

2/23/2005
12/15/2004
10/11/2004
9/17/2004
8/26/2004

32-O-05

AN ORDINANCE

**Amending Various Sections of Chapters
9, 10, and 11 of Title 7 of the Evanston City Code
and Adding a Section Pertaining to Park Permits**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Section 7-10-3 of the Evanston City Code, 1979, as amended, is hereby further amended by deleting said section in its entirety and substituting *in lieu* thereof the following new subsection:

7-10-3: GENERAL REGULATIONS:

(A) Athletic Field Reservation System: The playground and recreation board may develop and administer an athletic field reservation system.

(B) Practice on Tennis Backboards: Practice backboards may be used on tennis courts from eight o'clock (8:00) a.m. to nine o'clock (9:00) p.m. only.

(C) Prohibitions on Tennis and Basketball Courts: No skateboards, bicycles, motorized vehicles, rollerblades/skates or scooters are permitted on tennis courts or basketball courts.

(D) Tennis Rules and Regulations: Posted "Tennis Court Rules and Regulations" as adopted by the recreation board will govern use and conduct.

(E) Tennis Court Activity: The playing of tennis is the only activity permitted on City tennis courts.

(F) Private Instruction: Individuals providing private instruction for a fee in City parks must obtain a permit prior to the start of the instruction. City programs and the City's duly authorized agents are exempt.

(G) Hours of Play: Use of basketballs on basketball courts is permitted only between the hours of eight o'clock (8:00) a.m. to nine (9:00) o'clock p.m.

(H) Park Access Road Regulation: No person shall stop, stand, park, drive upon or block a park access roadway except authorized emergency vehicles, municipally owned, or authorized vehicles.

(I) Glass Containers: It shall be unlawful for a person to possess, bring, carry, scatter, dump, deposit, leave or have under his or her actual physical control a glass beverage container in or within a City park or beach. A "glass beverage container" means and includes all glass receptacles including bottles, jars, and glass tumblers containing potable liquids.

(J) Alcohol Prohibited: No alcoholic beverages are permitted on park property with the exception of One-Day Liquor Service licenses for City-owned buildings pursuant to Sections 3-5-6-X and 3-5-6-X1 of the Evanston City Code.

(K) Aviation Apparatus: It shall be unlawful for a person to bring, land, or cause to ascend or descend or alight within City park property or within three hundred (300) yards of shore except when authorized any airplane, helicopter, flying machine, balloon, parachute, or other apparatus for aviation.

SECTION 2: That Section 7-10-2(B) of the Evanston City Code, 1979, as amended, is hereby further amended by deleting said section in its entirety and substituting *in lieu* thereof the following new subsection:

7-10-2(B): PARKS: Unless otherwise specifically designated herein, the hours of operation of public parks shall be six o'clock (6:00) a.m. to eleven o'clock (11:00) p.m. daily.

Fishing from lakefront parks is permitted only as follows:

- (1) From the north and south walkways at the Church Street Boat Ramp;
- (2) From five o'clock (5:00) a.m. to eleven o'clock (11:00) p.m. during the months of April, May, June, July, August, September and October.

SECTION 3: That Section 7-11-6(F) of the Evanston City Code, 1979, as amended, is hereby further amended by deleting said section in its entirety and substituting *in lieu* thereof the following new section:

7-11-6: REGULATIONS ON CITY BEACHES:

(F) Peddling Food, Merchandise: It shall be unlawful for any peddler licensed under the provisions of this code, except the City and its duly authorized agents, to sell or offer for sale any food, beverages, or any other merchandise whatsoever in or within one hundred feet (100') of the public parks enumerated in Section 7-10-1 of this Title and Section 7-11-1 of the City Code.

SECTION 4: That Section 7-11-6(G) of the Evanston City Code, 1979, as amended, is hereby further amended by deleting said section in its entirety and substituting *in lieu* thereof the following new subsection:

7-11-6(G): REGULATIONS ON BEACHES:

(G) Inflatable Objects: Launching of inflatable objects, surfboard type/ flotation devices, and kite board devices is not permitted from City beaches or rights-of-way, or within three hundred (300) yards of shore except when authorized.

SECTION 5: That Section 7-11-2 of the Evanston City Code, 1979, as amended, is hereby further amended by deleting said section in its entirety and substituting *in lieu* thereof the following new section:

7-11-2: AREAS PROHIBITED FOR BATHING PURPOSES: No swimming is permitted from public rights-of-way not officially designated as public beaches or from boats located within three hundred (300) yards of the public shoreline. Swimming is permitted only on those portions of designated beaches that are guarded and posted for swimming. Other than at designated beaches and the dog beach, no one is permitted in the area between the peak of the down slope of the rocks and the water's edge.

