

**GENERAL USE RULES AND REGULATION
ORDINANCE NO. 19-968
OF THE
MCHENRY COUNTY
CONSERVATION DISTRICT**

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**McHENRY COUNTY CONSERVATION DISTRICT
McHENRY COUNTY, ILLINOIS
18410 U.S. Highway 14
Woodstock, Illinois 60098**

ORDINANCE NO. 19-968

**AN ORDINANCE SETTING FORTH THE RULES AND REGULATIONS
GOVERNING THE USE OF THE CONSERVATION SITES OF THE DISTRICT**

WHEREAS, it is reasonable, necessary and desirable for the McHENRY COUNTY CONSERVATION DISTRICT, a Conservation District organized and existing under the laws of the State of Illinois, (hereinafter referred to as the "District") to establish a general use ordinance governing the use of the conservation sites of the District; and

WHEREAS, subject to the provisions of the Illinois Compiled Statutes, Chapter 70, Act 410, Sections 3 and 12, it is reasonable, necessary and desirable for the District to provide rules and regulations in order to provide for the safe and peaceful use of the Conservation sites; for the education and recreation of the public; for the protection and preservation of the property, facilities, flora and fauna of the District; and for the safety and general welfare of the public; and

WHEREAS, the District has the authority and the power to establish this general use ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the District as follows:

CHAPTER 1 - PUBLIC USE

SECTION 1: PUBLIC USE AND PURPOSE OF THE DISTRICT:

- A. Conservation sites are for use by the general public. One of the functions of the District is to acquire, protect, restore, restock, develop and interpret a balanced system of areas with scenic, ecological, recreational and historic values for the inspiration, education, use and enjoyment by the public. This Ordinance is intended to help carry out this function.
- B. It shall be unlawful for any person to disobey any rule or regulation posted in accordance with this ordinance. (Class C)

SECTION 2: HOURS OF USE

- A. Conservation sites shall be open to the public from sunrise to sunset, or as posted. (Class C)
- B. Quiet hours shall prevail in all camping areas between the hours of 10:00 p.m. and 7:00 a.m. (Class D)
- C. No person shall attempt to enter or remain in the Conservation sites when the Conservation Sites are not open to the public without the written permission of the Executive Director. (Class C)
- D. No person shall enter or attempt to enter any conservation site except through an authorized entrance designed and maintained for such entry into a conservation site. (Class D)

E. Subsequent violations of any subsection of this ordinance code within one year period will result in an increase in penalty by one class level.

SECTION 3: PERMITS

A. No person shall conduct, operate, present, manage, charge a fee, accept a donation or take part in the following activities in a Conservation site unless a permit is obtained prior to the start of the activity:

1. Any contest, show, exhibit, dramatic performance, 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, obtaining signatures, picketing, demonstrations, speeches and addresses, marches, or political meetings; (Class D)
2. Any use of any Conservation site or facility by a certain person or group of persons to the exclusion of others or any group of 16 persons or more; (Class C)
3. Camping on lands of the District or inhabiting any structure or facility overnight. (Class C)

B. Persons desiring the above activity may apply to the Executive Director or his/her designate, for a written permit under the following categories:

1. **PICNIC:** No permit is required to have a picnic for groups of fifteen (15) persons or less; however, if a group of fifteen (15) or less desires to reserve a designated area, areas, or shelter, to the exclusion of others, then a permit is required. A permit is required to have a picnic for groups of 16 persons or more. Any group that desires, in conjunction with a picnic, controlled activities such as, but not limited to, pig roast, sound amplification, special vehicle access, animal rides and the like, must so indicate these activities at time of application for permit. The Executive Director or his/her designate may approve such requests with consideration of current District policy. (Class C)
2. **CAMPING:** Overnight camping on, within or upon Conservation sites shall be allowed, but only by permit as issued by the District. Camping shall be confined only to those areas designated for camping. Camping in designated "On Site Reservation Areas" shall be permitted on a 1st come 1st serve basis provided said area has not been previously reserved. Permits for such areas may be issued by the District in advance or secured on site the day of use. All other permits authorizing overnight camping shall be obtained in writing from the office of the District at least one (1) week in advance. For group campgrounds, a camping permit may be issued for a period not to exceed three (3) consecutive nights. A camping permit may be renewed for an additional two (2) consecutive nights at the same location. Persons are eligible to camp on Conservation sites for a maximum of ten (10) days in a thirty (30) day period starting after the first night of camping has occurred. For Thomas Woods camping, a camping permit may be issued for a period not to exceed fourteen (14) nights. After the initial stay, the individual must vacate the campground for fourteen (14) days, before another permit can be secured. In areas designated by the Executive Director overnight camping may be allowed without a permit. Specific site rules will be posted and shall be followed. All persons must be at least eighteen years of age unless accompanied by a parent or legal guardian over the age of twenty-one. Anyone authorized to camp on district property shall have and use either a vehicle plated as

a recreational vehicle or a tent or like structure that was manufactured for the purpose of sleeping outdoors. (Class D)

3. **SPECIAL EVENT:** A permit is required for any of the other activities listed in Section 3A, Paragraph 1, above. The permit may be valid for from one to seven consecutive days. The permit may provide for use of an area or areas to the exclusion of others and for other permit controlled activities pursuant to this Ordinance. (Class C)
 4. **NON-PROFIT GROUP USE AND FUNDRAISING:** Request for special events and fund raising activities held by non-profit organizations must be submitted in a formal letter, outlining the event in detail, to the District office at least four (4) weeks in advance of the anticipated date of use. Upon receipt of this letter, a permit may be issued following standard District procedure. During the permit process, non-profit organizations will be required to submit both proof of the organization's 501-(C)3 status and an insurance statement naming the District as additionally insured. Non-profit groups may be eligible for a discounted or waived fee for use of District sites. (Class C)
 5. **HUNTING:** No person other than those that are properly licensed by the State of Illinois and registered and permitted by the McHenry County Conservation District in accordance with Chapter III, Sections 14 and 15 of this Ordinance shall hunt on any lands of the District. (Class A).
- C. Any and all permits are subject to revocation at the discretion of the Executive Director or his/her designate.
 - D. Any and all permit violations occurring on property or properties owned by the District but with permit fee structures not controlled by the District shall have a penalty requiring payment of said fee in addition to any and all District fines. (Class D)
 - E. No person granted a Permit shall violate the requirements, terms, conditions, restrictions or rules duly set forth under the authority of this Ordinance as part of any granted Permit or Registration. (Class B)

CHAPTER II - PROTECTION OF PROPERTY, STRUCTURES, AND NATURAL RESOURCES

SECTION 1: DESTRUCTION OR MISUSE OF PROPERTY AND STRUCTURES:

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

- A. Destroy, deface, paint, alter, change or remove any monument, stone, marker, benchmark, stake, post or blaze marking any boundary line, survey line or reference point; (Class C)
- B. Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, picnic table, bridge, pier, drain, well, fountain, pump, lamp post, fence gate, refuse container, exhibit, display, tool storage box, utility outlet, movie screen, flag post, tree, or any other structure or parts thereof, without written permission of the Executive Director; (Class C)
- C. 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 Conservation site; (Class C)
- D. Take, appropriate, excavate, injure, destroy or remove any historical or prehistoric ruin or parts thereof, or any object of antiquity, without written permission of the Executive Director; (Class C)

- E. Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade, or any other movable or non-movable property into any lake, pond, slough, stream, or lagoon or upon the frozen waters thereof or to otherwise render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such property; (Class C)
- F. Occupy or inhabit, or cause to be occupied or inhabited, any house, barn, shelter, shed or other structure, or cause to be used for storage of any goods, any house, barn, shelter, shed or other structure without written permission of the Executive Director; (Class D)
- G. Enter into or upon any Conservation site or waters or areas thereof or structure closed or posted against entering without written permission of the Executive Director. These structures or areas may be, but are not limited to, employee residences and their immediate surrounding area, construction areas, work safety zones, equipment or material storage structures or areas, work shops or stations, tree nurseries or areas undergoing intensive reforestation or other soil or vegetative treatment, natural sensitive areas including but not limited to "Nature Preserves" or areas hazardous to public safety or health; (Class B)
- H. Tamper with in any way, enter or climb upon, damage or remove anything from any District vehicle, watercraft, machine or implement, without written permission of the Executive Director; (Class C)
- I. Misuse any refuse container or receptacle by depositing into it 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 Conservation site facilities; (Class E)
- J. Walk off any path, trail, or roadway except any area designated for such use by the Executive Director or his/her designate; (Class E)
- K. Tamper with in any way, climb upon, jump from, connect to, damage, deface or remove anything from any District building or structure, without written permission of the Executive Director. (Class C)

SECTION 2: DESTRUCTION OR MISUSE OF NATURAL RESOURCES:

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

- A. Cut, remove, uproot or wantonly destroy any tree, sapling, seedling, bush, shrub, flower, or plant, whether alive or dead; or chip, blaze, box, girdle, any tree or other plant without the written permission of the Executive Director; (Class A)
- B. Trim or otherwise deface or injure any tree, shrub or bush; break or remove any branch or foliage thereof; or pick or gather any seed of any tree or other plant without the written permission of the Executive Director; (Class D)
- C. 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 Executive Director; (Class D)
- D. Hunt, pursue, trap, catch, capture, molest, poison, wound or kill any invertebrate animal, mammal, bird, reptile or amphibian; disturb, molest or rob the nest of any mammal, bird, insect, reptile or amphibian or the lair, den or burrow of any mammal, bird, reptile or amphibian, without written permission of the Executive Director, except at such place or places as may be designated for such purpose by the Board of Trustees and then only in accordance with the rules, regulations and restrictions promulgated and posted; (Class B)
- E. Fish in any waters of the District not designated for fishing or by using a bow and arrow, spear or slingshot; (Class C)

1. Or by using hooks baited with live or dead fish, crayfish, amphibian, reptile or bird, except in areas designated by the Executive Director; (Class D)
 2. Or with more than two devices; (Class D)
 3. Or with any device using more than two hooks per line; (Class D)
 4. Or any net, seine or trap; (Class D)
 5. Or with attended or unattended lines during the hours that Conservation sites are closed as defined by the provisions of this Ordinance; (Class D)
 6. Or in violation of any regulations or restrictions posted by the Executive Director or his/her designate controlling the size, species and number of fish that can be taken from a designated body of water; (Class D)
- F. 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 non-flowering plant brought into or upon District lands or waters from any outside source without written permission of the Executive Director; (Class E)
- G. Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designated to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, without written permission of the Executive Director and then only in compliance with all applicable laws of the State of Illinois and the United States; (Class A)
- H. Drive, or cause to be driven, any cattle, horses, sheep, goats, swine or other livestock to graze or browse, without the written permission of the Executive Director; (Class D)
- I. Deposit, dump, throw, cast, lay or place, nor cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, paper, garbage, refuse, debris or junk. However, on site produced garbage may be deposited in a designated container. (Class D)

SECTION 3: CONTRABAND:

All animals, plants, birds, fish or reptiles, or parts thereof, killed, captured, trapped or taken, bought, sold or bartered or had in possession contrary to any provision of this Ordinance or applicable laws of the State of Illinois shall be, and are hereby declared, contraband and, as such, shall be subject to seizure by any police officer, caretaker or employee of the District or by any duly sworn peace officer.

SECTION 4: DESTRUCTION BY OR MISUSE OF FIRE:

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

- A. Set fire, or cause to be set on fire, any tree, forest, brush land, grassland, meadow, prairie, marsh, slash, refuse, refuse container or structure; (Class A)
- B. Build a fire anywhere, for any purpose other than in fireplaces or fire receptacles designed for such use and then only in locations and areas as designated by the District; (Class E)
- C. Build a fire or cause a fire to start in or out of a receptacle close to or in any structure whatsoever or close to any tree or other plant in such a way as to deface, damage, or destroy that structure or scar, injure or destroy any tree or plants or their foliage; (Class C)
- D. Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker or match; (Class D)
- E. 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 Ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance is cold to the human touch. (Class D)

CHAPTER III - REGULATION OF SPORTS AND GAMES

SECTION 1: SWIMMING:

No person shall upon or in connection with any property of the District swim, wade or bathe at any time in any of the lakes, ponds, streams, sloughs or watercourses, except at such place or places as may be designated by the Executive Director and then only in accordance with the rules, regulations and restrictions promulgated and posted. (Class F)

SECTION 2: WATERCRAFT:

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

- A. Bring into, attempt to launch, use, or navigate any boat, yacht, canoe, raft, paddleboard, stand-up paddle board, personal flotation device or other watercraft upon the waters of any watercourse, lagoon, lake, pond, or slough, except at such places as may be designated by the Executive Director. Where allowed, watercraft shall be used in accordance with the District rules, regulations, and restrictions duly set forth and posted, as well as all applicable statutes of the State of Illinois and the United States; (Class B)
- B. Operate a boat or water flotation device of any kind or description on any Conservation site, unless such boat or water flotation device is propelled without the aid of a fossil fuel powered motor. Boats or water flotation devices equipped with fossil fuel powered motors of any type are prohibited and shall not be operated on any Conservation site; (Class D)
- C. Sailboards, surfboards, kickboards, and individual fishing flotation rings are prohibited and shall not be operated on any Conservation site; (Class F)
- D. Electric powered trolling motors shall be permitted, unless posted to the contrary, but shall not drive the watercraft past the speed needed to maintain forward motion. (Class E)

SECTION 3: ENGINE POWERED MODELS OR TOYS:

No person shall upon or in connection with any property of the District start, fly or use any fuel-powered engine, jet-type or electric-powered model aircraft, car, truck, boat or rocket or like powered toy or model, except at those areas or waters designated by the Executive Director for such use and then only in accordance with such rules, regulations and restrictions promulgated and posted by the Executive Director or his/her designate. Drones may not be operated on, over, or across the District Property except when operated by the District. For purposes of this section, the term "District Property" includes the first 150 feet of airspace above the ground. (Class D)

SECTION 4: HORSEBACK RIDING:

No person shall upon or in connection with any property of the District bring into, unload, use or ride any horse except on those fields, lots, areas, trails, paths, or roadways designated by the Executive Director for horse use. Where allowed, horses shall be used in accordance with the rules, regulations, and restrictions duly set forth and posted by the Executive Director or his/her designate. (Class D)

SECTION 5: BICYCLING AND ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES:

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

- A. Use or ride a bicycle on any path, trail or other area except on those paths, trails

- or other areas designated by the Executive Director for bicycle use and at a speed not to exceed 15 miles per hour; (Class E)
- B. Fail to ride a bicycle on the right-hand side of any trail or path, as conditions shall permit; (Class F)
 - C. Ride a bicycle in any manner other than single file on any path, trail or road used by the public for regular motor vehicle access; (Class B)
 - D. Fail to yield the right of way to any and all pedestrians while riding a bicycle; (Class B)
 - E. Use or ride any electric or electric assisted bicycle capable of exceeding a speed of 15 miles per hour; (Class D)
 - F. No person shall operate any bicycle in a careless or reckless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the bicycle to a stop within the assured clear distance ahead or operate any bicycle in such a manner as to endanger the life, limb or property of any person; (Class A)
 - G. The McHenry County Conservation District authorizes persons with mobility impairments to use electronic personal assistive mobility device (EPAMD) in District facilities and sites subject to the following restrictions:
 - 1. The operator of the device must be a person with a mobility impairment, and upon request by District officials, shall produce proof of such status within 24 hours; Credible proof includes: a valid State-issued disability parking placard or card, or other State-issued proof of disability; or a verbal representation, not contradicted by fact, that the EMPAD is being used for a mobility disability. A valid disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of issuance's requirements for disability placards or cards;
 - 2. The device, if used in a facility or in a site or conservation area, is allowed in any area of the facility, site or conservation area in which the general public is allowed, with the exception of employee only spaces, stairways, and identified hazardous areas;
 - 3. The device, if used in an indoor facility, must be controlled by the operator. It:
 - a. may not exceed 4 mph;
 - b. shall be driven on the right side of the circulation route;
 - c. is prohibited from carrying another person on the frame, or any object on the frame that may make the EPAMD less stable;
 - d. must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, District employees, or District participants;
 - 4. The device, if used in a site or conservation area or out-of-doors, must be controlled by the operator. It:
 - a. may not be operated between dusk and dawn unless required for a District authorized program or activity (e.g., camping, evening education and recreation programs, etc.;
 - b. may not exceed 6 mph;
 - c. may not be driven into wet or ecologically sensitive areas which are posted as prohibited areas by the District;
 - d. shall be driven on the right side of the circulation route;
 - e. is prohibited from carrying another person on the frame, or any object on the frame that may make the EPAMD less stable;

- f. must not be operated in a dangerous or reckless manner that jeopardizes the safety of the operator, District employees, or District participants;
5. The District accepts no responsibility for storage of the device;
6. The District accepts no liability for damage to the device, or injury to the operator, whether caused by the operator, another visitor to a District facility or site, or any other circumstance;
7. The District accepts no liability for damage caused by the operator of the device, or injury to others caused by the operator of the device;
8. The District reserves the right to suspend the use of any device at any of the District's facilities, sites or conservation areas by the operator and to protect other such participants from any unreasonable risk of injury or harm. (Class F)

SECTION 6: SOUND OR ENERGY AMPLIFICATION:

No person shall upon or in connection with any property of the District 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 the quiet camps, picnic areas or other public gathering places, without written permission of Executive Director. (Class C)

SECTION 7: WINTER SPORTS:

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

- A. Operate or ride any snowmobile or other motor driven device at any time or in an area that is closed due to inadequate snow cover, other environmental conditions or on any area posted by the Executive Director or his/her designate as being "unsafe" or "hazardous" and then only in those areas designated by the Executive Director or his/her designate for such activities; (Class B)
- B. Operate any snowmobile in excess of the posted speed limit, or in the absence of said posting, 40 miles per hour; (Class C)
- C. Operate any snowmobile between the hours of 10:00 p.m. and 8:00 a.m. in excess of 10 miles per hour in any area posted as a quiet zone; (Class D)
- D. Operate any snowmobile that is not equipped with fully functional and operational original equipment type safety and noise suppression equipment; (Class B)
- E. Sled, toboggan, ski or slide on any area posted by the District as being "unsafe" or "hazardous" or as being "closed" due to inadequate snow cover or other environmental conditions; or upon due notification of such by the Executive Director or his/her designate. The above activities shall only be permitted in areas posted by the Executive Director or his/her designate; (Class E)
- F. Enter on or upon any frozen waters to skate, fish, slide or walk on for any purpose whatsoever when such waters are posted by the Executive Director or his/her designate as being "closed" or "unsafe" or "hazardous"; or when notified of such conditions by the Executive Director or his/her designate; (Class D)
- G. Bring onto or upon the frozen waters of any lake, pond or watercourse any iceboat, wind-driven-like device or other vehicle, without written permission of the Executive Director. (Class D)

SECTION 8: FIELD AND TEAM SPORTS:

No person shall upon or in connection with any property of the District play or engage in any team sport or game such as, but not limited to, baseball, football, field hockey, volleyball, lacrosse or horseshoes, except in those areas designated by the Executive Director as athletic fields or, if none are available, only on those areas and for such period of time determined by, and permitted by, the Executive Director or his/her designate in order to insure the safe and equal use of the Conservation site by others. (Class F)

SECTION 9: AMUSEMENT CONTRAPTIONS:

No person shall upon or in connection with any property of the District bring in, set up, construct, manage or operate any amusement or entertainment contraption, device or gadget, without written permission of the Executive Director. (Class D)

SECTION 10: AVIATION:

No person shall upon or in connection with any property of the District make any ascent or landing with a balloon, airplane, helicopter, glider, hang glider, kite, or parachute, or any other aviation device or conveyance without written permission of the Executive Director. (Class D)

SECTION 11: GAMBLING:

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

- A. Manage, operate or engage in gambling of any form; (Class A)
- B. Have in their possession any clock, wheel, tape machine, slot machine, pin machine or other machine or device for the reception of money or other thing of value on chance or skill or upon action of which money is staked, bet, hazarded, won or lost. Any such machine or device shall be subject to seizure or confiscation by any Police officer of the District. (Class A)

