

**Ordinance 2012-03**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
FOR THE VILLAGE OF PECATONICA, ILLINOIS,  
ARTICLE SIX, MISCELLANEOUS**

**WHEREAS**, the Village from time to time reviews, evaluates and updates its Code of Ordinances; and

**WHEREAS**, the Village Board has determined that Article Six of the Village Code should be replaced with an amendment thereto to update the matters covered thereby, and

**WHEREAS**, to promote the health, safety and welfare of the people of the Village of Pecatonica, the list of offenses contained in Article Six should be amended by the adoption of the items attached hereto and made a part hereof.

**NOW, WHEREFORE**, be it ordained by the President and Board of Trustees for the Village of Pecatonica, Illinois, as follows:

**SECTION 1:** The Code of Ordinances for the Village of Pecatonica, Illinois, shall be and hereby is amended to read as follows:

Article Six, Miscellaneous shall be replaced with the new Article Six, Miscellaneous attached hereto.

**SECTION 2:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. This Ordinance shall be published in pamphlet form.

PASSED by the Village Board this \_\_\_\_ day of \_\_\_\_\_, 2012.

APPROVED by the President of the Village Board this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Shawn Connors, Village President

ATTEST:

\_\_\_\_\_  
Dana Ryall, Village Clerk

Ayes: \_\_\_\_ Nays: \_\_\_\_ Absent: \_\_\_\_ Abstain: \_\_\_\_

Sager: \_\_\_\_\_ Metz: \_\_\_\_\_ Smull: \_\_\_\_\_  
Heister: \_\_\_\_\_ Martin: \_\_\_\_\_ Eytalis: \_\_\_\_\_

**VILLAGE OF PECATONICA, ILLINOIS**

**MUNICIPAL CODE**

**ARTICLE SIX**

**GENERAL OFFENSES**

Chapter One	GENERAL PROVISIONS
Chapter Two	OFFENSES PERTAINING TO PROPERTY
Chapter Three	OFFENSES AGAINST PUBLIC ORDER
Chapter Four	OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION
Chapter Five	OFFENSES AGAINST PUBLIC MORALS
Chapter Six	OFFENSES AGAINST PUBLIC HEALTH AND SAFETY
Chapter Seven	WEAPONS

## **Chapter One**

## **GENERAL PROVISIONS**

Section 1	Definitions
Section 2	Intent
Section 3	Knowledge
Section 4	Recklessness
Section 5	Negligence
Section 6	Attempt
Section 99	Penalty

ARTICLE SIX        GENERAL OFFENSES

**Chapter One        GENERAL PROVISIONS**

**Section 1        DEFINITIONS**

For the purposes of this title, the following words and phrases shall have the following meanings ascribed to them respectively.

**ACT.**            The taking of action or a failure or omission to take action.  
(720 ILCS 5/2-2)

**ANOTHER.**    A person or persons other than the offender.  
(720 ILCS 5/2-3)

**CONDUCT.**    An act or a series of acts, and the accompanying mental state.  
(720 ILCS 5/2-4)

**OFFENSE.**    A violation of a penal statute of this village or state.  
(720 ILCS 5/2-12)

**Section 2        INTENT.**

A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the section defining the offense, when his or her conscious objective or purpose is to accomplish that result or engage in that conduct. (720 ILCS 5/4-4)

**Section 3        KNOWLEDGE.**

(A) A person knows, or acts knowingly or with knowledge of:

- (1) The nature or attendant circumstances of his or her conduct, described by the section defining the offense, when he or she is consciously aware that his or her conduct is of that nature or that those circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.
- (2) The result of his or her conduct, described by the section defining the offense, when he or she is consciously aware that that result is practically certain to be caused by his or her conduct.

(B) Conduct performed knowingly or with knowledge is performed, willfully, within the meaning of a statute using the term “willfully”, unless the section clearly requires another meaning.

(C) When the law provides that acting knowingly suffices to establish an element of an offense, that element also is established if a person acts intentionally.  
(720 ILCS 5/4-5)

**Section 4        RECKLESSNESS.**

A person is reckless or acts recklessly, when that person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense, and that disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a section using the term “wantonly”, unless the statute clearly requires another meaning. (720 ILCS 5/4-6)

**Section 5      NEGLIGENCE.**

A person is negligent, or acts negligently, when that person fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the statute defining the offense, and that failure constitutes a substantial deviation from the standard of care that a reasonable person would exercise in the situation. (720 ILCS 5/4-7)

**Section 6      ATTEMPT.**

- (A) *Elements of the offense.* A person commits the offense of attempt when, with intent to commit a specific offense, he or she does any act that constitutes a substantial step toward the commission of that offense.
- (B) *Impossibility.* It is not a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.
- (C) *Maximum fine.* A person convicted of attempt may be fined not to exceed the maximum provided for the offense attempted. If such fine exceeds that set forth in Sect. 1.99 below, however, the village shall enforce said offense under the provisions of state law. (720 ILCS 5/8-4) Penalty, see Sect. 1.99.

**Section 99      PENALTY.**

Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$25.00 or more than \$750.00.

## **Chapter Two**

## **OFFENSES PERTAINING TO PROPERTY**

- Section 1 Weeds
- Section 2 “Nuisance” of Junk or Debris on Property
- Section 3 Trees
- Section 4 Tampering With Public Notice
- Section 5 Damage of Firefighting Apparatus, Hydrants, or Equipment
- Section 6 Trespass to land
- Section 7 Damaging village property
- Section 8 Jackrocks
- Section 9 Obtaining property by false pretenses
- Section 10 Theft
- Section 11 Criminal trespass to vehicles
- Section 12 Posting Advertising

ARTICLE SIX            GENERAL OFFENSES

**Chapter Two            OFFENSES PERTAINING TO PROPERTY**

**Section 1            WEEDS**

**Section 1.01    Violation**

(A) It shall be unlawful for any person, firm or corporation owning, leasing, occupying or controlling any premises to permit any weeds or plants, other than trees, flowers, ornamental plants or other cultivated plants, to grow to a height exceeding ten (10) inches anywhere in the Village.

(B) Any such weeds or plants exceeding such height are hereby declared to be a public nuisance.

(C) It shall be the duty of every person, firm or corporation owning, leasing, occupying or controlling any premises within the Village to remove said weeds or plants.

**Section 1.02    Notice of Violation**

(A) It shall be the duty of the Village Police Department or Health Officer to serve or caused to be served a notice in writing upon the person, firm or corporation owning, leasing, occupying or controlling the premises upon which such public nuisance exists, requiring such person, firm or corporation to abate said nuisance in such manner as he shall prescribe within seven calendar days.

(B) The failure to abate such nuisance within the period designated by the written notice shall constitute a violation of this section.

(C) Penalty for violation of Article Six, Chapter Two, Section 1.01 shall be one hundred dollars (\$100.00) per occurrence in addition to any reasonable expense incurred by the Village in abating said nuisance. Everyday the violation persists shall constitute a separate occurrence.

**Section 1.03    Removal By Village**

(A) Whenever any person, firm or corporation owning, leasing, occupying or controlling any premises located within the Village refuses or neglects to abate such nuisance at the end of the first seven days, the Village Police Department shall authorize the Public Works Department or the Health Officer to pull, cut or otherwise destroy the weeds or plants constituting a public nuisance.

(B) A reasonable charge for abating such nuisance may be collected from the person, firm or corporation owning, leasing, occupying or controlling the premises upon which such nuisance existed.

