

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 Compiled Statutes, Chapter 720, 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. **(See 65 ILCS Sec. 5/1-3-2)**

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, 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. **(See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)**

ARTICLE II - GENERALLY

27-2-1 **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. **(See 65 ILCS Sec. 5/11-1-1)**

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. **(See 65 ILCS Sec. 5/32-5.1)**

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. **(See 65 ILCS Sec. 5/11-5-2)**

27-2-4 **UNLAWFUL ASSEMBLY.** It shall be illegal for persons to assemble unlawfully in the following situations:

(A) The use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law; or

(B) The assembly of **two (2)** or more persons to do an unlawful act;
or

(C) The assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. **(See 720 ILCS Sec. 5/25-1) (See 65 ILCS Sec. 5/11-5-2)**

27-2-5 **DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. **(See 65 ILCS Sec. 5/11-5-2)**

27-2-6 **BARBED WIRE AND ELECTRIC FENCES.** It shall be unlawful for any person to erect or maintain any electrically-charged fence or barbed wire or other such sharp, pointed fence below **eight feet (8')** in height, 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.

27-2-8 **SALE OF CIGARETTES OR TOBACCO TO MINORS.** No minor under **eighteen (18)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. 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 **eighteen (18) years of age.**

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing. **(See 720 ILCS Sec. 675/1)**

27-2-9 SMOKELESS TOBACCO.

(A) **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under Eighteen (18).** No person shall sell any smokeless tobacco product to any person under the age of **eighteen (18).**

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **eighteen (18)**, without charge or at a nominal cost, any smokeless tobacco product. **(See 720 ILCS Sec. 680-1 et seq.)**

27-2-10 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(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 person's use of a public way.

27-2-11 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. **(See 720 ILCS Sec. 5/31-7)**

27-2-12 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(See 720 ILCS Sec. 5/31-6(C))**

27-2-13 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 to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-14 **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.

27-2-15 **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.

27-2-16 **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.

27-2-17 **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. **(See 65 ILCS Sec. 5/11-5-3)**

27-2-18 **BEGGING.** No person shall beg or solicit alms within the Village without having obtained permission in writing from the Mayor. **(See 65 ILCS Sec. 5/11-5-4)**

27-2-19 **CONCEALED WEAPONS.** No person shall, within the Village, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other

dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

27-2-20 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 officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

27-2-21 GAMES IN STREET. 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.

27-2-22 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.** (See 65 ILCS Sec. 5/11-8-4)

27-2-23 THROWING ROCKS. No person in the Village shall throw or cast any rock or 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.

27-2-24 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.

27-2-25 FORTUNE TELLING. 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.

27-2-26 ABANDONED REFRIGERATORS OR ICEBOXES. It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(See 720 ILCS Sec. 505/1)**

27-2-27 HALLOWEEN SOLICITATION.

(A) **Definition.** For the purpose of this Section Halloween solicitation shall mean seeking or obtaining gifts, food, candy or contributions of money, as is customarily and commonly known as "trick or treat", in the celebration of Halloween day.

(B) **Masks or Disguises, Trick or Treat Visitations and Halloween Curfew.**

- (1) It shall be unlawful for any person over **twelve (12) years** of age to appear in or upon any streets, highways, alleys, public parks or other places of the Village in any mask or disguise whereby the identity of such person is concealed, without permission of the Village President or Chief of Police on days other than Halloween.
- (2) It shall be unlawful for any person to appear on the streets, highways, public homes, private homes or public places in the Village to make trick or treat visitations; except, that this Section shall not apply to children who attend any public, private, parochial school or equivalent to include home schooled student(s) in the eighth grade and under on Halloween night. Special needs students are exempted from the restrictions of this provision when accompanied by a parent, guardian or other responsible person.
- (3) A special time limit "Curfew" for all Halloween solicitation "trick or treat" activities is hereby established to limit such activities to no later than **8:00 P.M.**

Nothing herein shall be construed as prohibiting any parent, guardian or other responsible person, having lawfully in his or her custody a child who attends any public, private, parochial school or equivalent to include home schooled student(s) in the eighth grade or under from accompanying such child who is participating in Halloween solicitation "trick or treat" for the purpose of caring for, looking after or protecting such child.

Nothing herein shall be deemed to prohibit the gathering and participation of children in a Halloween parade or costume contest, or other Halloween celebrations or activities sponsored by the Village, schools or other civic, social, religious or service clubs.

