

CHAPTER 27

OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 5/2-1 through 5/2-11; 5/2-13 through 6/2-16; 5/2-19 and 5/2-20,** as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein.

27-1-2 **CRIMINAL CODE ADOPTED.** The Illinois Criminal Code, **Illinois Compiled Statutes, Chapter 720,** as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village; the provisions thereof shall be controlling within the corporate limits of the Village; provided, however, the penalties as provided by this Code shall apply.

ARTICLE II - GENERALLY

27-2-1 **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not evoke into a crime unless the language provokes a breach of the peace or constitutes fighting words evoking some violent response. **(Ord. No. 92-7; 03-16-92)**

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

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

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

27-2-4 UNLAWFUL ASSEMBLY.

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

(B) When persons so unlawfully assembled neglect or refuse on command, to disperse, it shall be the duty of the Police to forthwith suppress such assembly and disperse the person composing it in such a manner as may be most expedient. **(Ill. Rev. Stat., Ch. 129; Sec. 268)**

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

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

27-2-7 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged;

provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 SALES OF TOBACCO OR SMOKELESS TOBACCO TO MINORS PROHIBITED. No minor under **eighteen (18) years** of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under **eighteen (18) years** of age.

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing. **(Ord. No. 95-2; 02-22-95)**

27-2-9 UNLAWFUL CONDUCT ON A PUBLIC WAY.
(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

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

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

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

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

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

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

27-2-15 **OPEN BURNING.** No person shall cause or knowingly permit or allow, on premises owned, occupied, or controlled by him in the Village, any open burning of garbage, trash, refuse, rubber, oil, paper, leaves, wood, or other combustible material, or cause or so allow any such burning in a chamber not specifically designed for that purpose in accordance with regulations of the Illinois Environmental Protection Agency, except as authorized by regulations or permits issued by the Illinois Environmental Protection Agency or as authorized by regulations or permits issued by the Village of Bethalto Fire Department. It shall be unlawful to burn anything upon any street, sidewalk, or alley of the Village. **(Ord. No. 98-23; 07-06-98)**

27-2-16 **CRIMINAL HOUSING MANAGEMENT.** It shall be unlawful for any person in the Village to commit the offense of criminal housing management. A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner, or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered. **(Ord. No. 7726; 11-07-77)**

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

27-2-18 **CONCEALED WEAPONS.** No person shall, within the Village, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

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

27-2-20 GAMES IN STREET. No person shall, upon any Village street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-21 STORAGE OF EXPLOSIVES.

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

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

(Ill. Rev. Stat., Ch. 24; Sec. 11-8-4)

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

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

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

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

27-2-26 HALLOWEEN TRICK OR TREAT. It shall be illegal for any person to engage in the Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the Village, either masked or unmasked, except on **October 30** and **October 31** of each year between **6:00 P.M.** and **9:00 P.M.** by persons less than **fourteen (14) years** of age. **(Ord. No. 97-25; 12-01-97)**

27-2-27 **CURFEW.**

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

- (1) Between **11:00 P.M.** on Sunday to Thursday, inclusive and **6:00 A.M.** on the following day, except for more restrictive time periods for Halloween as set out under **Section 27-2-27(A)(3).**
- (2) Between **12:00 Midnight** on Friday and Saturday, inclusive and **6:00 A.M.** on the following day, except for more restrictive time periods for Halloween as set out under **Section 27-2-27(A)(3).**
- (3) Between **9:00 P.M.** and **6:00 A.M.** on the following day for the Halloween time period from **October 17** to **October 31** of each year.

(B) **Responsibility of Parents and Guardians.** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (A) of this Section. **(Ord. No. 90-12; 10-15-90) (Ill. Rev. Stat., Ch. 23; Sec. 2371 and Ch. 24; Sec. 11-1-5)**

27-2-28 **ABETTING OR ENCOURAGING VIOLATION.** No person shall abet or encourage any unlawful act or any violation of any provision of the Village Code.

27-2-29 **MAINTENANCE OF HANDICAPPED PARKING SPACE.** It shall be unlawful for a person to fail to maintain, in a safe condition, a designated handicapped parking space as provided in **Section 24-6-3(C)** of the Revised Code.

ARTICLE III

OFFENSES AGAINST PROPERTY

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

- (A) obtains or exerts unauthorized control over property of the owner; or
- (B) obtains by deception, control over property of the owner; or
- (C) obtains by threat, control over property of the owner; or
- (D) obtains control over stolen property knowing the property to have

been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

- (1) intends to deprive the owner permanently of the use or benefit of the property;
- (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;
- (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft.

