

TITLE XIII: GENERAL OFFENSES

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§ 130.01 DEFINITIONS.

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

"ACT." Includes a failure or omission to take action.

"ANOTHER." A person or persons other than the offender.

"CONDUCT." An act or a series of acts, and the accompanying mental state.

"FAMILY" or "HOUSEHOLD MEMBERS." Include spouses, former spouses, parents, children, step-children and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this definition, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

"INCLUDED OFFENSE." An offense which:

(1) Is established by proof of the same or less than all of the facts or a less culpable mental state (or both), than that which is required to establish the commission of the offense charged; or

(2) Consists of an attempt to commit the offense charged or an offense included therein.

"INCLUDES" or "INCLUDING." Comprehending among other particulars,

without limiting the generality of the foregoing word or phrase.

"OFFENSE." A violation of any penal ordinance of this village.

"PEACE OFFICER." Any person who by virtue of his/her office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that: duty extends to all offenses or is limited to specific offenses.

"PERSON." An individual, public or private corporation, government, partnership, or unincorporated association.

"PLACE OF WORSHIP." A church, synagogue, mosque, temple or other building, structure, or place used primarily for religious worship and includes the grounds of a place of worship.

"PUBLIC EMPLOYEE." A person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the state or any of its political subdivisions.

"PUBLIC OFFICER." A person who is elected to office pursuant to statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute, to discharge a public duty for the state or any of its political subdivisions.

"REASONABLE BELIEF" or "REASONABLY BELIEVES." The person concerned, acting as a reasonable man, believes that the described facts exist.

"SCHOOL." A public, private or parochial pre-school, elementary or secondary school and includes the grounds of a school.

"SOLICIT" or "SOLICITATION." To command, authorize, urge, incite, request, or advise another to commit an offense.
(Ord. 557, passed 1-14-03)

§ 130.02 VOLUNTARY ACT.

A material element of every offense is a voluntary act, which includes an omission to perform a duty which the law imposes on the offender, and which he/she is physically capable of performing.
(Ord. 557, passed 1-14-03)

§ 130.03 POSSESSION AS VOLUNTARY ACT.

Possession is a voluntary act if the offender knowingly procured or received the thing possessed, or was aware of his/her control thereof for a sufficient time to have been able to terminate his/her possession.
(Ord. 557, passed 1-14-03)

§ 130.04 MENTAL STATE.

(A) A person is not guilty of an offense, other than an offense which involves absolute liability, unless, with

respect to each element described by the section defining the offense, he/she acts while having one of the mental states described in §§ 130.05 through 130.08.

(B) If the section defining an offense prescribes a particular mental state with respect to the offense as a whole, without distinguishing among the elements thereof, the prescribed mental state applies to each such element. If the section does not prescribe a particular mental state applicable to an element of an offense (other than an offense which involves absolute liability), any mental state defined in §§ 130.05, 130.06, or 130.07 is applicable.

(C) Knowledge that certain conduct constitutes an offense, or knowledge of the existence, meaning, or application of the section defining an offense, is not an element of the offense unless the section clearly defines it as such.
(Ord. 557, passed 1-14-03)

§ 130.05 INTENT.

A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the section defining the offense, when his/her conscious objective or purpose is to accomplish that result or engage in that conduct.
(Ord. 557, passed 1-14-03)

§ 130.06 KNOWLEDGE.

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

(A) The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.

(B) The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is practically certain to be caused by his/her conduct.

(C) Conduct performed knowingly or with knowledge is performed wilfully, within the meaning of a section using the latter term, unless the section clearly requires another meaning.
(Ord. 557, passed 1-14-03)

§ 130.07 RECKLESSNESS.

A person is reckless or acts recklessly, when he/she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense; and such

disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a section using the latter term, unless the section clearly requires another meaning.
(Ord. 557, passed 1-14-03)

§ 130.08 NEGLIGENCE.

A person is negligent, or acts negligently, when he/she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the section defining the offense; and such failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.
(Ord. 557, passed 1-14-03)

§ 130.09 IGNORANCE OR MISTAKE.

(A) A person's ignorance or mistake as to a matter of either fact or law, except as provided in § 130.04(C), is a defense if it negates the existence of the mental state which the section prescribes with respect to an element of the offense.

(B) A person's reasonable belief that his/her conduct does not constitute an offense is a defense if:

(1) The offense is defined by an administrative regulation or order which is not known to him/her and has not been published or otherwise made reasonably available to him, and he/she could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him; or

(2) He/she acts in reliance upon a section which later is determined to be invalid; or

(3) He/she acts in reliance upon an order or opinion of an Illinois Appellate or Supreme Court, or a United States appellate court later overruled or reversed; or

(4) He/she acts in reliance upon an official interpretation of the section, regulation, or order defining the offense, made by a public officer or agency legally authorized to interpret such section.

(C) Although a person's ignorance or mistake of fact or law, or reasonable belief, described in this section is a defense to the offense charged, he/she may be convicted of an included offense of which he/she would be guilty if the fact or law were as he/she believed it to be.

(D) A defense based upon this section is an affirmative defense.
(Ord. 557, passed 1-14-03)

§ 130.10 ABSOLUTE LIABILITY.

A person may be guilty of an offense without having, as to each element thereof, one of the mental states described in §§ 130.05 through 130.08 if the section defining the offense clearly indicates a legislative purpose to impose absolute liability for the conduct described.

(Ord. 557, passed 1-14-03)

§ 130.11 ACCOUNTABILITY FOR CONDUCT OF ANOTHER.

A person is responsible for conduct which is an element of an offense if the conduct is either that of the person or that of another and he/she is legally accountable for such conduct as provided in § 130.12.

(Ord. 557, passed 1-14-03)

§ 130.12 WHEN ACCOUNTABILITY EXISTS.

A person is legally accountable for the conduct of another when:

(A) Having a mental state described by the section defining the offense, he/she causes another to perform the conduct, and the other person in fact or by reason of legal incapacity lacks such a mental state; or

(B) The section defining the offense makes him/her so accountable; or

(C) Either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he/she solicits, aids, abets, agrees, or attempts to aid, such other person in the planning or commission of the offense. However, a person is not so accountable, unless the section defining the offense provides otherwise, if:

(1) He/she is a victim of the offense committed; or

(2) The offense is so defined that his/her conduct was inevitably incident to its commission; or

(3) Before the commission of the offense, he/she terminates his/her effort to promote or facilitate such commission, and does one of the following: wholly deprives his/her prior efforts of effectiveness in such commission, or gives timely warning to the proper law enforcement authorities, or otherwise makes proper effort to prevent the commission of the offense.
(Ord. 557, passed 1-14-03)

§ 130.13 SEPARATE CONVICTION OF PERSON ACCOUNTABLE.

A person who is legally accountable for the conduct of another which is an element of an offense may be convicted upon proof that the offense was committed

and that he/she was so accountable, although the other person claimed to have committed the offense has not been prosecuted or convicted, or has been convicted of a different offense or degree of offense, or is not amenable to justice, or has been acquitted.

(Ord. 557, passed 1-14-03)

§ 130.14 RESPONSIBILITY OF CORPORATION.

(A) A corporation may be prosecuted for the commission of an offense if, but only if:

(1) The offense is defined by a section which clearly indicates a legislative purpose to impose liability on a corporation; and an agent of the corporation performs the conduct which is an element of the offense while acting within the scope of his/her employment and in behalf of the corporation, except that any limitation in the defining section concerning the corporation's accountability for certain agents or under certain circumstances is applicable; or

(2) The commission of the offense is authorized, requested, commanded, or performed by the board of directors or by a high managerial agent who is acting within the scope of his/her employment in behalf of the corporation.

(B) A corporation's proof, by a preponderance of the evidence, that the high managerial agent having supervisory responsibility over the conduct which is the subject matter of the offense exercised due diligence to prevent the commission of the offense, is a defense to a prosecution for any offense to which division (A)(1) refers, other than an offense for which absolute liability is imposed. This division is inapplicable if the legislative purpose of the section defining the offense is inconsistent with provisions of this division.

(C) For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "AGENT." Any director, officer, servant, employee, or other person who is authorized to act in behalf of the corporation.

(2) "HIGH MANAGERIAL AGENT." An officer of the corporation, or any other agent who has a position of comparable authority for the formulation of corporate policy or the supervision of subordinate employees in a managerial capacity.
(Ord. 557, passed 1-14-03)

§ 130.15 SOLICITATION.

(A) Elements of the offense. A person commits solicitation when, with intent that an offense be committed, he/she commands, encourages or requests another to commit the offense.

(B) A person convicted of solicitation may be fined not to exceed the maximum provided for the offense solicited. (Ord. 557, passed 1-14-03)

§ 130.16 CONSPIRACY.

(A) Elements of the offense. A person commits conspiracy when, with the intent that an offense be committed, he/she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of the agreement is alleged and proved to have been committed by him/her or by a co-conspirator.

