

CHAPTER 27

OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter, the words and phrases of the Illinois Revised Statutes, Chapter 38, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19; and 2-20, as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein.

27-1-2 CRIMINAL CODE ADOPTED. The Illinois Criminal Code, Illinois Revised Statutes, Chapter 38, as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village; provided, however, the penalties as provided by this Code shall apply.

ARTICLE II - GENERALLY

27-2-1 ABUSING POLICE OFFICER. No person shall, by violent, tumultuous or obstreperous conduct or carriage, disturb any police officer in the discharge of his duties and no person shall use unseemly, profane, obscene or offensive language in the presence of a police officer; nor shall any person assault, strike, or fight with any police officer in the discharge of his duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him or under his management and control.

27-2-2 IMPERSONATION OF OFFICER. No person in the Village shall falsely represent himself to be an officer of the Village or shall, without being duly authorized by the Village, exercise or attempt to exercise any of the duties, functions or powers of the Village officer, or hinder, obstruct, resist or otherwise interfere with any Village officer in the discharge of the duties of his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such per-

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son, or attempt to rescue from such officer, any person in his custody, or impersonate any of the members of the Police Force of this Village, or maliciously or with the intention of deceiving any person, wear the uniform of or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department.

27-2-3 DISTURBING LAWFUL ASSEMBLIES. It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

27-2-4 UNLAWFUL ASSEMBLY.

(A) Whenever 12 or more persons, any of them armed with clubs or dangerous weapons, or 30 or more persons armed or unarmed are unlawfully, riotously, or tumultuously assembled in the Village, it shall be the duty of each of the Village Police Officers to go among the persons so assembled, or as near them as safety will permit, and in the name of the State, command them immediately to disperse; and if they do not obey, every person refusing to disperse shall be deemed guilty of unlawful assembly.

(B) When persons so unlawfully assembled neglect or refuse on command to disperse, it shall be the duty of the Police to forthwith suppress such assembly and disperse the person composing it in such a manner as may be most expedient.

(Ill. Rev. Stat., Ch. 129; § 268)

27-2-5 DISTURBING THE PEACE. No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct.

27-2-6 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below 8 feet in height and no electrically charged fence shall be erected or maintained, except in an agricultural or conservation zone district.

27-2-7 ADMISSION FEES, FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

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27-2-8 **REVOKED.**

27-2-9 **CONDUCT IN PUBLIC PLACES.**

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another's use of a public way.

(C) It shall be unlawful to urinate on public ways. (2000-____; 11-21-00)

(D) It shall be unlawful to urinate on private property when such conduct could be seen from a public way or from private property open to the public. (2000-____; 11-21-00)

27-2-10 **AID IN ESCAPE.** It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge.

27-2-11 **ESCAPES.** It shall be unlawful for any person convicted of any offense, or in lawful custody to escape or attempt to escape from custody.

27-2-12 **FALSE PRETENSES.** It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-13 **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-14 **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner, encourage the commission of such offense hereby defined.

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27-2-15 POSTING BILLS. It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this section shall not prevent posting by proper Village and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-16 INTOXICATION IN PUBLIC. No person shall, in the Village, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this Village or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the Village, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner.

27-2-17 BEGGING. No person shall beg or solicit alms within the Village without having obtained permission in writing from the Mayor.

27-2-18 FIREARMS OR WEAPONS.

(A) No firearms or weapons inside Village buildings.

(1) *Prohibition.* No person may possess, bring or cause any concealed or unconcealed firearm or weapon to be present in or upon any Village owned, occupied or controlled building, structure or vehicle at any time.

(2) The prohibition set forth above shall not apply to any active sworn law enforcement officers who are required to possess a handgun pursuant to enumerated job duties.

(B) Conceal and Carry.

(1) No person shall carry about his or her person any concealed pistol, switchblade, razor, slingshot, metal knuckles or any other weapon or thing of deadly character.

(i) Such provision set forth in subsection (1) shall not apply insofar as it relates to the carrying of a concealed pistol by those persons who have secured a valid concealed weapons carry permit issued by the State of Illinois.

(ii) Such provision set forth in subsection (1) above shall not apply to any active sworn law enforcement officers

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required to possess a handgun pursuant to their enumerated job duties.

(2) No person shall sell, give or transfer any such weapon described to any minor person.

27-2-19 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the Village or so that the bullet, arrow, missile or projectile therefrom enters the Village without written permission from the Mayor, provided that this section shall not be construed to prohibit any office of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his or her personal property.

27-2-20 **INDIVIDUALS IN STREETS.**

- (A) No person shall, upon any Village street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.
- (B) It is unlawful for a parent, legal guardian, or other persons to knowingly permit a person in his or her custody or control to violate Subsection (A) of this Section 27-2-20.