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

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

- (A) To knowingly damage any property of another without his consent; or
- (B) recklessly, by means of fire or explosive, damage property of another;

or

- (C) knowingly start a fire on the land of another without his consent; or
- (D) knowingly injure a domestic animal of another without his consent; or
- (E) knowingly deposit on the land or in the building of another, without

his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building.

(See 720 ILCS 5/Sec. 21-1)

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

(See 720 ILCS Sec. 5/21-1.1)

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

27-3-5 **STREET SIGNS; MOLESTING OF PROHIBITED.** It shall be unlawful for any person or persons, in any manner or form, to deface, disfigure, damage or molest any of the street signs or parts thereof located in the Village.

27-3-6 **CLIMBING UTILITY POLES.** It shall be unlawful for any person in the Village to climb upon any telegraph pole, telephone pole, electric light pole, or sign pole unless in the performance of his duties. **(Ord. No. 77-26; 11-07-77)**

27-3-7 **VANDALISM.** No person shall willfully, without the consent of the owner, cut, pick, mar, mutilate, injure, or remove any tree, shrub, bush, plant, flower, vegetable or other growth nor deface, mar, tear down, or injure any building structure, sign, public notice, vehicle, fence, monument, tomb stone, statue, or other object of ornament or utility in any public park, arboretum, street, or other public place, or on any private property in the municipality. **(Ord. No. 77-26; 11-07-77)**

27-3-8 **THEFT OF LABOR, SERVICES, OR USE OF PROPERTY.** A person commits theft when he 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. **(Ord. No. 98-7; 03-02-98)**

27-3-9 **THEFT FROM COIN-OPERATED MACHINES.** A person commits theft from a coin-operated machine when he knowingly and without authority and with intent to commit a theft from such machine, opens, breaks into, tampers with, or damages a coin-operated machine.

The term "**coin-operated machine**" shall include any automatic vending machines or any part thereof, coin telephone, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, money changer. **(Ord. No. 98-7; 03-02-98)**

27-3-10 POSSESSION OF A KEY OR DEVICE: COIN-OPERATED MACHINE. It shall be a violation of this Section for any person in the Village knowingly to possess a key, tool, instrument, or other device, manufactured or homemade, designed to open, break into, tamper with or damage a coin-operated machine with intent to commit a theft from such machine. **(Ord. No. 98-7; 03-02-98)**

ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

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

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

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

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

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

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

(F) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it. **(Ill. Rev. Stat., Ch. 24; Sec. 11-5-3 and Ch. 38; Sec. 26-1)**

27-4-2 RESISTING OR OBSTRUCTING A PEACE OFFICER. A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(Ill. Rev. Stat., Ch. 38; Sec. 31-1)**

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

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

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

27-4-4 ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

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

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

- (1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.
- (2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:
 - (a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.
 - (b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.
 - (c) For **three (3)** or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.
 - (d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse

such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

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

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

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

27-4-6 REFUSAL TO DISPERSE. No person in the municipality shall knowingly fail to obey a lawful order of dispersal by a person known by him to be a police officer under circumstances where **three (3)** or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm.

27-4-7 FIGHTING. No person in the Village shall start a fight, offer to fight, engage in a fight, assault or strike another person or provoke a breach of the peace by threatening to assault or strike another person.

27-4-8 LOUD AND UNNECESSARY NOISE. No person in the Village shall create any unreasonably loud or unnecessary noise and disturb the peace and quiet of the Village or of any citizens thereof by:

- (A) Sounding of any horn, whistle, siren, or other signaling device, except where necessary to warn of the danger of an approaching vehicle;
- (B) Playing of radio, loud speaker, public address system, or other electronic device in a loud and unnecessary manner;
- (C) Keeping any animal or bird which by frequent and long continued noise disturbs the comfort and repose of any person in the vicinity;
- (D) Unnecessary banging, pounding, clanging, clattering, or other loud noises not necessary in the performing of any useful work.

27-4-9 **PROFANITY.** No person in the Village shall use obscene, profane, vulgar, offensive, or unseemly language to the annoyance or vexation of others.

27-4-10 **PEEPING TOM.** No person in the Village shall enter upon the property of another and for a lewd and unlawful purpose deliberately look into a dwelling or property through the window or other opening in the Village.

27-4-11 **RESERVED.**

27-4-12 **FALSE REPORT OF OFFENSE.** No person shall transmit in any manner to any police officer or other public official or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed.