(B) Co-conspirators. It shall not be a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) Has not been prosecuted or convicted; or
- (2) Has been convicted of a different offense; or
- (3) Is not amenable to justice; or
- (4) Has been acquitted; or
- (5) Lacked the capacity to commit an offense.

(C) A person convicted of conspiracy may be fined not to exceed the maximum provided for the offense which is the object of the conspiracy. (Ord. 557, passed 1-14-03)

§ 130.17 ATTEMPT.

(A) Elements of the offense. A person commits an attempt when, with intent to commit a specific offense, he/she does any act which constitutes a substantial step toward the commission of that offense.

(B) Impossibility. It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(C) A person convicted of an attempt may be fined not to exceed the maximum provided for the offense attempted. (Ord. 557, passed 1-14-03)

§ 130.99 PENALTY.

Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$50 nor more than \$1,000. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees. (Ord. 557, passed 1-14-03)

Section

Bodily Harm

- 131.01 Assault
- 131.02 Battery
- 131.03 Domestic battery
- 131.04 Reckless conduct

BODILY HARM

§ 131.01 ASSAULT.

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

(B) Sentence. In addition to any other sentence that may be imposed, a court shall order any person convicted of assault to perform community service for not less than 30 and not more than 120 hours, if community service is available in the village.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 131.02 BATTERY.

(A) A person commits battery if he/she intentionally or knowingly without legal justification and by any means, causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

(B) Sentence. In addition to any other sentence that may be imposed, a court shall order any person convicted of battery to perform community service for not less than 30 and not more than 120 hours, if community service is available in the village.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 131.03 DOMESTIC BATTERY.

(A) A person commits domestic battery if he/she intentionally or knowingly without legal justification by any means:

(1) Causes bodily harm to any family or household member; or

(2) Makes physical contact of an insulting or provoking nature with any family or household member.

(B) Sentence. In addition to any other sentence that may be imposed, a court shall order any person convicted of domestic battery to perform community service for not less than 30 and not more than 120 hours, if community service is available in the village. For any conviction for domestic battery, if a person under 18 years of age who is the child of the offender or of the victim was present and witnessed the domestic battery

of the victim, the offender is liable for the cost of any counseling required for the child at the discretion of the court.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 131.04 RECKLESS CONDUCT.

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

(B) A person convicted of reckless conduct shall be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

Section

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- 132.02 Theft
- 132.03 Prima facie evidence; theft by lessee
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- 132.07 Theft from coin-operated machines
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- 132.30 False personation; use of title; solicitation; certain entities

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- 132.40 Damage to property
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- 132.50 Definitions
- 132.51 Vandalism prohibited

THEFT AND RELATED OFFENSES

§ 132.01 DEFINITIONS.

For the purposes of §§ 132.01 through 132.08, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DECEPTION." Knowingly to:

- (1) Create or confirm another's impression which is false and which the offender does not believe to be true; or
- (2) Fail to correct a false impression which the offender previously has created or confirmed; or
- (3) Prevent another from acquiring information pertinent to the disposition of the property involved; or

(4) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(5) Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.

"OBTAIN."

(1) In relation to property, to bring about a transfer of interest or possession, whether to the offender or to another, and

(2) In relation to labor or services, to secure the performance thereof.

"OBTAINS CONTROL" or "TO OBTAIN OR EXERT CONTROL OVER PROPERTY." Includes but is not limited to the taking, carrying away, or the sale, conveyance or transfer of title to, or interest in, or possession of property.

"OWNER." A person, other than the offender, who has possession of or any other interest in the property involved, even though the interest or possession is unlawful, and without whose consent the offender has no authority to exert control over the property.

"PERMANENTLY DEPRIVE."

(1) To defeat all recovery of the property by the owner; or

(2) To deprive the owner permanently of the beneficial use of the property; or

(3) To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(4) To sell, give, pledge or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.

"PROPERTY." Anything of value; including real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor, or services, or otherwise of value to the owner; things growing on, affixed to, or found on land, or part of or affixed to any building; electricity, gas, and water; telecommunications services; birds, animals and fish, which ordinarily are kept in a

state of confinement; food and drink; samples, cultures, microorganisms, specimens, records, recordings, documents, blueprints, drawings, maps, and whole or partial copies, descriptions, photographs, computer programs or data, prototypes or models thereof, or any other articles, materials, devices, substances and whole or partial copies, descriptions, photographs, prototypes, or models thereof which constitute, represent, evidence, reflect or record a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention, or improvement.

"STOLEN PROPERTY." Property over which control has been obtained by theft.

"THREAT." A menace, however communicated, to:

- (1) Inflict physical harm on the person threatened or any other person or property; or
- (2) Subject any person to physical confinement or restraint; or
- (3) Commit any offense; or
- (4) Accuse any person of an offense; or
- (5) Expose any person to hatred, contempt or ridicule; or
- (6) Harm the credit or business repute of any person; or
- (7) Reveal any information sought to be concealed by the person threatened; or
- (8) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (9) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (10) Inflict any other harm which would not benefit the offender.

"VALUE." Property consisting of any commercial instrument or any written instrument representing or embodying rights concerning anything of value, labor or services or otherwise of value to the owner shall be:

- (1) The "MARKET VALUE" of such instrument if such instrument is negotiable and has a market value; and
- (2) "ACTUAL VALUE" of such instrument if such instrument is not negotiable or is otherwise without a market value. For the purpose of establishing such "ACTUAL VALUE," the

interest of any owner or owners entitled to part or all of the property represented by such instrument, by reasons of such instrument, may be shown, even if another "OWNER" may be named in the complaint. (Ord. 557, passed 1-14-03)

§ 132.02 THEFT.

(A) A person commits theft when he/she knowingly:

- (1) Obtains or exerts unauthorized control over property of the owner; or
- (2) Obtains by deception control over property of the owner; or
- (3) Obtains by threat control over property of the owner; or
- (4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him/her to believe that the property was stolen, and

- (a) Intends to deprive the owner permanently of the use or benefit of the property; or
- (b) Knowingly uses, conceals, or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
- (c) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(B) A person convicted of theft shall be punished as provided in § 130.99. In addition to any fine imposed, the offender shall be ordered to pay the following:

- (1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and
- (2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.03 PRIMA FACIE EVIDENCE; THEFT BY LESSEE.

It shall be prima facie evidence that a person "knowingly obtains or exerts unauthorized control over property of the owner" (1) if a lessee of the personal property of another fails to return it to the owner within 10 days after written demand from the owner for its return or (2) if a lessee of the personal property of

another fails to return it to the owner within 24 hours after written demand from the owner for its return and lessee had presented identification to the owner that contained a materially fictitious name, address or telephone number. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed, by registered mail, to the lessee at the address given by him/her and shown on the leasing agreement shall constitute proper demand.

(Ord. 557, passed 1-14-03)

§ 132.04 THEFT OF LOST OR MISLAID PROPERTY.

(A) A person who obtains control over lost or mislaid property commits theft when he/she:

(1) Knows or learns the identity of the owner or knows, or is aware of or learns of a reasonable method of identifying the owner; and

(2) Fails to take reasonable measures to restore the property to the owner; and

(3) Intends to deprive the owner permanently of the use or benefit of the property.

(B) A person convicted of theft of lost or mislaid property shall be punished as provided in § 130.99. In addition to any fine imposed, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.05 THEFT OF LABOR OR SERVICES OR USE OF PROPERTY.

(A) A person commits theft when he/she obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services.

(B) A person convicted of theft of labor or services or use of property shall be punished as provided in § 130.99. In addition to any fine imposed, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.06 OFFENDER'S INTEREST IN THE PROPERTY.

(A) It is no defense to a charge of theft of property that the offender has an interest therein, when the owner also has an interest to which the offender is not entitled.

(B) Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft.

(Ord. 557, passed 1-14-03)

§ 132.07 THEFT FROM COIN-OPERATED MACHINES.

(A) A person commits theft from a coin-operated machine when he/she knowingly and without authority and with intent to commit a theft from the machine, opens, breaks into, tampers with or damages a coin-operated machine.

(B) As used in this section, the term "COIN-OPERATED MACHINE" shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin drycleaning machine, coin-operated car wash, amusement machine, music machine; vending machine dispensing goods or services, or a money changer.

(C) A person convicted of theft from a coin-operated machine shall be punished as provided in § 130.99. In addition to any fine imposed, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.08 COIN-OPERATED MACHINES;
POSSESSION OF A KEY OR DEVICE.

(A) A person who possesses a key, a tool, an instrument, an explosive, a device, a substance, or a drawing print or mold of a key, a tool, an instrument, an explosive, a device or a substance designed to open, break into, tamper with, or damage a coin-operated machine as defined in § 132.07(B) with intent to commit a theft from the machine, is guilty of the offense of theft.

(B) The owner of a coin-operated machine may maintain a civil cause of action against a person engaged in the activities covered in this section and may recover treble actual damages, reasonable attorney's fees and costs.