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27-2-21 STORAGE OF EXPLOSIVES.

(A) Nitroglycerine; Dynamite, Etc. No person shall have, keep, possess, or store at or in any place within the Village, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) Blasting Powder, Etc. No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton, at or in any one place in the Village in any quantity exceeding five (5) pounds.

(Ill. Rev. Stat., Ch. 24; § 11-8-4)

27-2-22 THROWING ROCKS, ETC. No person in the Village shall throw or cast any stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-23 DESTRUCTION OF PUBLIC PROPERTY. No person in the Village shall deface, destroy, or in any way, injure any public property, or any other apparatus of the Village.

27-2-24 FORTUNE TELLING, ETC. No person in the Village shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-25 DISCARDED REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside without first removing the door or lid, snap-lock or other device from the ice box, refrigerator or container.

27-2-26 FIREWORKS REGULATIONS.

(A) Defined. The term "fireworks" shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation and shall include blank cartridges and toy cannons in which explosives are used; the type of balloons which require fire underneath to propel the same; firecrackers, torpedoes, sky rockets, Roman candles, sparklers, bombs or other fireworks of like construction and any tablets or other devices containing any explosive substance, or containing combustible substances producing visual effects; pro-

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vided, however, that the term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and the toy pistol, paper or plastic caps which contain less than twenty-five hundredths grains of explosive mixture, excluding recoverage model rockets sold for the express use of modelers and/or exhibitions of rocketry, the sale and use of which shall be permitted at all times.

(B) Prohibition. Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks within the Village limits.

(C) Permits. The Village Board may authorize the Village Clerk to grant permits for the supervised public display of fireworks. No permit granted hereunder shall be transferable. Permits may be granted hereunder to any group of 3 or more adult individuals applying therefor. No permit shall be required for supervised public displays by State or County Fair Associations.

(D) Applications. Application for permits shall be made in writing at least 15 days in advance of the date of the display and action shall be taken on such application at the next regular meeting of the Village Board.

(E) Display. Every such display shall be handled by a competent individual designated by the Police Chief and shall be of such character and so located, discharged or fired as not to be hazardous to property or endanger any person or persons.

27-2-27 CURFEW.

(A) Established. It shall be unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than 17 years of age to perform:

- (1) Between 11:00 P.M. on Sunday to Thursday, inclusive and 6:00 A.M. on the following day.
- (2) Between 12:00 Midnight on Friday and Saturday, inclusive and 6:00 A.M. on the following day:

(B) Responsibility of Parents and Guardians. It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (A) of this section.

(Ill. Rev. Stat., Ch. 23; § 2371 and Ch. 24; § 11-1-5)

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27-2-28 HALLOWEEN. It shall be illegal for any person to engage in Halloween practice, commonly called "Trick or Treat", by calling at the homes or dwelling places within the Village, either masked or unmasked, except upon the designated day established by the Village Board.

27-2-29 OBEDIENCE TO POLICE. Members of the Police Department, Special Police, Auxiliary Police and Marshals assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

27-2-30 SCENE OF FIRE. The Fire Department officer in command or any fireman designated by him or her may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

27-2-31 INTERFERING WITH FIREMEN. No person shall hinder, delay, resist, or obstruct any officer, fireman, or other person in the discharge of his duties or neglect or refuse to obey the lawful command of any police officer or fireman at the scene of a fire or at the scene where firemen are in control.

27-2-32 ASSAULT, BATTERY, AFFRAY AND RECKLESS CONDUCT.
It shall be unlawful for any person to knowingly start a fight, or to fight, or to commit any assault and battery or perform any reckless conduct anywhere within the Village.

(A) Assault Defined. A person commits an assault when, without lawful authority, he or she engages in conduct which places another in reasonable apprehension of receiving a battery.

(B) Battery Defined. A person commits battery if he or she intentionally or knowingly, without legal justification, and by any means:

- (1) causes bodily harm to any individual; or
- (2) makes physical contact of an insulting or provoking nature with an individual.

(C) Affray Defined. A person commits an affray if he or she engages in a noisy brawl, or quarrel, public fight, riot, or breach of the peace.

(D) Reckless Conduct Defined. A person who causes bodily harm to or endangers the bodily safety of an individual by any means commits reckless conduct if he or she performs recklessly the acts which cause the harm or endangers the safety of an individual, whether they are lawful or are unlawful.

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(E) All owners and/or proprietors of businesses in the Village, including taverns, shall report all offenses contained in this Section to the police department while occurring or immediately after they occur.

27-2-33 **REFUSAL TO DISPERSE.** No person in the municipality shall knowingly fail to obey a lawful order of dispersal by a person known by him to be a police officer under the circumstances where **three (3) or more persons** are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm.

