regulation of Motorized Vehicles, Traffic and Parking.**

No person shall upon or in connection with any property of the district:

1. *Vehicle operation and equipment.* Operate, or cause to be operated, any motorized vehicle that does not comply with or in a manner that does not comply with the vehicle code of the state or other law or laws of the state having to do with the equipment, control, licensing, registering and use of motorized vehicles and/or the licensing of operations of such vehicles.
2. *Vehicle types and access allowed.*
  - a. Operate, or cause to be operated, any motorized vehicle anywhere except on the roads, drives and parking areas provided, without written permission of the superintendent and then only in compliance with the directions and restrictions of the superintendent, park manager or other forest preserve personnel in charge of the area or a duly authorized law enforcement official;
  - b. Operate, or cause to be operated, any motor vehicle anywhere that is not licensed or permitted to be operated on the roads, streets and highways of the state, without written permission of the superintendent. Vehicles not so licensed and, therefore, subject to the provisions of this subsection include, but are not limited to, snowmobiles, go-carts, trail bikes, mini-bikes and such other all terrain off-the-road vehicles;
  - c. Operate or move, or cause to be operated or moved, any motor vehicle locked in as a result of the closing of the forest preserves at the proper posted time, without written permission of the superintendent or until such time that the preserve is officially opened;
  - d. Operate a motorized vehicle on any road, drive or parking area posted, gated or barricaded as closed to public traffic.
3. *Right-of-way.* Operate a motor vehicle in such a manner as to fail to yield the right-of-way to pedestrians.
4. *Parking.*
  - a. Park a vehicle overnight, (except with camping or shelter permit) or without written permission of the superintendent;
  - b. Park a vehicle in such a way as to block in another parked vehicle;
  - c. Park a vehicle in such a way as to block, restrict or impede the normal flow of traffic;
  - d. Park a vehicle in a zone or area posted prohibiting parking;
  - e. Park a vehicle on turf, meadow, prairie, marsh field, picnic area, in a woodland or on the exposed roots of any tree or shrub, except in an emergency or when directed to do so by the superintendent, or a park manager or other employee of the forest preserve or a matter of public safety;
  - f. Park a vehicle for the purpose of washing it or for the making of any repairs or alterations to any vehicle except those of an emergency nature.
5. *Speed limit.* Operate or propel a vehicle or cause a vehicle to be propelled on any road, drive or parking area at a speed greater than the speed limit posted along the right-of-way or in the absence of such posted limit, at a speed in excess of 15 miles per hour. (Some areas posted at other m.p.h. speeds.)

*(Ordinance #1998-10; 04-15-1998)*

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**Section 30.123 Regulation of Personal Conduct and Behavior.**

No person shall upon or in connection with any property of the district:

1. *Vending and advertising.*
  - a. Expose or offer for sale to the general public any articles or things, or conduct or solicit any business, trade or occupation of profession without a valid concession contract agreement approved by the superintendent and then only in accordance with the terms and conditions thereof, it being the intention to control commercial enterprises or sales on district lands;
  - b. Display, distribute, post or fix any placard, sign, handbill, pamphlet, circular, or any other writing or printed material or objects containing advertising matter or announcements of any kind whatsoever, without written permission of the superintendent and then only in compliance with the terms of a valid concession contract approved by the district, except that groups holding a valid picnic, camping or special event permit may display signs to identify their location or direct others to it, providing at the termination of the activity and providing that such signs are no larger than 24 inches by 30 inches and are not attached to any tree or shrub or any post, building, district sign, gate or other structure.
2. *Unlawful obstructions.*
  - a. Set or place or cause to be set or placed any good, wares, merchandise or any stand, cart or vehicle for the transportation or vending of any such goods, wares or merchandise or any other article upon any property of the district to the obstruction of use of any preserve or the detriment of the appearance of any preserve;
  - b. By force, threats, intimidations or by any unlawful fencing or enclosing or any other unlawful means prevent or obstruct or combine and confederate with others to prevent or obstruct any person from peacefully entering upon any property of the district or preventing or obstructing free passage or transit over or through any lands or waters of the district or obstruct the entrance into any enclosure within the district, except that nothing in this section shall be construed to deny lawful enforcement of a valid permit granting a certain person or persons use to the exclusion of others as defined and provided for in this article.
3. *Unlawful construction or maintenance.* Erect, construct, install, or perform any maintenance on, below, over or across a preserve except by proper authorization of the district authorizing such activity and then only in accordance with written permission of the superintendent specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such authorization.
4. *Drugs or alcohol.* Illegal drugs and alcoholic beverages are not allowed in any forest preserve.
5. *Weapons and harmful substance.* At any time have in their possession or on or about their person, concealed or otherwise, any firearm, pistol, revolver, rifle, shotgun, bow and arrow, slingshot, cross bow, spear or spear gun, switchblade, knife, stiletto, sword, blackjack, billy club, any weapon capable of discharging a projectile by air, spirit, gas or explosive, any explosive substance (including paint ball guns) or harmful solid, liquid or gaseous substance or any other dangerous weapon, except at those ranges or areas designated for their use by superintendent and then only in accordance with the rules and restrictions duly set forth for the proper use to such ranges or areas. Nothing contained herein shall be construed to prevent any deputy, sheriff, coroner, game warden, state policeman or any other duly sworn peace officer from caring such weapons as may be authorized and necessary in the discharge of their duties nor shall it apply to any person summoned by any such officer to assist in making arrests or preserving the peace while such person is engaged in assisting.