(C) **Sex Offender Prohibition.**

- (1) **Sex Offender.** An individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a

person under **seventeen (17) years** of age for which the individual is required to register as a sex offender under the Illinois Sex Offender Registration Act, as amended, **730 ILCS 150/1 et seq.**

It shall be unlawful for any designated sex offender, under the Illinois Sex Offender Registration Act, as amended, **730 ILCS 150/1 et seq.**, to participate in any Halloween events involving a person under **seventeen (17) years** of age, such as distributing candy or other items to children on Halloween. No candy or treats shall be distributed at the sex offender's place of residence and all outside residential lighting shall be turned off between **4:00 P.M.** and **11:00 P.M.**

- (2) Halloween events in which the designated sex offender is the parent or guardian of the children involved, and no non-familiar children are present, are exempt from this prohibition.

(Ord. No. 632; 05-03-10)

27-2-28 CURFEW.

(A) **Established.** It shall be unlawful for a person under the age of **seventeen (17)** to be present at or upon any public assembly, building, place, street or highway at the following times:

- (1) Between 12:01 A.M. and 6:00 A.M. Saturday;
- (2) Between 12:01 A.M. and 6:00 A.M. Sunday; and
- (3) Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

(B) It shall be a defense to a violation under this Section that the child engaged in the prohibited conduct while:

- (1) accompanied and supervised by a parent, legal guardian or other responsible companion at least **eighteen (18) years** of age, approved by said parent or legal guardian;
- (2) engaged in a business or occupation in which the laws of the state authorize a person under the age of **seventeen (17)** to perform;
- (3) participating in, going to, or returning from:
 - (a) a school-sanctioned activity;
 - (b) a religious event;
 - (c) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (d) an activity involving the exercise of the child's rights protected under the First Amendment to the Constitution of the United States, the Constitution of the State of Illinois, or both, such as freedom of speech, free exercise of religion, or right of assembly;

- (e) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training or other care under the supervision of one or more adults;
or

- (4) engaged in interstate or international travel from a location outside the state to another location outside the state.

(C) Before taking any enforcement action with respect to an alleged violation prohibited under this Section, the law enforcement official shall inquire as to the apparent offender's age and reason for being in the public place. The official shall not issue a citation or make an arrest under the provisions of this Section unless said official reasonably believes an offense has occurred and that based upon any response and other circumstances, no defense as set forth above in (B) is present.

(D) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate this Section.

(Ord. No. 11-648; 01-25-11) (See 65 ILCS Sec. 5/11-1-5)

27-2-29 THEFT OF RECYCLABLES UNLAWFUL. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the Village limits unless said person is acting as an agent for the Village or acting as an agent for a waste hauler licensed by the Village.

27-2-30 THROWING OBJECTS FROM MOTOR VEHICLES. Pursuant to the police powers in **65 ILCS 5/11-1-1** it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the Village Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

27-2-31 DEPOSITING OF SNOW AND ICE RESTRICTED. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. **(See 65 ILCS Sec. 5/11-80-13)**

27-2-32 SANCTITY OF FUNERAL AND MEMORIAL SERVICES. It shall be unlawful for a person to violate any of the following provisions of this Section:

- (A) Engaging in any loud protest of signing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and

microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates. **(Ord. No. 06-576; 03-06-06)**

27-2-33 ASSAULT; BATTERY; FIGHTING IN PUBLIC.

(A) **Assault.**

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

(B) **Battery.**

- (1) It shall be unlawful for any person to commit battery.
- (2) A person commits a battery if he or she knowingly without legal justification by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

(C) **Fighting in Public.** It shall be unlawful for any person to fight in any public place within the Village.

(Ord. No. 13-670; 02-04-13)

[See Section 1-1-20 for penalty provisions]

ARTICLE III

OFFENSES AGAINST PROPERTY

27-3-1 **PETTY THEFT.** A person commits a petty theft when the value of the property is under **Three Hundred Dollars (\$300.00)** and he knowingly:

(A) obtains or exerts unauthorized control over property of the owner;
or

(B) obtains by deception, control over property of the owner; or

(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 to believe that the property was 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.