SECTION 6: That Section 7-10-1 of the Evanston City Code, 1979, as amended, is hereby further amended by deleting said section in its entirety and substituting *in lieu* thereof the following new section:

7-10-1: DESIGNATION OF PUBLIC PARKS 1:

The parks of the City and the areas of such parks are designated as follows:

Designation	Location	Acres
Ackerman Park	South of Central Street, east of McDaniel Avenue	1.254
Alexander Park	West side of Ridge Avenue, north of Grove Street	1.032
Baker Park	South of Keeney Street, east of Forest Avenue	1.372
Barton Avenue Park (c) (1957 Code, sec. 30-1)	North of South Boulevard, east of Barton Avenue	1.523
Beck, Eugene Park (a) (Ord. 125-0-82) 5.85	That portion of canal banks easterly and southerly of the sanitary district canal from a point south of Lyons Street northeasterly to Emerson Street	5.85
Bent, Horace E. Playing Field (1957 Code, sec. 30-1)	North of Harrison Street, east of Cowper Avenue	3.239
Brummel Park (c)	South side of Brummel Street, east of Elmwood Avenue	0.872
Brummel-Richmond Tot Lot (1979 Code)	Northwest corner of Brummel Street and Richmond Avenue	0.163
Burnham Shores (Ord. 9-0-68)	Lakefront from Dempster Street to Hamilton Street	5.015
Butler Drive, Isabella Park (a) (Ord. 125-0-82)	That portion of canal banks easterly and southerly of the sanitary district canal from Emerson Street to Bridge Street	11.060
Cartwright, Charles M. Park (Ord. 8-0-75)	Southeast corner of Grant Street and Prospect Avenue	2.250
Centennial Park 2 (1957 Code, sec. 30-1; amd. Ord. 90-0-63)	Lakefront, Church Street to University Place	10.550
Chandler Park	North of Lincoln Street, east of SDC channel	3.201
Clark Square	North of Kedzie Street, east of Sheridan Road	4.896
Clyde & Brummel Tot Lot	North of Brummel Street at Clyde Avenue	0.478
Congregational Park (1957 Code, sec. 30-1)	North of Lake Street, west of Judson Avenue	0.67
Crown, Robert Park (Ord. 74-0-73)	North of Main Street, east of Dodge Avenue	14.714
Curry, J. Seymour Park (Ord. 125-0-82)	Northeast corner of Hinman Avenue and Dempster Street	1.58
Dawes Park (1957 Code, sec. 30-1; amd. Ord. 93-0-63)	Dempster Street to Greenwood Street extending the present Dawes park from Church Street on the north to Dempster Street on the south	12.392

Designation	Location	Acres
Deering Park (b)	East of Sheridan Road, north of Clinton Place	2.506
Dobson-Brummel Park (1979 Code)	East of Ashland Avenue between Dobson Street and Brummel Street	0.458
Eggleston, Edward Park (a) (Ord. 8-O-5)	North side of McCormick Boulevard between Bridge Street and the east line of Hartrey Avenue extended	1.837
Eiden, Charles B. Park (Ord. 79-0-73)	West of Custer Avenue east of Sherman Avenue, extending from the south boundary of Washington Street to the north boundary of Madison Street	1.110
Elks Memorial Park (1957 Code, sec. 30-1)	North of alley north of Mulford Street east of Callan Avenue	0.189
Elks Park (c) (1979 Code)	North of Mulford Street, east of Callan Avenue	2.954
Ellingwood Park (1957 Code, sec. 30-1)	North of Harrison Street, east of Pioneer Road	0.150
*Elliott Park (Ord. 10-0-68)	Lakefront, from Hamilton Street to Lee Street	7.624
Firemen's Park (1979 Code)	South of Simpson Street west of Maple Avenue	0.542
Foster Field	North of Foster Street, east of Dewey Avenue	5.128
Fountain Square	Davis Street and Sherman Avenue	0.087
Fullerton Park (b) (1957 Code, sec. 30-1)	North of Lincoln Street, east of Ridge Avenue	0.528
Garden Park	Lakefront, north of Sheridan Square	1.355
Gilbert Park (1979 Code)	North of Emerson Street at Ashland Avenue	0.435
Grey Park (1957 Code, sec. 30-1)	North of Main Street, east of Ridge Avenue	1.557
Harbert, Elizabeth Boynton Park (a) (Ord. 125-0-82)	That portion of canal banks east of the Sanitary District canal, from Main Street to Dempster Street	13.50
Harper Garden (a) (Ord. 9-0-86)	South of Lake Street, west of Sherman Avenue	0.083
Hinman Avenue Park	641 Hinman Avenue	0.196
Hobart, Marcus A. Park (1979 Code)	Northeast corner of Ridge Avenue at Foster street	0.143
Howell Park	North of Hartzell Street, east of Walnut Street	1.147
Independence Park (1957 Code, sec. 30-1)	North of Central Street, east of Stewart Avenue	1.412
Ingraham, Samuel Gilbert Park (Ord. 98-0-91)	That portion of Civic Center property east of Asbury Avenue, south of Leonard Place, and west and north of the Civic Center parking lot	11.64