27-2-34 **FIGHTING.** No person in the Village shall start a fight, offer to fight, engage in a fight, assault or strike another person or provoke a breach of the peace by threatening to assault or strike another person.

27-2-35 **LOUD AND UNNECESSARY NOISE.** No person in the Village shall create any unreasonably loud or unnecessary noise and disturb the peace and quiet of the Village or of any residents thereof by:

(A) Sounding of any horn, whistle, siren, or other signaling device, except where necessary to warn of the danger of an approaching vehicle;

(B) Playing of radio, loud speaker, public address system, or other electronic device in a loud and unnecessary manner;

(C) Keeping any animal or bird which by frequent and long continued noise disturbs the comfort and repose of any person in the vicinity;

(D) Unnecessary banging, pounding, clanging, clattering, or other loud noises not necessary in the performing of any useful work.

27-2-36 **PROFANITY.** No person in the Village shall use obscene, profane, vulgar, offensive, or unseemly language to the annoyance or vexation of others.

27-2-37 **OUTDOOR MUSIC RESTRICTED.** No commercial establishment or not-for-profit entity shall use, operate, play or permit to be used, operated or played, any sound system, radio, piano, or other musical instrument or device for the producing or reproduction of sound outdoors between the hours of 11:00 p.m. and 9:00 a.m. unless approved by the Village President.

27-2-38 **NOISE REGULATIONS**

(A) **Definitions.** All terminology used in this Section, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this Section, shall have the following meanings:

“*Boom Box*” means any self-contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound.

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"Boom Car" means any vehicle with loudspeakers, amplifiers, radio receiving sets, musical instruments, phonographs or other equipment capable of producing, reproducing or emitting sound which is cast upon the public street for personal or commercial purposes.

"Commercial or business property category" is all property which is used primarily for the sale and merchandise of goods, or for the performances of service, or for office of clerical work.

"Construction" is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

"Emergency" is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency work" is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

"Impulsive sound" is a sound having a duration of less than one (1) second with an abrupt onset and rapid decay.

"Industrial or manufacturing property category" is any property which is used primarily for manufacturing or processing.

"Institutional property category" is any property which is used for public purposes such as the Village Hall or a Village Park.

"Legal Holidays" recognized by the Village of Germantown include New Year's Day, Martin Luther King Jr. Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, day after Thanksgiving, Christmas Eve and Christmas Day.

"Muffler" is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine which such a device is part of the normal configuration of the equipment.

"Multi-family dwelling" is any building or other shelter that has been divided into separate units to house more than one (1) family.

"Noise" is any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological effect on humans.

"Noise Disturbance" is any sound that: endangers the safety or health of a person, disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

"Noise sensitive facility" means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

"Public space property category" is any real property or structure thereon that is owned, leased or controlled by a governmental entity.

"Real property line" is the line, including its vertical extension that separates one (1) parcel of real property from another.

"Residential property category" is all property on which people live and sleep or that which is not commercial or industrial.

"Weekday" is any day, Monday through Friday that is not a legal holiday.

(B) Exemptions.

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(1) Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this Section.

(2) The following are exempt from sound level limits:

a. Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;

b. Noise from an exterior burglar alarm on any building, provided such burglar alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if the sound is intermittent;

c. Noise from any automobile alarm, provided such alarm shall terminate its operation within five (5) minutes of its activation if the sound is uninterrupted or ten (10) minutes if the sound is intermittent;

d. The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration,

e. Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to band, choir, and orchestral performances;

f. Noise resulting from the activities of an organized sports league;

g. Non-amplified bells, chimes or carillons while being used in conjunction with religious services or religious seasons;

h. Emergency work;

i. Surface carriers engaged in commerce by railroad;

j. Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit.

(C) Prohibition. Notwithstanding the provisions of subsection (B) above, the following standards shall apply to the activities or sources set forth below:

(1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 10 p.m. and 7 a.m., and all motorized equipment must be operated with a functioning muffler.

(2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property or within two hundred fifty (250) feet of a residential property line, between the hours of 10 p.m. and 7 a.m. on weekdays, or between the hours of 10 p.m. and 9 a.m. on weekends, unless such activities are deemed emergency work.

(3) Construction and demolition activity shall not be performed between the hours of 10 p.m. and 7 a.m. on weekdays, or between the hours of 10 p.m. and 9 a.m. on weekends, unless such activities are deemed emergency work.

(4) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying or making any other noise) for more than ten (10) minutes without interruption or more than thirty (30) minutes if intermittent.