(C) As used in this section, "SUBSTANCE" means a corrosive or acidic liquid or solid but does not include items purchased through a coin-operated machine at the location or acquired as condiments at the location of the coin-operated machine.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

RETAIL THEFT

§ 132.20 DEFINITIONS.

For the purposes of §§ 132.20 through 132.25 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONCEAL." Although there maybe some notice of its presence, merchandise is not visible through ordinary observation.

"FULL RETAIL VALUE." The merchant's stated or advertised price of the merchandise.

"MERCHANDISE." Any item of tangible personal property.

"MERCHANT." An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.

"MINOR." A person who is less than 19 years of age, is unemancipated, and resides with his/her parents or legal guardian.

"PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT." Includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

"RETAIL MERCANTILE ESTABLISHMENT." Any place where merchandise is displayed, held, stored or offered for sale to the public.

"SHOPPING CART." Push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

"UNDER-RING." To cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

(Ord. 557, passed 1-14-03)

§ 132.21 OFFENSE OF RETAIL THEFT.

(A) A person commits the offense of retail theft when he/she knowingly:

(1) Takes possession of, carries away, transfers, or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining the merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of the merchandise without paying the full retail value of the merchandise; or

(2) Alters, transfers or removes any label, price tag, marking, indication of value or any other markings which aid in determining the value affixed to any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of the merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of the merchandise; or

(4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of the removal with the intention of depriving the merchant permanently of the possession, use or benefit of the cart; or

(6) Represents to a merchant that he/she or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise, credit or other property of the merchant; or

(7) Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or

(8) Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when a lessee of the personal property of another fails to return it to the owner, or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such, within ten days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, by registered mail, to the lessee at the address given by the lessee and shown on the leasing agreement shall constitute proper demand.

(B) A person convicted of retail theft shall be punished as provided in § 130.99. In addition to any fine imposed, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.22 PRESUMPTIONS.

If any person conceals upon his or her person or among his or her belongings unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment, and removes that merchandise beyond the last known station for receiving payments for the merchandise in that retail mercantile establishment, that person shall be presumed to have possessed, carried away or transferred the merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of the merchandise without paying the full retail value of the merchandise.
(Ord. 557, passed 1-14-03)

§ 132.23 DETENTION.

(A) Any merchant who has reasonable grounds to believe that a person has

committed retail theft may detain that person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(1) To request identification;

(2) To verify identification;

(3) To make reasonable inquiry as to whether the person has in his or her possession unpurchased merchandise and, to make reasonable investigation of the ownership of the merchandise;

(4) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(5) In the case of a minor, to immediately make a reasonable attempt to inform the parents, guardian or other private person interested in the welfare of that minor and, at the merchant's discretion, a peace officer, of this detention and to surrender custody of the minor to the person.

(B) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if detention is pursuant to an immediate pursuit of the person.

(C) A merchant shall be deemed to have reasonable grounds to make a detention for the purposes of this section if the merchant detains a person because such person has in his or her possession either a theft detection shielding device or theft detection device remover.
(Ord. 557, passed 1-14-03)

§ 132.24 CIVIL LIABILITY.

(A) A person who commits the offense of retail theft as defined in § 132.21(A)(1) through (A)(3), shall be civilly liable to the merchant of the merchandise in an amount consisting of:

(1) Actual damages equal to the full retail value of the merchandise as defined herein; plus

(2) An amount not less than \$100 nor more than \$1,000; plus

(3) Reasonable attorney's fees and court costs.

(B) If a minor commits the offense of retail theft, the parents or guardian of that minor shall be civilly liable as provided in this section; provided, however that a guardian appointed pursuant to ILCS Ch. 755, Act 11 shall not be liable under this section. Total recovery under this section shall not exceed the maximum recovery permitted under ILCS Ch. 740, Act 5.

(C) A conviction or a plea of guilty to the offense of retail theft is not a prerequisite to the bringing of a civil suit hereunder.

(D) Judgments arising under this section may be assigned.
(Ord. 557, passed 1-14-03)

DECEPTION

§ 132.30 FALSE PERSONATION; USE OF TITLE; SOLICITATION; CERTAIN ENTITIES.

(A) A person commits a false personation when he or she falsely represents himself or herself to be a member or representative of any veterans' or public safety personnel organization or a representative of any charitable organization, or when any person exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel or veterans' organization when not authorized to do so by the charitable, public safety personnel or veterans' organization. "PUBLIC SAFETY PERSONNEL ORGANIZATION" has the meaning ascribed to that term in Section I of the Solicitation for Charity Act, ILCS Ch. 225, Act 460, § 1.

(B) A person commits false personation when he or she falsely represents himself or herself to be a veteran in seeking employment or public office. In this section, "VETERAN" means a person who has served in the Armed Forces or Reserved Forces of the United States.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

DAMAGE AND TRESPASS TO PROPERTY

§ 132.40 DAMAGE TO PROPERTY.

(A) A person commits an offense when he or she:

(1) Knowingly damages any property of another without his or her consent; or

(2) Recklessly by means of fire or explosive damages property of another; or

(3) Knowingly starts a fire on the land of another without his or her consent; or

(4) Knowingly injures a domestic animal of another without his or her consent; or

(5) Knowingly deposits on the land or in the building of another, without his or her consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(6) Damages any property, other than by means of arson, with the intent to defraud an insurer; or

(7) Knowingly shoots a firearm at any portion of a railroad train.

(B) In addition to any fine imposed, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Am. Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.41 DAMAGE OF FIRE FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.

(A) Whoever wilfully cuts, injures, damages, tampers with or destroys or defaces any fire hydrant or any fire hose or any fire engine, or other public or private fire fighting equipment, or any apparatus appertaining to such equipment, or intentionally opens any fire hydrant without proper authorization, commits an offense, and shall, upon conviction, be punished as provided in § 130.99.

(B) In addition to any fine imposed, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.42 TRESPASS TO VEHICLES.

Whoever knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile commits an offense, and shall, upon conviction, be punished as provided in § 130.99

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.43 TRESPASS TO LAND.

(A) (1) A person commits an offense when he or she:

(a) Knowingly and without lawful authority enters or remains within or on a building; or

(b) Enters upon the land of another, after receiving prior to such entry notice from the owner or occupant that such entry is forbidden; or

(c) Remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(d) Enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered vehicle), after receiving prior to that entry notice from the owner or occupant that the entry is forbidden, or remains upon or in the area after receiving notice from the owner or occupant to depart:

1. Any field that is used for growing crops or which is capable of being used for growing crops; or

2. An enclosed area containing livestock; or

3. An orchard; or

4. A barn or other agricultural building containing livestock.

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

(B) A person has received notice from the owner or occupant within the meaning of division (A) if the person has been notified personally, either orally or in writing, including a valid court order, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

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

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

(a) In which the taxes have not been paid for a period of at least two years; and

(b) Which has been left unoccupied and abandoned for a period of at least one year.

(3) For the purpose of this division (C), "BEAUTIFIES" means to landscape, to clean up litter, or to

repair dilapidated conditions on or to board up windows and doors.

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

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

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 132.44 DAMAGING VILLAGE PROPERTY.

(A) It shall be unlawful to:

(1) Knowingly damage any village property without the village's consent; or

(2) Recklessly, by means of fire or explosion, damage village property; or

(3) Knowingly start a fire on village land without the consent of the village; or

(4) Knowingly deposit on village land or in a village building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the village of its land or buildings; or

(5) Knowingly damage, by any means, public utility poles, apparatus, or other public utility equipment; or

(6) Knowingly damage, by any means, any traffic-control device, sign or signal or any inscription, shield or insignia, or any other parts thereof; or

(7) Knowingly damage, by any means, any public highway, street, bridge or culvert, installation, equipment, machinery, tool, building or other public improvement.

(B) Any person found guilty of a violation of this section shall be fined as provided in § 130.99. In addition to any fine imposed hereunder, the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

VANDALISM

§ 132.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"LEGAL GUARDIAN." A person appointed guardian or given custody of a minor child by a circuit court of the State of Illinois, except a person appointed guardian or given custody of a minor under the "Juvenile Court Act," as amended.

"MINOR." A person who has attained 11 years of age but who has not yet reached 18 years of age.

"PERSON." Any individual, firm, partnership, association, corporation, or governmental unit, including the village.

"UNEMANCIPATED MINOR." A minor who resides with a parent or legal guardian. (Ord. 557, passed 1-14-03)

§ 132.51 VANDALISM PROHIBITED.

(A) All acts of vandalism within the village are unlawful and prohibited. An act of vandalism shall be:

(1) The wilful damaging, defacing, dislocating or otherwise interfering with the normal use of another person's real or personal property, without the other person's consent; or

(2) The wilful entry into, or the obtaining control over, any motor vehicle, bicycle, aircraft or watercraft of another person, without the other person's consent.

(3) The wilful mailing, tacking, pasting, or in any way fastening of any sign, label, sale bill, advertising card, candidate's card, or any other advertising matter, of any kind or character whatsoever, on any tree or electric light or telephone pole within the corporate limits of the village.