Designation	Location	Acres
James, Robert E. Park (1957 Code, sec. 30-1; amd. Ord. 125-0-82)	South of Oakton Street, west of Dodge Avenue	45.590
Kamen Park (c)	North of South Boulevard, east of Asbury Avenue	1.895
Kelly Park	South of Keeney Street, west of Michigan Avenue	0.327
Ladd Arboretum (a)	Southeast of McCormick Boulevard, Emerson Street to Grant Street	17.361
Lake-Dodge Park (1979 Code)	Southeast Lake Street and Dodge Avenue	0.122
Larimer Park (1957 Code, sec. 30-1)	North of Crain Street, at Oak Avenue	1.427
Lawson, Lawrence O. Park (Ord. 125-0-82)	East of Sheridan Road, north of Clinton Place	1.647
Leahy Community Park (1957 Code, sec. 30-1)	South of Lincoln Street, west of Ridge Avenue	3.966
Leider Park (c) (1979 Code)	North of South Boulevard, west of Asbury Avenue	2.079
*Lighthouse Landing (Ord. 94-0-63)	East of Sheridan Road between Central Street and Milburn Street, and the land located at 2603-2609 Sheridan Road	6.449
Lomar, Leah Park (Ord. 117-0-68)	Southwest corner of Mulford Street and Wesley Avenue	1.705
Lovlace, Walter S. Park (Ord. 133-0-65)	West of Gross Point Road, south of north City limits	17.844
Lunt, Cornelia Gardens (1957 Code, sec. 30-1; amd. Ord. 92-0-63)	North of Church Street, east of Judson Avenue and west of Sheridan Road	1.758
McCormick Park (a) (1957 Code, sec. 30-1)	North and west of McCormick Boulevard, Hawthorne Lane to Grant Street	3.000
McCulloch, Catherine Waugh Park (Ord. 8-0-75)	South side of Jenks Street between Broadway Avenue and Eastwood Avenue	1.703
Mason Park	North of Davis Street, west of Florence Avenue	5.155
McGowen, Vera Park	North of South Boulevard west of Hinman Avenue	0.585
Merrick Rose Garden	South of Lake Street, west of Oak Avenue (Municipal Rose Garden)	0.535
Milburn Park	(Evanston Filtration and Pumping South of Milburn Street at Lake Front Station)	2.013
Morris, Jennifer Park (Ord. 94-0-95)	Southeast corner of Washington Street and Custer Avenue, west of railroad right-of-way	0.057
Mulford and Callan Tot Lot (c)	North of Mulford Street, west of Callan Avenue	0.382
Mulford and Florence Tot Lot (1957 Code, sec. 30-1)	South of Mulford Street at Florence Avenue	0.277
Nichols Park (1979 Code)	North of Lee Street, east of Elmwood Avenue	0.126