**Section 1.04    Notice of Lien**

(A) The reasonable expense of abating such nuisance, in the event the same has not been paid, is hereby declared to be a lien upon the real estate effected, superior to all other liens and encumbrances, except tax liens; provided that within 30 days after such expense is incurred, the Village

Attorney or Village Clerk shall file a Notice of Lien in the Office of the Recorder of Deeds of Winnebago County.

(B) This Notice shall consist of a sworn statement by an agent of the Village setting out the description of the premises, the amount of money representing the cost and expense incurred in abating said nuisance and the date or dates when such costs or expense was incurred by the Village of Pecatonica.

(C) Upon payment of the costs and expense by the owner or persons interested in such premises, the lien shall be released by the preparation and recording of such release in the Office of the Recorder of Deeds of Winnebago County.

## **Section 2 NUISANCE OF JUNK OR DEBRIS ON PROPERTY**

### **Section 2.01 Definitions**

(A) For the purposes of this Ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which detrimentally affects the health, safety and welfare of members of the public or their property, or which causes or tends to cause substantial diminution of other persons health, safety and welfare including that of their property in the neighborhood in which such premises are located.

(B) This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

1. Lumber, junk, trash or debris.
2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
3. Unsheltered storage of machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "said personalty," for a period of 30 days or more (except in licensed junk yards) within the corporate limits of this Village.

### **Section 2.02 Duty of Private Property**

(A) No person owning, leasing, occupying or having charge of any premises in the Village shall maintain or keep any such nuisance defined in Section 2.01, thereon.

### **Section 2.03 Abatement of Nuisance by Owners**

(A) The owner, owners, tenants, lessees and/or occupants of any lot or property within the corporate limits of the Village upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners") shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings



authorized to be used for such storage purposes, if within the corporate limits of the Village, or otherwise to remove it to a location without said corporate limits.

#### **Section 2.04 Penalty**

(A) Any person who violates any provision of this Chapter shall be fined not less than Twenty Five Dollars (\$25.00), nor more than Seven Hundred Fifty Dollars (\$750.00) for any such violation.

(B) Each day that the nuisance remains unabated shall be treated as a separate offense.

### **Section 3 TREES**

#### **Section 3.01 Establishment of a Tree Board**

(A) The Village of Pecatonica hereby appoints the Public Works Committee and Public Works Department to act as the governing body over the care and management of Trees and Shrubs in the Village. They shall annually set forth a “Tree Care and Management Plan” with the assistance of a certified arborist.

(B) The Village shall appropriate a minimum of \$2.00 per Capita for tree maintenance each fiscal year. The Village shall each year purchase a tree and hold a tree planting ceremony on Arbor Day. The Village President shall annually issue an Arbor Day proclamation.

#### **Section 3.02 Definitions**

(A) Whenever the words “parkway” or “terrace” are used in this Chapter Fourteen they shall mean:

1. On curbed streets: That part of the public right-of-way lying between said curb and any adjacent sidewalk, or if no sidewalk, that part between said curb and adjacent property line.
2. On non-curbed streets: That part of the public right-of-way lying between the edge of the maintained road surface and any adjacent sidewalk, or if no sidewalk, that part between said maintained road surface and the adjacent property line.

(B) Whenever the words “maintained roadway” are used in this Chapter Fourteen they shall mean:

1. That portion of the public right-of-way which is paved or otherwise maintained for the purpose of vehicular movement, or
2. In the case of dedicated roadways not yet improved, that portion of the dedicated roadway which would be reasonable expected to become an improved surface at some later date.

### **Section 3.03 Permit Required for Planting or Removal of Same**

(A) No person shall plant or transplant, trim or remove a tree, shrub or flowers on public property, including but not limited to, public right of-way, terrace, or parkway without first obtaining a written permit for such work from the Public Works Department.

### **Section 3.04 Permit Procedure and Fee**

(A) Permit Procedure

1. A permit applicant shall file application for permit with the Village Clerk. Applicant shall file sufficient information to allow the Village to determine if purposes for the permit are consistent with this Chapter Fourteen, including but not limited to, type of plant to be removed, transplanted, trimmed, or planted; location of the subject plant/tree/shrub; if transplanted where plant/tree/shrub will be located; and a statement that the applicant has familiarized himself/herself with all applicable codes and will abide by same.

2. Clerk shall then refer the application to the Public Works Director and Public Works Committee Chair for review of the application and investigation of compliance with all applicable codes.

3. Upon review and signed approval of the application by the Public Works Director, the Village Clerk shall issue a permit.

(B) Fee

1. There shall be no fee for said permit.

### **Section 3.05 Planting Regulations**

(A) No tree, shrub or flowers shall be planted on public property, including but not limited to, public right-of-way, terrace, or parkway on streets with less than a 60 foot right-of-way. No tree or shrub shall be planted on public property within six (6) feet of any driveway. Any tree, shrub or flowers planted pursuant to this Chapter Fourteen must be exactly eight feet (8') from all property lines.

### **Section 3.06 Acceptable Trees**

(A) Subject to the provisions of this Section Three, only the following described “shade” trees may be planted or transplanted on public property, including but not limited to, public right-of-way, terrace, or parkway except beneath or near overhead electric power lines:

#### **COMMON NAME**

Walnut Black  
Thornless Honey Locust  
American Linden  
Little Leaf Linden  
Redmond Linden  
Norway Maple  
Red Maple  
Sugar Maple  
Pin Oak  
Red Oak  
White Oak  
Hackberry Common

#### **BOTANICAL NAME**

Juglans Nigra  
Gleditsia Triancanthis  
Tilia Americana  
Tilia Cordata  
Tilia Americana “Redmond”  
Acer Plananoides  
Acer Rubrum  
Acer Saccarnium  
Quercus Palustris  
Quercus Rubra  
Quercus Alba  
Celtis Occidentalis

1. The Board of Trustees reserves the right to waive the requirements regarding the type of “shade” tree that is allowed to be planted in the public right-of-way.

(B) Subject to the provisions this Section Three, only the following described “ornamental” trees may be planted or transplanted on public property, including but not limited to, public right-of-way, terrace or parkway beneath or near overhead electric lines:

#### **COMMON NAME**

Amur Maple  
Sargent Crabapple  
Knockspur Hawthorn  
Washington Hawthorn  
Service Berry  
Flowering Crab  
Coffeetree Kentucky  
Pear Callery

#### **BOTANICAL NAME**

Acer Ginnala  
Malus Sargentii  
Crataegus Crusgalli  
Crataegus Phaenopyrum  
Amelanchier Canadensis  
Malus Vanguard  
Gymnocladus Dioica  
Pyrus Calleryanae

1. The Board of Trustees reserves the right to waive the requirements regarding type of “ornamental” tree that is allowed to be planted in the public right-of-way.

### **Section 3.07 Penalties**

(A) Any person who shall remove a tree in violation of this Chapter shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) per offense, plus costs for removal of the stump and replacement of the tree.

(B) Any person who shall plant a tree in violation of this Chapter Fourteen shall be subject to costs incurred for removal of the tree.

**Section 3.08 Contacting J.U.L.I.E.**

(A) Any person who intends to plant or remove any tree, shrub or flowers on public property must first have all underground facilities (underground power, telephone, gas lines, etc.) marked out by J.U.L.I.E. or other recognized underground facilities locator.

**Section 4 TAMPERING WITH PUBLIC NOTICE**

No person shall knowingly and without lawful authority alter, destroy, deface, remove, or conceal any public notice posted according to law, during the time for which the notice as to remain posted.