6. *Hindering or bribing employees.*

- a. Interfere with, unreasonable disrupt or delay or in any manner hinder any employee engaged in the performance of their duties;
- b. Give or offer to give any employee any money, gift, privilege or article of value on or off district property in order to violate the provisions of this article or any other district ordinance, contract or permit or statute of the state and the United States or in order gain or receive special consideration in applying for any use or privilege or to gain special consideration and treatment in the use of any district property or facility.

7. *Control and treatment of animals.*

- a. All dogs must be on leash at all forest preserves.

1. *[Leash dog areas.]* Rules and regulations:

Hours of Operation: 8:00 a.m. to Sunset

To provide safe areas for forest preserve visitors and dogs:

- All dogs must have current vaccinations for rabies, distemper and parvovirus. A current rabies vaccination tag is required for all dogs and must be worn at all times. If your dog's vaccinations are not current, which is required by state and county law, please contact your veterinarian. Consult with your veterinarian regarding other recommended vaccinations or preventives.
- Dogs that are ill or in heat are not allowed in the leash dog areas.
- You must remain with your dog at all times. Owners are solely responsible for controlling their dogs at all times. You must have visual contact and voice control of your dog. You are responsible for any injury or damage to other dogs, people or property. Do not allow dogs to dig. Remove dog/dogs from off leash area at first sign of aggression.
- No more than two dogs per person are allowed in the area during any one visit.
- You must pick up your dog excrement on trails, parking lots and picnic areas and do your part to keep the leash dog areas clean and sanitary. Failure to pick up after your dog could result in a fine.
- Dogs may not be tied to trees, plants, structures or equipment.
- Failure to abide by the above rules will result in the revocation of your privileges to use the leash dog areas and may result in fines of \$50.00 or more.
- Leash dog area participation is at your own risk.
- All state, county and forest preserve ordinances will be enforced.

Closely supervise your dog at all times. Aggressive and/or uncontrolled dogs are not allowed to enter forest preserve areas. If aggressive behavior is observed, you remove it from the forest preserve immediately. If complaints are registered for aggressive behavior of your dog or non-adherence to rules, your privilege to use the forest preserves may be revoked and/or fines charged. All incidents are reviewed on a case-by-case basis.

2. *[Off leash dog areas.]* Rules and regulations:

Hours of Operation: 8:00 a.m. to Sunset

To provide safe areas for forest preserve visitors and dogs:

Leash your dogs in parking lot and walk dogs on leash to off leash area.

- All dogs must have current vaccinations for rabies, distemper and parvovirus. A current rabies vaccination tag is required for all dogs and must be worn at all times. If your dog's vaccinations are not current, which is required by state and county law, please contact your veterinarian. Consult with your veterinarian regarding other recommended vaccinations or preventives.
- Dogs that are ill or in heat are not allowed in the off-leash dog areas.
- You must remain with your dog at all times. Owners are solely responsible for controlling their dogs at all times. You must have visual contact and voice control of your dog. You are responsible for any injury or damage to other dogs, people or property. Do not allow dogs to dig. Carry a leash with you and leash and remove dog/dogs from off leash area at first sign of aggression.
- Keep dogs leashed when they are not within the boundaries of the off-leash dog areas, especially when walking to and from your vehicles.
- No more than two dogs per person are allowed in the area during any one visit.
- You must pick up your dog excrement on trails, parking lots and picnic areas and do your part to keep the off-leash dog areas clean and sanitary. Failure to pick up after your dog could result in a fine.
- Do not use any live or dead animals, ammunition of any kind or devices that use an explosive charge to propel a retrievable object while training dogs.
- Dogs may not be tied to trees, plants, structures or equipment.
- Failure to abide by the above rules will result in the revocation of your privileges to use the off-leash dog areas and may result in fines of \$50.00 or more.
- Off-leash dog area participation is at your own risk.
- All state, county and forest preserve ordinances will be enforced.