(B) Any person found guilty of an act of vandalism shall be fined pursuant to § 130.99. In addition to any fine imposed hereunder the offender shall be ordered to pay the following:

(1) Restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss; and

(2) All of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

Section

General Provisions

- 133.01 Disorderly conduct
- 133.02 Residential picketing
- 133.03 Curfew
- 133.04 Parental responsibility
- 133.05 Disturbing a funeral assembly
- 133.06 Loitering for the purpose of engaging in drug-related activity

Public Demonstrations

- 133.10 Professional Strike breakers
- 133.11 Parades, processions; marches

GENERAL PROVISIONS

§ 133.01 DISORDERLY CONDUCT.

(A) A person commits the offense of disorderly conduct when he/she knowingly:

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

(2) Transmits or causes to be transmitted in any manner a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that a fire exists; or

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant or radioactive substance is concealed in such place that its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb, explosive or container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place; or

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

(5) 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;

(6) While acting as a collection agency as defined in the Collection Agency Act (ILCS Ch. 225, Act 425, § 1 et seq.)

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

(7) Without lawful purpose, loiters about the building or buildings of any public or private school or the public premises adjacent thereto and is neither a person enrolled therein, as a student nor a parent or guardian of such student, nor an employee of such school. For the purposes of this section a truant from school shall not be considered a person enrolled as a student; or

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

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

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

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

(12) Is in an intoxicated condition in or on any street, alley or other public place in the village; or

(13) Drinks, consumes, transports, carries or possesses any alcoholic liquor, except in the original package and with the seal unbroken, on a public street, sidewalk, parkway, public parking lot or semi-public parking lot. The term "SEMI-PUBLIC PARKING LOT" shall include any area wherein motor vehicles are parked by the public in conjunction with any business, enterprise, commercial establishment, office building or apartment building; or

(14) Without lawful purpose, loiters in such a manner as to obstruct, impede, or otherwise block the movement of any person or persons or motor vehicles, on, about or across any sidewalk, street, alley or other passageway, and who shall not move upon request being made by any village official or any legally authorized person.

(B) A person convicted of disorderly conduct shall be punished as provided in § 130.99. In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the village.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 133.02 RESIDENTIAL PICKETING.

(A) It is an offense to picket before or about the residence or dwelling of any person, except when the residence or dwelling is used as a place of business. However, this section does not apply to a person peacefully picketing his/her own residence or dwelling and does not prohibit the peaceful picketing of a place of employment involved in a labor dispute or the place of holding a meeting or assembly on premises commonly used to discuss subjects of general public interest.

(B) Persons convicted of residential picketing shall be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 133.03 CURFEW.

(A) It is unlawful for a person less than 17 years of age to present at or upon any public assembly, building, place, street or highway between 12:01 a.m. and 6:00 a.m. Saturday, between 12:01 a.m. and 6:00 a.m. Sunday, and between 11:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day; except if one of the following apply:

(1) The person is accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian; or

(2) The person is engaged in a business or occupation which the laws of this state authorize a person less than 17 years of age to perform.

(B) It is unlawful for a person between the ages of 7 and 15, inclusive, other than a person who has been suspended or expelled from school, to be at any place within the village except in attendance at school during normal school hours on a school day during the regular school term.

(C) Division (B) above shall not apply to persons who are not in attendance at school under the following circumstances:

(1) The person is accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian and the absence would be approved by the public, private or parochial school in which such person is enrolled; or

(2) The person is engaged in a business or occupation which the laws of this state authorize a person less than 17 years of age to perform; or

(3) The person is not registered or enrolled in any public, private or parochial school.

(D) It is unlawful for a person between the ages of 7 and 15 years of age, inclusive, who has been suspended or expelled from school to be present at or upon any public assembly, building, place, street, or highway during normal school hours during any school day during the regular school term unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than 17 years of age to perform.

(E) It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his/her custody or control to violate any provision of this section. The term "knowingly" includes knowledge that a parent, legal guardian or other person should reasonably be expected to have concerning the whereabouts of a juvenile in the parent, legal guardian or other person's custody or control.

(F) Any minor who receives a citation to appear in court for a violation of divisions (A), (B) or (D) above, shall have a parent or legal guardian present during any hearing concerning such citation. A person convicted of a violation of any provision of this section shall be fined pursuant to § 130.99. In addition to or instead of the fine imposed by this section, the Court may order a parent, legal guardian or other person convicted of a violation of division (E) to perform community service as determined by the Court. The dates and times established for the performance of community service by the parent, legal guardian or other person convicted of a violation of division (E) shall not conflict with dates and times that the person is employed in his/her regular occupation.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 133.04 PARENTAL RESPONSIBILITY.

(A) For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"LEGAL GUARDIAN." A person appointed guardian, or given custody of a minor by a Circuit Court of the state, except a person appointed guardian or given custody of a minor under the Juvenile Court Act.

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

(B) The parent or legal guardian of a 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 such minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this section upon the occurrence of the events described below:

(1) A minor residing with such parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting intentional, wilful or wanton 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 violation of any ordinance, law or statute prohibiting intentional or wilful acts causing injury to a person or property; and

(2) Such parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the police department of the village following such adjudication or nonjudicial sanction; and

(3) If at any time within one year following receipt of the notice set forth in division (B)(2) above, such minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (B)(1) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (B)(1) above.

(C) Any person convicted of any violation of the provisions of this section shall be fined pursuant to § 130.99. In addition to any fine imposed hereunder, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 133.05 DISTURBING A FUNERAL ASSEMBLY.

Any person who willfully interrupts or disturbs any funeral assembly or procession shall be punished as provided in § 130.99. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 133.06 LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

(A) It is unlawful for any person to loiter in or near a thoroughfare, place open to the public or near any public or private place in a manner and under circumstances that warrant a reasonable person to believe that the person is manifesting the purpose to engage in drug-related activity contrary to any provisions of: The Illinois Controlled Substances Act, ILCS Ch. 720, Act 570 as amended; the Illinois Cannabis Control Act, ILCS Ch. 720, Act 550 as amended; or any other local, state or federal law prohibiting the manufacture, distribution, delivery, use or possession of a controlled substance (hereinafter referred to as the "drug laws").

(B) Among the circumstances which may be considered in determining whether such purpose is "manifested" are the following:

(1) Such person is a known unlawful drug user, possessor or seller. For purposes of this section, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court of any violation involving the use, possession or sale of any of the substances referred to in the drug laws or such person has been convicted of any of the provisions of the drug laws or substantially similar laws of any political subdivision of this state or of any other state or jurisdiction, or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks" or a person who possesses drug paraphernalia as defined in the Illinois Drug Paraphernalia Control Act; or

(2) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in unlawful drug-related activity, including by way of example only, such person acting as a "lookout"; or

(3) Such person is physically identified by the officer as a member of a "gang" or association which has as its purpose illegal drug activity; or

(4) Such person transfers small objects or packages for currency in a furtive fashion; or

(5) Such person takes flight upon the appearance of a police officer; or

(6) Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in unlawful drug-related activity; or

(7) The area involved is by public repute or within the knowledge of the arresting officer known to be an area of unlawful drug use and trafficking; or

(8) The premises involved are known by public repute or within the knowledge of the arresting officer to have been reported to law enforcement as a place suspected of drug activity.

(C) Whenever a police officer observes one or more persons engaged in activity prohibited under division (A) in any public place designated for the enforcement of this section under division (D), the police officer shall:

(1) Inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited;

(2) Order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and

(3) Inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further prohibited activity within sight or hearing of the place at which the order was issued during the next three hours.

(D) The Chief of Police shall by written directive designate areas of the village in which enforcement of this section is necessary because the areas are associated with loitering for the purpose of engaging in drug-related activity. Prior to making a determination under the division, the Chief of Police shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of narcotics-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the Police Department with special training or experience related to narcotics-related activity; other personnel of the Department or other agency with particular knowledge of narcotics-related activities in the proposed designated area; elected and appointed officials of the village and community-based organizations. The Chief of Police shall develop and implement procedures for the periodic review and update of designations made under this division.
(Ord. 557, passed 1-14-03)

PUBLIC DEMONSTRATIONS

§ 133.10 PROFESSIONAL STRIKE BREAKERS.

(A) Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"LOCKOUT." The action of an employer pursuant to a labor dispute in temporarily closing a place of employment or preventing an employee or employees from engaging in their normal course of employment for the purpose of inducing settlement of the dispute or influencing the conditions of employment to be agreed upon.

"PERSON." Any individual, partnership, association, firm, corporation, union, or group of employees.

"PROFESSIONAL STRIKE BREAKER." Any person who repeatedly and habitually offers himself or herself for employment on a temporary basis where a lockout or strike exists to take the place of an employee whose work has ceased as a direct consequence of the lockout or strike.

"STRIKE." The concerted action of employees pursuant to a labor dispute in failing to report for work, engaging in the stoppage of work, picketing (where the effect of such picketing is to induce any individual not to pick-up, deliver or transport any goods or not to perform any services), or abstaining from the full and proper performance of the duties of employment for the purpose of inducing settlement of the dispute or influencing the conditions of employment to be agreed upon.