**Section 5 DAMAGE OF FIREFIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT**

No person shall willfully and maliciously cut, injure, damage, tamper with, destroy, or deface any fire hydrant, fire hose, fire engine, or other public or private firefighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization.  
(720 ILCS 5/21-1.1) Penalty, see ' 1.99

**Section 6 TRESPASS TO LAND**

(A) (1) Except as provided in (A)(3), whoever commits any of the following commits a Class B misdemeanor:

- (a) Knowingly and without lawful authority enters or remains within or on a building; or
- (b) Enters upon the land of another, after receiving prior to such entry notice from the owner or occupant that such entry is forbidden; or
- (c) Remains upon the land of another, after receiving notice from the owner or occupant to depart.

(2) For purposes of this division (A), this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation, nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(3) Except as otherwise provided in this section, whoever enters upon any of the following areas in or on a motor vehicle (including and off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart commits a Class A misdemeanor:

- (a) A field that is used for growing crops or that is capable of being used for growing crops.
- (b) An enclosed area containing livestock.
- (c) An orchard.
- (d) A barn or other agricultural building containing livestock.

(B) A person has received notice from the owner or occupant within the meaning of division (A) if the person has been notified personally, either orally or in writing, including a valid court order as defined by 725 ILCS 5/112A-3 granting remedy (2) of 725 ILCS 5/112A-14(b), or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of the owner's agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of or by occupancy, leasing, or other agreement or arrangement with the owner or the owner's agent, nor to anyone invited by such migrant worker or other person so living on the land to visit him or her at the place that person is so living upon the land.

(D) (1) A person shall be exempt from prosecution under this section if the person beautifies unoccupied and abandoned residential and industrial properties located within any municipality.

(2) For the purpose of this division (D), **UNOCCUPIED AND ABANDONED RESIDENTIAL AND INDUSTRIAL PROPERTY** means any real estate:

- (a) In which the taxes have not been paid for a period of at least two years; and
- (b) Which has been left unoccupied and abandoned for a period of at least one year.

(3) For the purpose of this division (D), **BEAUTIFIES** means to landscape, to clean up litter, or to repair dilapidated conditions on, or to board up windows and doors.

(E) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D) of this section.

(F) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this division (F), **EMERGENCY** means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(720 ILCS 5/21-3) Penalty, see ' 1.99

## **Section 7      DAMAGING VILLAGE PROPERTY**

(A) It shall be unlawful to:

- (1) Knowingly damage any village property.
- (2) Recklessly, by means of fire or explosion, damage village property without the village's consent.
- (3) Knowingly start a fire on village land.
- (4) Knowingly deposit on village land or in a village building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the village of its land or buildings. (720 ILCS 5/21-1(1)(e))

(B) For the purposes of this section, **PROPERTY** means anything of value including, but not limited to real estate, money, commercial instruments, written instruments representing or embodying rights concerning anything of value, labor, or services, things affixed to or found on land or part of or affixed to any building, electricity, gas, or water. Penalty, see ' 1.99

## **Section 8      JACKROCKS.**

(A) A person who knowingly sells, gives away, manufactures, purchases, or possesses a jackrock or who knowingly places, tosses, or throws a jackrock on public or private property commits a Class A misdemeanor.

(B) As used in this section, **JACKROCK** means a caltrop or other object manufactured with one or more rounded or sharpened points, which when placed or thrown present at least one point at such an angle that it is peculiar to and designed for use in puncturing or damaging vehicle tires. It does not include a device designed

to puncture or damage the tires of a vehicle driven over it in a particular direction, if a conspicuous and clearly visible warning is posted at the device's location, alerting persons to its presence.

(C) This section does not apply to the possession, transfer, or use of jackrocks by any law enforcement officer in the course of his or her official duties.

(720 ILCS 5/21-1.4) Penalty, see ' 1.99

## **Section 9      OBTAINING PROPERTY BY FALSE PRETENSES**

It is unlawful for any person to obtain possession of any money, goods, property or any other thing of value by any false proceedings, cheating or by fraud.

Penalty, see ' 1.99

## **Section 10     THEFT**

(A) Theft in the village is declared to be an offense.

(B) A person commits theft when he or she knowingly:

- (1) Obtains or exerts unauthorized control over property of another;
- (2) Obtains, by deception, control over property of another;
- (3) Obtains, by threat, control over property of another;
- (4) Obtains control over stolen property knowing the property to have been stolen by another or obtaining control over the property under such circumstances as would reasonably induce him or her to believe that the property was stolen, together with one of the following:
  - (a) The intent to deprive the owner permanently of the use or benefit of the property;
  - (b) Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of the use or benefit of the property;
  - (c) Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of the use or benefit of the property.

Penalty, see ' 1.99

## **Section 11     CRIMINAL TRESPASS TO VEHICLES**

Whoever knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile commits a Class A misdemeanor.

(720 ILCS 5/21-2)

## **Section 12     POSTING ADVERTISING**

- (A) It shall be unlawful for any person to paste, post or fasten any handbill, poster, advertisement or notice of any kind whatsoever, or cause the same to be done on any curbstone, flagstone or any other portion or part of any sidewalk or street, or upon any tree, lamppost, telegraph pole, telephone pole, hydrant,

bridge, pier, or upon any structure within the limits of any street in the village, except such notices as may be required by the laws of the state and the ordinances of the village.

- (B) It shall be unlawful for an person to paste, post, nail or otherwise fasten any handbill, sign, poster, advertisement or notice of any kind, or cause the same to be done upon any private wall, window, tree, gate, fence, advertising board or sign, or upon any other private structure or building unless the person is the owner, agent or lessee thereof, without the written consent of the owner, agent or lessee of such wall, window, fence, gate, advertising board or sign or other private building or structure.
- (C) When any handbill, sign, poster, advertising or notice of any kind shall be found pasted, posted, painted, printed, nailed or otherwise fastened in violation of the provisions of this section in any way advertising any person, the finding of such handbill, sign, poster, advertisement or notice shall be prima facie evidence that it was posted, pasted, painted, nailed or otherwise fastened in violation of this section by the person thereby advertised.

## **Chapter Three      OFFENSES AGAINST PUBLIC ORDER**

- Section 1      Disorderly Conduct
- Section 2      Possession, Sale and Use of Fireworks
- Section 3      Assault
- Section 4      Battery
- Section 5      Providing Alcoholic Beverages or Fraudulent Identification to a Minor
- Section 6      Consumption/Possession of Alcoholic Beverages and Public Intoxication
- Section 7      Loitering
- Section 8      Burning
- Section 9      Noise
- Section 10     Throwing of Objects
- Section 11     Litter
- Section 12     Dogs
- Section 13     Minor Drinking and Possession of Alcohol by Minors
- Section 14     Use of Tobacco, Smokeless Tobacco and Tobacco Accessories
- Section 15     Curfew



ARTICLE SIX        GENERAL OFFENSES

Chapter Three        OFFENSES AGAINST PUBLIC ORDER

Section 1        DISORDERLY CONDUCT

(A) A person commits disorderly conduct when he or she knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(2) Enters upon the property of another, and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;

(3) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, 325 ILCS 5/4;

(4) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, 210 ILCS 45/1-101 *et seq.*;

(5) Transmits or causes to be transmitted in any manner to the Police Department or Fire Department or any privately-owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance, or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required;

(6) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(7) Calls the number “911” for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(B) In addition to any penalty imposed as set forth in ' 1.99, any person convicted of disorderly conduct shall be ordered by the court to perform community service, as set forth under the provisions of 720 ILCS 5/26-1.

(720 ILCS 5/26-1) Penalty, see ' 1.99

*Statutory reference: For other actions constituting the offense of disorderly conduct under state law, see 720 ILCS 5/26-1*

Section 2        POSSESSION, SALE AND USE OF FIREWORKS

Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects, or consumer fireworks; provided that the village president and Board of Trustees shall have the power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays. (425 ILCS 35/2 is hereby incorporated by reference as it may be amended from time to time) Penalty, see ' 1.99

### **Section 3      ASSAULT**

It is unlawful for a person to commit assault. A person commits assault when, without lawful authority, he or she engages in conduct which places another in reasonable apprehension of receiving a battery. It shall be unlawful to commit an assault.