From April 1 to July 15 during grassland bird nesting season, all dogs in off leash areas must be leashed.

Closely supervise your dog at all times. Aggressive and/or uncontrolled dogs are not allowed to enter the off-leash dog areas. If aggressive behavior is observed, you must leash your dog and remove it from the off-leash dog area immediately. If complaints are registered for aggressive behavior of your dog or non-adherence to rules, your privilege to use the area may be revoked and/or fines charged. All incidents are reviewed on a case-by-case basis. At no time should you ever leave the off-leash dog areas without your dog.

- b. Willfully or neglectfully cause or allow or release any animal or fowl, wild, domestic or pet, to run or remain at large, except within those areas designated by the superintendent and then only in accord with the rules and restrictions duly promulgated for the control of such area and areas;
- c. Torture, whip, beat or cruelly treat or neglect any animal;

- d. Bring in, drive, ride or lead in any animal, except that horses and other beasts of burden and draft animals may be ridden or lead, or driven ahead of vehicles attached thereto on such portions of the forest preserves as may be designated by the superintendent and then only in accordance with the provisions of this article and the rules and restrictions duly promulgated for the control of such area or areas;
  - e. Hitch or tie any horse or other animal to any tree, bush or shrub;
  - f. Bring in, lead, drive, ride or carry any wild, domestic or pet predator animal or bird, leashed or unleashed, into or upon any forest preserve, or part thereof, designated as nature preserve or nature area or historic site, without written permission of the superintendent unless such animal is kept confined within a closed vehicle or trailer;
  - g. Nothing in this article shall be construed to prohibit the controlled use of certain animals approved by the superintendent for purposes of public safety, such as, but not limited to, the protection of district property or the protection of employees in the performance of their duties or search and rescue.
8. *Commercial photography.* Take or cause to be taken any still or motion pictures, make sketches or painting for commercial purposes or for sale in commercial advertising without written permission of the superintendent and then only in accordance with the rules and restrictions duly set forth as part of such permit.
  9. *Honoring permits.* By act or speech willfully or unreasonable hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into any structures designated for the use of a certain person or persons to the exclusion of others by written permission of the superintendent.
  10. *Pyrotechnics.* Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics.

*(Ordinance #1998-10; 04-15-1998; Ordinance #2012-03; 01-18-2012)*

## **Division Four Enforcement**

### **Section 30.131 Police.**

All County Sheriff's Police and all law enforcement officers have the power and are authorized to arrest, with or without process, any persons found in the act of violating any ordinance of the district.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.132 Two Penalties, One Judgement**

In all cases where the same offense shall be made punishable or shall be created by different clauses or sections of this or any other ordinance or statute, the law enforcement officer or person prosecuting may elect under which to proceed but not more than one judgment shall be had against the same person for the same offense.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.133 Fines and Penalties**

Any person found guilty of violation any violation any provision of this article shall be fined an amount not less than \$25.00 but not more than \$1,000.00 for each offense and/or restitution in an amount to be determined by the court.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.134 Authority of Other Agencies**

Nothing in this article shall be construed to prevent other officers from carrying out their sworn duties within the territories of the district as defined by applicable laws of the state and the United States or ordinances of the county, or in accord with any other policing agreement approved by the Commission.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.135 Permits and Designated Areas - Authority**

To carry out the terms of this article the superintendent is hereby given authority to issue the permits, post notices or to take the other action as called for herein, subject to the guidelines herein set forth:

1. The superintendent shall have the authority to designate areas, facilities or waters suitable for various activities or use, to close preserves, or parts thereof, in the interest of public health, safety or general welfare or in order to protect the natural resources from unreasonable harm and to promulgate and issue permits where required by this article and collect such fees as established by the district in accordance with the following guidelines:
  - a. That no person be discriminated against because of race, sex, creed, color, national origin or disability;
  - b. That the proposed use or activity will not unreasonably interfere with or detract for the general public's use and enjoyment of the preserve and surrounding property or facilities;
  - c. That the proposed use or activity is not reasonably likely to result in violence or in serious harm to property or persons;
  - d. That the proposed activity or use will not entail extraordinary expense of operation costs by the district or expose it to unusual or extreme liability;

