

**PROPOSED SUBSTITUTE TO FILE 15-0248
(Legislation and Intergovernmental Relations Committee 5-19-15)**

PROPOSED ORDINANCE AMENDMENT

Chapter 4 Recreation in Forest Preserves

BE IT ORDAINED, by the Forest Preserve District of Cook County Board of Commissioners, that Title 2 – Forest Preserve Land and Property, Chapter 4 – Recreation in Forest Preserves, Section 2 Picnics of the Forest Preserve District of Cook County Code is hereby amended as Follows:

2-4-2: PICNICS EVENTS REQUIRING PERMITS.

~~No person shall use any portion of the Forest Preserve District property nor any of the buildings within said District for the purposes of meeting or holding picnics to the exclusion of any other person or persons from such portion of the property or buildings of the District without having first obtained a permit in writing from the District, with proper authorization of the General Superintendent or his designee. Any person violating any of the provisions of this Section shall be fined seventy five dollars (\$75.00) for each offense.~~

~~*A. Permits, Non-profit organization reduced rate.*~~

- ~~1. — For any Special Use Permit for a special event or special activity field permit for a special event or special activity with participation in excess of 25 persons, or requested in conjunction with an event under Category W, Category X, Category Y, Category Z of the Fee Schedule, the total of all applicable fees as calculated by the Recreation Department of the Forest Preserve District shall be reduced by 50 percent, when the applicant is a school or bona fide nonprofit organization, residing in the County of Cook.~~
- ~~2. — A bona fide nonprofit organization is one which is engaged in charitable, educational, civic, youth and faith based activities. For purposes of qualifying for the Nonprofit Organization Reduced Rate, an applicant must submit proof of the following:
 - ~~a. Exemption under Section 501(c)(3) of the Internal Revenue Code;~~
 - ~~b. Current registration with the Illinois Attorney General as a charitable organization;~~
 - ~~c. The location of the official headquarters or administrative office of the organization submitting the request for said permit is located in the County of Cook and is the same as that which is on file with the Illinois Attorney General, or was submitted for exemption under Section 501(c)(3) of the Internal Revenue Code, except in the case of local chapters of national organizations, wherein the local chapter maintains a Cook County office and submits proof of affiliation with the national organization.~~~~

- ~~3. If the applicant is a school located within Cook County, no additional documentation or proof of nonprofit status shall be required other than a letter signed by an official of the school stating that the activity/event is officially sanctioned under and supervised by employee(s) of the school.~~
- ~~4. Notwithstanding any other published deadlines, all applications for Reduced Rate Special Use or Special Activity Field Permits must be received by the Recreation Department no less than 45 days prior to the date of the Special Event or Activity.~~
- ~~5. Vending of food or merchandise is not allowed under Reduced Rate Special Use or Special Activity Field Permits, except for charitable organization with net assets of ten thousand dollars (\$10,000.00) or less who apply for the vending fee permit waiver. Qualification for the vending fee permit waiver requires registration with the Illinois Attorney General's office as a charitable organization, and submission of a balance statement for the previous year to verify its assets as the time of application for a permit. all other permits for events that include vending and/or sale of food or merchandise shall be charged at the full rate.~~
- ~~6. Effective Date: This subsection takes effect January 1, 2009.~~

A. Classifications of Uses. There are some uses of District property that, because of their nature, are allowed only with a permit. Through the permit application and review process, the District can determine whether these uses can be conducted in a manner that protects public safety, District property, the District's objectives and goals for the District property sought to be used, and the rights and interests of other members of the public. These uses are identified below in Section 2-4-2(B) – Permit Required. Uses that require a fee other than a permit fee (e.g. license fee) are described where applicable in the District's Code of Ordinances.