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(5) Personal or commercial vehicular music amplification or reproduction equipment, including, but not limited to boom cars, shall not be operated in such a manner as to be plainly audible at a distance of three hundred (300) feet in any direction from the equipment between the hours of 8 a.m. and 10 p.m. Between the hours of 10 p.m. and 8 a.m. such equipment shall not be operated in such a manner that it is plainly audible at a distance of seventy-five (75) feet in any direction.

(6) Boom boxes, or any similar personal amplification device, shall not be operated in a public place or public right-of-way in such a manner as to be plainly audible at a distance of three hundred (300) feet in any direction from the operator between the hours of 8 a.m. and 10 p.m. Between the hours of 10 p.m. and 8 a.m. such equipment shall be not operated in such a manner that it is plainly audible at a distance of one hundred fifty (150) feet in any direction.

(7) Amplification or reproduction of either live or prerecorded vocal and musical performances shall not be conducted in such a manner as to be plainly audible at a distance of three hundred (300) feet in any direction from the equipment between the hours of 8 a.m. and 10 p.m. Between the hours of 10 p.m. and 8 a.m. such equipment shall not be operated in such a manner that it is plainly audible at a distance of one hundred fifty (150) feet in any direction.

(D) **Enforcement Procedures**

(1) Upon occurrence of a violation of this Section, Germantown Law Enforcement officers may issue a citation for the violation returnable to the Village of Germantown. Penalties for violations of this Section shall be in accordance with Section 1-1-20 of this Code entitled PENALTY.

(2) Insofar as practicable, sound levels will be evaluated while the source under investigation is operating as normal, routine conditions and as necessary, at other conditions, including but not limited to, design, maximum and fluctuating rates. Whenever possible, persons or parties creating the noise levels suspected are in violation will be asked to witness the distance measures recorded in Subsection (C) above.

ARTICLE III

OFFENSES AGAINST PROPERTY

27-3-1 **PETTY THEFT.** A person commits a petty theft when the value of the property is under \$300.00, and he or she knowingly:

- (A) Obtains or exerts unauthorized control over property of the owner; or
- (B) Obtains by deception, control over property of the owner; or

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- (C) Obtains by threat, control over property of the owner; or
- (D) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him or her to believe that the property as stolen; and:
 - (1) Intends to deprive the owner permanently of the use or benefit of the property;
 - (2) Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;
 - (3) Uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
- (E) It shall be unlawful to commit a petty theft.

27-3-2 CRIMINAL DAMAGE TO PROPERTY. Any of the following acts by a person shall be a violation of this Code:

- (A) Knowingly damages any property of another without his or her consent; or
- (B) Recklessly, by means of fire or explosive, damages property of another; or
- (C) Knowingly starts a fire on the land of another without his or her consent; or
- (D) Knowingly injures a domestic animal or another without his or her consent; or
- (E) Knowingly deposits on the land or in the building of another, without his or her consent, any stink bomb or any offensive smelling compound and thereby, intends to interfere with the use by another of the land or building.

27-3-3 CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT. No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization.

27-3-4 INJURY- UTILITY WIRES AND POLES. It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

27-3-5 STREET SIGNS; MOLESTING OF PROHIBITED. It shall be

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unlawful for any person or persons, in any manner or form, to deface, disfigure, damage or molest any of the street signs or parts thereof located in the Village.

ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

27-4-1 DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE. A person commits disorderly conduct when he knowingly:

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

(B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

(C) Transmits in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(D) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such a place; or

(E) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(F) 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. (Ill. Rev. Stat., Ch. 24; § 11-5-3 and Ch. 38; § 26-1)

27-4-2 RESISTING OR OBSTRUCTING A PEACE OFFICER. A person who knowingly resists or obstructs the performance of one known to the person to be a peace officer of any authorized act within his official capacity commits an offense (720 ILCS 5/31-1). A violation of this Section 27-4-2 may include, but is not limited to:

(A) destroying, altering, concealing, or disguising physical evidence,

(B) planting false evidence or furnishing false information, and/or

(C) inducing a witness having knowledge material to a crime or criminal act to conceal himself or herself or to provide false information.

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27-4-3 REFUSING TO AID AN OFFICER. A person who refuses or knowingly fails reasonably, upon command, to aid a person known by him to be a peace officer in the following commits a misdemeanor:

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

(B) Preventing the commission by another of any offense. (Ill. Rev. Stat., Ch. 38; § 31-8)

Revised Code27-4-4 ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

(A) Drive-in Business. A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) Declared Public Places. For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place:

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made, any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For 3 or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

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(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one or more signs bearing the following legend in letters at least 2 inches or more in height and readable:

“CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER.”

27-4-5 TRAPPING ANIMALS. It shall be unlawful for anyone to trap game or fur-bearing animals in the Village.

27-4-6 OPEN BURNING.

