

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 City, 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 City; the provisions thereof shall be controlling within the corporate limits of the City; 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 City 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 City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City 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 City 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 City 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 City, 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 City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, 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 **RESERVED.** (Ord. No. 19-2; 03-11-19)

27-2-19 **CONCEALED WEAPONS.** No person shall, within the City, 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 City limits or in such a manner that the bullet, arrow, missile or projectile therefrom enters the City limits without prior written permission from the Mayor. This Section shall not be construed to prohibit any officer of the law from the discharge of a firearm in the performance of his/her duty or during training or qualification at a City owned gun range; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the use of a bow and arrow by students upon school grounds while under the direct and immediate supervision of a teacher or other school supervisory personal. **(Ord. No. 18-18; 09-24-18)**

27-2-21 **GAMES IN STREET.** No person shall, upon any City 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 City, 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 City in any quantity exceeding **five (5) pounds.** **(See 65 ILCS Sec. 5/11-8-4)**
 (C) **Exception.** American Legion 68 may store firearms materials in the storage building at Wyman Park with the permission of the City Council.

27-2-23 **THROWING ROCKS.** No person in the City 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 City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-25 **FORTUNE TELLING.** No person in the City 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)**

It shall be unlawful for any person 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 locking device from the ice box, refrigerator or container.

27-2-27 **HALLOWEEN CURFEW.** 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 City, either masked or unmasked, except on a day designated by the City Council and no later than **8:00 P.M.** **(See 65 ILCS Sec. 5/11-1-5)**

27-2-28 **CURFEW.**

(A) **Established.** It shall be unlawful for a person less than **seventeen (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 **eighteen (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 **seventeen (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. **(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 City limits unless said person is acting as an agent for the City or acting as an agent for a waste hauler licensed by the City.

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 City Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

27-2-31 **DEPOSITING 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 **HITCHHIKING.** It shall be unlawful for any person to hitchhike, "thumb-ride" or go upon public streets and highways of the City for the purpose of soliciting free transportation.

27-2-33 **HORSE RACING.** It shall be unlawful for any person to be engaged in any way, in any horse race or mule race within the corporate limits of the City.

27-2-34 **HORSES LEFT UNHITCHED.** It shall be unlawful for any person to leave a horse or mule, a horse or mule under saddle, or a team of horses, mares, or mules, or any horse, mare or mule, hitched to a buggy or other vehicle, within the corporate limits of the City, without hitching the same to a rack or some suitable or secure place.

27-2-35 **FIGHTING OF ANIMALS UPON EXHIBITION.** It shall be unlawful for any person to maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any water.

27-2-36 **POISONING DOGS.** It shall be unlawful for any person to poison any dog or dogs or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or dogs.

27-2-37 **DEFACING OR DESTROYING PROPERTY.** It shall be unlawful to injure or break, destroy or deface, or assist in injuring, breaking, destroying or defacing any bridge, fence, building, school house, church, depot or other public or private building or structure, street sign, lamp post, electrical line or pole, electrical lamp or any appurtenance thereto, alarm box, hydrant or any other public or private property within the City.

27-2-38 **INTERFERING WITH STREET LIGHTS.** It shall be unlawful to light or extinguish any street lamp, or in any manner to interfere therewith, without authority so to do.

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 City.

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 City limits.

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 City, town, City 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)

27-4-6 UNLAWFUL USE OF WEAPONS.

(A) A person commits the offense of unlawful use of weapons when he knowingly sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand club, sandbag, metal knuckles, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

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

(C) Carries on or about his person or in any vehicle, a tear-gas gun projector, or bomb or any object containing noxious liquid gas or substance; or

(D) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(E) Sets a spring-gun; or

(F) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

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

(H) Carries or possesses in a vehicle or about his person within the corporate limits of the City except when on his land or in his own abode or fixed place of business any loaded pistol, revolver, or other firearm.

(I) This Section shall not apply to or affect persons exempted under provisions of **Chapter 38, Section 24-1 of the Illinois Criminal Code** pertaining to unlawful use of weapons.

27-4-7 DISCHARGE OF FIREARMS. It shall be unlawful to discharge firearms within the City, provided, however, that this Section shall not be construed to prevent any police officer from discharging a firearm in the performance of his duty, nor any citizen from discharging any firearm when lawfully defending his person or property.

27-4-8 CARRYING OR DISCHARGING BOWS AND ARROWS OR CROSSBOWS.

(A) It is unlawful for any person to carry any bow or crossbow on the public streets, roads, highways or public lands of the City unless such person carries such bow or crossbow unloaded.

(B) It is unlawful for any person to discharge an arrow or dart from any bow or crossbow on any public or private land, street, sidewalk, road, or highway, or any other place in the City except on a safely constructed target range.

(C) A safely constructed target range shall be one that is constructed in such manner as to prevent the arrow, dart or other projectile from passing over any grounds or space outside the limits of such grounds or residence upon which said range is constructed. Prior to usage, all such ranges shall be inspected for safety and compliance with the terms and conditions of this Chapter by a police officer of the City designated by the Chief of Police to perform said inspections.