27-4-13 **INTERFERING WITH FIREMEN.** No person shall, at any fire, hinder, delay, resist, or obstruct any officer, fireman, or other person in the discharge of his duties or neglect or refuse to obey the lawful command of any police officer or fireman at the scene of a fire. **(Ord. No. 77-26; 11-07-77)**

27-4-14 **THROWING JUNK ON PRIVATE PROPERTY.** No person shall throw, place, or deposit any dirt, ashes, trash, cans, bottles, junk, or other objects whatever upon the premises of another in the Village. **(Ord. No. 77-26; 11-07-77)**

27-4-15 **ASSAULT, BATTERY, AFFRAY AND RECKLESS CONDUCT.** It shall be unlawful for any person to knowingly start a fight, or to fight, or to commit any assault or assault and battery or perform any reckless conduct anywhere within the Village.

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

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

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

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

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

27-4-16 SALE OF FIREARMS OR WEAPONS TO MINORS.

(A) It shall be unlawful for any person in the Village to sell to any minor person any firearm, bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles, dagger, dirk, bill, dangerous knife, stiletto, or any knife commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

(B) It shall be unlawful for any person in the Village to sell, lend, rent, give, or otherwise transfer any "air rifle" to a person under **thirteen (13) years** of age, except where the relationship of parent-child, guardian-ward, or adult instructor-pupil exists between such person and the person under **thirteen (13) years** of age.

(C) It shall be an affirmative defense for any person in the Village having sold such weapon that:

- (1) The minor procured the sale by use of false or forged identification cards;
- (2) That he did not know and could not reasonably have known of the falsity or forgery; and
- (3) That he exercised reasonably diligence to determine the veracity of the representation.

27-4-17 INTIMIDATION. It shall be unlawful for any person to commit an act of intimidating another within the Village. A person commits intimidation when, with intent to cause another person to perform or to omit the performance of any act, he communicated to another without otherwise lawful authority a threat to perform any of the following acts:

- (A) Inflict physical harm on the person threatened or any other person or property; or
- (B) Subject any person to physical confinement or restraint; or
- (C) Commit any criminal offense; or
- (D) Accuse falsely any person of an offense; or
- (E) Expose any person to hatred, contempt, or ridicule; or
- (F) Unlawfully take action as a public official against anyone or withhold official action or cause such action or withholding; or
- (G) Bring about or continue any strike, boycott, or other collective or mob action. (**Ord. No. 77-26; 11-07-77**)

27-4-18 POSSESSION OF CANNABIS AND POSSESSION, SALE OR DELIVERY OF DRUG PARAPHERNALIA.

(A) **Cannabis Defined.** "Cannabis", including marijuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or

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

(B) **Violation.** It shall be a violation of this Section for any person in the Village knowingly to possess any quantity of any substance containing cannabis, except that the effect of this Section shall not apply to persons knowingly possessing more than **thirty (30) grams** of any substance containing cannabis.

(C) **Drug Paraphernalia Defined.** "Drug Paraphernalia" means 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. 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 substance;
- (4) Dilutents 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;
 - (k) any item whose purpose, as announced or described by the seller, is for use in violation of this Article.

(D) **Possession and Delivery of Drug Paraphernalia.** It shall be a violation of this Section for any person in the Village 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 the use.

(E) **Sale or Delivery of Drug Paraphernalia.**

(1) It shall be a violation of this Section for any person to keep for sale, offer for sale, sell, or deliver for any commercial consideration any item of drug paraphernalia.

(2) It shall be a violation of this Section for any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold or delivered for any commercial consideration. **(Ord. No. 98-7; 03-02-98)**

27-4-19 BICYCLES, SKATEBOARDS, ROLLER SKATES, ROLLER SKIS AND PLAY VEHICLES.

(A) It shall be unlawful for any person to operate or ride a bicycle, tricycle, skateboard, roller skates, roller ski or play vehicle in any of the following places:

- (1) Within any public building in the Village.
- (2) On any other public property where signs are posted prohibiting such use, such as parking lots, parks, etc.
- (3) On private property where a sign prohibiting such items has been posted by the owner, lessee or person in charge of the property.

(B) It shall be unlawful for any person to construct, erect, place or maintain a skateboard ramp or any other structure designed and principally intended to permit persons on skateboards to move continuously from one side to the other on any public property within the Village.

(C) Bicyclists and operators of skateboards, roller skates, roller skis or play vehicles shall yield the right-of-way to other pedestrians using public sidewalks and shall not otherwise endanger or interfere with pedestrian on those sidewalks.