- e. That the area desired has not been reserved for another activity at the same time;
  - f. That the proposed activity is not reasonably expected to detract from the promotion of public health;
  - g. That the proposed activity is reasonably compatible with the type of preserve, the size and character of the area or waters involved and the facilities available and that it is not reasonable expected to cause irreparable harm or extreme damage to the natural environment of the preserve.
2. The superintendent may impose reasonable restrictions on the granting of a permit including, but not limited to any of the following:
    - a. Restricting the open dates for reserved areas use, the length of time an area will be held for reserved use, the use of ground fires, sound and energy amplification devices, amusement devices, off-the-road-vehicle access, the number of persons present, location and type of any tents, bandstands, stages or trained animals, the use of shelters or structures, the collecting for any purpose of any water, soils, minerals, seeds, flora or fauna, the type and location of sports and games or any other activity which appears likely to create a risk of unreasonable harm to the use and enjoyment of the preserve by others or of damage to district property;
    - b. Requiring proof of and establishing the amount of liability insurance required, and/or requiring a hold harmless agreement, or requiring a certificate of insurance naming the district as an additional insured when the activity is deemed by the superintendent to require such;
    - c. Requiring the name, address, telephone number and driver's license number of a legal adult responsible for the use or activity requested, as well as the name, address, and telephone number of the group represented by the applicant;
    - d. Requiring that the applicant furnish additional security forces at the applicant's expense, such forces to act under district supervision.
  3. The superintendent is authorized to seek reasonable information regarding any proposed use, activity or privilege and require a record of such information on a permit application.
  4. No person shall misrepresent, falsify or withhold such required information.
  5. No person granted a permit shall violate the requirements, terms, condition, restrictions or rules duly set forth in other ordinances such permit or registration fees as it deems proper and may change them from time to time.
  6. The board of commissioners of the district may set forth in other ordinances such permit or registration fees as it deems proper and may change them from time to time.
  7. No person shall obtain or use any permit or use facility that requires a permit without first having paid the fee established by ordinance for such permit.
  8. All designated areas, waters and facilities and all permit restrictions, rules, regulations or conditions are subject to review at any time by the board of forest preserve commissioners. Any aggrieved person shall have the right to petition the Commission, in writing, regarding denial or restriction of use or activity and be properly heard by the Commission as the president shall direct.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.136 Civil Suits**

Nothing in this article shall be construed to prevent or preclude the lawful use by the district of a civil remedy at law, to correct an abuse or loss suffered by the district as a result of violation of this article or any law of the state.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.137 State, United States, and Local Laws**

All persons within the forest preserves of the county are subject to all ordinances, rules and regulations of the district as well as all applicable laws of the United States, the state, the Illinois Vehicle Code, the Criminal Code of the State of Illinois and the Game and Fish Codes of the State of Illinois, as amended and changed from time to time.

*(Ordinance #1998-10; 04-15-1998)*

## **Division Five Construction of Words for Forest Preserve Lands & Facilities**

### **Section 30.141 Construction of Words**

Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included although distributive words may not be used and, when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only or in the masculine gender, several matters, parties or persons and female as well as males and bodies corporate shall be deemed to be included; provided, however, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction.

*(Ordinance #1998-10; 04-15-1998)*

### **Section 30.142 Definitions for Forest Preserve Lands & Facilities**

*Note: Additional definitions, pertaining more to the District Code in general, can be found in Chapter 91 of this codification.*

- A. *District* wherever used means the Forest Preserve District of DeKalb County, Illinois;
- B. *Commission* wherever used means the Board of Forest Preserve Commissioners of the District;
- C. *Superintendent* wherever used means the Superintendent of the District or any Designated Park Manager of the Forest Preserve District;
- D. *Person* or *Persons* wherever used means individuals, firms, corporations, societies or any group or gathering whatsoever;
- E. *Permit* wherever used means the written permission that must be obtained from the Superintendent to carry out a given activity;
- F. *Forest Preserve* or *Preserve* where used means lands, and waters, or property holdings of the District;
- G. *Waters* where used means waters within the jurisdiction of the District;