SECTION 12: METAL DETECTORS:

Bring in or use any device or instrument used to detect metallic objects without prior Written Permission of the Executive Director. (Class D)

SECTION 13: SKATEBOARDS:

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

- A. Ride or operate any skateboard, hoverboard or scooter, other than at such place or places as may be designated by the Executive Director and then only in accordance with the rules, regulations and restrictions promulgated and posted; (Class E)
- B. Scooters that are manually or non fossil fuel powered may be operated on paved alternate transportation corridors; fossil fueled powered scooters are prohibited; (Class D)
- C. Skateboards and scooters where allowed, shall not exceed a speed of 4 miles per hour and must abide by all rules and regulations governing bicycle usage as defined and provided in this ordinance. (Class F)

SECTION 14: RECREATIONAL HUNTING:

The Board of Trustees on designated District lands may permit controlled recreational hunting. Hunting areas, methods and seasons as well as species limit and type shall be designated by the Board of Trustees. All such designations

shall be in compliance with all laws, rules and regulations as set forth by the State of Illinois. Any or all designations made by the Board may be more restrictive but shall not be less restrictive than those allowed by the State. All such designations may be periodically reviewed or changed by the Board with or without notice.

- A. No person shall hunt on any lands or areas of the District other than those designated for such purpose; (Class A)
- B. No species other than those approved by the State of Illinois and designated by the Board of Trustees shall be hunted on any District lands; (Class B)
- C. No hunting method or methods other than those approved by the State of Illinois and designated by The Board of Trustees shall be used upon or in connection with any properties of the District, and only on those properties as designated by the Board; (Class B)
- D. No person other than those that are properly licensed by the State of Illinois and registered and permitted by the McHenry County Conservation District shall hunt on any lands of the District and then only in the designated zone(s) and area(s) as specified on the permit. (Class A)

SECTION 15: RECREATIONAL HUNTING ADMINISTRATIVE DIRECTIVES:

All hunting areas, methods and seasons as well as species limit and type shall be reviewed by the District staff on an annual basis and the findings of which shall be submitted to the Board of Trustees in the form of a program recommendation. The Board of Trustees will then designate all such hunting areas, methods and seasons as well as species limit and type. All designations shall then be implemented through the issuance of an Administrative Directive as approved by the Board of Trustees. The Board of Trustees shall retain the right to eliminate recreational hunting activities on any or all District areas regardless of past use.

- A. No person shall upon or in connection with any property of the District violate any provision, rule, regulation or directive set forth in this Administrative Directive. (Class D)

SECTION 16: HUNTER / FISHERMAN INTERFERENCE:

No person shall intentionally or knowingly obstruct or interfere with, or use a drone in a manner that interferes with a properly licensed hunter or fisherman legally on District property. This Section does not apply to any District employee or lease holders exercising their legal rights to the land or police officers, officers of the U.S. Fish and Wildlife Service, sheriffs, deputy sheriffs, or other peace officers if the actions are authorized by law and are necessary for the performance of their official duties. (Class B)

SECTION 17: DISCHARGING FIREARMS ON CONSERVATION SITES:

No person shall upon or in connection with any property of the District discharge a firearm unless authorized by Section 14 or 15 of this Chapter or authorized by the Executive Director or his/her designate and then only in accordance with the provisions, rules, regulations or directives set forth. Nothing in this Section should be construed to regulate the discharge of handguns by a holder of a valid Firearm Owner's Identification Card and concealed carry license, in any manner consistent with State law. (Class B)

SECTION 18: SHOOTING INTO A CONSERVATION SITE:

No person shall at any time discharge a firearm or bow and arrow or allow a firearm or bow and arrow to be discharged into any property of the District. Nothing in this Section should be construed to regulate the discharge of handguns by a holder of a valid Firearm Owner's Identification Card and concealed carry license, in any manner consistent with State law. (Class B)

SECTION 19: PAINTBALL GUNS:

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

- A. Have in their possession any paintball gun, pellet, projectile, or other item associated with or manufactured for such use; (Class D)
- B. Discharge any device manufactured or created for the purpose of recreational sport marking whether temporary or permanent. (Class D)

CHAPTER IV - REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING

SECTION 1: VEHICLE OPERATION AND EQUIPMENT:

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

- A. 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 of Illinois having to do with the equipment, control, licensing, registering and use of motorized vehicles and/or the licensing of operators of such vehicles; (Class B)
- B. 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 20 m.p.h.; (Class B)
- C. Disobey any stop sign or any traffic control device; (Class B)
- D. Operate or cause to be operated, any motor vehicle so as to avoid any traffic control device. (Class B)

SECTION 2: VEHICLE TYPES AND ACCESS ALLOWED:

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

- A. Operate, or cause to be operated, any motor vehicle anywhere except on the roads, drives and parking areas provided, without written permission of the Executive Director and then only in compliance with the directions and restrictions of the District police; (Class D)
- 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 of Illinois, without written permission of the Executive Director and then only in those areas specified and in accord with the rules and restrictions duly set forth by the Executive Director. Vehicles not so licensed, and therefore, subject to the provisions of this sub-section include, but are not limited to, snowmobiles, go-carts, golf carts, trail bikes, and such other all-terrain off-the-road type vehicles; (Class B)
- C. Operate or move, or cause to be operated or moved, any motor vehicle locked in as a result of the closing of a Conservation site at the proper posted time, without the permission of the District police or until such time that the Conservation site is officially opened. Any unauthorized vehicle remaining in a Conservation site after closing may be removed by the District from said site by towing at the registered owners expense; (Class D)

- D. Operate a motorized vehicle on any road, drive or parking area posted, gated, or barricaded as closed to public traffic. (Class D)
- E. Operate a motorized vehicle in a manner that causes damage to conservation district property. This includes but is not limited to creating ruts, and damage to bridges (Class A)

SECTION 3: RIGHT-OF-WAY:

No person shall upon or in connection with any property of the District operate a motor vehicle in such a manner as to fail to yield the right-of-way to pedestrians, bicyclists and/or equestrians. (Class B)

SECTION 4: PARKING:

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

- A. Park a vehicle overnight or leave or cause to leave a vehicle parked in a conservation site after the posted closing time without permission of the Executive Director or his/her designate; (Class D)
- B. Park a vehicle in such a way as to block in another parked vehicle; (Class D)
- C. Park a vehicle in such a way as to block access to a site or to block, restrict, or impede the normal flow of traffic; (Class B)
- D. Park a vehicle in a zone or area posted prohibited parking or in a undesignated parking area; (Class F)
- E. Park a vehicle on turf, meadow, prairie, marsh, field, in woodland or on any exposed roots of any tree or shrub; (Class F)
- 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; (Class F)
- G. Congregate within a parking area; (Class F)
- H. Park an unauthorized vehicle in a designated handicapped-parking zone. (Class B)