(720 ILCS 5/12-1) Penalty, see ' 1.99

### **Section 4      BATTERY**

It is unlawful for a person to commit battery. A person commits battery when he or she knowingly and intentionally and without legal justification and by any means causes bodily harm to or makes physical contact of an insulting or provoking nature with an individual. It is unlawful to commit a battery.

(720 ILCS 5/12-3) Penalty, see ' 1.99

### **Section 5      PROVIDING ALCOHOLIC BEVERAGES OR FRAUDULENT IDENTIFICATION TO A MINOR**

(A) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except that the possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a bona fide religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home is not prohibited.

(B) Any person who sells, gives or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photographic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of violating this code. Penalty, see ' 1.99

### **Section 6      CONSUMPTION/POSSESSION OF ALCOHOLIC BEVERAGES AND PUBLIC INTOXICATION**

(A) No person shall transport, carry, possess or have any alcoholic liquor in any street, alley, village- or publicly-owned space, privately-owned parking lot opened to the public in a commercial area, or in or upon any vehicle commonly used for transportation of passengers, or in and upon a depot or waiting room area of any public carrier within the village except in the original container and with the seal unbroken.

(B) It shall be unlawful for any person to drink intoxicating liquor on any street, alley, highway, sidewalk, or village easements or in any public place within the village.

(C) The Village Board of Trustees reserves the right to grant or permit exceptions to (A) and (B) above.

(D) It shall be unlawful for any person to be intoxicated in any street, alley, highway or other public place, or, in such condition, to disturb the peace of his own or any other family in any private building or place in the village.

## **Section 7 LOITERING**

### **Section 7.01 Definitions**

For the purpose of this section, the following definitions shall apply:

(A) Loitering shall mean and shall include the following activity: remaining idle in essentially one location and spending time idly in connection therewith; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around;" moving slowly about; sleeping in motor vehicles or trailers located on public property; sleeping on streets or sidewalks, alleys, public ways, parks, or other public property.

(B) Public place shall mean and include, but not be limited to, the following: all places commonly known as being distinctively public, such as: public streets, public restrooms, sidewalks, parks, municipal airports, alleys, and buildings; all places privately owned but open to the public generally, such as: shopping centers, transportation terminals, retail stores, movie theaters, office buildings, and restaurants.

(C) Surrounding area shall be defined as that area easily and immediately accessible to the person under observation.

### **Section 7.02 Determination of Probable Cause for Alarm or Concern**

(A) Without limitation, the following activities and circumstances may be considered in determining probable cause for alarm or concern:

1. The flight of a person upon the appearance of a police officer.
2. Attempted concealment by a person upon the appearance of a police officer.
3. The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles.
4. Continuous presence by a person in close proximity to any building, house, vehicle, or any other property or to any other person, at any time when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing.
5. The sleeping or living by a person in any motor vehicle or trailer, located on any public street, public highway, public sidewalk, or public alley or way, or any other public place or building, park, or other public property.

6. The sleeping of any person on any public street, public highway, public sidewalk, or public alley or way, or any other public place or building, park, or other public property.

7. The only exception to subparagraphs (5) and (6) above will be those locations in any park or other public facility approved by the public officials having authority to regulate the use of said public facilities.

### **Section 7.03 Loitering; Police Order to Disperse**

(A) It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons, or for the security of property in the surrounding area.

(B) It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to obstruct any public street, public highway, public sidewalk, or public alley or way, or any other public place or building by hindering or impeding, or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians.

(C) It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to commit in or upon any public street, public highway, public sidewalk, alley, or public way or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property, or with any business lawfully conducted by anyone in or upon, or facing or fronting on any such public street, public highway, public sidewalk, alley, or public way, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, or regress therein, thereof, and thereto, and no person shall, by his/her presence or by other means, either alone or in consort with others, interfere with or interrupt in such buildings.

(D) When any person causes or commits any of the conditions enumerated in subsection (C) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who refuses or fails to so move or disperse shall be guilty of a violation of this section.

### **Section 7.04 Penalty**

(A) Any person who violates any of the provisions of this Chapter shall be subject to a fine of not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$750.00) per offense. (Rev. Ord. 2010-32)

(B) Any such violation shall constitute a separate offense on each successive day continued.

## **Section 8 BURNING**

### **Section 8.01 Definition**

(A) When the terms "fire" or "burning" are used in this ordinance, they shall not be construed to mean or include a fire in a furnace, stove boiler, indoor fireplace or barbecue grill provided such use creates no fire hazard.

(B) Open Burning, as used herein, is defined as the combustion of any matter in the open without originating in or passing through equipment for which a permit has been issued by the Illinois Environmental Protection Agency.

### **Section 8.02 Provisions**

(A) Opening burning of rubbish and lawn waste shall be prohibited.

1. The definition of rubbish shall include, but not be limited to, items such as paper, plastic, rubber, food products, metal, glass, and combustible liquids.

2. The definition of lawn waste shall include, but not be limited to, items such as grass, leaves, vegetables, and flowers.

(B) Burning is permitted when authorized by a special permit issued by the Illinois Environmental Protection Agency, pursuant to the provisions of Rule 504 of the Open Burning Regulations of Illinois as adopted by the Illinois Pollution Control Board, September 2, 1971, as amended or any other rule or regulation of the Illinois Environmental Protection Agency.

(C) All burning shall be subject to all State Statutes and the General Provisions of the Illinois Environmental Protection Agency (IEPA) and its Pollution Control Board.

(D) Burning of untreated and/or unpainted wood for campfire, picnic or other recreational purposes is permitted only in areas where such burning is otherwise permitted by law.

1. Permitted areas shall include, but not be limited to, fire pits made of earth, stone, or metal, no more than four feet wide by four feet long, or four feet in diameter.

2. The use of devices made of earth, stone, or metal designed for the purpose of containing a fire shall also be permitted provided the area containing the fire is no more than four feet wide by four feet long or four feet in diameter.

3. The pieces of wood contained in permissible fires shall be no more than four feet in length.

(E) When permitted, all fires must be conducted in a safe manner and attended by or supervised by an individual 18 years of age or older. There

must also be a significant water supply available or other adequate means to extinguish the fire.

### **Section 8.03 Restrictions**

(A) Open burning permitted by the terms of this Chapter shall under no circumstances be allowed upon sidewalks, public streets, alleys, right-of ways, or highways or within fifteen (15) feet from any building or combustible materials.

(B) Burning is permitted when supervised by any fire protection district serving the Village for the purpose of instruction in methods of fire fighting or fire hazard elimination. The Village President and the Supervisor of the Local Law Enforcement Agency must be notified in advance of any such burning.

(C) Variances to this ordinance shall only be granted by the Village Board.

### **Section 8.04 Penalty**

Any person who violates this Chapter shall be subject to a fine of Two Hundred Dollars (\$200.00) for the first such offense. Any person who violates this Ordinance for a second or subsequent time shall be fined the amount of Seven Hundred Fifty Dollars (\$750.00) plus any other related costs.

## **Section 9 NOISE ORDINANCE**

(A) It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise between the hours of 10:00 p.m. and 6:00 a.m., which either annoys, injures, or endangers the comfort, repose, health or safety of others unless the making and continuing of such noise is necessary for the protection or preservation of the health, safety or life of some person.