(See 720 ILCS Sec. 5/16-1)

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

(A) To knowingly damage any property of another without his consent;
or

(B) recklessly, by means of fire or explosive, damage property of another; or

(C) knowingly start a fire on the land of another without his consent; or

(D) knowingly injure a domestic animal of another without his consent;

or

(E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. **(See 720 ILCS Sec. 5/21-1)**

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 to intentionally open any fire hydrant without proper authorization. **(See 720 ILCS Sec. 5/21-1.1)**

27-3-4 INJURY TO 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 DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED. It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the Village.

27-3-6 TAMPERING WITH PUBLIC NOTICE. It shall be unlawful for a person to 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. **(See 720 ILCS Sec. 5/32-9)**

27-3-7 SKATEBOARDS, ETC. PROHIBITED. The practice of riding or propelling oneself upon a device commonly known or referred to as a skateboard, roller skates or blade skates, is hereby prohibited upon any publicly-owned property within the Village limits.

27-3-8 SCHOOL TRESPASSING.

(A) No person shall willfully or maliciously make or assist in making any noise, disturbance or other improper diversion by which the peace, quietude or good order of any public, private or parochial school is disturbed.

(B) No person shall use profane, indecent or immoral language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the Village occupied as a public, private or parochial school.

(C) Any person found to be creating a disturbance in any private, public or parochial school, or on the surrounding school grounds or on the fields or grounds lawfully used for school activities while such recreational areas or other activities are in

progress shall leave immediately when so directed by the principal or by any other person designated by the principal.

(D) No person shall enter or remain in any public, private or parochial school building or school grounds between the hours of **eight o'clock (8:00) A.M.** and **four-thirty (4:30) P.M.** on days such school is in session, who is not a regularly enrolled student, teacher, or other employee at such school, unless he shall have first and immediately proceeded to the administrative offices and identify himself to the principal or principal's designee and receive permission to so enter or remain.

It shall be unlawful for any person to enter or remain in any public, private or parochial school or school grounds or on any public way within **five hundred (500) feet** of such public, private or parochial school or school grounds after being requested to leave by the principal or his designee.

(E) It shall be unlawful for any person to borrow or attempt to borrow any money or thing of value from any student in any public, private or parochial school property in the Village or during any time when such student is going to or returning from any regularly scheduled session of any such school without first obtaining the written approval of the principal of such school or other person designated by the principal to issue such written approval.

(F) It shall be unlawful for any person to be on any school grounds after official sunset unless he is actively engaged in school sponsored functions, supervised recreational activities or is participating in any athletic event or is a spectator at such event.

(G) No unauthorized person shall enter upon the premises of any elementary, intermediate or secondary school.

(H) It shall be unlawful to conduct any activity on public, private or parochial school grounds if the school has posted signs prohibiting the activity.

(Ord. No. 631; 05-03-10)

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) transmits in any manner to the Fire Department of any Village, 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

(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device 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 device is concealed in such a place; or

(D) 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

(E) 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;

(F) while acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(G) transmits a false report to the Department of Children and Family Services.

(See 720 ILCS Sec. 5/26-1)

27-4-2 RESISTING OR OBSTRUCTING A PEACE OFFICER. A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(See 720 ILCS Sec. 5/31-1)**

27-4-3 REFUSING TO AID AN OFFICER. A person who refuses or knowingly fails, upon command, to reasonably 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.
- (See 720 ILCS Sec. 5/31-8)

27-4-4 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 three (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.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two inches (2") or more in height and readable:

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."
(See 65 ILCS Sec. 5/11-5-2)

27-4-5 EXCAVATIONS. It shall be unlawful for any person who owns, maintains, uses, abandons, any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing. This Section shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(See 720 ILCS Sec. 605/1)**

ARTICLE V - ANTI-LITTER

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

"AIRCRAFT" is any 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 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.

"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(s) 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 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 so 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 any 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.

(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 the 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.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (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 **twenty (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 THE VILLAGE. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

27-5-16 USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS PROHIBITED.

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

- (1) on unenclosed exterior porches or balconies;
- (2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

- (1) wood, metal, or plastic furniture;
- (2) outdoor patio furniture with weather-resistant cushions;
- (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

(Ord. No. 577; 03-06-06)

(See 65 ILCS Sec. 5/11-80-15)

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 of another, or any part thereof, including any public property, 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

(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.

(See 65 ILCS Sec. 5/11-5-2)

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 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.