(A) **DEFINITIONS.** Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this Paragraph:

1. “PUBLIC PROPERTY” means any publicly owned property including streets, right-of-way easements, and everything affixed thereto or there-over.
2. “PRIVATE PROPERTY” means any property which is not public property.

(B) **OPEN BURNING.**

1. *Restrictions on Open Burning.* No person, firm, company, corporation, partnership, or other legal entity shall cause or knowingly permit to allow, on premises within the Village, owned, occupied or controlled by that person or entity, any open burning of garbage, leaves, trash, refuse, rubber, oil, paper, wood or other combustible material, or cause or so allow any such burning in a chamber not specifically designed for that purpose in accordance with regulations of the Illinois Environmental Protection Agency, except as authorized by regulations or permits issued by the Illinois Environmental Protection Agency. Furthermore, it shall be unlawful to burn anything upon any street surface, sidewalk, street curbing or alley of the Village
2. *Exceptions to Restrictions on Open Burning.* Open burning within the Village shall be permitted under the following circumstances:
 - a. Outdoor burning in connection with the preparation of food.
 - b. Campfires and fires used solely for recreational purposes or ceremonial occasions.
 - c. Fires set for the purposes of training public or private fire-fighting personnel.
 - d. Fires set or required by a public officer for the abatement of nuisances and which are necessary in carrying out public health functions.

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- e. The burning of garbage, leaves, trash, refuse, rubber, oil, paper, wood or other combustible material by Village officers or employees at the refuse yard owned by the Village.

(C) **DEPOSIT OF TRASH OR YARD DEBRIS ON RIGHT OF WAY A NUISANCE.** It shall be a nuisance and a violation of this Section 27-4-6 to deposit or cause to deposit trash, refuse, grass, rubber, oil, paper, leaves, wood, or any combustible upon any street, sidewalk, street curbing, or alley of the Village.

(D) **CONSTRUCTION.** This Section 27-4-6 shall not be construed to prohibit wood fires in fireplaces, stoves, heaters or furnaces safely designed, constructed and installed for said purposes and complying with all applicable laws and ordinances. This Section 27-4-6 does not prohibit burning any material in an incinerator complying with all applicable laws and ordinances.

(E) **PENALTY.** Any person violating any provision of this Section 27-4-6 shall be given a written warning or fined no more than Seven Hundred Fifty dollars (\$750.00) for each offense.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Village may in addition to the imposition of the above penalties, pursue whatever legal action it deems necessary to enjoin continued violations hereof.

27-4-7 REFUSE YARD DISPOSAL.

(A) **DISPOSAL – RESIDENTS ONLY.** It is unlawful to dispose of any yard waste including leaves, grass, limbs, compost, trees, and ashes, in the Village refuse yard except by Village residents for yard waste generated within the corporate limits of the Village.

(B) **DISPOSAL – PERSONAL USE.** The use of the Village refuse yard shall be used by Village residents for personal use only. No person, business, entity, or Village resident that charges a fee, payment or other remuneration for the removal, collection, cutting, and/or the disposal of any yard waste including leaves, grass, limbs, compost, trees, and ashes may dispose of any yard waste including leaves, grass, limbs, compost, trees, and ashes in the Village refuse yard.

(C) **DISPOSAL – NO LARGE LIMBS.** It is unlawful to dispose of any limbs, branches, tree trunks, tree roots, or any other part of a tree or bush that has a base diameter of 6" or greater.

(D) **PENALTY.** Any person violating any provision of this Section shall be given a written warning or fined no more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Village may in addition to the imposition of the above penalties, pursue whatever legal action it deems necessary to enjoin continuing violations.

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27-5-1 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein:

"AIRCRAFT" is ant contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or other device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States mail service, including, but not limited to those which:

- (A) Advertise for sale any merchandise, product, commodity, or thing; or
- (B) Direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) Direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

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"LITTER" is garbage, refuse, and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river, or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the Village.

"VEHICLE" is every device in, upon, or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the Village, except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying, or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.

(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.

(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized

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private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 LITTERING FROM VEHICLES.

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the Village, unless such vehicle is so constructed or loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 LITTERING FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit an litter within the Village.

27-5-9 LITTER IN PARKS. No person shall deposit litter in any park within the Village, except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 HANDBILLS.

(A) Public Places. No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) Private Premises. No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

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(C) Exemptions for Newspapers and Political Literature. The provisions of this section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) Placing Handbills on Vehicles. No person shall deposit any handbill in or upon any vehicle unless the occupant of a vehicle is willing to accept it.

(E) Cleanup. It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) Litter Receptacles Required. Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

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(B) Number of Receptacles. All premises having parking lots shall provide in an easily accessible location, a minimum of 1 refuse container for every 50 parking spaces.