1. Exemptions. This Ordinance shall not apply to the following:

a) Any event or activity for which prior permission was received from the Village Board.

b) Garbage Pick-Up

c) Snow removal activity, including, but not limited to, snow blowing/throwing, snow plowing, and snow shoveling.

d) Any event or activity which takes place on the property of the Winnebago County Fairgrounds.

(B) It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Chapter, and anyone who violates any provisions of this Chapter, shall be liable for a fine of Fifty Dollars (\$50.00) for the first

such offense if paid in ten (10) days of the date of issuance of the citation or complaint. Any person not paying the fine within the 10-day period shall thereafter pay a fine of One Hundred Dollars (\$100.00) per violation.

(C) Any person violating this Chapter for the second or subsequent time or otherwise failing to comply with the provisions of this Chapter shall be fined up to Seven Hundred Fifty Dollars (\$750.00) for any one offense.

## **Section 10     THROWING OF OBJECTS**

(A) It shall be unlawful for any person to throw, project or cast any stone, projectile, missile or other object in the 300, 400, or 500 blocks of Main Street and adjacent side streets, including the first block east and west on 3rd, 4th, and 5th Streets in the Village of Pecatonica.

(B) Any person violating this Chapter shall be fined the sum of Fifty Dollars (\$50.00) for the first such offense and not less than One Hundred Dollars (\$100.00) for the second or subsequent offense.

(C) Each stone, projectile, missile or other object which is thrown, projected, or cast by any person in violation of this Chapter shall be treated as a separate offense.

## **Section 11     LITTER**

### **Section 11.01   Definitions**

(A) For the purpose of Chapter Nine, the following words and phrases shall have the following meanings ascribed to them respectively:

#### **1. Litter**

a. Any discarded, used, or unconsumed substance or waste.

b. LITTER may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper container, or other packaging construction material, abandoned vehicle, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.

#### **2. Person**

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent, or assigns.

### **Section 11.02   Dumping or Depositing of Litter Prohibited; Exemptions**

(A) No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this Village, or upon or into any river, lake, pond, or other stream or body of water in this Village unless:

1. The property has been designated by the Village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the State Pollution Control Board;

2. The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

3. The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard.

4. The person is acting pursuant to special cleanup days established by the Board of Trustees; and/or

5. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter when the emergency situation no longer exists.

### **Section 11.03 Dumping or Depositing Litter from Motor Vehicle Prohibited**

(A) No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in this Village except as permitted under Section 2 A (1) through (5).

(B) Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.

### **Section 11.04 Accumulation of Litter Prohibited**

(A) No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.



**Section 11.05 Presumption of Violation by Operator Throwing Litter from Motor Vehicle**

(A) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated Section 3 but that presumption may be rebutted.

**Section 11.06 Power of Court to Order Removal of Litter**

(A) The penalties prescribed in this Chapter are in addition to, and not in lieu of any penalties, rights, remedies, duties, or liabilities which may be otherwise imposed or conferred by a court.

**Section 11.07 Penalty**

(A) Any person convicted of a violation of this Chapter shall be fined not less than Seventy Five Dollars (\$75.00), nor more than Seven Hundred Fifty Dollars (\$750.00); the amount of the fine is to be doubled in the case if the littering involves broken glass.

**Section 12 DOGS**

**Section 12.01 Disturbance by Dogs**

(A) No person shall own, keep or have in his/her possession any dog which by frequent barking, yelping, howling or otherwise causes disturbances or annoyance to persons in the neighborhood, provided, however, that the provisions of this section shall not apply to premises used by the Village of Pecatonica to impound dogs.

**Section 12.02 Dogs at Large**

(A) No person shall cause, allow or permit any dog owned or kept by him to run at large or loose at any time during the year, whether night or day, on any public road, alley or way or upon any public property or public place or upon the private premises of any other person, whether said premises be residential or business.

(B) All dogs shall be deemed to be running at large if they are not adequately secured either in a fenced area of the owner or keeper of a premises, or by means of a leash.

(C) A separate and distinct offense shall have been committed for each and every day which shall elapse after the first conviction for a violation of any part of this Section.

**Section 12.03 Animal Defecation Prohibited**

(A) No person, being the owner of or having charge of any animal shall permit it to defecate upon any public property, or upon any private property without permission of the property owner.

(B) Any person, being the owner of or having charge of any animal not confined to that person's property shall immediately remove any animal feces deposited on public or private property in violation of subsection (A).

#### **Section 12.04 Penalty**

(A) It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Chapter, and anyone who violates any provision of this Chapter, shall be liable for a fine of Twenty-Five Dollars (\$25.00) if paid in ten (10) days of the date of issuance of the citation or complaint, or Fifty Dollars (\$50.00) if paid over the ten (10) days.

(B) Any person violating or failing to comply with any said provisions of this Chapter who does not enter an appearance and plea of guilty and waiver shall be subject to a fine of not less than Two Hundred Dollars (\$200.00) but not more than Seven Hundred Fifty Dollars (\$750.00) for any one offense.

### **Section 13 MINOR DRINKING AND POSSESSION OF ALCOHOL BY MINORS**

#### **Section 13.01 Purpose**

(A) Whereas, the minor drinking and possession of alcohol by minors ordinance is established in this chapter in order to protect and promote the public health, safety, convenience, comfort, morale, prosperity and welfare of the public in the Village of Pecatonica.

(B) The minor drinking and possession of alcohol by minor's regulations are established in order to prosecute said violations under Municipal Codes as requested by the State's Attorney of the County of Winnebago, State of Illinois.

#### **Section 13.02 General Provisions**

(A) It shall be unlawful for any person under twenty-one (21) years of age to purchase or otherwise obtain or to attempt to purchase, or otherwise obtain alcoholic liquor from any person, whether engaged in the retail sale of intoxicating liquor or otherwise; or to consume intoxicating liquor, or to make false statements, or to furnish, present or exhibit any fictitious or false registration card, or identification card, or other document indicating that such person is of age; or, to engage or utilize the service of any other person, whether for remuneration or not, to procure for such person any such intoxicating liquor.

(1) It is unlawful for any person under the age of twenty-one (21) years to have any alcoholic beverage in his/her possession on any street or highway or in any public place or in any place open to the public.

### **Section 13.03 Fines**

A. Any person, firm or corporation violating this Chapter shall be fined, upon conviction, not less than Two Hundred Dollars (\$200.00) nor more than Seven Hundred Fifty Dollars (\$750.00) plus costs per violation.

## **Section 14 USE OF TOBACCO, SMOKELESS TOBACCO AND TOBACCO ACCESSORIES**

### **Section 14.01 Definitions**

The following words, terms phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Smokeless tobacco means any finely cut, ground, powdered or leaf tobacco that is intended to be placed in the oral cavity.
2. Smoking means the act of inhaling the smoke from or possessing a lighted cigarette, cigar, pipe or any other form of tobacco or similar substance used for smoking.
3. Smoking herbs means all substances of plant origin and their derivatives, including but not limited to brom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Dahura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.
4. Tobacco accessories means cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute, or of substances whose sale, gift, barter or exchange is made unlawful under this division.

### **Section 14.02 Smoking; Possessing; Purchasing or Selling Tobacco In Any Form**

- (A) No minor under 18 years of age shall engage in the act of smoking.
- (B) No minor under 18 years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms.
- (C) No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms to any minor under 18 years of age.
- (D) No minor under 18 years of age shall possess any tobacco products.

### **Section 14.03 Sale or Purchase of Tobacco Accessories or Smoking Herbs.**

(A) Sale To Minors Prohibited. No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under 18 years of age.