(D) It shall be unlawful for any person to operate or ride a tricycle, skateboard, roller skates, roller skis or play vehicle upon any public dedicated and improved street. **(Ord. No. 91-8; 06-03-91)**

27-4-20 MDPV PROHIBITED.

(A) **Purposes.** This Section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the Village by prohibiting the use, possession, distribution or delivery of any substance containing MDPV as hereinafter defined, it being the specific finding of the Village that such substances have

a dangerous effect upon anyone using and/or ingesting said substances and have no medicinal or beneficial purposes.

(B) **Definitions.** When used in this Chapter, the following words have the meanings as hereinafter provided:

- (1) "Use," the partaking, inhaling, smoking, consumption, ingestion or injection of MDPV;
- (2) "Deliver," the actual, constructive, or attempted transfer from one person to another of MDPV, whether or not there is an agency relationship, and includes a sale;
- (3) "Distribute" to deliver other than by administering or dispensing MDPV;
- (4) "MDPV" includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3,4-Methylenedioxypropylamphetamine, Mephedrone, 4-methoxymethcathinone, 4-Fluoromethcathinone, and 3-Fluoromethcathinone;
- (5) "Possess" means with the knowledge of the presence and nature of a substance, either actually or constructively in control of a substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

(C) **General Prohibition.** It shall be unlawful for any person to use, possess, distribute or deliver any substance containing MDPV as defined in this Chapter.

(D) **Penalty.** Any person or entity violating this Section shall be issued a citation and shall be subject to a fine of **Seven Hundred Fifty Dollars (\$750.00)** plus court costs and reasonable attorneys' fees expended by the Village to enforce this provision. Each day's violation constitutes a separate offense.

(Ord. No. 2011-06; 06-06-11)

ARTICLE V - ANTI-LITTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.
(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 LITTERING FROM VEHICLES.

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

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

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

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

27-5-10 HANDBILLS.

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

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

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

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

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

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

27-5-12 CONSTRUCTION SITES.

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

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

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

27-5-14 PARKING LOTS.

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

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

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

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

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

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

ARTICLE VI - TRESPASS

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

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

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

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

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

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

ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 77-26; 11-07-77)

ARTICLE VIII - OBSCENITY

27-8-1 OBSCENITY.

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

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

(B) **Obscene Defined.** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest; that is, shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters, a thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

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

27-8-2 HARMFUL MATERIAL.

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

(B) **Definitions.**

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

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

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

(D) **Affirmative Defenses.**

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

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

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

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

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

ARTICLE IX - DECEPTIVE PRACTICE

27-9-1 DEFINITIONS.

(A) A financial institution means any bank, savings and loan association, credit union, or other depository of money, or medium of savings and collective investment.

(B) An account holder is any person having a checking or savings account in a financial institution.

(C) To act with the "intent to defraud" means to act willfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another, or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.

27-9-2 GENERAL DECEPTION. A person commits a deceptive practice when, with intent to defraud:

(A) He/she causes another, by deception or threat to execute a document disposing of property or a document by which a pecuniary obligation is incurred, or

(B) Being an officer, manager or other person participating in the direction of a financial institution, he/she knowingly receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent, or

(C) He/she knowingly makes or directs another to make a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services, or

(D) With intent to obtain control over property or to pay for property, labor or services of another, he/she issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of two occasions at least **seven (7) days** apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that he/she has the intent to defraud.

(E) He/she issues or delivers a check or other order upon a real or fictitious depository in any amount for payment of an amount owed on any credit transaction for property, labor or services, or in payment of the entire amount owed on any credit transaction for property, labor or services, knowing that it will not be paid by the depository in the face amount of the check or order within **seven (7) days** of receiving actual notice from the depository or payee of the dishonor of the check or order. **(Ord. No. 98-7; 03-02-98)**

ARTICLE X

FIREWORKS - PRIVATE USE AND PUBLIC DISPLAYS

27-10-1 FINDINGS. The Village has found that the widespread and uncontrolled sale and use of fireworks causes substantial harm to persons and property. Such harm poses a serious threat to the health, safety and general welfare of the community. **(See 425 ILCS Sec. 35/0.01 et seq. and 30/1 et seq.)**

27-10-2 PURPOSE. The purpose of this Article is to eliminate the harm to health and property within the Village and is designed to safeguard the health, safety, and welfare of the citizens and protect property.

27-10-3 SCOPE OF AUTHORITY. Unless exempted by provisions contained herein, the provisions of this Article shall apply to all persons within the Village.