Designation	Location	Acres
Oldberg, Arne and Mark Sloan Park (Ord. 8-0-75)	Intersection of Elgin, Sherman Avenue and Clark Street	0.330
Patriots Park (1957 Code, sec. 30-1)	North of Davis Street east of Forest Place	0.475
Penny Park	South of Lake Street, West of Ashland Avenue	1.139
Perkins, Dwight Woods Forest Preserve (d)	North of Grant Street, east of Ewing Avenue	7.102
Perry, Adam Park (Ord. 91-0-63)	1741 Hovland Court, and any future adjacent additions thereto	0.551
Philbrick Park (1957 Code, sec. 30-1)	South of Gaffield Place, west of Sherman Avenue	0.652
Porter, Harry Hibbert Park (Ord. 125-0-82)	Northeast corner Simpson Street and Bennett Avenue	0.253
Quinlan Park	South of Lincoln Street, east of Elm Avenue	0.399
Raymond Park	North of Lake Street, east of Chicago Avenue	1.746
Reba Place Park (c)	North side of Reba Place, west of Custer Avenue	0.338
Ridgeville Park (c) (1957 Code, sec. 30-1; amd. Ord. 125-0-82; Ord. 9-0-86)	North of South Boulevard, east of Ridge Avenue	1.971
St. Paul Park (south) (a) (1957 Code, sec. 30-1; amd. Ord. 125-0-82)	South of Main Street, west of Sherman Avenue	0.563
Sargent, Celia Park (Ord. 125-0-82)	Northwest corner of Elmwood Avenue and Reba Place	0.083
Smith, Elnora Park	Southeast Ashland Avenue at Lyons Street	1.065
South Boulevard Beach Park 1 (1979 Code)	Lakefront, Sheridan Square south to City limits	2.579
Southwest Park (1957 Code, sec. 30-1)	South of Seward Street, west of Wesley Avenue	0.566
Snyder, Thomas E. Park (Ord. 11-0-68)	Southeast corner of Judson Avenue and Kedzie Street	0.254
Stockham Place Park (1957 Code, sec. 30-1)	North of Hamilton Street, at Michigan Avenue	0.364
Tallmadge, Thomas Eddy Park	Northeast of Maple Avenue and Noyes Street	3.66
Torgerson, Frank S. Park (Ord. 125-0-82)	Northeast corner Jenks Street and Poplar Avenue	0.559
Trahan, Benjamin Park (1979 Code)	Northeast corner of Ridge Avenue at Monroe Street	0.483
Twiggs, William H. Park (a) (Ord. 125-0-82)	That portion of the canal banks southerly and easterly of the sanitary district canal from Simpson Street to a point west of Payne Street	9.05

Notes to table:

- (a) Parks controlled by the City under lease.
- (b) Parks under control of Lighthouse park district.
- (c) Parks under control of Ridgeville park district.
- (d) Forest preserve land.

SECTION 7: That the Evanston City Code, 1979, as amended, is hereby further amended by adding the following new section:

7-10-8: PERMITS:

(A) Designation of Park Facilities.

(1) Proposed Designations: The Director of Parks/Forestry and Recreation or his/her designee shall classify all park property under a uniform system of classification and designate for each such classification the use or uses which, in his/her judgment, should be permitted therein. Categories of classifications, which the Director shall designate, may include, but are not limited to, parks, playgrounds, tot-lots, field houses, boat harbors, swim areas, and leased facilities. The Director shall classify all park property under the following classification system:

i) Public Forums: Public Forum areas are large enough to accommodate more than 250 people with adequate space in the park for participants (not on the streets) and sufficient parking. These areas have sufficient space so as to limit the impact on the surrounding neighborhood.

ii) Limited Use Areas: Limited Use Areas can accommodate less than 250 participants in the park (not on the streets) with sufficient parking. These areas are primarily in residential areas and, no amplification is permitted.

iii) Area or Facilities Not Designated for Public Assembly: These areas are unsuitable for group activities due to the size and/or location of the area other than City and/or City-sponsored events.

iv) Special Facilities: Special Facilities are designated as soccer fields, softball/baseball fields, tennis courts, etc. which are for public use. These areas may be reserved through the permit process.

The Director of Parks/Forestry and Recreation has recorded the designations for each park and has transmitted the same promptly to the City Council. Thereafter, the Director may, from time to time, as he/she shall deem necessary and proper, amend or revise his/her designations and shall promptly transmit in writing the amendments or revisions to the City Council, which shall approve, amend or reject the same. All such designations, amendments, and revisions thereof, shall be in full force and effect from the time that the same are expressly approved as such or as amended by the City Council.