(B) Sale of Cigarette Paper—Generally. No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away, except from premises or an establishment where other tobacco products are sold. For purposes of this section, "tobacco products" means cigarettes, cigars, smokeless tobacco or tobacco in any of its forms.

(C) Same—From Vending Machines. No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this section, "cigarette paper" shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 et seq.), or the Cigarette Use Tax Act (35 ILCS 135/1 et seq.).

(D) Use of False or Forged Identification Cards. No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.

(E) Posting Warning To Minors. Any person operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement, "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 18 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW." The sign shall be printed on a white card in red letters at least one-half inch in height.

#### **Section 14.04 Penalty For Violation of Division**

Any person who violates any provision of this division shall be fined no less than \$50.00 nor more than \$750.00.

### **Section 15 CHILD CURFEW ACT**

#### **Section 15.01 Curfew**

(A) Definitions.

1. "Curfew hours" means:

- a. Between 12:01a.m. and 6:00a.m. Saturday;
- b. Between 12:01a.m. and 6:00a.m. Sunday; and
- c. Between 11:00p.m. on Sunday to Thursday, inclusive, and 6:00a.m. on the following day.

2. "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for the immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.

4. "Guardian" means:

- a. a person who, under court order, is the guardian of the person of a minor; or

- b. a public or private agency with whom a minor has been placed by a court.
- 5. "Minor" means any person under 17 years of age.
- 6. "Parent" means a person who is:
  - a. a natural parent, adoptive parent, or step-parent of another person; or
  - b. at least 18 years of age and authorized by a parent or a guardian to have the care and custody of a minor.
- 7. "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- 8. "Remain" means to:
  - a. linger or stay; or
  - b. fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- 9. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

#### (B) Offenses

- 1. A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.
- 2. A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

#### (C) Defenses

- 1. It is defense to prosecution under subsection B that the minor was:
  - a. accompanied by the minor's parent or guardian or other person in custody or control of the minor;
  - b. on an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - c. in a motor vehicle involved in interstate travel;
  - d. engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
  - e. involved in an emergency;
  - f. on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
  - g. attending an official school, religious or other recreational

activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

h. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

i. Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

#### (D) Enforcement

Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection C is present.

#### (E) Penalty

A person convicted of a violation of any provision of this Chapter shall be guilty of a petty offense and shall be fined not less than One Hundred Dollars (\$100.00), nor more than Seven Hundred Fifty Dollars (\$750.00), except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian shall be subject to any fine. In addition to or instead of the fine imposed by this Paragraph, the court may order a parent, legal guardian, or other person convicted of a violation of paragraph (b) of this Chapter to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of paragraph (b) of this Chapter shall not conflict with the dates and times that the person is employed in his or her regular occupation.

### **Section 15.02 Exercise of Legislative or Regulatory Authority by Municipalities**

(A) County, municipal and other local boards and bodies authorized to adopt local police laws of this State may exercise legislative or regulatory authority over this subject matter by ordinance or resolution incorporating the substance of this Act or increasing the requirements thereof or otherwise not in conflict with this Act.

**Chapter Four**

**OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION**

- Section 1 Resisting or obstructing a peace officer, firefighter, or correctional institution employee
- Section 2 Refusing to aid an officer
- Section 3 Tampering With Public Notice

ARTICLE SIX            GENERAL OFFENSES

**Chapter Four            OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION**

**Section 1            RESISTING OR OBSTRUCTING A PEACE OFFICER,  
FIREFIGHTER, OR CORRECTIONAL INSTITUTION EMPLOYEE**

(A) No person shall knowingly resist or obstruct the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity.

(B) For purposes of this section, the term *CORRECTIONAL INSTITUTION EMPLOYEE* shall mean any person employed to supervise and control inmates incarcerated in a penitentiary, state farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing; and *FIREFIGHTER* means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs firefighting duties, including but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. *FIREFIGHTER* also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.

(C) It is an affirmative defense to a violation of this section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building or other structure to rescue, or to attempt to rescue, any person.

(720 ILCS 5/31-1) Penalty, see ' 1.99

**Section 2            REFUSING TO AID AN OFFICER**

No person, upon command, shall refuse or knowingly fail reasonably to aid a person known by him or her to be a police officer in:

(A) Apprehending a person whom the officer is authorized to apprehend; or

(B) Preventing the commission by another of any offense.

(720 ILCS 5/31-8) Penalty, see '1.99

**Section 3            TAMPERING WITH PUBLIC NOTICE**

No person shall knowingly and without lawful authority alter, destroy, deface, remove, or conceal any public notice posted according to law, during the time for which the notice was to remain posted. (720 ILCS 5/32-9) Penalty, see ' 1.99



**Chapter Five**            **OFFENSES AGAINST PUBLIC MORALS**

- Section 1      Generally
- Section 2      Gambling
- Section 3      Obscenity
- Section 4      Prostitution and Related Offenses

ARTICLE SIX        GENERAL OFFENSES

**Chapter Five        OFFENSES AGAINST PUBLIC MORALS**

Section 1        GENERALLY

Section 1.1    Public Indecency

(a) Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

(1) An act of sexual penetration or sexual conduct as defined in 720 ILCS 5/12-12; or

(2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

(b) The term "public place," for purposes of this section, means any place where the conduct may reasonably be expected to be viewed by others.

(c) A person convicted of public indecency shall be guilty of a misdemeanor.

State law reference— Similar provisions, 720 ILCS 5/11-9.

Section 1.2    False Advertising

Any person who, with intent to sell or otherwise dispose of merchandise, securities, service or anything offered directly or indirectly by such person to the public for sale or distribution or with intent to increase the consumption thereof, or induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates or places before the public or causes directly or indirectly to be made, published, circulated, disseminated or placed before the public in this city in any newspaper or other publication sold or offered for sale upon any public street, sidewalk or other public place, or any sign upon any street, sidewalk or public grounds, or in any handbill or advertisement posted upon any street, sidewalk or any banner or sign flying across the street, or from any house, an advertisement of any sort, regarding merchandise, securities, service, or anything so offered to the public which advertisement contains any assertion, representation or statement which is untrue, deceptive or misleading, shall be guilty of a misdemeanor.

Section 1.4    Reserved

Section 2        GAMBLING

Section 2.1    DEFINITIONS

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**GAMBLING DEVICE.** Any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed

primarily for use in a gambling place. A **GAMBLING DEVICE** does not include the following, as more specifically defined in 720 ILCS 5/28-2(a)(1) through (a)(4):

- (1) Coin-in-the-slot operated mechanical devices;
- (2) Vending machines;
- (3) Crane games; and
- (4) Redemption machines.

**LOTTERY.** Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

**POLICY GAME.** Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.

## Section 2.2 GAMBLING

(A) A person commits gambling when, within the corporate limits of the village, he:

- (1) Plays a game of chance or skill for money or other thing of value, unless excepted in division (B);
- (2) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;
- (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;
- (4) Contracts to have or give himself or herself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, as described in 720 ILCS 5/28-1(a)(4);
- (5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he or she has received in the courses of a bet or wager;
- (6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;
- (7) Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;
- (8) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;
- (9) Knowingly drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;
- (10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(B) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this state;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefore and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law;

(5) The game commonly known as "Bingo," when conducted in accordance with 230 ILCS 25/1 *et seq.*;

(6) (a) Lotteries when conducted by the state in accordance with 20 ILCS 1605/1 *et seq.* This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of 20 ILCS 1605/1 *et seq.* and its rules; (b) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established in 20 ILCS 1605/7.12;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an **ANTIQUE SLOT MACHINE** is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with 230 ILCS 15/1 *et seq.*;

(9) Charitable games when conducted in accordance with 230 ILCS 30/1 *et seq.*;

(10) Pull tabs and jar games when conducted under 230 ILCS 20/1 *et seq.*;

(11) Gambling games conducted on riverboats when authorized under 230 ILCS 10/1 *et seq.*;

(12) Video gaming terminals at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act (230 ILCS 40/1 *et seq.*); and

(13) Games of skill or chance where money or other things of value can be won but not payment or purchase is required to participate.