SECTION 5: TOWING:

Violations of any section of this chapter resulting in the subsequent towing of a vehicle by the District: Expense of such towing and storage shall be borne by the registered owner of said vehicle. (Class C)

SECTION 6 – SPECIAL SPEED AND OPERATING RESTRICTIONS:

Operate or cause to be operated any Vehicle or any other conveyance upon any road, path, drive or parking area, or on any lands in any manner which endangers the safety of Persons or property, or which would allow the tires to spin on any surface (including but not limited to gravel, grass, or prairie), or causing damage to any surface by the use of any vehicle, or at a speed which is greater than is reasonable and proper for the safe operation of the Vehicle, with regard to traffic conditions and special hazards, such as trail crossings, entrances to parking areas or campgrounds, narrow or winding roads, hills, curves, weather or road conditions, and pedestrian, equestrian or bicycle traffic. (Class B)

CHAPTER V - REGULATION OF PERSONAL CONDUCT AND BEHAVIOR

SECTION 1: VENDING AND ADVERTISING

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

- A. Expose or offer for sale to the general public any articles or things; or conduct or solicit any business, trade, occupation or profession without a valid

Concession Contract Agreement approved by the Executive Director and then only in accordance with the terms and conditions thereof, it being the intention to control commercial enterprises or sales on District lands; (Class C)

- 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 Executive Director and then only in compliance with the terms of such Permit or in compliance with the terms of a valid Concession Contract approved by the Executive Director, 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 such signs are temporary and are removed by the Permittee at the termination of the activity and providing that such signs are no larger than 24" by 30" and are not attached to any tree or shrub or any post, building, District sign, gate or other structure. (Class D)

SECTION 2: UNLAWFUL OBSTRUCTIONS:

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

- A. Set, place or cause to be set or placed any goods, ware or merchandise on 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 any use of any Conservation site or the detriment of the appearance of any Conservation site; (Class C)
- B. By force, threats, intimidation, unlawful fencing, enclosing or by any other unlawful means, prevent, obstruct or combine and confederate with others to prevent or obstruct, any person from peacefully entering upon any property of the District, or prevent or obstruct 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 certain person or persons use to the exclusion of others as defined and provided for in this Ordinance. (Class A)

SECTION 3: UNLAWFUL CONSTRUCTION, MAINTENANCE OR ENCROACHMENT:

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

- A. Erect, construct, install, or place any structure, building, shed, fence, machinery, equipment, or apparatus of any type, or stockpile, store or place any organic or inorganic material used for the construction of such items on, below, over or across any District property without prior written authorization from the Board and then only in accordance with the terms and conditions set forth in a valid License, Easement or Contract agreement. Corporations may be prosecuted for a violation of this section when an Agent of the Corporation, while acting within the scope of his/her office or employment, performs the conduct which is prohibited;(Class A)
- B. Perform or cause any mowing, trimming, cutting, or grooming of District lands, or perform any similar grounds maintenance for any purpose, or in any like manner encroach onto District Property from privately or publicly owned lands; (Class D)
- C. Place, stockpile or store any gravel, stone, dirt, sand, wood, lumber or any other organic or inorganic material on District Property. (Class D)

SECTION 4: DRUG AND ALCOHOL ABUSE:

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

- A. Be present in an intoxicated condition or under the influence of liquor, beer,

- cannabis, drug or narcotic to the extent of being unable to perform a normal body function, such as but not limited to maintaining balance and coherent speech, or because of the influence of such or like substances engage in behavior of speech that intimidates others or interferes with or unreasonably disrupts others in the normal, safe use of the Conservation site or any facility thereof; (Class C)
- B. Consume any alcoholic beverage in any area designated for parking or within a distance of one hundred (100) feet thereof; (Class C)
 - C. Possess any alcoholic beverage on any alternative transportation corridor (i.e. bicycle/snowmobile trail); (Class C)
 - D. Be under the age of 21 and possess any tobacco or tobacco related product; (Class D)
 - E. Be under the age of 21 and possess any alcoholic beverage of any kind, or cannabis or any cannabis related product. (Class A)
 - F. Possess Cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and is reasonably inaccessible while the vehicle is moving on district property. (Class A)
 - G. Use cannabis in any motor vehicle. (Class A)
 - H. Use cannabis in any public place. (Class A)

SECTION 5: WEAPONS AND HARMFUL SUBSTANCES:

No person shall upon or in connection with any property of the District at any time have in their possession or on or about their person, vehicle, or any other conveyance concealed or otherwise, any firearm, pistol, revolver, rifle, shotgun, bow and arrow, slingshot, cross bow, spear or spear gun, stun gun, taser switchblade knife, stiletto, sword, blackjack, club, martial arts weapon, paint gun, air rifle, bb gun or any weapon, or any device designed or capable of discharging a projectile or harmful chemical substance by air, spring, spirit, gas or explosive, any explosive substance or harmful solid, liquid or gaseous substance or any other dangerous weapon, except at those ranges or areas designated for their use by the Executive Director and then only in accordance with the rules and restrictions duly set forth for the proper use of such ranges or areas. Nothing contained herein shall be construed to prevent any Police, Deputy, Sheriff, Coroner, State Policemen or any duly sworn peace officer from carrying 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. Nothing in this Section should be construed to regulate the possession of handguns, and the transportation of any firearm by a holder of a valid Firearm Owner's Identification Card or concealed carry license, in any manner consistent with State law. (Class B)

SECTION 6: HINDERING OR BRIBING EMPLOYEES:

- No person shall upon or in connection with any property of the District:
- A. Threaten, interfere with, unreasonably disrupt, delay or in any manner hinder any employee engaged in the performance of his/her duties; (Class A)
 - 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 provision of this Ordinance or any other District Ordinance, contract, or Permit, or statute of the State of Illinois and the United States or in order to 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. (Class A)

SECTION 7: CONTROL AND TREATMENT OF ANIMALS:

Nothing in this Ordinance shall be construed to prohibit the controlled use of domestic animals approved by the Executive Director for the 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 including search/ rescue or the use of service animals as specified in any Service Animal Policy adopted by the District. No person shall upon or in connection with any property of the District:

- A. Bring in, lead or carry any domestic animal that is unleashed or on a leash longer than ten feet, except at those areas designated by the Executive Director for animal training and then only in accordance with the rules and restrictions duly promulgated for the control of such area or areas; All such leashed animals shall, at all times, be under the immediate and direct control of the person bringing such animal into the conservation site; For the purpose of this section, evidence of immediate and direct control shall be proven through the act of physical grasp and manipulation of said leash; (Class F)
- B. Cause or allow to release or to run or remain at large any domestic animal or pet; (Class C)
- C. Torture, whip, beat or cruelly treat or neglect any animal; (Class C)
- D. Bring in, drive, ride or lead in any animal, except that horses and other beasts of burden and draft animals may be ridden, led or driven ahead of carriages. Carriages can be a maximum of 5 feet in width; carriages can only be drawn by a single horse driven ahead of vehicles attached thereto on such portions of the Conservation sites as may be designated by the Executive Director and then only in accordance with the provisions of this Ordinance and the rules and restrictions duly promulgated for the control of such area or areas; (Class D)
- E. Hitch or tie any horse or other animal to any tree, bush, shrub or structure. Unless the structure was constructed for that purpose; (Class F)
- F. Bring in, lead, drive, ride or carry any wild, domestic or pet predator animal or bird, leashed or unleashed into or upon any Conservation site, or part thereof, designated as a Nature Preserve or Natural Area or Historic Site, without the written permission of the Executive Director; (Class C)
- G. Shall feed any wild animal, predator animal, fish, reptile or bird. Domestic animals can only be fed by their owner(s) or permission of their owner(s). (Class D)

SECTION 8: HONORING PERMITS:

No person shall upon or in connection with any property of the District by act or speech willfully or unreasonably hinder, interrupt or interfere with any duly permitted activity or unreasonably or willfully intrude on any areas or into the structures designated for the use of a certain person or persons to the exclusion of others by written permission of the Executive Director. (Class D)

SECTION 9: PYROTECHNICS:

No person shall upon or in connection with any property of the District, possess, display, use, set off or attempt to ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics, without written permission of the Executive Director. (Class B)

SECTION 10: ILLINOIS COMPILED STATUTE LIMITATIONS:

No person shall do or cause to be done any act in violation of the Illinois Criminal Code of 1961 as amended, the Illinois Cannabis and Controlled Substance Acts of 1971 as amended, the Illinois Dram Shops Acts as amended, or any applicable

Illinois Compiled Statutes as amended while in or on any property administered by or under the jurisdiction of the District. (Class B)

SECTION 11: PERSONAL CONDUCT:

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

- A. Engage in behavior or speech that provokes a breach of the peace or disrupts, alarms, disturbs, annoys, intimidates, or unreasonably interferes with others while on or in any District property or any facility thereof. Such prohibited conduct includes, but is not limited to, public urination, public intoxication, any sexual contact and any sexual conduct; (Class A)
- B. Intentionally expose his or her own genitals, pubic area, buttocks, or female breast below the top of the areola, with less than a fully opaque covering. (Class A)
- C. Engage in any lewd or sexual conduct on district property. (Class A)
- D. Engage in any conduct that creates an unsafe condition or engages in any unsafe act. (Class A)

SECTION 12: DISOBEYING A LAWFUL ORDER:

Disobey, ignore, or in any manner fail to comply with any request, direction, or order given by any Police Officer charged with the control, management, or protection of District Property or resources when such request, direction or order is given in the lawful performance of his/her duties. (Class A)

SECTION 13: PHOTOGRAPHY:

Take or cause to be taken any still or motion pictures or make sketches or paintings for commercial purposes without prior Written Permission of the Executive Director and then only in accordance with the rules and restrictions duly set forth as part of such Permit or engage in any photography or video recording in restricted areas. (Class D)

CHAPTER VI - DISORDERLY STREET GANG CONDUCT

SECTION 1: MCHENRY COUNTY CONSERVATION DISTRICT FINDINGS:

- A. The McHenry County Conservation District hereby finds and declares that it is the right of every person, regardless of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, citizenship status, ancestry, marital status, military status, physical or mental disability to be secure and protected from fear, intimidation and physical harm caused by the activities of violent groups and individuals. It is not the intent of this Ordinance to interfere with the exercise of the constitutionally protected rights of freedom of expression and association. The McHenry County Conservation District hereby recognizes the constitutional right of every citizen to harbor and express beliefs on any lawful subject whatsoever, to lawfully associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process;
- B. The McHenry County Conservation District finds, however, that urban, suburban and rural communities, neighborhoods, schools and parks throughout the State are being terrorized and plundered by street gangs. The McHenry County Conservation District finds that there are now several hundred street gangs operating in Illinois, and that while their terrorism is most widespread in urban areas, street gangs are spreading into suburban and rural areas of Illinois, including McHenry County;

- C. The McHenry County Conservation District further finds that street gangs are often controlled by criminally sophisticated adults who take advantage of our youth by intimidating and coercing them into membership by employing them as drug couriers and runners, and by using them to commit brutal crimes against persons and property to further the financial benefit to and dominance of the street gang;
- D. Street gang activity presents a clear and present danger to public order and safety and is not constitutionally protected. No society is or should be required to endure such activities without redress. Accordingly, it is the intent of the McHenry County Conservation District, by enacting this Ordinance, to prohibit street gang related activity.

SECTION 2: DEFINITION:

- A. For the purpose of this Section, “street gang” or “gang” is defined as any ongoing organization, association in fact or group of three or more persons, whether formally or informally organized, or any sub-group or affiliated group thereof, having as one of its activities the commission of criminal or illegal acts, including by way of example only and not in any way limiting or specifying, illegal drug distribution, and whose members individually or collectively engage in or have engaged in a pattern of criminal or illegal acts, and which group frequently, though not necessarily, claim one or more particular geographic territory or “turf” exclusively as its realm of influence and operations;
- B. It shall be unlawful for any person within or on any McHenry County Conservation District properties to use, display or wear colors, emblems or insignia on or about their person in public with the intent of communicating membership or support of, affiliation, association or identification with, or insult toward any street gang;
- C. It shall be unlawful for any person within or on any McHenry County Conservation District properties or waters that are owned, managed and or leased by the District including any lands covered by conservation easements granted to the District to do or make any act, use any words or gestures with the intent of communicating membership or support of, affiliation, association or identification with, or insult toward any street gang or with actual knowledge that the subject act, use of words or gestures are used and recognized as a means of communicating street gang membership, affiliation, association, support, identification or insult.

SECTION 3: PENALTY:

Any person violating this section shall be fined not less than \$400.00 for each offense and be responsible for the McHenry County Conservation District’s cost of prosecution including but not limited to attorney fees incurred by the McHenry County Conservation District. Each day that a violation continues shall be considered a separate offense. A violation of this ordinance requires a court appearance. (Class A)

CHAPTER VII - ENFORCEMENT

SECTION 1: INCORPORATION OF ENFORCEMENT ORDINANCE

The President and Board of Trustees of the District authorize the adoption of an ordinance governing the enforcement and establishing fines and penalties for any violation of this general use ordinance. Said ordinance governing enforcement is incorporated into and made part of this general use ordinance.