Facility / Park	A. Public Forums (Areas large enough to hold 250+ persons)	B. Limited Use Areas (Areas for smaller groups - less than 250, primarily residential, no amplification)	C. Areas or Facilities not Designated for Public Assembly (Areas unsuitable for groups due to size and/or location other than City and/or City-sponsored events.)	D. Special Facilities (areas with special facilities such as fields, etc. for public use)	Amplification Allowed
ACKERMAN PARK		X		X	NO
ALEXANDER PARK			X		NO
BAKER PARK		X		X	NO
BECK PARK		X			NO
BENT PARK		X		X	NO
BRUMMEL-RICHMOND TOT LOT			X		NO
BURNHAM SHORES PARK / DEMPSTER BEACH / AQUATICS CENTER			X	X	NO
BUTLER PARK	X			X	YES
CARTWRIGHT PARK		X		X	NO
CENTENNIAL PARK / CLARK STREET BEACH / BOAT RAMP		X		X	YES
CHANDLER PARK / COMMUNITY CENTER			X	X	YES
CLARK SQUARE			X		NO
CLYDE-BRUMMEL PARK			X		NO
CONGREGATION PARK			X		NO
CROWN PARK / ROBERT CROWN ICE COMPLEX AND COMMUNITY CENTER	X			X	YES
CURRY PARK				X	NO
DAWES PARK / GREENWOOD BEACH				X	YES
DOBSON-BRUMMEL PARK			X		NO
EGGLESTON PARK		X			NO

Facility / Park	A. Public Forums (Areas large enough to hold 250+ persons)	B. Limited Use Areas (Areas for smaller groups - less than 250, primarily residential, no amplification)	C. Areas or Facilities not Designated for Public Assembly (Areas unsuitable for groups due to size and/or location other than City and/or City-sponsored events.)	D. Special Facilities (areas with special facilities such as fields, etc. for public use)	Amplification Allowed
EIDEN PARK			X		NO
ELLINGWOOD PARK			X		NO
ELLIOTT PARK / LEE STREET BEACH				X	YES
FIREMAN'S PARK			X		NO
FITZSIMONS PARK			X	X	NO
FOSTER FIELD / FLEETWOOD-JOURDAIN COMMUNITY CENTER	X			X	YES
FOUNTAIN SQUARE				X	YES
GARDEN PARK			X		NO
GILBERT PARK			X		NO
GREY PARK		X			NO
HARBERT PARK	X				YES
HARPER GARDEN			X		NO
HINMAN PARK			X		NO
HOBART PARK			X	X	NO
HOWELL PARK			X		NO
INDEPENDENCE PARK		X			YES
INGRAHAM PARK		X			YES
JAMES PARK / LEVY SENIOR CENTER	X			X	YES
KELLY PARK			X		NO
LADD ARBORETUM / ECOLOGY CENTER		X		X	YES
LARIMER PARK		X		X	NO
LAWSON PARK			X		NO
LEAH LOMAR PARK			X		NO
LEAHY PARK		X		X	YES
LEVINSON TOT LOT			X		NO
LIGHTHOUSE LANDING / BEACH				X	YES
LOVELACE PARK	X			X	YES
LUNT GARDENS			X		NO

Facility / Park	A. Public Forums (Areas large enough to hold 250+ persons)	B. Limited Use Areas (Areas for smaller groups - less than 250, primarily residential, no amplification)	C. Areas or Facilities not Designated for Public Assembly (Areas unsuitable for groups due to size and/or location other than City and/or City-sponsored events.)	D. Special Facilities (areas with special facilities such as fields, etc. for public use)	Amplification Allowed
MASON PARK	X			X	YES
MCCORMICK PARK			X		NO
MCCULLOCH PARK			X		NO
MEGOWEN PARK			X		NO
MERRICK ROSE GARDEN		X		X	NO
MONROE TOT LOT			X		NO
MORRIS PARK			X		NO
OLDBERG PARK			X		NO
PATRIOTS PARK				X	NO
PENNY PARK			X		NO
PERRY PARK			X		NO
PHILBRICK PARK			X		NO
PORTER PARK			X		NO
QUINLAN PARK			X		NO
RAYMOND PARK		X			YES
SARGENT PARK			X		NO
SMITH PARK			X		NO
SNYDER PARK			X		NO
SOUTH BOULEVARD BEACH / PARK				X	YES
SOUTHWEST PARK			X		NO
ST. PAUL PARK			X		NO
STOCKHAM PLACE PARK			X		NO
TALLMADGE PARK / NOYES CULTURAL ARTS CENTER				X	YES
TORGERSON PARK			X		NO
TRAHAN PARK			X		NO
TWIGGS PARK	X			X	YES

(2) Public Review of Proposed Designation: Simultaneous with the transmission to the City Council of the plats or maps required by this ordinance, or of any written amendments or revisions thereof, the Director of Parks/Forestry and Recreation shall file a duplicate copy of the same with the City Clerk, which duplicate

copy shall be available for public inspection and copy in the City Clerk's office during normal business hours.