(B) No person shall knowingly employ any professional strike breaker in the place of an employee during any period when a lockout or strike is in progress. Nor shall any professional strike breaker take or offer to take the place in employment of employees involved in a lockout or strike.

(C) This section shall not apply to the employment of any person whose services are necessary to ensure that the plant or other property of the employer involved in the strike or lockout is properly maintained and protected for the resumption at any time of normal operations,

(D) Persons convicted of professional strike breaking shall be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 133.11 PARADES, PROCESSIONS, MARCHES.

(A) No person, group of persons, firm, partnership, association, corporation, company or organization of any kind shall use the public streets and sidewalks of the village for parades, processions or marches, pedestrian or vehicular or a combination thereof, in conflict with any of the traffic ordinances, laws or regulations of the village, whereby normal pedestrian or vehicular traffic may be impeded, hindered or obstructed, except on notification in writing to the Chief of Police not less than 48 hours nor more than 30 days before the parade, procession or march. Such notification shall include the following information:

(1) The name, address and telephone number of the person, group of persons, firm, partnership, association, corporation, company or organization planning the parade, procession or march, and responsible for its conduct.

(2) The commencement time and composition of the parade, procession or march; the specific route to be traveled; and the starting and termination points.

(3) The approximate number of persons, animals and vehicles expected to participate in the parade, procession or march, together with a description of the type of animals and vehicles involved.

(B) This section shall not apply to the following:

(1) Funeral processions proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment; or

(2) A governmental agency acting within the scope of its functions.

(C) On receipt of the notification above described, the Chief of Police or his/her designated agent shall furnish to the person, group of persons, firm, partnership, association, corporation, company or organization making such notification a written acknowledgment of receipt of the notification.

(D) In the event that notification shows that the parade, procession or march will unreasonably interfere with the rights of others to use the streets and sidewalks with respect to time, route or composition, the Chief of Police shall direct that the plan for the parade, procession or march shall be appropriately adjusted, with the provision that such change in plan shall be delivered to the person or group notifying the chief of police at least 24 hours prior to the proposed beginning time of the parade, procession or march.

(E) In the event that the Chief of Police receives notification of more than one parade, procession or march to be held on the same date, the Chief of Police may route and time each of the parades, processions or marches so that they will not conflict with each other. The first notice should have priority over later notices.

(F) It shall be an offense to participate in any manner in a parade, procession or march on the public streets or sidewalks as described herein prior to compliance with the provisions of this section.

(Ord. 557, passed 1-14-03) Penalty, see § 130.99

Section

Interference with Public Officers

- 134.01 Resisting or obstructing a
peace officer
134.02 Obstructing service of process
134.03 Refusing to aid an officer

Interference with Judicial Procedure

- 134.10 False personation of judicial
or governmental officials
134.11 Tampering with public notice

INTERFERENCE WITH PUBLIC OFFICERS

§ 134.01 RESISTING OR OBSTRUCTING A PEACE
OFFICER.

A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his/her official capacity shall, upon conviction, be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 134.02 OBSTRUCTING SERVICE OF PROCESS.

Whoever knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court shall, upon conviction, be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 134.03 REFUSING TO AID AN OFFICER.

Whoever, upon command, refuses or knowingly reasonably fails to aid a person known by him/her to be a peace officer in apprehending a person whom the officer is authorized to apprehend, or preventing the commission by another of any offense, upon conviction, shall be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

INTERFERENCE WITH JUDICIAL PROCEDURE

§ 134.10 FALSE PERSONATION OF JUDICIAL OR
GOVERNMENTAL OFFICIALS.

A person who falsely represents himself/herself to be a public officer or a public employee shall, upon conviction, be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 134.11 TAMPERING WITH PUBLIC NOTICE.

A person who knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public notice, posted according to law, during the time for which the notice was to remain posted, shall, upon conviction, be punished as provided in § 130.99.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

Section

Sex Offenses

135.01 Public indecency
 135.02 Obscenity
 135.03 Harmful material

SEX OFFENSES

§ 135.01 PUBLIC INDECENCY.

(A) Definitions. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DEVIATE SEXUAL CONDUCT." An act involving the sex organ of one person and the mouth or anus of another person, or the penetration of the sex organ or anus of a person by an object.

"NUDITY." The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than fully opaque covering of any part of the nipple; or the showing of the male genitals in a discernibly turgid state, even if completely opaquely covered.

"PUBLIC PLACE." Any place where the conduct may reasonably be expected to be viewed by others, including but not limited to bars, taverns, and other entertainment establishments.

(B) Public indecency and nudity proscribed.

(1) A person who, knowingly or intentionally, in a public place: (a) engages in sexual intercourse; (b) engages in deviate sexual conduct; (c) appears in a state of nudity; or (d) fondles the person's genitals or the genitals of another person; commits public indecency in violation of this section.

(2) Breast-feeding of infants is not an act of public indecency.

(C) Penalties. A person convicted of public indecency or public nudity shall be punished as provided in § 130.99. (Ord. 557, passed 1-14-03; Am. Ord. 564, passed 7-15-03) Penalty, see § 130.99

§ 135.02 OBSCENITY.

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

(1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; 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/her 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/her to be obscene, whether or not it is obscene.

(B) Obscene defined. Any material or performance is obscene if: the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and 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 taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) Interpretation of evidence.

(1) 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.

(2) 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.

(3) In prosecution for an offense under this section, evidence shall be admissible to show:

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

(b) 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;

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

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

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

(f) Purpose of the author, creator, publisher or disseminator.

(D) A person convicted of obscenity shall be punished as provided in § 130.99.

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

(F) Affirmative defenses. It shall be an affirmative defense to obscenity that the dissemination:

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

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

(G) Forfeiture of property:

(1) Legislative declaration. Obscenity is a far-reaching and extremely profitable offense. This offense exists despite the threat of prosecution and successful prosecution because existing sanctions do not effectively reach the money and other assets generated by it. It is therefore necessary to supplement existing sanctions by mandating forfeiture of money and other assets generated by this offense. Forfeiture diminishes the financial incentives which encourage and sustain obscenity and secures for the state, local government and prosecutors a resource for prosecuting these offenses.

(2) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning

(a) "PERSON." An individual, partnership, private corporation, public, municipal, governmental or quasi-municipal corporation, unincorporated association, trustee or receiver.

(b) "PROPERTY."

1. Real estate, including things growing on, affixed to and found in land, and any kind of interest therein; and

2. Tangible and intangible personal property, including rights, privileges, interest, claims and securities.

(3) Forfeiture of property. Any person who has been convicted previously of the offense of obscenity and who shall be convicted of a second or subsequent offense of obscenity shall forfeit to the village:

(a) Any property constituting or derived from any proceeds such person obtained, directly or indirectly, as a result of such offense; and

(b) Any of the person's property used in any manner, wholly or in part, to commit such offense.

(4) Forfeiture hearing. At any time following a second or subsequent conviction for obscenity, the court shall, upon petition by the Village Attorney, conduct a hearing to determine whether there is any property that is subject to forfeiture as provided hereunder. At the forfeiture hearing the village shall have the burden of establishing by preponderance of the evidence that such property is subject to forfeiture.

(5) Prior restraint. Nothing in this division (G) shall be construed as authorizing the prior restraint of any showing, performance or exhibition of allegedly obscene films, plays or other presentations or of any sale or distribution of allegedly obscene materials.

(6) Seizure, sale and distribution of the property.

(a) Upon a determination under division (G) (4) above that there is property subject to forfeiture, the court shall authorize the Village Attorney, except as provided in this section, to seize all property declared forfeited upon terms and conditions as the court shall deem proper.

(b) The Village Attorney is authorized to sell all property forfeited and seized pursuant to this section, and, after the deduction of all requisite expenses of administration and sale, shall distribute the proceeds of such sale, along with any monies forfeited or seized, in accordance with division (G) (6) (c) below. If the Village Attorney believes any such property describes, depicts or portrays any of the acts of activities described in division (B), he/she shall apply to the court for an order to destroy such property, and if the court determines the property describes, depicts or portrays such acts it shall order the Village Attorney to destroy such property.

(c) All monies and the sale proceeds of all other property forfeited and seized pursuant hereto shall be distributed to the village.

(7) Construction of division (G). It shall be the intent of the Village Council that this division (G) be liberally construed so as to effect its purposes. The forfeiture of property and other remedies hereunder shall be considered to be in addition, and not exclusive of any sentence or other remedy provided by law.
(Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 135.03 HARMFUL MATERIAL.

(A) Elements of the offense. A person who, with knowledge that a person is a child, that is a person under 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, shall, upon conviction, be punished as provided in § 130.99.

(B) Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DISTRIBUTE." To transfer possession of, whether with or without consideration.

"HARMFUL." Material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is a 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.

"KNOWINGLY." Having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

"MATERIAL." Any writing, picture, record or other representation or embodiment.