(C) *Circumstantial evidence*. In prosecutions under division (A) of this section, circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(720 ILCS 5/28-1) Penalty, see ' 1.99

**Statutory reference:**

*Internet gambling, see 720 ILCS 5/28-1(a)(12)*

### Section 2.3 KEEPING A GAMBLING PLACE

(A) For purposes of this section, a **GAMBLING PLACE** is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the Riverboat Gambling Act (230 ILCS 10/1 *et seq.*) or the Video Gaming Act (230 ILCS 40/1 *et seq.*). No person shall knowingly permit any premises or property owned or occupied by him or her or under his or her control to be used as a gambling place.

(B) When any premises is determined by the circuit court to be a gambling place:

(1) The premises is hereby declared to be a public nuisance and may be proceeded against as such; and

(2) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter.

(720 ILCS 5/28-3) Penalty, see ' 1.99

### Section 2.4 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by village authorities. As used in this section, a **GAMBLING DEVICE** includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.

(B) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs.

(720 ILCS 5/28-5(a), (b))

## Section Three OBSENIITY

### Section 3.1 Defined

As used in this division, any material or performance is obscene if:

(1) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;

- (2) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) Taken as a whole, it lacks serious literary, artistic, political or scientific value.

### Section 3.2 Elements of the offense

Obscenity is a misdemeanor. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he/she:

- (1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene;
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;
- (3) Publishes, exhibits or otherwise makes available anything obscene;
- (4) Performs an obscene act or otherwise presents an obscene exhibition of his/her body for gain;
- (5) Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this section, or of the penal laws or regulations of any other jurisdiction; or
- (6) Advertises or otherwise promotes the sale of material represented or held out by him/her to be obscene, whether or not it is obscene.

### Section 3.3 Prima facie evidence

The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three copies of obscene material shall be prima facie evidence of an intent to disseminate.

### Section 3.4 Interpretation of evidence

- (a) Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.
- (b) Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.
- (c) In any prosecution for an offense under this section, evidence shall be admissible to show:

- (1) The character of the audience for which the material was designed or to which it was directed;

(2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

(3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof;

(4) The degree, if any, of public acceptance of the material in this state;

(5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material; and

(6) The purpose of the author, creator, publisher or disseminator.

### Section 3.5 Affirmative defenses

It shall be an affirmative defense to obscenity that the dissemination was:

(1) Not for gain and was made to personal associates other than children under 18 years of age; and

(2) To institutions or individuals having scientific or other special justification for possession of such material.

### Section 3.6 Reserved

## Section Four PROSTITUTION AND RELATED OFFENSES

### Section 4.1 Pandering

(A) Any person who performs any of the following acts for money commits pandering:

(1) Compels a person to become a prostitute; or

(2) Arranges or offers to arrange a situation in which a person may practice prostitution.

(B) A person convicted of pandering shall be guilty of a misdemeanor.

### Section 4.2 Keeping a place of prostitution

(A) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution, who performs any of the following acts, keeps a place of prostitution:

(1) Knowingly grants or permits the use of such place for the purpose of prostitution;

(2) Grants or permits the use of such place under circumstances from which he/she could reasonably know that the place is used or is to be used for purposes of prostitution; or

(3) Permits the continued use of a place after becoming aware of facts or circumstances from which he/she should reasonably know that the place is being used for purposes of prostitution.

(B) A person keeping a place of prostitution shall be guilty of a misdemeanor.

### Section 4.3 Patronizing a prostitute

(A) Any person who performs any of the following acts with a person not his/her spouse commits the offense of patronizing a prostitute:

(1) Engages in an act of sexual penetration, as defined in 720 ILCS 5/12-12, with a prostitute; or

(2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration, as defined in 720 ILCS 5/12-12.

(B) A person patronizing a prostitute shall be guilty of a misdemeanor.

Section 4.4 Reserved



**Chapter Six OFFENSES AGAINST PUBLIC HEALTH AND SAFETY**

Section 1 Drug Paraphernalia

Section 2 Cannabis

ARTICLE SIX        GENERAL OFFENSES

**Chapter Six   OFFENSES AGAINST PUBLIC HEALTH AND SAFETY**

**Section 1        DRUG PARAPHERNALIA**

**Section 1.01    Definitions**

(A) The term **DRUG PARAPHERNALIA** means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this subchapter or the State of Illinois= Controlled Substances Act (720 ILCS 570/102 *et seq.*), the Cannabis Control Act (720 ILCS 550/3 *et seq.*), and the Hypodermic Syringes and Needles Act (720 ILCS 635/.01 *et seq.*). It includes but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled Substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, dormin, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

- (10) Containers, heat-seal machines and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

- (b) Water pipes;

- (c) Carburetion tubes and devices;

- (d) Smoking and carburetion masks;

- (e) Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

- (f) Miniature cocaine spoons, and cocaine vials;

- (g) Chamber pipes;

- (h) Carburetor pipes;

- (i) Electric pipes;

- (j) Air-driven pipes;

- (k) Chillums;

- (l) Bongs;

- (m) Ice pipes or chillers.

(B) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;

- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any or federal law relating to any controlled substance;

- (3) The proximity of the object, in time and space, to a direct violation of the Controlled Substances Act;

- (4) The proximity of the object to controlled substances;

- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community;
- (14) Expert testimony concerning its use.

### **Section 1.02 Possession of drug paraphernalia**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. Any person who violates this section upon conviction shall be fined not less than \$100 nor more than \$750.

### **Section 1.03 Manufacture or delivery of drug paraphernalia**

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act as amended. Any person who violates this section upon conviction shall be fined not less than \$100 nor more than \$750.

### **Section 1.04 Delivery of drug paraphernalia to a minor**

Any person 18 years of age or over who violates Section 21.03 by delivering drug paraphernalia to a person under 18 years of age who is at least three years his or her junior is guilty of a special offense and upon conviction may be fined not less than \$100 nor more than \$750.

### **Section 1.05 Advertisement of drug paraphernalia**

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section upon conviction shall be fined not less than \$100 nor more than \$750.

### **Section 1.06 Seizure of drug paraphernalia**

(A) Every device of drug paraphernalia as defined by ' 136.01 found in this village is contraband, and shall be subject to seizure, confiscation and destruction by the village.

(B) Every device of drug paraphernalia located in the village shall be seized and forfeited as contraband to the village.

(C) If, within 60 days after any seizure pursuant to this section, a person having any property interest in the seized property is charged with an offense, the court which renders judgment upon such charge shall, within 30 days after such judgment, conduct a forfeiture hearing to determine whether such property was contraband at the time of seizure. Such hearing shall be commenced by the written petition by the village, including material allegations of the fact, the name and address of every person determined by the village to have any property interest in the seized property, a representation that written notice of the date, time and place of such hearing has been mailed to every such person by certified mail at least 10 days before such date, and a request for forfeiture. Every such person may appear as a party and present evidence at such hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the village. If the court determines that the seized property was contraband at the time of seizure, an order of forfeiture and disposition of the seized property shall be entered: a paraphernalia device shall be received by the Chief of Police, who shall effect its destruction, except that valuable parts thereof may be liquidated and the resultant money shall be deposited in the general fund of the village wherein such seizure occurred; money and other things of value shall be received by the Chief of Police and, upon liquidation, shall be deposited in the general fund of the village. Such order of forfeiture and disposition shall for the purposes of appeal, be a final order and judgment in a civil proceeding.