(C) Specifications. Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of 20 gallons or 75.7 liters shall be used.

(D) Cleanliness. Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) Obligation to Use Receptacles. It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY VILLAGE. The procedure for the removal of litter from private premises and the charging of expense thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Superintendent of Utilities and the Mayor shall be responsible for the implementation of this enforcement program.

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of Section 27-6-1 hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of Section 27-6-1, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises, or any part thereof, of another, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at

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any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 DEFINITIONS. For the purpose of this Article, the following definitions shall apply:

"ACTS OF VANDALISM AND SIMILAR OFFENSES" shall include any of the following acts:

(A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the Village, whether such property is owned by the State, County, or governmental body or owned by any private person, firm, partnership, or association; or

(B) Maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or

(C) Maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or

(D) Maliciously, recklessly or knowingly depositing on the land or in the building of another person, without his consent any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or

(E) Maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof, of another person without his consent.

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"LEGAL GUARDIAN" shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act.

"MINOR" shall include a person who is above the age of 11 years, but not yet 18 years of age.

"PARENT" shall include the lawful father and mother of a minor child whether by birth or adoption.

"PROPERTY" shall include any real estate including improvements thereon, and tangible personal property.

27-7-2 PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described above with the knowledge and permission of the parent or guardian, in violation of this Article, upon the occurrence of the events described in (A), (B), and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Village, following said adjudication or non-judicial sanctions; and

(C) If, at any time within one year following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in (A) above.

ARTICLE VIII - DRUG PARAPHERNALIA, CANNABIS, AND THEIR POSSESSION

27-8-1 DEFINITIONS.

(A) The term “**drug paraphernalia**” means all equipment, products, and materials of any kind which are used, intended for use, or marketed for use with illegal drugs, as defined by the **Illinois Compiled Statutes**, 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 the Illinois Controlled Substances Act, **Illinois Compiled Statutes, Chapter 720, Paragraph 570/100, et seq.**, “Drug paraphernalia” includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance is 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 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) Dilutents and adulterants, such as quinine hydrochloride, 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 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; and
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing cocaine and other controlled substances as defined in the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.) 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 or other objects used to hold burning materials, which has become too small or 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) Chilams;
 - (l) Bongs; and
 - (m) Ice pipes or chillers.

27-8-2 DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is “drug paraphernalia”, a court or other authority should consider, in addition to all other relevant factors, the following:

- (A) Statements by an owner or anyone in control of the object concerning its use;
- (B) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any controlled substances;
- (C) The proximity of the object, in time and place, to a direct violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.);
- (D) The proximity of the object to controlled substances;
- (E) The existence of any residue of controlled substances on the object;
- (F) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Article; and the innocence of any owner or anyone in control of the object, as to a direct violation of this Article, shall not prevent a finding that the object is intended or designed for use as “drug paraphernalia”;

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- (G) Instructions, oral or written, provided with the object concerning its use;
- (H) Descriptive materials accompanying the object which explain or depict its use;
- (I) National and local advertising concerning the object's use;
- (J) The manner in which the object is displayed for use;
- (K) 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;
- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;
- (M) The existence and scope of legitimate uses for the object in the community; and
- (N) Expert testimony concerning the object's use.

27-8-3 OFFENSES AND PENALTIES/DRUG PARAPHERNALIA.

(A) **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or possess with the 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 **Illinois Controlled Substance Act (720 ILCS Sec. 570/100 et seq.)**. Any person violating this Section is guilty of a crime and, upon conviction, shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)** and not more than **Five Hundred Dollars (\$500.00)**.

(B) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell, 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 **Illinois Controlled Substance Act (720 ILCS Sec. 570/100 et seq.)**. Any person violating this Section is guilty of a crime, and upon conviction, shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(C) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates Subsection (B) of this Section by delivering, selling, or giving drug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(D) **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,

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in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this Section is guilty of a crime and upon conviction, shall be fined no less than **Two Hundred Fifty Dollars (\$250.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

27-8-4 CANNABIS.

(A) Cannabis Defined. “Cannabis” including marijuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa and/or Cannabis Indica, 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, cake, or the sterilized seed of such plant which is incapable of germination.

(B) Possession limits.

(1) Except if otherwise authorized by this Code, for a person who is 21 years of age or older and a resident of this State, the possession limit is as follows:

- (i) 30 grams of cannabis flower;
- (ii) no more than 500 milligrams of THC contained in cannabis-infused product;
- (iii) 5 grams of cannabis concentrate; and
- (iv) for registered qualifying patients, any cannabis produced by cannabis plants grown under Subsection (b) of Section 10-5 of the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/10-5), provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

(2) For a person who is 21 years of age or older and who is not a resident of this State, the possession limit is:

- (i) 15 grams of cannabis flower;
- (ii) 2.5 grams of cannabis concentrate; and
- (iii) 250 milligrams of THC contained in a cannabis-infused product.