(C) Interpretation of evidence.

(1) 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 the 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.

(2) 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) A person convicted of distribution of harmful material in violation of this section shall be punished as provided in § 130.99.

(E) 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 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/her 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 prosecution under this section: 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 harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his/her employees or agents, as where the order or request for harmful material was transmitted by mail, telephone or similar means of communication, and delivery of the 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/she was not under 18 years of age:
"NOTICE: It is unlawful for any person under

18 years of age to purchase the matter herein advertised. Any person under 18 years of age who falsely states that he is not under 18 years of age for the purpose of obtaining the material advertised herein, is guilty of a Class B misdemeanor under the laws of the State of Illinois."

(F) Child falsifying age. Any person under 18 years of age who falsely states, either orally or in writing, that he/she is not under the age of 18 years, or who presents or offers to any person any evidence of age and identity which is false or not actually his/her own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material, shall be punished as provided in § 130.99. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

Section

- 137.01 Definitions
 137.02 Possession and drinking in public prohibited
 137.03 Sale to minors and intoxicated persons prohibited
 137.99 Penalty

Cross-reference:

Alcoholic beverages, see Ch. 112

Statutory reference:

Illinois Liquor Control Act, see
 ILCS Ch. 235, Act 5

§ 137.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ALCOHOLIC BEVERAGE." Any fluid or any solid capable of being converted into fluid suitable for human consumption, and containing more than one-half of 1% alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider or wine.

"MOTOR VEHICLE." A motorized vehicle designed to convey a person from one place to another on public streets and highways.

"OPEN CONTAINER." Any alcoholic beverage container that contains an alcoholic beverage on which the seal or stamp has been broken, or that has been opened subsequent to the filling of such container by the manufacturer, brewery, distillery or dispenser of such alcoholic beverage. "OPEN CONTAINER" shall also mean any drinking glass, cup, can or any other receptacle containing an alcoholic beverage, except a drinking glass or a cup closed with a lid having no opening and sealed to the container with tamper-proof tape.

"PASSENGER COMPARTMENT." That portion of a motor vehicle designed or intended for occupancy by passengers or the operator of a motor vehicle, including portions which may be intended for cargo but which are accessible to the operator or passengers. The fact that neither the operator nor passengers could actually reach the cargo area while seated shall be irrelevant. It does not include the trunk of a car or the bed of a pickup truck unless these areas are occupied by passengers.

"PUBLIC POSSESSION." The possession of any alcoholic beverage for any reason,

including consumption, on any street or highway or in any public place or any place open to the public, including any wholesale or commercial business, lounge, club, or night club which is de facto open to the public. "PUBLIC POSSESSION" does not include any of the following:

(1) The possession or consumption of any alcoholic beverage:

(a) For an established religious purpose;

(b) For medical purposes, when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital or medical institution; or

(c) In private residences.

(2) The sale, handling, transport or service in dispensing of any alcoholic beverage pursuant to lawful employment of a person at least 18 years of age by a duly licensed manufacturer, wholesaler or retailer of beverage alcohol.

"PUBLIC STREETS, PARKS, AND HIGHWAYS." Any public street, highway, alley or other public right-of-way or publicly owned park, playground or parking lot, including any parking lots owned, leased or controlled by any federal, state, county or municipal government.

"PURCHASE." Acquisition by the payment of money or other consideration.

"RETAILER DEALER." Every person, other than a manufacturer or wholesale dealer, who, as a business, handles, holds, sells, offers for sale, solicits orders for the sale of, distributes, delivers, serves, or has in his or her possession for sale or distribution, any alcoholic beverage; or operates a place of business where any person draws or removes any alcoholic beverage from its container for consumption on or off the premises.
 (Ord. 600, passed 1-3-06)

§ 137.02 POSSESSION AND DRINKING IN PUBLIC PROHIBITED.

(A) Licenses. No person shall engage in the business of selling alcoholic beverages except in accordance with the terms of a license issued by the state, and in accordance with the provisions of Chapter 112 of this code.

(B) Sales to minors. No person in the business of selling alcoholic beverages, or working for such a business, shall sell or deliver an alcoholic beverage to a person under 21 years of age.

(C) Purchases by minors. No person under the age of 21 shall purchase or attempt to purchase an alcoholic beverage except as permitted by the Illinois Liquor Control Act.

(D) Consumption in public. No person shall consume an alcoholic beverage on the public streets, in a public parking lot, in a public park, or in the portion of any business premises open to the public if that business is not licensed to sell alcoholic beverages for consumption on the premises. A business or organization having permission from the Mayor for outdoor sales may sell or deliver alcoholic beverages for consumption on a designated area of public streets, parks or parking lots, subject to such restrictions as to time, date and location as may be imposed by the Mayor. It shall not be a violation of this section for a person to consume an alcoholic beverage obtained from such a business or organization, if such consumption takes place in the designated area.

(E) Delivery to minors. No person shall give or deliver any alcoholic beverages to a person under the age of 21, except as permitted by state law in connection with the operation of a licensed premises.

(F) Possession on public street. Except in those areas where consumption of alcoholic beverages is permitted by ordinance, no person shall possess an alcoholic beverage in an open container on a public street, in a public parking lot, in a public park, or in the passenger compartment of a motor vehicle.

(G) Possession by minors. No person under 21 years of age shall consume or attempt to consume an alcoholic beverage, or possess or attempt to possess an alcoholic beverage within the village, except as permitted by the Illinois Liquor Control Act.

(H) Possession or consumption on school property. No person shall consume or possess an alcoholic beverage in an open container in any public school building or on other property of the public schools.

(I) Use of false identification. No person shall furnish fraudulent identification to a person under the age of 21. No person under the age of 21 shall use fraudulent identification to purchase or attempt to purchase an alcoholic beverage.
(Ord. 600, passed 1-3-06)
Penalty, see § 137.99

§ 137.03 SALE TO MINORS AND INTOXICATED
PERSONS PROHIBITED.

(A) Sale of alcoholic beverages to underage persons.

(1) No person may procure for, sell, dispense or give away any alcoholic beverages to any underage person.

(2) No licensee or permittee may sell, vend, deal or traffic in alcoholic beverages to or with any underage person.

(3) No adult may knowingly permit, or fail to take action to prevent, the illegal consumption of alcoholic beverages by an underage person on premises owned by the adult or under the adult's control. This paragraph does not apply to alcoholic beverages used exclusively as part of a religious service.

(4) No adult may intentionally encourage or contribute to a violation of this section.

(B) Intoxicated persons.

(1) No person may procure for, sell, dispense, or give away alcoholic beverages to a person who is intoxicated.

(2) No licensee or permittee may sell, vend, deal or traffic in alcoholic beverages to or with a person who is intoxicated.

(C) Underage persons; prohibitions.

(1) Any underage person who does any of the following is guilty of a violation:

(a) Procures or attempts to procure alcoholic beverages from a licensee or permittee.

(b) Possesses or consumes alcoholic beverages.

(c) Falsely represents his or her age for the purpose of receiving alcoholic beverages from a licensee or permittee.

(d) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses, or an official identification card which has been altered or duplicated to convey false information.

(e) Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.

(f) Presents false information to an issuing officer in applying for an official identification.

(g) Intentionally carries an identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the documentation is false.

(h) Provides to another underage person an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age, with knowledge that the documentation is false.

(2) Any underage person who knowingly violates this section is guilty of a violation.

(3) Confiscation of card. A law enforcement officer investigating an alleged violation of § 137.03(C) (1) (d), (e), (f), (g) or (h) above shall confiscate any identification card or other documentation that constitutes evidence of the violation.

(D) Defenses. In determining whether a licensee or permittee has violated this chapter, all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcoholic beverages may be considered. In addition, proof of all of the following facts by a seller of alcoholic beverages to an underage person is a defense to any prosecution for a violation of this section:

(1) That the purchaser falsely represented that he or she had attained the legal drinking age;

(2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age;

(3) That the sale was made in good faith, and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age; and

(4) That the underage person supported the representation with documentation that he or she had attained the legal drinking age.
(Ord. 600, passed 1-3-06)
Penalty, see § 137.99

§ 137.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall be punished as follows.

(1) For the first violation, a fine of not less than \$50 and not more than \$1,000, and the person may be ordered to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.

(2) For a second violation, a fine of not less than \$250 and not more than \$1,000, and the person may be ordered to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.

(3) For a third or subsequent violation, a fine of not less than \$500 and not more than \$1,000, and the person may be ordered to perform community service, and to undergo substance abuse screening and assessment at his or her own expense.

