



# **Forest Preserve District**

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## **OF WILL COUNTY**

### **ADMINISTRATIVE PROCEDURES FOR GENERAL USE ORDINANCE AND PERMIT ENFORCEMENT**

*Approved by the Forest Preserve Board of Commissioners, September 10, 2015*

#### **Citations and Permit Suspension**

A tiered approach is used to issue citations for first, second and third violations of the District's General Use Ordinance ("GUO") or conditions of a District permit. This approach allows for Officer discretion in issuing citations for a first violation, and increasingly less options for second and third violations. Serious offenses that result in the destruction of natural resources or damage to persons or property are automatically issued a Local Ordinance Violation with a required court appearance so the District can seek restitution.

If a violation(s) is associated with a District permit, which grants individuals or groups exclusive access to and use of specified District amenities, the loss of current permit privileges and limitation of future permit privileges shall apply. If the District permit is of limited duration for specific date or narrow range of dates (picnic, camping, special event or special use permits), the individual would be unable to secure a similar permit for up to one year. If the permit is for a longer duration such as months or one year (dog park and some special use permits), the permit is automatically suspended for up to one year. Conditions for the reinstatement of permit privileges or the ability to secure a permit for activities unrelated to the original permit suspension see *Permit Reinstatement* below.

#### **1. First Violation**

- a. As a result of an observed violation by District Police a written warning, O-Ticket, or Local Ordinance Violation is issued depending on the severity of the incident. If the Local Ordinance Violation is issued for a permit violation(s), the permittee is notified that his/her permit is automatically suspended for up to one year.
- b. In response to a patron complaint, an investigation is conducted. An investigation includes speaking with the complainant, the offender and possible witnesses. If the Local Ordinance Violation is issued for a permit violation(s) after the investigation is complete, the permittee is notified that his/her permit is automatically suspended for up to one year.

#### **2. Second Violation**

- a. As a result of an observed violation by District Police, an O-Ticket or Local Ordinance Violation is issued. If the Local Ordinance Violation is issued for a permit violation(s), the permittee is notified that his/her permit is automatically suspended for up to one year.



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- b. In response to a patron complaint, an investigation is conducted. An investigation includes speaking with the complainant, the offender and possible witnesses. If the Local Ordinance Violation is issued for a permit violation(s) after the investigation is complete, the permittee is notified that his/her permit is automatically suspended for up to one year.

### 3. Third Violation

- a. As a result of an observed third violation by District Police, a Local Ordinance Violation is issued. If it is a permit violation(s), the permittee is notified that his/her permit is automatically suspended for up to one year.
- b. In response to a patron complaint, an investigation is conducted. An investigation includes speaking with the complainant, the offender and possible witnesses. If the Local Ordinance Violation is issued for a permit violation(s) after the investigation is complete, the permittee is notified that his/her permit is automatically suspended for up to one year.

### ***Dog Park Permits***

A component of the tiered response for permit violations is specific to aggressive dogs and dog owners in the District's dog parks. This approach is needed to avoid escalation due to the nature of regular, often daily contact, among dog park patrons.

#### 1. First Complaint of an Aggressive Dog or Owner

- a. As a result of an observed violation by District Police an O-Ticket is issued.
- b. In response to a patron complaint, an investigation is conducted. An investigation includes speaking with the complainant, the offender and possible witnesses.
  - i. If the suspect is unknown for either an aggressive owner or dog, a report is generated and is discussed with Officers.
  - ii. Aggressive owner: if a suspect is known, a \$50 O-Ticket will be issued with a warning of a \$225 Local Ordinance Violation if there is a second occurrence. Depending on the severity of the incident, a \$225 Local Ordinance Violation can be issued with an automatic permit suspension pending court appearance.
  - iii. Aggressive dog: if a suspect is known, a \$50 O-Ticket will be issued and the dog park permit is temporarily suspended until proof of obedience training and dog's behavior is observed by the Forest Protection Officer (FPO) inside the dog park. Suspect is advised that a \$225 Local Ordinance Violation will be issued for a second occurrence with an automatic permit suspension pending court appearance.



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2. Second Complaint of an Aggressive Dog or Owner
  - a. Aggressive Dog or Aggressive Owner - \$225 Local Ordinance Violation is issued with an automatic permit suspension pending court appearance.

### **Permit Re-instatement**

If a Local Ordinance Violation is issued for a permit violation, that permit is automatically suspended for one year, or until the case is resolved in court.