27-4-9 CARRYING OR DISCHARGING SLING-SHOTS OR AIR GUNS.

(A) It is unlawful for any person under **thirteen (13) years** of age to carry any air rifle or sling-shot on the public street, roads, highways or public lands of the City unless such person under **thirteen (13) years** of age carries such rifle or sling-shot unloaded.

(B) It is unlawful for any person to discharge any rifle or sling-shot from or across any street, sidewalk, road, highway or public land or any public place of the City except on a safely constructed target range.

(C) "Air rifle" means and includes any air gun, air pistol, spring gun, spring pistol, BB gun, pellet gun or any implement that is not a firearm which impels a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.

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 City.

"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 City 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 City 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 City, 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 City.

27-5-9 LITTER IN PARKS. No person shall deposit litter in any park within the City 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 CITY. 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.

(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 – MINORS AND PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 **CURFEW.**

(A) **Age and Hour Restrictions.** It shall be unlawful for any person of less than **seventeen (17) years** of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied by a parent, legal guardian or other responsible companion at least **twenty-one (21) years** of age unless engaged in a business or occupation which the laws of the State authorize a person less than **seventeen (17) years** of age to perform:

- (1) Between one minute after midnight (12:01) A.M. and six o'clock (6:00) A.M. on Saturday;
- (2) Between one minute after midnight (12:01) A.M. and six o'clock (6:00) A.M. on Sunday; and
- (3) Between eleven o'clock (11:00) P.M. on Sunday to Thursday, inclusive, and six o'clock (6:00) A.M. on the following day.

(B) **Responsibility of Parent or Guardian.** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the provisions of subsection (A) of this Section.

(C) **Detaining Child.** Each member of the police force, while on duty, is hereby authorized to detain any person willfully violating the provisions of this Section until the parent or legal guardian of the child shall take him or her into custody, but such officer shall, immediately upon taking custody of the child, communicate with the parent or legal guardian.

(D) **Penalty.** Any person who violates any provision of this Section shall be fined in an amount of **One Hundred Dollars (\$100.00)** for a first offense, **Two Hundred Fifty Dollars (\$250.00)** for a second offense, and **Five Hundred Dollars (\$500.00)** for a third and subsequent offense. A child and a parent or guardian may each or both be fined for a violation of this Section depending on the circumstances of the offense.

27-7-2 **TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, AND ALTERNATIVE NICOTINE PRODUCTS; PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.**

(A) **Definitions.**

- (1) **Adult-Only Facility.** A facility or restricted area (whether open-air or enclosed) where the operator ensures or has a reasonable basis to believe (such as by checking identification as required under State law, or by checking the identification of any person appearing to be under the age of **thirty (30)**) that no person under legal age is present. A facility or restricted area need not be permanently restricted to persons under **twenty-one (21) years** of age to constitute an adult-only facility, provided that the operator ensures or has a reasonable basis to believe that no person under **twenty-one (21) years** of age is present during the event or time period in question.

- (2) **Alternative Nicotine Product.** A produce or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

"Alternative nicotine product" excludes cigarettes as defined in section 1 of the Cigarette Tax Act and tobacco products as defined in section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and electronic cigarette as defined in this section; or any product approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

- (3) **Electronic Cigarette.** Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or any solution or substance, whether or not it contains nicotine intended for use in the device. "Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: cigarettes as defined in section 1 of the Cigarette Tax Act and tobacco products as defined in section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and alternative nicotine product as defined in this section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.
- (4) **Tobacco Products.** Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
- (5) **Vending Machine.** Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any form of payment, dispenses tobacco products, electronic cigarettes, or alternative nicotine products.
- (B) **Prohibited Sales and Delivery; Signs Posted.**
- (1) **Minimum Age to Sell or Distribute To.** No person shall sell, buy for, distribute samples or furnish any tobacco product, electronic cigarette, or alternative nicotine product to any person under **twenty-one (21) years** of age.
- (2) **Signs.** Signs informing the public of the age restriction provided for in this subsection shall be posted at or near every display of tobacco products, electronic cigarettes, alternative nicotine products, tobacco accessories and smoking herbs and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:
 THE SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES,
 ALTERNATIVE NICOTINE PRODUCTS, TOBACCO ACCESSORIES AND
 SMOKING HERBS TO PERSONS UNDER TWENTY-ONE (21) YEARS OF

AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white card with letters to be at least **one-half (1/2) inch** high.