(B) Rules and Regulations: The Director of Parks/Forestry and Recreation may, from time to time, establish reasonable rules and regulations, for the use of each facility in the Park System and for obtaining permits pursuant to this chapter. Such rules and regulations shall be based on a due regard for the purpose for which the facility is established, the safety of those using the facility and parking, of park employees and of the public, the safety and maintenance of park property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time. Subject to the foregoing, and except as hereinafter provided, all park facilities may be used by members of the general public, without permit, for the recreational and athletic purposes not inconsistent with the nature of the facility and the safety of the public and of park property.

(C) Permit Requirement.

(1) General: No person shall, without a permit:

- i) conduct a public assembly, parade, picnic, or other event involving more than thirty (30) individuals;
- ii) conduct any exhibit, music or dramatic performance, fair, circus, concert, play, church service, radio or television broadcast, other than a news transmission;
- iii) exhibit or display any motion picture, television program, light or laser light display, or similar event;
- iv) operate a vehicle, except upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse a park;
- v) create or emit any Amplified Sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;
- vi) station or erect any building, tent, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure for longer than three (3) hours;
- vii) station or use any electrical or electronic device or equipment that would require outdoor auxiliary power;
- viii) display, post or distribute any placard, handbill, pamphlet, circular, book or other writing containing commercial advertising matter within the Park System (as

described in Title 4: Business Regulations, Chapter 12: Sign Regulations within this Code and 3-4-2-2);

- ix) conduct an organized sporting event;
- x) ride any horse on any driveway, roadway, path or trail, park property; or
- xi) bring onto park property a tame, non-domestic supervised and controlled animal for limited non-commercial or promotional purposes.

(2) Permits for Activities Involving More Than Five Hundred (500) Individuals: No activity involving more than five hundred (500) individuals shall be held within two thousand five hundred (2,500) feet of the boundaries of another such event, nor within two (2) hours of any other activity involving more than five (500) individuals.

(D) Application for Permits.

(1) Filing Written Application.

i) Park Permit: Any person seeking the issuance of a permit shall apply for a permit by filing a written application for permit on a form and within such time as shall be prescribed by the Director of Parks/Forestry and Recreation or his/her designee. A permit is required for:

- (a) an event involving more than thirty (30) individuals;
- (b) advertising or commercial activities;
- (c) activities involving more than one park;
- (d) a religious or partisan political event;
- (e) creation or emission of any amplified sound, except from a radio, recorder or other device possessed and used by an individual for his/her own enjoyment and operated in such a manner so as not to interfere with the use and enjoyment by another person;
- (f) stationing or erecting any building, stand bandstand, stage, tower, tent, canopy, scaffold, sound stage, platform, rostrum or other structure;
- (g) use of any electrical or electronic device or equipment requiring outdoor auxiliary power;

(h) bringing, landing or causing to ascend or descend or alight within park property any airplane, helicopter, flying machine, balloon, parachute or other apparatus for aviation;

(i) riding of a horse or horses; or

(j) use of mechanical rides (which may be permitted only on hard surfaces).

ii) Media/Motion Picture/Commercial Photography: Any person seeking the issuance of a permit for filming of a media broadcast (other than a news transmission), motion picture, or still commercial photography shall file a written application for permit with the Director of Parks/Forestry and Recreation or his/her designee on a form within such time as shall be prescribed by the Director.

iii) Recreational Permits: Any person seeking to reserve park facilities for any event involving less than thirty (30) people and not including the items covered in paragraph (D)(1)(i), above, shall file a written application with the Director of Parks/Forestry and Recreation where the event is proposed to take place on a form and within such time as shall be prescribed by the Director.

iv) Special Facilities: Any person seeking the issuance of a permit for use of park property designated as a special facility shall file a written application for a permit with the Director of Parks/Forestry and Recreation or his/her designee on a form and within such time as shall be prescribed by the Director.

(2) Application Fee: For any activity described in this chapter, Section (D)(1)(i), above, no application for permit shall be considered unless the applicant shall have paid at the time of filing an application for permit the required application fee in an amount in accordance with the schedule of fees set by the Director of Parks/Forestry and Recreation and approved by the City Council.

(3) Indemnification and Reimbursement Agreement: No application for permit shall be granted unless the applicant shall have executed an agreement with the City of Evanston, on a form to be prescribed by the Director of Parks/Forestry and Recreation or his/her designee, in which the applicant shall promise and covenant to bear all costs of policing, cleaning up and restoring the park upon conclusion of the event or activity; to reimburse the City of Evanston for any such costs incurred by the City; and to indemnify the City and hold the City harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.