"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 **eleven (11) years**, but not yet **eighteen (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 herein 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 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 (1) 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 nonjudicial 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 - OBSCENITY

27-8-1 OBSCENITY.

(A) **Elements of the Offense.** A person commits an obscenity when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (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; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (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 to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** 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; and
- (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.

(C) **Interpretation of Evidence.** 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.

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.

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

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate. (See 65 ILCS Sec. 5/11-5-1)

27-8-2 HARMFUL MATERIAL.

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) **Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.

- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
- (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation

of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

“NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor.”

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(See 65 ILCS Sec. 5/11-5-1)**

27-8-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS. Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(See 720 ILCS Sec. 5/11-22)**

ARTICLE IX - OPEN BURNING

27-9-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

27-9-3 **GENERAL CONDITIONS.**

(A) Yard waste shall be dried whereas there is no smoke generated.
(B) Yard waste must be dried and the smoke easily dissipated.
(C) Burning shall not cause a visibility hazard to property owners.
(D) Debris from burning, such as ash, must be contained on the property.
(E) No fire shall be conducted or permitted which results in smoke to be spread beyond the property lines that is offensive to neighboring property owners or to create a nuisance for others.

(F) The use of flammable liquids, gas, starter fluid to ignite the fire or enhance the fire is prohibited.

(G) **Disaster Rubbish.** Officials may allow burning with extended times when a disaster is declared to burn yard waste generated from a disaster.

(H) Smoke shall not discharge material which has an offensive odor or which may be injurious or detrimental to the health and safety of others.

(I) Open burning may be immediately discontinued if it is determined that it constitutes a hazardous condition.

- 27-9-4 RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:
- (A) Landscape waste shall be burned on the premises on which such waste is generated; and
 - (B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,
 - (C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,
 - (D) Open burning of landscape waste may only take place from sunrise to **4:00 P.M.** on Monday through Saturday with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,
 - (E) There shall be no burning permitted on Sunday, and
 - (F) No open burning of landscape waste shall be permitted on any streets or roadways; and,
 - (G) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(Ord. No. 513A; 12-6-99 in part)

ARTICLE X – DRUG PARAPHERNALIA

27-10-1 DEFINITIONS.

(A) **"Cannabis"** shall have the meaning ascribed to it in Section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.

(B) **"Controlled Substance"** shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substance Act", as if that definition were incorporated herein.

(C) **"Drug Paraphernalia"** shall mean all equipment, products and materials of any kind which are peculiar to and/or marketed 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 cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act". It includes but is not limited to:

- (1) Kits peculiar to and/or marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (4) Dilutents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- (5) Objects peculiar to and/or marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - (a) water pipes;
 - (b) carburetion tubes and devices;
 - (c) smoking and carburetion masks;
 - (d) miniature cocaine spoons and cocaine vials;
 - (e) carburetor pipes;
 - (f) electric pipes;
 - (g) air-driven pipes;
 - (h) chillums;
 - (i) bongos;

- (j) ice pipes or chillers;
- (6) Any item whose purpose, as announced or described by the seller, is for use in violation of this Act.

27-10-2 POSSESSION OF DRUG PARAPHERNALIA.

(A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of violation of this Article for which the court shall impose a fine of **Seven Hundred Fifty Dollars (\$750.00)**.

(B) In determining intent under subsection (A) the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

27-10-3 EXEMPTIONS.

(A) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(B) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting or inhaling of tobacco or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(C) Items listed in **Section 27-10-1** of this Article which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Article.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- (1) The general, usual, customary, and historical use to which the item involved has been put;
- (2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (3) Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;

- (4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (5) Any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;
- (6) The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (7) 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;
- (8) The existence and scope of legitimate uses for the object in the community.

(Ord. No. 551A; 01-06-03)

ARTICLE XI - PRODUCTS CONTAINING SYNTHETIC CANNABINOIDS

27-11-1 DEFINITIONS.

(A) **"Person"** shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

(B) **"Illegal Smoking Product"** shall mean any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one or more of the following chemicals:

- (1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyl-octan-2-yl) phenol (also known as CP47,497) and homologues;
- (2) (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyl-octan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo [c]chromen-1-ol (also known as HU-211 or Dexanabinol);
- (3) 1-Pentyl-3-(1-naphthoyl)indole (also known as JWH-018); or
- (4) Butyl-3-(1-naphthoyl)indole (also known as JWH-073).