(B) Any person who violates any of the provisions of this chapter shall also be ordered to pay the costs, including reasonable attorney fees, incurred by the village in the prosecution of the violation.
(Ord. 600, passed 1-3-06)

Section

Deadly Weapons

- 138.01 Unlawful use of weapons
- 138.02 Exemptions
- 138.03 Unlawful possession of firearms and firearm ammunition
- 138.04 Defacing identification marks of firearms
- 138.05 Confiscation and disposition of weapons
- 138.06 Use of weapons on school premises

Air Rifles

- 138.10 Definitions
- 138.11 Selling, renting, or transferring to children; prohibition
- 138.12 Carrying or discharging on public streets
- 138.13 Permissive possession
- 138.14 Permissive sales
- 138.15 Seizure and removal

DEADLY WEAPONS

§ 138.01 UNLAWFUL USE OF WEAPONS.

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

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

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

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

(4) Carries or possesses in any vehicle or concealed on or about his/her person, except when on his/her land or in his/her own abode or fixed place of business, any pistol, revolver, stun gun, taser or other firearm, except that this division does not apply to or affect

transportation of weapons that meet one of the following conditions:

(a) Are broken down in a non-functioning state; or

(b) Are not immediately accessible; or

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or

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

(7) Sells, manufactures, purchases, possesses or carries a machine gun, which shall be defined for the purposes of this section as any weapon, which shoots, is designed to shoot or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon; or sells, manufactures, purchases, possesses or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person, or any rifle having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification or otherwise, if such a weapon as modified has an overall length of less than 26 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted. (This division does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses.); or

(9) Carries or possesses in a vehicle or on or about his/her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he/she is hooded, robed or masked in such manner as to conceal his/her identity; or

(10) (a) Carries or possesses on or about his/her person on any public street, alley or other public lands within the village, except when an invitee thereon or therein for the purpose of display of the weapon or the lawful commerce in weapons, or except when on his/her land or in his/her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm, except that this division does not apply to or affect transportation of weapons that meet one of the following conditions:

1. Are broken down in a non-functioning state; or
2. Are not immediately accessible; or
3. Are unloaded and enclosed in a case, firearm carrying box, shipping box or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(b) A "STUN GUN" or "TASER", as used in this section, means any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him/her incapable of normal functioning; or any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him/her incapable of normal functioning.

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

(B) It shall be unlawful for any person to fire or discharge any gun, pistol or other firearm within the village or any of its parks unless necessary. This section shall not apply to members of any skeet or trapshooting club using guns to fire at targets on an established range of a skeet or trapshooting club.

(C) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in division (A) (7) is prima facie evidence

that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his/her trade, then such presumption shall not apply to the driver.

(D) Crossbows, common or compound bows and underwater spearguns are exempted from the definition of ballistic knife as defined in division (A) (1) above. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 138.02 EXEMPTIONS.

(A) § 138.01(A) (3), (A) (4), and (A) (10) do not apply to or affect any of the following:

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

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

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

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

(5) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of ILCS Ch. 225, Act 445, § 1 et seq., while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that the commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this division (A) (5) shall be

required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by ILCS Ch. 225, Act 445, § 28 prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to that commercial or industrial operation while actually engaged in the performance of his/her duty or traveling between sites or properties belonging to the employer, and who, as a security guard is a member of a security force of at least 5 persons or more registered with the Department of Professional Regulation; provided that the security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts and the handling of weapons. A person shall be considered eligible for this exemption if he/she has completed the required 20 hours of training for a security and 20 hours of required firearm training and who has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of ILCS Ch. 225, Act 445, § 28. Such firearm authorization card shall be carried by the security guard at all times when he/she is in possession of a concealable weapon.

(7) Persons employed by a financial institution for the protection of other employees and property related to that financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by the financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he/she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm authorization card by the Department of Professional

Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those issued under ILCS Ch. 225, Act 445, § 28. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this division, "FINANCIAL INSTITUTION" means a bank, savings and loan association, credit union, or company providing armored car services.

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

(9) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(B) § 138.01 (A) (4) and (A) (10) do not apply to or affect any of the following:

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

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

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

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

(C) § 138.01 (A) (7) does not apply to or affect any of the following: Peace officers while in performance of their official duties.

(D) § 138.01 (A) (1) does not apply to the purchase, possession, or carrying of a black-jack or sling-shot by a peace officer.

(E) § 138.01 (A) (8) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer.

(F) § 138.01 (A) (4) or (A) (10) does not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(G) § 138.01 (A) (7) and (A) (11) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance. (Ord. 557, passed 1-14-03)

§ 138.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

(A) A person commits the offense of unlawful possession of firearms (as defined in ILCS Ch. 430, Act 65, § 1 et seq.) or firearm ammunition when:

(1) He/she is under 18 years of age and has in his/her possession any firearm of a size which may be concealed upon the person; or

(2) He/she is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his/her possession; or

(3) He/she is a narcotic addict and has any firearms or firearm ammunition in his/her possession; or

(4) He/she has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his/her possession; or

(5) He/she is mentally retarded and has any firearms or firearm ammunition in his/her possession; or

(6) He/she has in his/her possession any explosive bullet. For the purposes of this section "EXPLOSIVE BULLET" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "CARTRIDGE" means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) A person convicted of unlawful possession of firearms, other than handguns, and firearm ammunition shall be punished as provided in § 130.99. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 138.04 DEFACING IDENTIFICATION MARKS OF FIREARMS.

(A) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm shall, upon conviction, be punished as provided in § 130.99.

(B) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the

possessor has changed, altered, removed or obliterated the same. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 138.05 CONFISCATION AND DISPOSITION OF WEAPONS.

(A) Upon conviction of a violation of §§ 138.01 through 138.03 of this chapter, any weapon seized shall be confiscated by the trial court.

(B) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. After the disposition of an ordinance violation where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in the due course no legitimate claim has been made for the weapon, the court may transfer the weapon to the sheriff of the county who may proceed to destroy it, or may in its discretion order the weapons preserved as property of the village or may in its discretion order the weapon transferred to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the department. If, after the disposition of a case, a need still exists for the use of the confiscated weapons for evidentiary purposes, the court may transfer the weapons to the custody of the Illinois State Department of Corrections for preservation. The court may not order the transfer of the weapon to any private individual or private organization other than to return a stolen weapon to its rightful owner.

(Ord. 557, passed 1-14-03)

§ 138.06 USE OF WEAPONS ON SCHOOL PREMISES.

(A) As used in this section, weapons, destructive devices, instruments or substances shall include:

(1) All firearms, destructive devices, antique firearms, ammunition, machine guns, firearm silencers and mufflers, and prohibited instruments as defined in 18 U.S.C.A. § 921, as amended from time to time;

(2) Any and all weapons, instruments, or substances identified in § 138.01; and

(3) Any explosive, firearm, knife or any other object that can reasonably be considered a weapon as defined in Catlin Community Unit School District No. 5 Policy No. 710.16, as amended from time to time.

(B) Any person, except as provided in § 138.02, who sells, manufactures, purchases, possesses or carries any weapon, destructive device, instrument or substance identified in division (A) above, regardless

of the time of day or the time of year, on the premises of any school or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity commits an offense under this chapter. In addition to the exemptions set forth in § 138.02, this section does not apply to students carrying or possessing firearms for use in school training courses, parades, target shooting on school ranges, or otherwise with the consent of school authorities and which weapons are transported unloaded and enclosed in a suitable case, box or transportation package.

(C) For purposes of this section, the presence in an automobile of any weapon, instrument or substance referred to in § 138.01, which automobile is upon the properties of any school, is prima facie evidence that it is in the possession of, and is deemed carried by, all persons occupying, or in the possession or control of such automobile at the time such a weapon, instrument or substance is found, except under the following circumstances:

(1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

(D) For purposes of this section, the presence in a backpack, locker, desk or other storage device of any weapon, instrument or substance referred to in division (A) above, is prima facie evidence that it is in the possession of, and is being carried by, all persons having custody or control of such backpack, locker, desk or other storage device.

(Ord. 687, passed 3-19-12) Penalty, see § 130.99

AIR RIFLES

§ 138.10 DEFINITIONS.

For the purposes of §§ 138.10 through 138.15 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AIR RIFLE." Any air gun, air pistol, spring gun, spring pistol, B.B. gun, paint ball gun, pellet gun or any implement that is not a firearm, which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm.

"DEALER." Any person, copartnership, association or corporation engaged in the

business of selling at retail or renting any of the articles included in the definition of "AIR RIFLE".

(Ord. 557, passed 1-14-03)

§ 138.11 SELLING, RENTING, OR TRANSFERRING TO CHILDREN: PROHIBITION.

(A) It is unlawful for any dealer to sell, lend, rent, give or otherwise transfer an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where the dealer has failed to make reasonable inquiry relative to the age of the person and the person is under 13 years of age.

(B) It is unlawful for any person to sell, give, lend or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between the person and the person under 13 years of age, or where the person stands in loco parentis to the person under 13 years of age. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 138.12 CARRYING OR DISCHARGING ON PUBLIC STREETS.

(A) It is unlawful for any person under 13 years of age to carry any air rifle on the public streets, roads, highways or public lands within this village, unless the person under 13 years of age carries the rifle unloaded.

(B) It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway or public land or any public place except on a safely constructed target range. (Ord. 557, passed 1-14-03) Penalty, see § 130.99

§ 138.13 PERMISSIVE POSSESSION.