B. Permit Required. No person shall use any portion of the Forest Preserve District property nor any of the buildings within said District, for any of the following uses, unless the person has first obtained, and has physical possession of, a permit allowing such use in writing from the District, with proper authorization of the General Superintendent or his or her designee, or when required, the Board of Commissioners, in accordance with Section 7-1-1 Fee Schedule:

1. a picnic or other gathering with 25 or more people;
2. any use on District property, if the District property is not open to the general public at the time of the proposed use;

Cross References: Hours of Operation, §2-4-1; Entering Buildings or Areas Closed to Public or Scheduled for Specific Group or Activity, § 3-3-11

3. uses that are intended or likely to either exclude or interfere with use of or enjoyment by other members of the public of a particular area of District property, including, weddings, receptions, meetings, assemblies, parades, marches, drills, maneuvers, rallies, pickets, and/or addresses involving 25 or more people;
4. conducting shows, exhibits, dramatic or musical performances, plays, acts, or motion pictures;

5. taking any still or motion pictures or painting or drawing pictures for commercial purposes or for use in commercial advertising;
6. play or operate any sound amplification device including radios, television sets, public address systems, musical instruments, and the like; or operate any other energy amplification device 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 picnic areas or other public gathering places;

Cross Reference: Disorderly Conduct, §3-3-1

7. conduct organized contests or sports, including any team sport or game such as baseball, football, field hockey, volleyball, lacrosse, soccer, track or horseshoes;

Cross Reference: Sports and Games, §2-4-3

8. conducting day camps or play camps, or other organized activities for a group; or

Cross Reference: Day Camps, §3-3-16

9. any use of or on District property that requires a permit under other sections of the District's Code.

Cross References:

Fees and Occupancy of District Lands, §1-9-3
Use of Balloons, Airplanes, and Parachutes, §2-1-1
Protection of Native Landscape, §2-2-1
Erection and Ownership of Structures, §2-3-1
Glass Beverage Container Ordinance, § 2-3-8
Alcoholic Beverages, §3-3-2
Discharging Toy Firearms, §3-3-6
Fireworks, §3-3-7
Injury or Destruction to Forest Preserve property, §3-3-14
Snowmobile: Permit to Operate, §4-4-2
Railroads, § 5-1-4
General License and Permit Provisions, § 6-1-1 et seq.
Permit Required, §6-2-1
Fee Schedules, §7-1-1

C. Permit Rules and Application Review.

1. Establishment of Rules. In addition to the rules identified in this Ordinance, the General Superintendent may promulgate additional rules governing a permit or the permit application and review process (the "Rules") if those Rules are designed:
 - (i) to protect or minimize damage to District property and the flora and fauna within the District;

- (ii) to protect the physical safety of people using District property;
- (iii) to minimize the interference by the proposed use with the use and enjoyment of District property by others;
- (iv) to ensure an orderly and organized use of District property; or
- (v) to assure compliance with applicable laws and regulations.

2. Duration of Permit. The District may, in its discretion, make the permit valid for a period of less than one year, or any portion thereof, or on an annual basis; provided, however, that the fees charged are consistent with Title 7, Chapter 1 (Fee Schedule) of the District's Code of Ordinances. Permits are not transferable and permit fees paid to the District are not refundable. The actual permit (not an electronic copy) must be available for inspection at and during the event/activity for which the permit was acquired.

3. Compliance with Rules. The person or entity to whom or which a permit has been issued shall comply with all applicable laws and Rules. The District may revoke a permit for any violation of such laws or Rules. Any misuse or damage to District property will be the responsibility of the permit holder. The District may keep part or all of a permit holder's security deposit to remedy damage to District property.

Cross References: General Penalty and Late Fee, §1-4-1(D); Application of Provisions, §1-4-2; Limitation of Remedial Action, §3-3-20; Revocation of Licenses or Permits, §6-1-4

4. Special Conditions. In the case of permits for events which may require special law enforcement services, or which would place an atypical burden on District resources, or which increase the District's liability exposure, the General Superintendent may (1) authorize additional fees to be imposed to cover the cost of such special law enforcement services, or atypical burden; and/or (2) require the permit applicant to provide liability insurance naming the District as an additional insured with coverage limits reasonably necessary to protect the District.

5. District's Reserved Right. Even if a permit has been granted, the District reserves the right to restrict access to or close any District property temporarily or to revoke a permit due to (i) imminent threat of grave harm to persons or property, including threats posed by the weather; or (ii) potential damage to sensitive natural resource areas.