SECTION 2: PERMITS AND DESIGNATED AREAS - AUTHORITY:

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

- A. The Executive Director or his/her designate shall have the authority to designate areas, facilities or water suitable for various activities or use, to close Conservation sites, 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 Ordinance and collect such fees as established by the District in accordance with the following guidelines:
1. That no person be discriminated against because of race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, citizenship status, ancestry, marital status, military status, physical or mental disability;
 2. That the proposed use or activity will not unreasonably interfere with or detract from the general public use and enjoyment of the Conservation site and surrounding property or facilities;
 3. That the proposed use or activity is not reasonably likely to result in violence or serious harm to property or persons;
 4. That the proposed activity or use will not entail extraordinary expense or operation costs by the District or expose it to unusual or extreme liability;
 5. That the area desired has not been reserved for another activity at the same time;
 6. That the proposed activity is not reasonably expected to detract from the promotion of public health;
 7. That the proposed activity is reasonably compatible with the type of Conservation site, the size and character of the area or waters involved and the facilities available and that it is not reasonably expected to cause irreparable harm or extreme damage to the natural environment of the Conservation site.
- B. The Executive Director or his/her designate may impose reasonable restrictions on the granting of a Permit including, but not limited to, any of the following:
1. Restricting of open dates for reserved area 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 temporary structures, the use of domestic, pet or trained animals, the use of shelters or structures, the collecting for any purpose of any water, soils, minerals, flora and fauna, the type and location of sports and games or any other activity which appears likely to create a risk of unreasonable harm to use and enjoyment of the Conservation site by others or of damage to District property;
 2. Requiring proof of and establishing the amount of liability and Dram Shop 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 Executive Director to require such;
 3. 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;

4. Requiring that the applicant furnish additional security forces at the applicant's expense. All such forces shall be approved by and act under District police supervision.
- C. All permits required by this Ordinance and issued by the Executive Director or his/her designate shall be issued at the District Administrative Office located at 18410 U.S. Highway 14, Woodstock Illinois, or any other site designated by the Executive Director, on a first-come, first-served basis beginning the first working day of each calendar year for open dates or for such total number allowed during that calendar year.
 - D. The Executive Director is authorized to seek reasonable information regarding any proposed use, activity or privilege and require a record of such information on a Permit Application.
 - E. No person shall misrepresent, falsify or withhold such required information. (Class D)
 - F. No person granted a Permit shall violate the requirements, terms, conditions, restrictions or rules duly set forth under the authority of this Ordinance as part of any granted Permit or Registration. (Class C)
 - G. No person shall obtain or use any Permit without first having paid the established fee. (Class D)
 - H. All designated areas, waters, or facilities and all Permits restrictions, rules, regulations or conditions are subject to review at any time by the Board of Trustees of the McHenry County Conservation District. Any aggrieved person shall have the right to petition the Board, in writing, regarding denial or restriction of use or activity and be properly heard by the Board, as the President shall direct.

SECTION 3: CIVIL SUITS:

Nothing in this Ordinance 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 Ordinance or any law of the State of Illinois.

SECTION 4: STATE, UNITED STATES AND LOCAL LAWS:

All persons within the Conservation areas of McHenry County Conservation District, McHenry County Illinois are subject to all Ordinance rules and regulations of the District, as well as all applicable laws of the United States, State of Illinois and local statutes and Ordinances, as amended and changed from time to time. These laws include, but are not limited to, the Conservation District Act of the State of Illinois, the Illinois Vehicle Code, the Criminal Code of 1961, the Wildlife Code and the Fish Code of the State of Illinois as amended and changed from time to time.

SECTION 5: AUTHORITY OF OTHER AGENCIES:

Nothing in this Ordinance 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 of Illinois and the United States or ordinances of McHenry County, Illinois or in accord with any other Policing Agreement approved by the Board.

SECTION 6: POSTING OF RULES AND REGULATIONS:

The Executive Director or his/her designate shall have the authority to post rules and regulations as may be necessary and desirable, in order to provide for the safe and peaceful use of the conservation site, for the education and recreation of the public, for the protection and preservation of the property, facilities, flora and fauna of the District and for the safety and general welfare of the public.

SECTION 7: APPLICABILITY OF ORDINANCE:

This ordinance shall be applicable to all lands and waters that are owned, managed and or leased by the District including any lands covered by conservation easements granted to the District.

CHAPTER VIII - CONSTRUCTION OF WORDS AND DEFINITIONS

SECTION 1: 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. 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 are female as well as male and bodies corporate shall be deemed to be included. However, these rules or construction shall not be applied to any Ordinance, which shall contain any express provision excluding such construction of whether the subject matter or contents of such Ordinance may be repugnant thereto.

SECTION 2: DEFINITIONS:

- A. "District" wherever used means the McHenry County Conservation District of McHenry County, Illinois;
- B. "Board" wherever used means the Board of Trustees of the McHenry County Conservation District;
- C. "Executive Director" wherever used means the Executive Director of the McHenry County Conservation 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 Executive Director or his/her designate to carry out a given activity;
- F. "Conservation Site" means any property, real or personal, supervised, owned, maintained, officially used, or governed by the Board of Trustees of the McHenry County Conservation 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 employ of the District under the supervision of the Executive Director;
- I. "Watercraft" where used means any device of conveyance of 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, loudspeakers, radios or 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 of 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 has reached the legal age of majority as defined by the laws of the State of Illinois;
- N. "Area(s)" where used means a specified place within the Conservation site;
- O. "Exclusion of Others" where used refers to prohibiting the use, or behavior of others which disrupts or prevents the authorized and lawful use of designated area or structure in a Conservation site by a person or persons holding a valid Permit for such area or structure or activity;
- P. "Property" when used means any land, waters, facilities or possessions of the District;
- Q. "President" where used means the President of the Board of Trustees of the McHenry County Conservation District;
- R. "Written Permission of the Executive Director" where used is intended to permit written permission being granted by authorized agents of the Executive Director;
- S. "Posted" where used means that a notice is posted, either by sign in a Conservation site, at the entrance to a Conservation site or at the District's Administrative Offices, the location being at the discretion of the Executive Director;
- T. "Special Fee Area" where used means any area controlled or owned by the District with a permit fee structure that does not conform to normal district standards;
- U. "Breach of the Peace" where used means a breaking of the law or rupture of friendly relations, calm or public order;
- V. "Chronic Offender" where used means any individual or individuals who repeatedly or habitually violate any part or parts of this Ordinance;
- W. "Drone" means any aerial vehicle that does not carry a human operator or an unmanned aircraft or ship guided by remote control or onboard computer.
- X. "Electronic Personal Assistive Mobility Device" Means an electronic personal assistive mobility device (EPAMD) is any battery powered mobility device – whether or not designed primarily for use by individuals with mobility disabilities – that is used by a person with a mobility impairment for ambulation, but that is not a wheelchair. This definition does not include gasoline powered devices, golf cars, or riding lawn mowers.
- Y. "Service Animal" means a dog or a miniature horse that has been individually trained to perform tasks for the benefit of a person with a disability. Exceptions may be made by the District on a case-by-case basis in accordance with the law. Tasks may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds, pulling a wheelchair, or retrieving dropped items.