(3) The possession limits found in Subsections (B)(1) and (B)(2) of this Section are to be considered cumulative.

(4) No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower that would cause him or her to exceed the possession limit under this Subsection (B), including cannabis that is obtained under the Illinois Compassionate Use of Medical Cannabis Program Act.

(5) Cannabis and cannabis-derived substances regulated under the Industrial Hemp Act are not covered by this Article.

(C) Persons Under 21 Years of Age

(1) It shall be unlawful to permit the transfer of cannabis, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, process, transport, grow, or consume cannabis except where authorized by the Illinois Compassionate Use of Medical Cannabis Program Act or by the Illinois Community College Cannabis Vocational Pilot Program.

(2) It shall be unlawful for a person under 21 years of age to have cannabis in his or her possession except as authorized by the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program.

(3) It is unlawful for any parent or guardian to knowingly permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this subsection. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Subsection (C) if he or she knowingly authorizes or permits consumption of cannabis by underage invitees.

(D) Prohibited Uses/Prohibited Possession in Public Ways.

It shall be unlawful for any person to engage in, any of the following conduct:

(1) undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;

(2) possessing cannabis:

(a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Program Act;

(b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Program Act;

(c) in any correctional facility;

(d) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or

(e) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(3) using cannabis:

(a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Program Act;

(b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Illinois Compassionate Use of Medical Cannabis Program Act;

(c) in any correctional facility;

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- (d) in any motor vehicle;
 - (e) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 - (f) in any public place; or
 - (g) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Illinois Compassionate Use of Medical Cannabis Program Act;
- (4) smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- (5) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, watercraft, or snowmobile while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code, Section 5-16 of the Illinois Boat Registration and Safety Act, or Section 5-7 of the Illinois Snowmobile Registration and Safety Act;
- (6) facilitating the use of cannabis by any person who is not allowed to use cannabis under this Article or the Illinois Compassionate Use of Medical Cannabis Program Act;
- (7) transferring cannabis to any person contrary to this Article or the Illinois Compassionate Use of Medical Cannabis Program Act;
- (8) the use of cannabis by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty; nothing in this Article prevents a public employer of law enforcement officers, corrections officers, probation officers, paramedics, or firefighters from prohibiting or taking disciplinary action for the consumption, possession, sales, purchase, or delivery of cannabis or cannabis-infused substances while on or off duty, unless provided for in the employer's policies. However, an employer may not take adverse employment action against an employee based solely on the lawful possession or consumption of cannabis or cannabis-infused substances by members of the employee's household. To the extent that this Section conflicts with any applicable collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail. Further, nothing in this Article shall be construed to limit in any way the right to collectively bargain over the subject matters contained in this Article; or
- (9) the use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.

As used in this Subsection (D), "public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

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(E) **Cultivation.** It shall be unlawful to cultivate Cannabis for personal use except pursuant to the provisions of Section 10-5(b) of the Cannabis Regulation and Tax Act (410 ILCS 705/10-5(b)).

(F) **Penalty.** Any person violating this Section 27-8-4 is guilty of a crime, and upon conviction, shall be fined not less than **Two Hundred Fifty Dollars (\$250.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

ARTICLE IX – REVOKED JUNE 2020

ARTICLE X – PICKETING OR PROTESTING ACTIVITIES AT FUNERALS

27-10-1 DEFINITIONS.

(A) The terms “*funeral*” and “*burial service*” mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but these terms do not apply to processions while they are in transit beyond any three hundred (300) foot zone that is established under Section 27-10-2 below.

(B) The term “*other protest activities*” means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

27-10-2 PLACES PICKETING OR PROTESTING RESTRICTED.

(A) **Funeral or Burial Service.** No person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities, to occur within **three hundred (300) feet** of any residence, cemetery, funeral home, church, synagogue, or other establishments during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.

ARTICLE XI – PARK REGULATIONS

27-11-1 CLOSING HOURS. It shall be unlawful for any person to be present in any park within the Village limits from 12:00 midnight until 6:00 a.m. the following day. This prohibition shall include, but is not limited to, camping overnight and festivals, unless prior, written authorization is given by the Village President.

27-11-2 RULES OF CONDUCT. It shall be unlawful for any person in any park in the Village limits to mark, deface, disfigure, injure, tamper with or displace, or remove any buildings, tables, benches, fireplaces, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, utility lines, or other structures or equipment, facilities or park property, or appurtenances whatsoever, either real or personal.

