

ORDINANCE NO. 2392-24

APPROVAL OF AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF HAWTHORN WOODS—TITLE 7, SECTION 7-3-1, PARK REGULATIONS; AND ADDING SECTION 7-3-5, SUSPENSION

BE IT ORDAINED BY the Mayor and Board of Trustees of the Village of Hawthorn Woods, as follows:

Section 1. Background: Intent. The Mayor and Board of Trustees make the following legislative findings:

- a. The Village of Hawthorn Woods is an Illinois municipal corporation organized and operating under the Illinois Municipal Code and all laws supplemental thereto.
- b. The Village owns and operates a system of parks and recreational facilities.
- c. The Village is authorized to adopt all necessary rules and regulations governing the use, operation, management, maintenance, care and protection of its park and recreation facilities and any rights-of-way located therein. 65 ILCS 5/1-2-1; 65 ILCS 5/1-2-1.1; 65 ILCS 5/11-94-5; 65 ILCS 5/11-97-4.
- d. The Village desires to provide for penalties, up to and including suspension of park privileges, when a user of the Village's parks and recreational facilities, or the rights-of-way located therein, conducts themselves in a manner that breaches the peace or violates the Village's rules and regulations.

Section 2. Code Amendments.

a. Section 7-3-1 of the Village Code of Hawthorn Woods is hereby amended by adding new paragraph (G) as presented below:

G. Disorderly Conduct. No person may conduct themselves in a manner that either is intended to or actually results in:

1. the unpermitted disruption of park and recreational activities organized, sponsored, licensed or permitted by the Village in a public park;
2. The unpermitted obstruction of vehicular or pedestrian traffic in a public park; or
3. violence against persons or property.

b. Title 7, Chapter 3 (Public Parks) of the Village Code of Hawthorn Woods is hereby amended by adding new Section 7-3-5 (Suspension) in the manner described in Exhibit A, attached hereto and incorporated as though fully set forth herein.

Section 3. Severability. In the event any provision of this ordinance, or any application thereof, is found to be unlawful or unenforceable, it is the intent of the corporate authorities for such provision or application to be severable from the remainder of this ordinance, and for the remainder of this ordinance, and all other applications thereof, to remain in full force and effect to the greatest extent permitted by law.

Section 4. Conflicts. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

Section 5. Effective Date. That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, McCarthy, Reynolds, Bays, Hunt, Hamer

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Dominick DiMaggio, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: October 28, 2024

APPROVED: October 28, 2024

EXHIBIT A
TITLE 7, CHAPTER 3
PUBLIC PARKS

7-3-5: SUSPENSION:

A. Any Person violating or disobeying any section or part of this Chapter, as may be amended from time to time, or any other Village ordinance, policy, rule, or regulation (collectively, "Village Rule(s)"), may have their admission rights to Village Parks suspended in accordance with this Section 7-3-5, and may be subject to any other penalties specified in this Chapter.

B. Procedure for Suspension of Rights:

In the event that: (i) a Person violates any Village Rule, or (ii) the Director or his/her designee (collectively referred to as the "Director" for purposes of this Section 7-3-5) determines the Person's continued presence on Village Parks creates a threat to the public's health, safety or welfare while on Village Parks, including but not limited to crimes of violence against persons or property, or when the behavior is enough to alarm or disturb a reasonable person, the Director or his/her designee may verbally order the Person to leave Village Parks and to refrain from usage of all Village Parks until further order of the Director in accordance with the following suspension procedure.

1. NOTICE:

Within 20 business days after the order to leave Village Parks, the Village will provide the Person written notice by registered or certified mail (1st Notice), informing the Person of:

- a. The nature of the offense;
- b. The threat to the public's health, safety or welfare while on Village Parks caused by the Person's offense, including but not limited to crimes of violence against persons or property, or when the behavior is enough to alarm or disturb a reasonable person, and related conduct;
- c. The intended suspension period for the offense;
- d. An explanation of the facts that form the basis of the proposed suspension;
- e. Instructions for setting a date and time for a meeting with the Director to discuss the offense and to provide the Person an opportunity to present his or her version of the incident; and

- f. Copy of the procedure to appeal to the Village Board to conduct a Suspension Hearing in accordance with this Section 7-3-5; and
- g. That the Person is not to return to any Village Parks until such a meeting as aforesaid occurs, OR if found doing so, he/she may be arrested and/or prosecuted for "trespass."

If a Person who has been notified in accordance with Section 7-3-5-B is observed on Village Parks, the Person may be subject to arrest for trespass.

2. EMPLOYEE TO INFORM:

It is the responsibility of the employee directly involved to inform the Director of the removal of the patron and the reason(s) for such removal through the use of the Standard Incident Report Form. It shall be the responsibility of the Director to inform appropriate Village representatives of the name of the patron to insure all levels of supervision know such patron is not to use park Facilities until further notice.

3. PATRON MEETING:

Upon meeting with the Director, the issues involving the patron will be discussed on an informal basis. The specific offense(s), evidence, and penalty, if any, will also be discussed.

4. SECOND LETTER TO PATRON:

After the patron meeting is completed, the patron will receive a follow-up letter stating (i) the instructions to be followed for the patron to regain the privilege of usage of parks and facilities and, (ii) the appeal rights regarding suspension.

5. CHANGE IN LENGTH OF SUSPENSION:

Should there be a change in length of suspension, it shall be the responsibility of the Director to inform appropriate Village representatives of the results of the meeting concerning the patron.

6. APPEAL TO PARK BOARD:

If the suspension imposed is for three (3) months or longer and the patron believes that the penalty is too severe for the offense committed, or there are extenuating circumstances that were not taken into consideration by the Director OR that the patron believes definitely they are not guilty of the offense as charged, the patron may request a

hearing before the Village Board. Such request must be in writing within 30 days of the date the results of the meeting with the Director is communicated to the patron.

7. BOARD HEARING WITHIN SIXTY (60) DAYS OF REQUEST:

The Village Board shall meet within 60 days of the date on which such appeal notice is given to the Village Clerk. The patron will be notified in writing as to the date and time set for his/her meeting with the Board.

8. BOARD DETERMINATION:

At said meeting, the Board shall hear testimony presented by all interested parties and render a fair and impartial determination. At the hearing, the strict rules of evidence shall not apply. The Board may consider evidence on which a reasonably prudent person may rely. The Board shall render a final written decision within thirty (30) days from the adjournment of the hearing.

C. Restitution:

In addition to, or instead of suspension, any Person violating or disobeying any section or part of this Chapter, or any other federal, state, local, or Village law, rule, or regulation, may be required to make restitution for damage resulting from such violation(s).

D. Non-Exclusivity of Penalties:

The penalties provided for in this Section 7-3-5 are in addition to and not exclusive of any other remedies available to the Village as provided by applicable law.