- H. *Employee* where used means any full or part time, regular, or temporary worker in the employment of the District under the supervision of the District;
- I. *Watercraft* where used means any device of conveyance on the water whether propelled by motor, engine, wind or human power;
- J. *Vehicle* where used means any device of conveyance on the land using wheels or belt-type track or tracks, skids, or skis and propelled by an engine or motor and includes such land conveyances that are able to float and operate on water;
- K. *Sound and Energy Amplification* where used means music speech or any sound or noise transmitted by artificial means including, but not limited to, amplifiers, loud speakers, radios, tape players, CDs and any similar devices or lights, rays lenses, mirrors or laser beams or the like;
- L. *Amusement Contraptions* where used means any contrivance, device, gadget, machine or structure designed to test the skill or strength or the user or provide the user with any sort of ride, lift, swing or fall experience including, but not limited to, ball-throwing contest devices, pinball-type devices, animal ride devices, ball and hammer devices, trampoline devices and the like;
- M. *Legal Adult* where used means one who had reached the age of majority as defined by the laws of the State;
- N. *Area(s)* where used means a specified place within a Forest Preserve;
- O. *Exclusion of Others* where used refers to prohibiting use or behavior by others which disrupts or prevents the authorized and lawful use of designated area or structure in a Preserve by a person or persons holding a valid permit for such area or structure and activity;
- P. *Property* where used means any lands, waters, facilities, or possessions of the District;
- Q. *President* where used means the President of the Forest Preserve District;
- R. *Written Permission of the Superintendent* where used is intended to permit written permission being granted by authorized agents of the Superintendent;
- S. *Posted* where used means that a notice is posted, either by a sign in a Forest Preserve at the entrance to a Forest Preserve or at headquarters, the location being at the discretion of Superintendent.

[\(Ordinance #1998-10; 04-15-1998\)](#)

**Chapters 31.00 thru 84.00 RESERVED FOR FUTURE USE**

**Chapter 85.00 AMENDMENTS TO FOREST PRESERVE DISTRICT CODE**

Amendments to the Forest Preserve District Code shall be based on recommendations made by an Ad Hoc Rules Committee. This Ad Hoc Committee shall contain equal representatives of the opposing parties. This Committee shall be appointed by the President, with the advice and consent of the entire Commission, and shall consist of not less than two or more than eight Commissioners of the Commission. The full Commission shall have the sole authority to adopt such amendments and shall do so by a two-thirds vote of all Commissioners.

**Chapters 86.00 thru 89.00 RESERVED FOR FUTURE USE**

## **Chapter 90.00 GENERAL PROVISIONS**

### **Section 90.10 How Code Designated and Cited**

The ordinances embraced in the Chapters and Sections of this Code shall constitute and be designated the "DeKalb County Forest Preserve District Code," and may be so cited.

### **Section 90.20 Rules of Construction**

In the construction of this Code and of all Ordinances and Resolutions, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the Commission. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Commission may be fully carried out. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the mission of the Forest Preserve District. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

### **Section 90.25 Catchlines of Sections and Other Headings**

The catchlines of the several subsections, sections, divisions, articles and chapters of this Code printed in boldface, italic or roman type are intended as mere catchwords to indicate the contents of the subsection, section, division, article or chapter and shall not be deemed or taken to be the title of such subsections, sections, divisions, articles or chapters, nor as any part of the subsection, section, division, article or chapter, nor, unless expressly so provided, shall they be so deemed when any of such subsections, sections, divisions, articles or chapters, including the catchlines, are amended or reenacted.

### **Section 90.30 References and Notes**

Cross references, state law references, editor's notes and history notes are by way of explanation only and shall not be deemed a part of the text of any section of this Code.

### **Section 90.40 Codification of Amendments to the Code**

All Ordinances, Resolutions or Motions passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code, or in the case of repealed Chapters, Sections and Subsections or any part thereof, by subsequent Ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby and such subsequent provisions as numbered and printed, or omitted, in the case of repeal, shall be prima facie evidence of them until such time as this Code and subsequent provisions numbered or omitted are readopted as a new Code by the Commission.

## **Chapter 90.45 Supplementation of Code**

- A. By contract or by District personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Commission. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the Commission during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest Ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- C. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in Ordinances and parts of Ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
  - 1. Organize the Ordinance material into appropriate subdivisions.
  - 2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
  - 3. Assign appropriate numbers to Sections and other Subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing Section or other Subdivision numbers.
  - 4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections xx to yy" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
  - 5. Make other no substantive changes necessary to preserve the original meaning of Ordinance Sections or the alphabetical arrangement of new Chapters inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of Ordinance material included in the supplement or already embodied in the Code.

## **Section 90.50 Effect of Repeal of Ordinance, Resolution, etc.**

When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provision unless it shall be therein so expressly provided.