1. If the permittee opts to plead guilty and pays the \$225 fine directly to the Will County Clerk of the Circuit Court by mail, the permit suspension shall remain in effect for one year from the date the citation was issued.
2. If the case goes to court and the permittee is found not guilty, then his/her permit privileges are reinstated and if applicable, an account credit is given for the time the permit was suspended. The account credit is valid for one year from the date the citation was issued.
3. If the court case goes to court and the permittee fails to appear or the permittee appears and is found guilty, then his/her permit privileges are automatically suspended for one year from the date the citation was issued. Notice of the permit suspension will be provided in writing to the permittee and will include the following.
  - a. Beginning and ending dates of the one year suspension.
  - b. Advise that if the permittee is found using the dog park (or other preserves or amenities as specified in a special use permit) during the suspension period, it will result in a Local Ordinance Violation of \$225 and can result in suspension of the permit for one additional year pending the appeal process.
  - c. Upon resumption of permit privileges, the offender is warned about actions that can result in an additional suspension of permit privileges and is advised of the appeal process.
  - d. During the one year suspension period, if an individual receives written warnings, O-tickets or Local Ordinance Violations for infractions unrelated to their permit suspension, this information shall be considered in the appeal process. Time can be added onto their permit suspension depending on the severity of the additional violations.



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4. If an individual wishes to secure a permit for use of a District facility or amenity that is unrelated to his/her one year permit suspension, the request must be made in writing to the District. Within 15 business days from the receipt of the letter, an administrative review shall be conducted by the Leadership Team and determined on a case by case basis depending on the number and/or severity of the circumstances. The requestor shall be notified in writing of the decision and if denied, will be advised of the appeal process.

### **Staff Administrative Review of Repeat Offenses**

Note in the GUO the position referenced is the Executive Director; in these procedures the Chief Operating Officer (“COO”) is used as the equivalent of that position.

1. Repeat offenses after the initial permit suspension will be documented by a written warning, O-Ticket or Local Ordinance Violation if directly observed by an Officer or as a result of an investigation in response to a complaint.
2. In response to the number and/or severity of repeat offenses or other infractions unrelated to the original permit suspension, the Chief or Lieutenant submits a written recommendation to the COO to:
  - a. Suspend the permit for two years if the offenses occur after the original one year suspension has ended; or
  - b. Add time to an existing permit suspension; or
  - c. Suspend permit privileges permanently.
3. Within 15 business days after receiving the written recommendation, the COO initiates an administrative review to include the Leadership Team and others as required. Staff will make every effort to conduct the administrative review within 30 business days pending availability of all relevant information.
4. Within 15 business days after receiving the written recommendation, the COO provides written notice (by letter or e-mail) to the permittee advising that an administrative review has been initiated to determine whether additional actions are warranted. This could include an additional year added to an existing suspension, a second permit suspension for up to two years or permanent permit suspension.
5. The permittee can request a meeting with the COO during the administrative review period. The permittee can be accompanied by a representative.



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6. If it is determined that no further action is warranted, the COO shall advise the permittee in writing (by letter or e-mail) within 10 business days upon the conclusion of the administrative review.
7. If it is determined that further action is warranted, the COO shall advise the permittee in writing (by letter or e-mail) within 10 business days upon the conclusion of the staff administrative review. The permittee will also be advised of the administrative review hearing process by the Ad Hoc Rules Committee as well as the tentative hearing date. The permittee shall have 60 calendar days from the date of the written notice to advise the COO in writing of his/her intent to attend the administrative review hearing.

### **Ad Hoc Rules Committee Administrative Review Hearing and Appeals**

1. All administrative review hearings will be considered by the Ad Hoc Rules Committee.
2. The administrative review hearing process shall be initiated as a result of:
  - a. A recommendation from the COO to the Ad Hoc Rules Committee for a two-year permit suspension, adding time to an existing permit suspension or a permanent permit suspension following an administrative review.
  - b. A request from an individual who has been denied a permit for use of a District facility or amenity that is unrelated to his/her one year permit suspension as outlined under Permit Reinstatement.
3. In the case of a suspension recommendation, consideration by the Ad Hoc Rules Committee will be scheduled on the first available date following 60 calendar days from the date of the written notice to advising the aggrieved person (i.e. permittee) of the scheduled administrative review hearing.
4. In the case of a request from an individual who has been denied a permit for use of a District facility or amenity as outlined under Permit Reinstatement, consideration by the Ad Hoc Rules Committee will be scheduled on the first available date.
5. The aggrieved person must appear in person for his/her administrative review hearing at the Ad Hoc Rules Committee meeting. The aggrieved person can provide any information and be accompanied by any individuals relevant to the administrative review hearing.



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6. Unless otherwise notified in advance, failure of the aggrieved person to appear for the administrative review hearing will result in the decision being made by the Ad Hoc Rules Committee without input from the aggrieved person. The aggrieved person will be notified in writing (by letter or e-mail) of the decision and of his/her ability to appeal to the Board of Commissioners (“Board”).
7. If unsatisfied with the decision of the Ad Hoc Rules Committee, the aggrieved person has the right to appeal and petition the Board in writing regarding the denial to obtain a permit, or the temporary or permanent suspension of a permit. The aggrieved person can provide any information and be accompanied by any individuals relevant to his/her appeal. The Board’s decision is final.



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## Flow Chart - Administrative Review Process for Permit Suspension and Appeals