(D) If a seizure pursuant to division (B) is not followed by a charge pursuant to division (C), or if the prosecution of such charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal (1) the Village Attorney shall commence an in rem proceeding for the forfeiture and destruction of a paraphernalia device, or for the forfeiture and deposit in the general fund of the village of any seized money or other thing of value, or both, in the Circuit Court and (2) any person having any property interest in such seized paraphernalia device, money or other thing of value may commence separate civil proceedings in the manner provided by law.

## **Section 2 CANNABIS**

(A) As used in this section, **CANNABIS** includes marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by

extraction or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(B) It is unlawful for any person knowingly to possess cannabis.

Penalty, see ' 1.99

## **Chapter Seven      WEAPONS**

- Section 1      Confiscation of Weapons
- Section 2      Discharging of firearms
- Section 3      Registration of firearms
- Section 4      Shooting slingshots; air guns
- Section 5      Switchblades; long-bladed knives
- Section 6      Tear gas equipment
- Section 7      Unlawful Use of Weapons
- Section 8      Exemptions
- Section 9      Reserved

ARTICLE SIX        GENERAL OFFENSES

**Chapter Seven        WEAPONS**

**Section 1        CONFISCATION OF WEAPONS**

Police officers, or conservators of the peace within the city, shall confiscate any deadly or concealed weapon, tear gas gun, projector or bomb found upon or about any person in violation of the provisions of sections 6 or 7 of this Chapter.

State law reference— Confiscation and disposition of weapons generally, 720 ILCS 5/24-6.

**Section 2        DISCHARGING OF FIREARMS**

It shall be unlawful to discharge any firearms within the city; provided, however, that this section shall not be construed to prevent any police officer from discharging a firearm in the performance of his/her duty, nor any citizen from discharging any firearm when lawfully defending his/her person or property.

**Section 3        REGISTRATION OF FIREARMS**

(A) All persons dealing in firearms of a size which may be concealed upon the person, at retail, within this city, shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon and the purpose for which it is purchased or obtained. The register shall contain the following:

- (1) Date of sale or gift.
- (2) Name, address and age of purchaser or donee.
- (3) Occupation of purchaser or donee.
- (4) Kind, description and number of weapon.
- (5) Purpose for which purchased or obtained.
- (6) Price of weapon.

(B) Every such person described in subsection (a) of this section shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

State law reference— Similar provisions, 720 ILCS 5/24-4.

**Section 4        SHOOTING SLINGSHOTS; AIRGUNS**

It shall be unlawful for any person to shoot, throw, cast or project, by means of any snipy-shot, slingshot, air gun or other device, any ball, bullet or other missile or projectile in any place where any person or property is apt to be struck or in any way injured thereby.



## **Section 5 SWITCHBLADES; LONG-BLADED KNIVES**

Any person who shall within the city possess, sell, loan, give, deal in, or carry concealed upon or about his/her person any knife, the blade of which is released by a spring mechanism, or longer than 3 inches in length, except as needed in the course of his/her employment during normal business hours, including knives known as switchblades, shall be guilty of a misdemeanor.

## **Section 6 TEAR GAS EQUIPMENT**

No person, except a duly appointed or elected law enforcement officer; member of any federal or state regularly organized military organization in pursuance of his/her official duty; or employee or agent of a bank, trust company, express company, railroad company or of a commercial institution, in pursuance of, and while engaged in the discharge of the duties of his/her employment, shall possess or carry on or about his/her person, or in any vehicle a tear gas gun, projector or bomb or any object containing a noxious liquid gas or substance.

## **Section 7 UNLAWFUL USE OF WEAPONS**

(A) A person commits the offense of unlawful use of weapons when he/she knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas;

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character;

(3) Carries on or about his/her person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid, gas or substance, other than an object containing a nonlethal noxious liquid, gas or substance designed solely for personal defense carried by a person 18 years of age or older;

(4) Carries or possesses in any vehicle or concealed on or about his/her person except when on his/her land or in his/her own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm;

(5) Sets a spring gun;

(6) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted;

(7) Carries or possesses on or about his/her person, upon any public street, alley, or other public lands within the city, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his/her land or in his/her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm. The term "stun gun or taser," as used in this subsection means any device which is powered by electrical charging units such as batteries, and which fires one or several

barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him/her incapable of normal functioning or any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him/her incapable of normal functioning; or

(8) Sells, manufactures or purchases any explosive bullet. For purposes of this subsection the term "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. The word "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(B) A person convicted of a violation of this section shall be punished up to and including a fine not to exceed Seven Hundred Fifty ( \$750.00) Dollars.

(C) Crossbows, common or compound bows and underwater spear guns are exempted from the definition of ballistic knife as defined in subsection (a)(1) of this section.

State law reference— Similar provisions, 720 ILCS 5/24-1.

## **Section 8      EXEMPTIONS**

(A) Sections 7(A)(3), 7(A)(4) and 7(A)(7) do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the armed services or reserve forces of the United States or the state National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the department of professional regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, and Private Security Act of 1983 (225 ILCS 445/1 et seq.), while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subsection shall be required to have completed a course of study in firearms handling and training approved and supervised by the department of professional regulation as prescribed by section 28 of the Private

Detective, Private Alarm, and Private Security Act of 1983 (225 ILCS 445/28), prior to becoming eligible for this exemption. The department of professional regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his/her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five persons registered with the department of professional regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the department of professional regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he/she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the department of professional regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983 (225 ILCS 445/1 et seq.). Such firearm authorization card shall be carried by the security guard at all times when he/she is in possession of a concealable weapon.

(7) Agents and investigators of the state's legislative investigating commission authorized by the commission to carry the weapons specified in sections 7(A)(3), 7(A)(4), while on duty in the course of any investigation for the commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the department of professional regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he/she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the department of professional regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm and Private Security Act of 1983 (225 ILCS 445/1 et seq.). Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, the term "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his/her duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act (20 ILCS 2910/0.01 et seq.).

(11) Investigators of the office of the state's attorneys appellate prosecutor authorized by the board of governors of the office of the state's attorneys appellate prosecutor to carry weapons pursuant to section 7.06 of the state's Attorneys Appellate Prosecutor's Act (725 ILCS 210/7.06).

(12) Special investigators appointed by a state's attorney under section 3-9005 of the Counties Code (55 ILCS 5/3-9005).

(13) Manufacture, transportation, or sale of weapons to persons authorized under subsection (a)(1)—(a)(12) of this section to possess those weapons.

(B) Sections 7(A)(4) and 7(A)(7) of this section do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the governor.

(3) Licensed hunters, trappers or fishermen while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a nonfunctioning state or are not immediately accessible.

(C) Section 7(A)(1) does not apply to the purchase, possession or carrying of a black-jack or sling-shot by a peace officer.

(D) Section 7(A)(6) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(E) Section 7(A)(4) and 7(A)(7) do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(F) Section 7 (A)(8) does not apply to:

(1) Members of the armed services or reserve forces of the United States or the state National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subsection (f)(1) of this section, or like organizations and persons outside this state, or the

transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(G) An information or indictment based upon a violation of any section of this article need not negate any exemptions contained in this article. The defendant shall have the burden of proving such an exemption.

(H) Nothing in this article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the state or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by 720 ILCS 5/24-1(a)(7) or 5/24-2(c), which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid firearm owner's identification card.

State law reference— Similar provisions, 720 ILCS 5/24-2.

**Section 9      RESERVED**