- (3) **Minimum Age to Sell Tobacco Products.** No person under **sixteen (16) years** of age may sell any tobacco product, electronic cigarette, or alternative nicotine product at a retail establishment selling tobacco products, electronic cigarettes, or alternative nicotine products. This subsection does not apply to a salesclerk in a family-owned business which can prove that the salesclerk is in fact a son or daughter of the owner.
- (4) **Proximity to Certain Institutions Prohibited.** It shall be unlawful for any person to sell, buy for, distribute samples or furnish tobacco products, electronic cigarettes, or alternative nicotine products within **one hundred (100) feet** of any school, childcare facility, or other building used for education or recreation programs for persons under **twenty-one (21) years** of age.
- (5) **Free Distributions Prohibited.** A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age, except for smokeless tobacco in any adult-only facility. This subsection does not apply to the distribution of a tobacco product, electronic cigarette, or alternative nicotine product sample in any adult-only facility.
- (6) **Vending Machines.** Tobacco products, electronic cigarettes, and alternative nicotine products may be sold through a vending machine only if such tobacco products, electronic cigarettes, and alternative nicotine products are not placed together with any other type of product, other than matches, in the vending machine and the vending machine is in any of the following locations:
 - (a) Places to which persons under **twenty-one (21) years** of age are not permitted access at any time; or
 - (b) Places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.

(C) **Purchase Prohibited.** No person under **twenty-one (21) years** of age shall buy any tobacco product, electronic cigarette, or alternative nicotine product. No person under **twenty-one (21) years** of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, or alternative nicotine product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(D) **Possession Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to possess any tobacco products, electronic cigarettes, or alternative nicotine products.

(E) **Penalty.**

- (1) Any person under the age of **twenty-one (21)** who violates any provision of this Section shall be fined in an amount not to exceed **One Hundred Dollars (\$100.00)** for a first offense, and for a second or subsequent offense, shall be fined in an amount not to exceed **Two Hundred Fifty Dollars (\$250.00)**.
- (2) Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, or person **twenty-one (21) years** of age or older who violates any provision of this Section shall be fined in an amount not to exceed **Five Hundred Dollars (\$500.00)** for a first offense, and for a second or subsequent offense, shall be fined in an amount not to exceed **Seven Hundred Fifty Dollars (\$750.00)**.

27-7-3 **TRUANCY.**

(A) **Prohibited.** It shall be unlawful for any person under the age of **eighteen (18)** enrolled in a public, private or parochial school to absent himself or herself from attendance at school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to the penalty set forth in this Code. Emergency or unforeseen absences due to illness or causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission for such absence has been subsequently obtained from the parent or guardian of said person, and such permission is submitted in writing to the proper school authorities within **twenty-four (24) hours** immediately following said absence.

(B) **Responsibility of Parent or Guardian.** It is hereby made unlawful for any parent, guardian or other person having the legal care and custody of any person under **eighteen (18) years** of age to allow or permit any such child, ward, or other person under such age enrolled in a public, private or parochial school to absent himself or herself from attendance without fully complying with the policies and requirements of the school district in which the child is enrolled.

(C) **Penalties.**

- (1) Each day that such person under **eighteen (18) years** of age absents himself or herself from school attendance shall constitute a separate offense and shall be punishable as such.
- (2) Each day that any parent, guardian or other person having the legal care and custody of any person under the age of **eighteen (18) years** of age violates the provisions of subsection (B) of this Section shall constitute a separate offense and shall be punishable as such.
- (3) Whenever the enrolled student is under the age of **sixteen (16)**, then a parent or guardian shall be fined. Whenever the enrolled student is **sixteen (16) years** of age or older, then the enrolled student shall be fined.
- (4) Any person who violates any provision of this Section shall be fined in an amount of **One Hundred Dollars (\$100.00)** for a first offense, **Two Hundred Fifty Dollars (\$250.00)** for a second offense, and **Five Hundred Dollars (\$500.00)** for a third and subsequent offense.

27-7-4 **ENCOURAGING DELINQUENCY.**

(A) It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. **(1964 Code)**

(B) Any person who violates any provision of this Section shall be fined in an amount of **Two Hundred Fifty Dollars (\$250.00)** for a first offense, and **Five Hundred Dollars (\$500.00)** for a second and subsequent offense.

27-7-5 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.**

(A) **Definitions.**

- (1) **"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 City, 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.
- (2) **"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**.
- (3) **"Minor"** shall include a person who is above the age of **eleven (11) years**, but not yet **eighteen (18) years** of age.
- (4) **"Parent"** shall include the lawful father and mother of a minor child whether by birth or adoption.
- (5) **"Property"** shall include any real estate including improvements thereon and tangible personal property.

(B) 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 (C), (D) and (E) below.

(C) 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

(D) 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 City, following said adjudication or non-judicial sanctions; and

(E) 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.

(F) **Penalty.** Any person who violates any provision of this Section shall be fined in an amount of **One Hundred Dollars (\$100.00)** for a first offense, **Two Hundred Fifty Dollars (\$250.00)** for a second offense, and **Five Hundred Dollars (\$500.00)** for a third and subsequent offense.

(Ord. No. 23-8; 03-13-23)

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 **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 during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) 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 fire hazardous and dangerous.

ARTICLE X – PENALTIES

27-10-1 **PENALTY.** The Cafeteria Court penalties contained in **Section 1-1-26** of the Municipal Code shall apply to violations of this Chapter, unless otherwise provided.

[NOTE: The Cafeteria Court provisions in **Section 1-1-26** of Chapter 1 shall apply to **this Chapter.]**