27-11-2 UNLAWFUL TO SELL, OFFER, GIFT OR DISPLAY. It shall be unlawful for any person to sell, offer to sell, gift, or publicly display for sale any illegal smoking product.

27-11-3 POSSESSION UNLAWFUL. It shall be unlawful for any person to knowingly possess any illegal smoking product.

27-11-4 PENALTY. Any person violating **Section 27-11-2** or **27-11-3** of this Article shall be subject to a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)**. A separate offense shall be deemed committed for each sale, offer to sale, gift or public display for sale.

(Ord. No. 630; 05-03-10)

ARTICLE XII

REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

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

(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 as 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 (**720 ILCS 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-(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**).

(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"** shall mean 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" shall also include any privately owned recreational area upon which the Village has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-12-2 PROHIBITED ACTS.

(A) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(B) 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**;

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) 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:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

27-12-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of **Section 27-12-2** shall be subject to a fine 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 violating paragraphs (C) or (D) of **Section 27-12-2** shall be subject to a fine 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 paragraphs (C) or (D) of **Section 27-12-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

27-12-4 OTHER PROVISIONS.

(A) 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.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) 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.

(Ord. No. 633; 06-07-10)

ARTICLE XIII – CLEAN AIR ACT - SMOKING PROHIBITED

27-13-1 **PURPOSE.** The purposes of this Article are (1) to promote public health by creating environments which reduce citizens' and workers' exposure to secondhand tobacco smoke and (2) to create tobacco smoke free environments for citizens and workers through regulation in public places and the workplace.

27-13-2 **DEFINITIONS.** The following words, terms and phrases, when used in this Article, shall be construed as defined in this Section:

(A) **"Bar"** means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges and fraternal club organizations.

(B) **"Employee"** means any person who performs services for an employer, with or without compensation.

(C) **"Employer"** means a person, partnership, association, corporation, trust, or other organized group of individuals, including the Village or any agency thereof, which utilizes the services of the one (1) or more employees.

(D) **"Enclosed"** means a space bound on all sides by walls or windows continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, lobbies, offices, rooms, all space therein screened by partitions, which do not extend to the ceiling or are not solid, "office landscaping" or similar structures, and hallways.

(E) **"Place of Employment"** means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult daycare or healthcare facility.

(F) **"Public Place"** means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, health facilities, laundering facilities, public transportation facilities, reception areas, production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms.

(G) **"Restaurant"** means an eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers at no cost or for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include an attached bar.

(H) **"Smoking"** means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other tobacco product.

27-13-3 PROHIBITION OF SMOKING IN ALL ENCLOSED PLACES OF EMPLOYMENT AND ALL ENCLOSED PUBLIC PLACES.

(A) Smoking shall be prohibited in all enclosed places of employment within the Village.

(B) Smoking shall be prohibited in all enclosed public places within the Village, including, but not limited to, the following places:

- (1) Elevators;
- (2) Restrooms;
- (3) Libraries, educational facilities, child care and adult daycare facilities, museums, auditoriums, aquariums and art galleries;
- (4) Any health care facility, health clinic or ambulatory care facilities, including, but not limited to, laboratories associated with the rendition of health care treatment, hospitals, nursing homes, doctor's offices and dentists' offices;
- (5) Any place of entertainment or recreation, including, but not limited to, gymnasiums, theaters, concert halls, bingo halls, billiard halls, bowling alleys, arenas, health spas, swimming pools and roller and ice skating rinks;
- (6) Any place used for exhibiting a motion picture, stage drama, lecture, musical recital, or other similar performance;
- (7) Shopping malls;
- (8) Bars;
- (9) Restaurants;
- (10) Convenience facilities;
- (11) All public areas and waiting rooms of public transportation facilities, including, but not limited to, bus and train facilities;
- (12) All facilities, buildings, and all vehicles owned, leased or operated by the Village;
- (13) Rooms in which meetings or hearings open to the public are held, except where such meetings or hearings are in a private residence; and
- (14) Any vehicle of public transportation, including, but not limited to, buses, limousines for hire and taxicabs.

27-13-4 RESPONSIBILITIES OF PROPRIETORS, OWNERS AND MANAGERS.