Cross Reference: Limitation of Remedial Action, §3-3-20

6. Review of Application. The District shall grant the permit unless it determines that:

- (i) the proposed use would interfere or be inconsistent with (a) the District's current or designated use of the District property upon which the proposed use would take place, (b) the District's future plans for the District property upon which the proposed use would take place, or (c) a license issued by the District for the use of the District property upon which the proposed use would take place;
- (ii) the proposed use may materially damage District property or materially

impact sensitive natural resource areas;

- (iii) the proposed use will delay, hinder, or prevent the District's implementation of planning for the District property;
- (iv) the proposed use will interfere with other scheduled or existing uses of the District property sought to be used or would occur at a time when the District property sought to be used is not open to the public;
- (v) the proposed use violates federal, state or local laws or Rules;
- (vi) the proposed use poses a substantial threat or danger to public safety or, if it is a contest or sporting event, poses a reasonable likelihood of physical injury;
- (vii) the applicant has misrepresented, falsified, or withheld required information;
- (viii) the applicant has, within the previous year, violated this Ordinance or Rules and, based on such violation(s), the applicant's future use of District property may interfere with others' use and enjoyment of District property;

Cross Reference: Limitation on Remedial Action, §3-3-20

- (ix) the applicant still owes the District damages or outstanding fee(s) for prior event(s) held by applicant on District property; or

Cross Reference: General Penalty and Late Fee, § 1-4-1(D)

- (x) the proposed use would interfere with others' enjoyment and use of District property.

D. *Reduced Rate Permits.* For any event, activity, and/or use for which a permit is required, the permit fee shall be reduced as follows: (1) by 50 percent, when the applicant is a school or bona fide nonprofit organization, residing in the County of Cook; and (2) by 50 percent, when the applicant is a veterans' organization residing in the County of Cook.

1. *Non-Veteran Non-Profit Organizations.* A bona fide nonprofit organization is one which is engaged in charitable, educational, civic, youth and faith-based activities. For purposes of qualifying for the reduced rate, an applicant must submit proof of the following:

- (i) Exemption under Section 501(c)(3) of the Internal Revenue Code; or current registration with the Illinois Attorney General as a charitable organization; and
- (ii) The location of the official headquarters or administrative office of the organization submitting the request for said permit is located in the County of Cook and is the same as that which is on file with the Illinois Attorney General, or was submitted for exemption under Section 501 (c)(3) of the Internal Revenue

Code, except in the case of local chapters of national organizations, wherein the local chapter maintains a Cook County office and submits proof of affiliation with the national organization.

If the applicant is a school located within Cook County, no additional documentation or proof of nonprofit status shall be required other than a letter signed by an official of the school stating that the activity, event, and/or use is officially sanctioned under and supervised by employee(s) of the school.

2. Veterans Organizations. Veterans organizations include, but are not limited to; the Retired Enlisted Association, Veterans of Foreign Wars, and American Legion. An applicant must submit proof of the following:

- (i) Exemption under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code; and
- (ii) The location of the official headquarters or administrative office of the organization submitting the request for said permit is located in the County of Cook and is the same as that which was submitted for exemption under Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code, except in the case of local chapters of national organizations, wherein the local chapter maintains a Cook County office and submits proof of affiliation with the national organization.

3. Costs Not Waived. Any rate reduction shall not apply to applicable application fees, cost of District provided security, and vending.

4. Deadlines. Notwithstanding any other published deadlines, all applications for permits at a reduced rate must be received by the District no less than 45 days prior to the date of the event, activity, and/or use, unless such time period is otherwise waived by the General Superintendent.

Cross Reference: Fees, §7-1-1

E. Penalties. Any person or entity violating any of the provisions of this Section (excluding Section 2-4-2(B)(9)) shall be fined not less than seventy-five dollars (\$75.00) or more than five hundred dollars (\$500.00) for each offense, plus the actual permit fee(s) which would have been charged had the person or entity properly obtained the permit. If a permit is required under another section of the District's Code per Section 2-4-2(B)(9), then a violation of such requirement shall be fined or penalized in accordance with such other section of the District's Code unless such other section is silent with respect to fines or penalties, in which case, a fine or penalty may be imposed in accordance with Title 1 – Administrative, Chapter 4 – General Penalty.

Effective date: This ordinance shall be in effect immediately upon adoption.