(4) Security Deposit: For any activity described, Section 7-10-8(E), no application for permit shall be granted unless the applicant has paid, within the time

prescribed by the Director of Parks/Forestry and Recreation or his/her designee, the security deposit in an amount in accordance with the schedule of fees set by the Director of Parks/Forestry and Recreation or his/her designee and approved by the City Council. The amount of the security deposit set in the schedule of fees shall be equal to the estimated cost of cleaning up, and restoring the park upon the conclusion of the use or activity. The security deposit shall be deposited by the City of Evanston into an escrow account. Promptly after the conclusion of a permit activity, the City of Evanston shall inspect the premises and equipment used by the permittee.

i) If it is determined that there has been no damage to City of Evanston property or equipment beyond reasonable wear and tear, the security deposit shall be refunded in full within thirty (30) days of the conclusion of the permitted event;

ii) If it is determined by such inspection, that the permitted event proximately caused damage to City of Evanston property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or determined that fines should be assessed against the permittee, the City of Evanston shall retain the security deposit or any portion, thereof, necessary to pay for the cost of repair or any fines assessed against the permittee. The Director of Parks/Forestry and Recreation or his/her designee shall provide written notice of the assessment of damages or fine and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit. Any assessment of damages or fine in excess of the security deposit shall be paid to the City of Evanston within ten (10) days after notice of such assessment of damages or fine is sent. Retention of all or a portion of a security deposit shall be subject to the appeal procedures contained in Section 7-10-8(F), below. An assessment of damages or fine in excess of the security deposit shall be subject to the appeal procedures contained in Section 7-10-8(F), below.

(5) Fees for Use of Park Facilities: No application for permit shall be granted unless the applicant has paid, within the time prescribed by the Director of Parks/Forestry and Recreation, a user fee and any other required fee in an amount in accordance with the schedule of fees set by the Director of Parks/Forestry and Recreation and approved by the City Council. No application for permit shall be granted unless all required fees are paid.

(6) Insurance: Applicant shall procure and maintain at all times during its use of park property, insurance in such amounts and with such coverages as shall reasonably be required by the City of Evanston and shall name the City of Evanston as an additional insured thereunder. The amounts and type of insurance required shall be determined by the City of Evanston, based upon the nature of the activity and the risk involved. The City of Evanston shall prepare a uniform schedule of insurance guidelines for particular types of activities. The applicant shall provide the City with a certificate from an insurer evidencing such coverage prior to the applicant's use of City

of Evanston property, and within the time prescribed by the Director of Parks/Forestry and Recreation or his/her designee. The certificate shall also provide that the insurer shall give the City of Evanston reasonable advance notice of the insurer's intent to cancel the insurance coverage provided.

(7) Permits Not Transferable: No permit or preliminary approved permit application may be transferred.

(E) Processing of Application for Permits.

(1) Order: Applications for permits shall be processed in order of receipt; and the use of a particular park or part thereof shall be allocated in order of receipt or fully executed applications accompanied by the application fee.

(2) Conditional Approval: Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval will be issued. If, within the time prescribed by the Director of Parks/Forestry and Recreation or his/her designee, any required fee or security deposit is not paid, or an insurance certificate evidencing the requisite insurance is not filed with the City of Evanston, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the conditional approval will automatically expire, the application for permit will be deemed denied and no written notice of denial will be required. For events or activities which involve the use of special facilities, or activities as described in Section 7-10-8(D), all terms and conditions for issuance of the permit, including securing insurance and payment of all fees and security deposit, must be completed at least thirty (30) days prior to the event unless a longer time period is prescribed by the Director of Parks/Forestry and Recreation and his/her designee.

No permit shall be issued unless all applicable fees and security deposit are paid within the times prescribed by the Director of Parks/Forestry and Recreation or his/her designee. Failure to pay fees or security deposit within that time shall cause the application to be deemed denied, without further notice to the applicant.

(3) Written Denials: If no written denial or conditional approval is issued within sixty (60) days of the date on which a permit application is fully completed, executed and filed with the Director of Parks/Forestry and Recreation or his/her designee, the application shall be deemed to have been granted a conditional approval pursuant to Section 7-10-8(E)(2), above. Provided, however, the City of Evanston may extend the period of review for an additional fourteen (14) days by issuance of a written notice of extension. If, prior to the expiration of the extended review period, no written denial is issued, the application for permit shall be deemed to have been granted a conditional approval pursuant to Section 7-10-8(E)(2), above.