27-11-3 MINORS. It is unlawful for a parent, legal guardian or other persons to knowingly permit a person or minor in his or her custody to violate any provision of this Article.

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27-11-4 PENALTY. Any person, corporation or association violating any provision of this Article shall be either given a written warning or fined not more than \$750.00 for each offense, any separate offense shall be deemed committed on each day during or which a violation occurs or continues.

ARTICLE XII – RESIDENCES AND PRESENCE OF REGISTERED SEX OFFENDERS

27-12-1 DEFINITIONS. The following definitions apply to this Article:

(A) A "CHILD SEX OFFENDER" includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of eighteen (18) years at the time of the offense. A "child sex offender" includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, 730 ILCS 150/1 et seq., as now or hereafter amended, where the victim was under the age of eighteen (18) years at the time of the offense. A "child sex offender" further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of eighteen (18) years.

- (1) Sexual exploitation of a child; 720 ILCS 5/11-9.1.
- (2) Predatory criminal sexual assault of a child; 720 ILCS 5/12-14.1.
- (3) Indecent solicitation of a child; 720 ILCS 5/11-6.
- (4) Public indecency committed on school property; 270 ILS 5/11-9.
- (5) Child luring; 720 ILCS 5/10-5(b)(10).
- (6) Aiding and abetting child abduction; 720 ILCS 5/10-7 or 720 ILCS 5/10-5(b)(10).
- (7) Soliciting for a juvenile prostitute; 720 ILCS 5/11-15.1.
- (8) Patronizing a juvenile prostitute; 720 ILCS 5/11-18.1.
- (9) Exploitation of a child; 720 ILCS 5/11-19.2.
- (10) Child pornography; 720 ILCS 5/11-20.1.
- (11) Criminal sexual assault; 720 ILCS 5/12-13.
- (12) Aggravated criminal sexual assault; 720 ILCS 5/12-14.
- (13) Aggravated criminal sexual abuse; 720 ILCS 5/12-16.
- (14) Kidnapping or aggravated kidnapping; 720 ILCS 5/10-1 or 5/10-2.
- (15) Unlawful restraint or aggravated unlawful restraint; 720 ILCS 5/10-3 or 5/10-3.1); and also defined by 720 ILS 5/11-9.3.

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(B) "SCHOOL" means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities and pre-schools.

(C) "LOITER" means: standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of eighteen (18) years.

(D) "PARK" includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "park" includes ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

(E) "PUBLIC POOL" includes any parcel of real estate containing any natatorium or other improved real estate, designated or intended for swimming, water recreation, or water sports. Whether operated or owned by a public entity, or to which memberships are sold to the public.

27-12-2 RESIDENCE. It is unlawful for a child sex offender to reside within one thousand five hundred (1,500) feet of any of the following:

- (A) The real property comprising any school attended by persons under the age of eighteen (18) years;
- (B) The real property comprising any park; or
- (C) Any public pool.

27-12-3 LOITERING. It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within one thousand five hundred (1,500) feet of any of the following, unless the person loitering is with a child under the age of eighteen (18) years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of eighteen (18) years:

- (A) The real property comprising any school attended by persons under the age of eighteen (18) years;
- (B) The real property comprising any park; or
- (C) Any public pool.

27-12-4 LEASE AGREEMENTS. It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within one thousand five hundred (1,500) feet of any of the following:

- (A) The real property comprising any school attended by persons under the age of eighteen (18) years;

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- (B) The real property comprising any park; or
- (C) Any public pool.

27-12-5 **VIOLATIONS.** Any person found guilty of violating Sections 27-12-2, 27-12-3 or 27-12-4 of this Article shall be subject to a fine of between One Hundred Dollars (\$100.00) and Seven Hundred Fifty Dollars (750.00) with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violation Section 27-12-4 of this Article shall be subject to a fine of between One Hundred Dollars (\$100.00) and Seven Hundred Fifty Dollars (\$750.00), revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity violating Section 27-12-4 of this Article shall be presumed to have had knowledge of the tenant's status as a child sex offender, where that tenant's name, photo, or other identifying information appears on the Illinois State Police state-wide sex offender database, as published on the internet on the Illinois State Police World Wide Web homepage, per the Sex Offender and Child Murderer Community Notification Law, 730 ILCS 152/101 et seq., as now or hereafter amended.

27-12-6 **SEPARABILITY.** In the event a Court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

27-12-7 **DISTANCES.** All distances designated in this Article shall be measured from the lot line of the park property, public pool property, or school property, and from the lot line of the subject residence.

27-12-8 **NEW RESIDENCE.** Nothing in this Article prohibits a child sex offender from residing within one thousand five hundred (1,500) feet of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.