Notwithstanding any provision of this chapter, it is lawful for any person under 13 years of age to have in his/her possession any air rifle if it is:

(A) Kept within his/her house of residence or other private enclosure;

(B) Used by the person under 13 years of age and he/she is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only if the air rifle is actually being used in connection with the activities of the club, team or society under the supervision of a responsible adult; or

(C) Used in or on any private grounds or residence under circumstances when the air

rifle is fired, discharged or operated in a manner as not to endanger persons or property and then only if it is used in a manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence. (Ord. 557, passed 1-14-03)

§ 138.14 PERMISSIVE SALES.

The provisions of §§ 138.10 through 138.15 do not prohibit sales of air rifles:

(A) By wholesale dealers or jobbers;

(B) To be shipped out of the state; or

(C) To be used at a target range operated in accordance with ILCS Ch. 720, Act 535, § 4 or by members of the Armed Services of the United States or veterans' organizations. (Ord. 557, passed 1-14-03)

§ 138.15 SEIZURE AND REMOVAL.

Any police officer shall seize, take, remove or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this chapter. (Ord. 557, passed 1-14-03)

Section

- 139.01 Definitions
- 139.02 Sale or delivery of drug paraphernalia
- 139.03 Possession of drug paraphernalia
- 139.04 Exempt items
- 139.05 Seizure and forfeiture
- 139.99 Penalty

§ 139.01 DEFINITIONS.

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

"CANNABIS." See Section 3 of the Cannabis Control Act (ILCS Ch. 720, Act 550, § 3).

"CONTROLLED SUBSTANCE." See Section 102 of the "Illinois Controlled Substances Act" (ILCS Ch. 720, Act 570, § 102).

"DELIVER" or "DELIVERY." The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

"DRUG PARAPHERNALIA." All equipment, products and materials of any kind which are peculiar to and 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" (ILCS Ch. 720, Act 550, § 3). It includes, but is not limited to:

- (1) Kits peculiar to and 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) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons;

(5) Objects peculiar to and 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) Bongs;
- (j) Ice pipes or chillers;

(6) Any item whose purpose, as announced or described by the seller or deliverer or possessor, is for use in violation of this chapter. (Ord. 557, passed 1-14-03)

§ 139.02 SALE OR DELIVERY OF DRUG PARAPHERNALIA.

It shall be an offense for any person to keep for sale, offer for sale, sell or deliver any item of drug paraphernalia. (Ord. 557, passed 1-14-03) Penalty, see § 139.99

§ 139.03 POSSESSION OF DRUG PARAPHERNALIA.

(A) It shall be unlawful for any person to knowingly possess 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.

(B) In determining intent under division (A), the trier of fact may take into consideration the proximity of cannabis or controlled substances to the drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia. (Ord. 557, passed 1-14-03) Penalty, see § 139.99

§ 139.04 EXEMPT ITEMS.

This chapter shall not apply to:

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

(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 division include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(C) Items listed in § 139.01 of this chapter 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 chapter. In determining whether or not a particular item is exempt under this division, 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 or deliverer of the item at the time and place of sale or 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. 557, passed 1-14-03)

§ 139.05 SEIZURE AND FORFEITURE.

All items of drug paraphernalia shall be seized and forfeited as contraband to the village.
(Ord. 557, passed 1-14-03)

§ 139.99 PENALTY.

Any person found guilty of violating any provision of this chapter shall be fined pursuant to § 130.99. In addition to any fine imposed under this chapter, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.
(Ord. 557, passed 1-14-03)

Section

- 140.01 Definitions
- 140.02 Possession of cannabis
- 140.03 Possession of cannabis sativa plant
- 140.04 Possession in motor vehicle
- 140.99 Penalty

§ 140.01 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

"CANNABIS." Marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not; the seed thereof, the resin extracted from any part of such plant; and any compound, manufactured, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabiniol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical syntheses; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seek of such plant which is incapable of germination.
(Ord. 557, passed 1-14-03)

§ 140.02 POSSESSION OF CANNABIS.

It shall be an offense for any person to possess cannabis or any substance containing cannabis.
(Ord. 557, passed 1-14-03) Penalty, see § 140.99

§ 140.03 POSSESSION OF CANNABIS SATIVA PLANT.

It shall be an offense for any person to possess the cannabis sativa plant.
(Ord. 557, passed 1-14-03) Penalty, see § 140.99

§ 140.04 POSSESSION IN MOTOR VEHICLE.

The presence in a motor vehicle of any cannabis or cannabis sativa plant is prima facie evidence that it is in the possession of and is being carried by all persons occupying such motor vehicle at the time the cannabis or cannabis sativa plant is found, except under the following circumstances:

(A) If the cannabis or cannabis sativa plant is found directly on the person of one of the occupants; or

(B) If the cannabis or cannabis sativa plant is found in a motor vehicle for hire by a duly licensed driver in the due, lawful and proper pursuit of his/her trade, the presumption above shall not apply to the driver.

(Ord. 557, passed 1-14-03) Penalty, see § 140.99

§ 140.99 PENALTY.

Any person found guilty of violating any provision of this chapter shall be fined pursuant to § 130.99. In addition to any fine imposed under this chapter, the offender shall be ordered to pay all of the costs and fees incurred by the village in prosecuting the violation, which shall include but not be limited to the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.
(Ord. 557, passed 1-14-03)

Section

- 141.01 Definitions
 141.02 Motor vehicles creating unreasonable noise
 141.03 Motor vehicle operation annoying patrons
 141.04 Possession or consumption of alcoholic beverages or controlled substances
 141.05 Failure to use trash receptacles
 141.06 Use of abusive language toward another
 141.07 Yelling so as to disturb others
 141.08 Loitering
 141.09 Police order to disperse
 141.99 Penalty

§ 114.01 DEFINITIONS.

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

"LOITERING." Remaining idle in essentially one location and shall include the concept of spending time idle; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around."

"MOTOR VEHICLE." A motorized vehicle designed to convey a person from one place to another on public streets and highways.

"PEDESTRIAN." Any person afoot.

"PUBLIC PARKING LOT." Any parking lot owned, operated, or controlled by the village.
 (Ord. 699, passed 10-16-12)

§ 141.02 MOTOR VEHICLES CREATING UNREASONABLE NOISE.

No person on the premises of a public parking lot shall:

- (A) Race the motor of any motor vehicle;
 (B) Needlessly bring to a sudden start or stop any motor vehicle;
 (C) Blow any horn of any motor vehicle; or
 (D) Play music from a motor vehicle stereo at a loud volume or cause to be made any other loud or unseemly noise, nuisance, or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.
 (Ord. 699, passed 10-16-12)

§ 141.03 MOTOR VEHICLE OPERATION ANNOYING PATRONS.

No person shall enter a public parking lot in or upon a motor vehicle and use such premises for:

- (A) Cruising;
 (B) Racing;
 (C) As a short cut to another street; or
 (D) Annoying or endangering any person or persons or other vehicle or vehicles lawfully on such premises.
 (Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.04 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES.

It shall be unlawful for a person to bring on the premises of any public parking lot any alcoholic beverage or controlled substance as defined in the Illinois Controlled Substance Act, ILCS Ch. 720, Act 570, §§ 100 et seq., for the purpose of consumption, or to consume alcoholic beverages or controlled substances on such premises.
 (Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.05 FAILURE TO USE TRASH RECEPTACLES.

It shall be unlawful for any person to throw or deposit any trash, litter, paper, napkins, cans, cups, bottles or remnants of food anywhere on the grounds of a public parking lot, except in the receptacles provided therefor.
 (Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.06 USE OF ABUSIVE LANGUAGE TOWARD ANOTHER.

No person while on the premises of any public parking lot shall in the presence of another:

- (A) Curse or abuse such person; or
 (B) Use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.
 (Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.07 YELLING SO AS TO DISTURB OTHERS.

No person while on the premises of any public parking lot shall use:

- (A) Loud and vociferous, obscene, vulgar, or indecent language; or
 (B) Swear, curse, yell or shriek so as to disturb others present at such place.
 (Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.08 LOITERING.

(A) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public parking lot in such a manner as to:

(1) Obstruct any public street, public parking lot, public highway, public sidewalk or building by hindering or impeding or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic or pedestrians, or use of public parking lots by vehicles, traffic or pedestrians.

(2) Commit in or upon any public parking lot any act or thing which is an obstruction or interference to the free and uninterrupted use of the property or with any business lawfully conducted by anyone in or upon any such public parking lot, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

(B) Remain in a parked vehicle for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.
(Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.09 POLICE ORDER TO DISPERSE.

When any person causes or commits any of the conditions enumerated in §§ 141.02 through 141.08, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this chapter.
(Ord. 699, passed 10-16-12) Penalty, see § 141.99

§ 141.99 PENALTY.

The violation of any provision of this chapter shall be punished as provided in Municipal Code § 130.99.
(Ord. 699, passed 10-16-12)