### **Section 90.60 Ordinances Not Affected by Adoption of Code.**

The repeal provided for in the Ordinance adopting this Code shall not affect any of the following:

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code. If any penalty, forfeiture or punishment is mitigated by any provision of a new Ordinance, such provision may, by the consent of the party affected, be applied to any judgment announced after the new Ordinance takes effect.
2. Any Ordinance or Resolution promising or guaranteeing the payment of money for the District, or authorizing the issuance of any bonds of the District or any evidence of the District's indebtedness, or any contract or obligation assumed by the District.
3. Any right or franchise granted by any Ordinance of the District, except as this Code may contain provision for such matters, in which case this Code shall be considered as amending such Ordinance in respect of such provisions only.
4. Any appropriation Ordinance.
5. Any Ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers not inconsistent with this Code.
6. Any ordinance prescribing the number, classification or compensation of any District officers or employees, not inconsistent herewith.
7. Any temporary or special ordinance.
8. Any ordinance respecting conveyance or acceptance of real property or easements in real property.

### **Section 90.70 Severability of Parts of Code**

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

### **Section 90.75 Unauthorized Alteration or Tampering with Code**

It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the District to be misrepresented thereby.

**Section 90.80 Publication of Code.**

This Code shall be and is hereby authorized to be printed and published in book form by authority of the Commission.

**Section 90.90 Officers, Employees Not Liable to Fine for Failure to Perform Duties**

No provision of this Code designating the duties of any District officer or employee shall be so construed so as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the Commission to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

## Chapter 91.00 DEFINITIONS

*Note:* Additional definitions, pertaining more to the operation of the Forest Preserve Lands & Facilities, can be found in Chapter 30.142 of this codification.

*Code.* The word "Code" shall mean the DeKalb County Forest Preserve District Code.

*Commission.* The word "Commission" shall mean the Commission of the Forest Preserve District of DeKalb County, Illinois.

*Committee, Ad-Hoc.* A committee consisting of Commissioners formed for a specific task or project, limited in scope and duration, to assist the Commission with its work. Changes to such a committee may be made by a resolution or ordinance of the Commission.

*Committee, Advisory.* A committee consisting of members of the public and/or Commissioners formed for a specific task or project, limited in scope and duration, to assist the Commission with its work. Changes to such a committee may be made by a Resolution or Ordinance of the Commission.

*Committee, Standing.* A permanent committee consisting of Commissioners with broad charge delegated by the Commission. Changes to the role and/or function of such a committee require a change in the Forest Preserve District Code.

*Computation of Time.* The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded.

*District.* The words "the District" or "this District" shall mean the Forest Preserve District in the County of DeKalb in the State of Illinois.

*Delegation of Authority.* Whenever a provision appears requiring the head of a Department or some other District Officer to do some act or perform some duty, it is to be construed to authorize the head of the Department or other Officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.

*Gender.* A word importing the masculine gender shall apply for all persons.

*ILCS.* "ILCS" means the Illinois Compiled Statutes.

*Month.* The word "month" shall mean a calendar month.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, and words importing the plural number may include the singular.

**Chapter 91.00            DEFINITIONS (Continued)**

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Ordinances.* "Ordinances" shall mean ordinances of DeKalb County Forest Preserve District and all amendments thereto.

*Preceding, Following.* The words "preceding" and "following" mean next before and next after, respectively.

*Property.* The word "property" shall include real and personal property.

*Real property.* "Real property" shall include lands, tenements and hereditaments.

*Resolution.* "Resolution" shall mean all resolutions of DeKalb County Forest Preserve District and all amendments thereto.

*Shall, May.* The word "shall" is mandatory; "may" is permissive.

*Signature or Subscription.* A signature or subscription includes a mark when the person cannot write.

*State.* The words "the state" or "this state" shall be construed to mean the State of Illinois.

*Tense.* Words used in the present tense include the future.

*Written and in writing.* "Written" and "in writing" may include printing and any other mode of representing words and letters; but when the written signature of any person is required by law to any official or public writing or bond, required by law, it shall be in the proper handwriting of such person or, in case he is unable to write, his proper mark, except as otherwise provided by law.

*Year.* The word "year" shall mean a calendar year.

[\(Code Adopted on 08-15-2018, Ordinance FP-O2018-01 !\[\]\(e60760a64f8c894ef2bdce1465b35073\_img.jpg\) \)](#)

**End of DEKALB COUNTY FOREST PRESERVE DISTRICT CODE**