(4) Notice of Extended Review or Denial or Issuance of Permit: Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by deposit in United States mail, with proper postage prepaid, to the name and address set forth on the application for permit.

(5) Contents of Notice; Grants for Denial: Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the City of Evanston for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application or permit has been denied because a fully executed prior application for the same time and place has been received, and a permit has been or will be granted to the prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular area, the City of Evanston shall propose an alternative place, if available for the same time, or an alternative time, if available for the same place. To the extent permitted by law, the City of Evanston may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The City of Evanston may also deny an application for permit on any of the following grounds:

i) the application for permit (including any required attachments and submissions) is not fully completed and executed;

ii) the applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Director of Parks/Forestry and Recreation or his/her designee;

iii) the application for permit contains a material falsehood or misrepresentation;

iv) the applicant is legally incompetent to contract or to sue and be sued;

v) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged City of Evanston property and has not paid in full for such damage, or has other outstanding and unpaid debts to the City of Evanston;

vi) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;

vii) the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the City of Evanston and previously scheduled for the same time and place;

viii) the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park or part thereof designated pursuant to this chapter, Section 7-10-8(A), above.

ix) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, of City employees or of the public;

x) the applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the City concerning the sale of any goods or services;

xi) the use or activity intended by the applicant is prohibited by the law, by this Code and ordinance of the City of Evanston, or by regulations of the Parks/Forestry and Recreation Department; or

(6) Amendment or Revision of Applications: Any amendment or revision of an application or permit shall for purposes of determining the priority of the application for permit, relate back to the original filing thereof; but the time in which the City of Evanston shall grant or deny the application for permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision.

(F) Procedures for Review; Waivers.

(1) Review by Director of Parks/Forestry and Recreation or His/Her Designee.

i) Any applicant who is denied a permit or denied a request for a waiver of user fee, security deposit, or certificate of insurance, or a permittee who has had all or a portion of its security deposit retained because it was assessed damages or a fine pursuant to this ordinance may, within seven (7) days of the service of notice of such determination, file a written appeal from such determination with the Director of Parks/Forestry and Recreation or his/her designee.

ii) The Director of Parks/Forestry and Recreation or his/her designee shall have seven (7) business days from the date on which the appeal was received in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial or retention of security deposit;

iii) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States mail, with proper postage prepaid, to the name and address set forth on the application for permit;

(1) Form of Appeals: Any appeals filed pursuant to this ordinance shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the City of Evanston, and any other papers material to the determination.

(2) Waiver of Requirements: Any requirements for a user fee, security deposits, or certificate of insurance shall be waived by the City of Evanston, if the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using City of Evanston property for the proposed activity. Fees for equipment and services shall not be waived pursuant to this subsection. Application for a waiver of a user fee, security deposit, or certificate of insurance shall be made on a form prescribed by the City of Evanston and must include an affidavit by the applicant and sufficient financial information about the applicant to enable the City to determine whether the requirement(s) would be so financially burdensome that it would preclude the applicant from using City of Evanston property for the proposed activity. If it appears that the applicant does not have sufficient funds to satisfy the user fee requirement prior to the proposed event, but that the applicant intends to raise sufficient funds at the event, the City shall require the applicant to pay such user fee out of the proceeds of the proposed event. Denials of requests for such waivers shall be subject to the appeal procedures contained in Section 7-10-8(F), above.

(G) Fines: The violation by a permittee of the terms of his/her permit or the laws and regulations of the City of Evanston shall subject the permittee to a civil fine of up to \$750. Each day that a violation continues shall be deemed a separate violation. Such fines may be assessed against any security deposit held by the City of Evanston on behalf of the permittee, pursuant to this chapter, Section 7-10-8(D)(4), above. Any assessment of fines in excess of any security deposit shall be subject to the procedures contained in Section 7-10-8(F), above.

(H) Severability: If any provision of this ordinance or the application thereof to any person or circumstance be held invalid, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The City of Evanston reserves the power to amend or repeal this ordinance at any time; and all rights, privileges and immunities conferred by this chapter or by acts done pursuant hereto shall exist subject to such power.

SECTION 8: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 14, 2004

Adopted: March 28, 2004

Approved: March 29, 2004

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

[Signature]
Corporation Counsel