(A) A person who owns, manages, operates, or otherwise controls a place listed in **Section 27-13-3** shall not knowingly permit, cause, suffer or allow any person to violate the provisions of this Article in such place. It shall be an affirmative defense to an alleged violation of this Article that a person who owns, manages, operates or otherwise controls a place listed in **Section 27-13-3** has asked that the lighted cigarette, cigar, pipe or other tobacco product be extinguished or asked the

person to leave the establishment if that person has failed or refused to extinguish the lighted cigarette, cigar, pipe or other tobacco products.

(B) A person who owns, manages, operates or otherwise controls a place listed in **Section 27-13-3** shall clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) near all entrances where smoking is prohibited by this Article.

27-13-5 WHERE SMOKING IS NOT REGULATED. Notwithstanding any other provision of this Article to the contrary, smoking shall be permitted in any and all places not specified in **Section 27-13-3**. In particular, but not by limitation, the following shall not be subject to this Article.

(A) Private residences, except when used as licensed child care facilities, adult daycare facilities, health care facilities or enclosed places of employment.

(B) Private vehicles.

(C) **Twenty-five percent (25%)** of hotel and motel rooms may be permanently designated as smoking rooms.

(D) Retail tobacco stores that derive more than **eighty percent (80%)** of their total gross revenue from the sale of loose tobacco, cigarettes, cigars, pipes or other tobacco-related products, and which are not merely a department or subsection of a larger commercial establishment.

27-13-6 PENALTY FOR VIOLATION OF THIS ARTICLE.

(A) A person who smokes in an area where smoking is prohibited by this Article shall be guilty of a petty offense, punishable by a fine of **Twenty-Five Dollars (\$25.00)** for the first violation and **Fifty Dollars (\$50.00)** for each subsequent violation.

(B) A person who owns, manages, operates or otherwise controls a public place or place of employment and who fails to comply with this Article shall be guilty of a petty offense, punishable by:

(1) A fine of **Fifty Dollars (\$50.00)** for the first violation;

(2) A fine of **One Hundred Dollars (\$100.00)** for a second violation within a **one (1) year** period; and

(3) A fine of **Two Hundred Dollars (\$200.00)** for a third or subsequent violation within a **one (1) year** period.

(C) Each day on which a violation of this Article occurs shall be a separate and distinct violation.

27-13-7 OTHER APPLICABLE LAWS. This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

27-13-8 **CONSTRUCTION.** This Article shall be strictly construed in any interpretation of its meaning. The provisions of this Article are severable. If any provisions or its application to any person or circumstance is held invalid by a court of competent jurisdiction the remaining provisions shall continue in full force and effect.

27-13-9 **EFFECTIVE DATE.** This Article shall become effective on **January 1, 2011.**

(Ord. No. 640; 09-08-10)

ARTICLE XIV – MDPV PROHIBITED

27-14-1 **GENERALLY.** This Article is enacted to promote the health, safety and welfare of the citizens of the Village of Steeleville by prohibiting the use, possession, distribution or delivery of any substance containing MDPV as hereinafter defined, it being the specific finding of the Village of Steeleville that such substances have a dangerous effect upon anyone using and/or ingesting said substances and no medicinal or beneficial purposes.

27-14-2 **DEFINITIONS.** When used in this Article, the following words have the meanings as hereinafter provided:

(A) **"Use"** shall mean the partaking, inhaling, smoking, consumption, ingestion or injection of MDPV.

(B) **"Deliver"** shall mean the actual, constructive or attempted transfer from one person to another of MDPV, whether or not there is an agency relationship, and includes a sale

(C) **"Distribute"** shall mean to deliver other than by administering or dispensing MDPV.

(D) **"MDPV"** includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3,4-Methylenedioxypyrovalerone, Methylone, Mephedrone, 4-Methoiymethcathinone; 4-Fluormethcathinone, and 3-Fluoromethcathinone.

(E) **"Possess"** shall mean with the knowledge of the presence and nature of a substance, either actually or constructively in control of a substance. A person has actual possession if he has the substance on his person or within easy reach or convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

27-14-3 **GENERAL PROHIBITION.** It shall be unlawful for any person to use, possess, distribute or deliver any substance containing MDPV as defined in this Article.

27-14-4 **PENALTY.** Any person or entity violating this Ordinance shall be subject to a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)** plus court costs expended by the Village of Steeleville to enforce this provision.

(Ord. No. 653; 08-01-11)