CHAPTER IX - MISCELLANEOUS

SECTION 1: CONFLICT:

All District Ordinances and parts of Ordinances and all Resolutions and Directives, and any parts thereof, in conflict with this Ordinance, or any parts thereof, are

hereby repealed.

SECTION 2: ENACTMENT:

This Ordinance shall be in full force and effect from and after its passage and approval, and the publication of an ordinance governing enforcement of this general use ordinance and establishing fines and penalties for violations of the general use ordinance, as required by Statute.

SECTION 3: CAPTIONS AND HEADINGS:

The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

SECTION 4: SEVERABILITY:

The provisions of this Ordinance shall be deemed to be severable and the invalidity of unenforceability of any provisions shall not affect the validity and enforceability of the other provisions hereof.

SECTION 5: COPIES:

The Secretary of the District shall transmit a copy of this Ordinance to the Executive Director and Attorney of the District, respectively.

SECTION 6: ANNULMANT OF PREVIOUS ORDINANCE:

This Ordinance shall supersede and take the place of the previous General Use Regulation Ordinance #09-782 and amendments thereto, providing, however, that prosecution for any violation of the previous General use Regulation Ordinance occurring prior to the effective date of this Ordinance shall not be affected or abated.

CHAPTER X - AMENDMENTS

This Ordinance may be amended from time to time by a majority of the Board of Trustees of the McHenry County Conservation District. Revising the section amended or attaching the amendment to this Ordinance may show proof of such amendment.

ORIGINALLY PASSED this 19th day of December 2019.

McHENRY COUNTY CONSERVATION DISTRICT

/s/ Vernon M. Scacci, President, Board of Trustees

/s/ Carolyn Campbell, Secretary, Board of Trustees

4822-1966-4672, v. 1

**McHENRY COUNTY CONSERVATION DISTRICT
McHENRY COUNTY, ILLINOIS
18410 U.S. Highway 14
Woodstock, Illinois 60098**

ORDINANCE NO. 19-969

**AN ORDINANCE GOVERNING ENFORCEMENT OF THE MCHENRY COUNTY
CONSERVATION DISTRICT'S "ORDINANCE SETTING FORTH THE RULES
AND REGULATIONS GOVERNING THE USE OF THE CONSERVATION SITES
OF THE DISTRICT" AND ESTABLISHING FINES AND PENALTIES FOR
VIOLATIONS OF SAID RULES AND REGULATIONS.**

WHEREAS, it is reasonable, necessary and desirable for the McHENRY COUNTY CONSERVATION DISTRICT, a Conservation District organized and existing under the laws of the State of Illinois, (hereinafter referred to as the "District") to establish a general use ordinance governing the use of the conservation sites of the District; and

WHEREAS, subject to the provisions of the Illinois Compiled Statutes, Chapter 70, Act 410, Sections 3 and 12, it is reasonable, necessary and desirable for the District to provide rules and regulations in order to provide for the safe and peaceful use of the Conservation sites; for the education and recreation of the public; for the protection and preservation of the property, facilities, flora and fauna of the District; and for the safety and general welfare of the public; and

WHEREAS, the District has the authority and the power to establish a general use ordinance;

WHEREAS, the District has adopted a general use ordinance entitled "AN ORDINANCE SETTING FORTH THE RULES AND REGULATIONS GOVERNING THE USE OF THE CONSERVATION SITES OF THE DISTRICT" (the "general use ordinance"); and

WHEREAS, the District has the authority and power to enforce said general use ordinance and to establish fines and penalties for violations of that ordinance; and

WHEREAS, the President and Board of Trustees of the District find it to be in the interest of the District and its residents to establish an ordinance governing the enforcement of its general use ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the District as follows:

CHAPTER I - ENFORCEMENT

SECTION 1: POLICE:

Any Police, Deputy, Sheriff, State Policeman or any other duly sworn peace officer has the power and is authorized to arrest, with or without process, any persons found in the act of violating any Ordinance of the District or law of the State of Illinois.

SECTION 2: TWO PENALTIES - ONE JUDGMENT:

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 Police or other duly sworn peace 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.

SECTION 3: FINES AND PENALTIES:

- A. Any person found guilty of violating any provision of the general use ordinance shall be fined an amount not less than \$20.00 but not more than \$500.00.
- B. All fines for Class C, D, E or F violations not requiring a court appearance shall be paid directly to the McHenry County Conservation District at 18410 U.S. Highway 14, Woodstock, Illinois, 60098. **The fine amounts below for Class C, D, E and F must be paid to the District within 30 days of the issuance of the citation, if not, the fine will increase by \$20. If the fine is not paid within 31-60 days of the issuance of the citation, the fine will increase an additional \$20 and at 61 days after the issuance of the citation, the citation will be forwarded to an agency for collections. At any time after the citation is written the recipient can contest the citation. If the recipient contests the citation, either initially or any time after the issuance of the citation the District will collect the citation and issue a complaint and notice to appear for the violation that gave rise to the citation. The complaint will be processed with the Circuit Clerk of McHenry County and a must appear court date will be issued.**
- C. Fines shall be determined by the classification of the violations:
 - Class A - fine not less than \$120.00, but not more than \$500.00 with a mandatory court appearance
 - Class B - fine \$120.00 - payable only through the McHenry County Circuit Clerk's office
 - Class C - fine \$75.00 - no mandatory appearance
 - Class D - fine \$50.00 - no mandatory appearance
 - Class E – fine \$30.00 - no mandatory appearance
 - Class F – fine \$20.00 - no mandatory appearance
- D. Special Fee Areas; Any and all permit violations occurring on property or properties owned or controlled by the District but having permit fee structures mandated by agencies other than the District, shall have an additional penalty requiring payment of said fee in addition to any and all additional District fines.
- E. Chronic Offenders: Any chronic offender of any part or parts of this Ordinance, after due notification, may be charged with "Criminal Trespass to State Supported Land", a Class A misdemeanor.

CHAPTER II - MISCELLANEOUS

SECTION 1: CONFLICT:

All District Ordinances and parts of Ordinances and all Resolutions and Directives, and any parts thereof, in conflict with this Ordinance, or any parts thereof, are hereby repealed.

SECTION 2: ENACTMENT:

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as required by Statute.

SECTION 3: CAPTIONS AND HEADINGS:

The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

SECTION 4: SEVERABILITY:

The provisions of this Ordinance shall be deemed to be severable and the invalidity of unenforceability of any provisions shall not affect the validity and enforceability of the other provisions hereof.

ORIGINALLY PASSED this 19th day of December 2019.

McHENRY COUNTY CONSERVATION DISTRICT

/s/ Vernon M. Scacci, President, Board of Trustees

/s/ Carolyn Campbell, Secretary, Board of Trustees

4822-1966-4672, v. 1