27-10-4 DEFINITIONS.

"Fireworks". Any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. Provided, however, that the term "fireworks" shall not include snake or glow worm pellets; smoke devices; sparklers; trick noisemakers known as "party poppers", "booby traps", "snappers"; "trick matches", "cigarette loads" and "auto burglar alarms"; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times. **(Ord. No. 95-5; 03-20-95)**

"Sell or Display". Selling, offering to sell exhibiting, or possessing with intent to give away, sell, or offer to sell within the Village.

"Use". Purchasing, possessing, setting off or otherwise causing to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or to discharge them or throw them from land, air, or highway into any area of the Village. This prohibition includes any substance, compound, mixture, or article

that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This provision shall also mean and include casting, throwing, lighting, or firing any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other fireworks or combustible firecrackers of any kind.

27-10-5 SALE, USE, OR EXPLOSION OF FIREWORKS PROHIBITED.

Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the corporate limits of the Village of Bethalto; provided, however, that public displays of fireworks shall be permitted in accordance with the Rules and Regulations for the granting of permits found elsewhere under this Chapter. **(Ord. No. 95-5; 03-20-95)**

27-10-6 PUBLIC DISPLAYS OF FIREWORKS - PERMIT APPLICATIONS - CONTENT.

An application for a permit for a public display of fireworks, shall be in writing and filed with the Village Clerk, duly subscribed and sworn to by the applicant. Such applicant shall set forth the following information:

(A) The name of the association, organization, or corporation sponsoring the display, together with the names of **three (3)** or more adult individuals taking responsibility for such application.

(B) The date and time of day on which the display is to be held.

(C) The exact location planned for the display.

(D) A description setting forth the name, age, address, and experience of the persons who are to do the actual firing and discharging of the fireworks.

(E) The number and kinds of the fireworks to be discharged.

(F) The manner and place of the storage of such fireworks between the date of purchase and the date of display.

(G) A diagram or sketch of the grounds on which the fireworks are to be discharged, the location of all building, streets, trees, telephone, or telegraph lines or overhead obstructions within a distance of **fifty (50) yards** of the point of discharge, and the lines behind which the public will be restrained. **(Ord. No. 95-5; 03-20-95)**

27-10-7 PUBLIC DISPLAYS OF FIREWORKS - PERMIT APPLICATIONS - FILING.

The following shall be applicable for permit applications:

(A) An application for a permit for a public display of fireworks shall be filed with the Village Clerk at least **fifteen (15) days** in advance of the date of the public display of fireworks. A copy of such application shall be sent at once to the Chief of Police, who shall make or cause to be made, an investigation of the site of the proposed public display and investigate the competence and skill of the persons in charge of the firing and discharge of the

fireworks. If the Chief of Police, or his designate, is satisfied that the proposed public

display shall not be hazardous to property or endanger any person or persons, and will be conducted lawfully and in accordance with this Article, and in accordance with all other Rules and Regulations as may be promulgated by the office of the State Fire Marshal of the State of Illinois, he shall so advise the Village Clerk.

(B) At the time of filing of written application, a non-refundable filing fee of **Ten Dollars (\$10.00)** shall be made.

(C) Before the issuance of any permit hereunder, a bond shall be filed with the Village Clerk on behalf of the proposed licensee in a sum not less than **One Thousand Dollars (\$1,000.00)** conditioned on compliance with the provisions of this act and the regulations of the State Fire Marshal of the State of Illinois, except that any public display conducted by the Village of Bethalto shall not be required to file such bond.

(D) Any permit issued hereunder shall not be transferable.

(E) **One (1) copy** of the permit to be issued under this Section shall be kept on file with the Village Clerk and **one (1) copy** forwarded to the office of the State Fire Marshal of the State of Illinois. **(Ord. No. 95-5; 03-20-95)**

ARTICLE XI

TRUANCY

27-11-1 DEFINITIONS. As used in this Article unless the context requires otherwise the following words or phrases shall mean:

"Court" means the Third Judicial Circuit, Madison County, Illinois.

"Custodian" means (1) a person who under court order is the custodian of the person of a minor; or (2) a public or private agency which the court has placed a minor; or (3) a person acting in the role of a parent by reason of a private agreement, arrangement, custom, or habit.

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

"Establishment" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"Guardian" means (1) a parent or (2) a person who under court order is the guardian of the person of a minor; or (3) a public or private agency with which the court has placed a minor.

"Minor" means a person under **seventeen (17) years** of age.

"Parent" means a person who is a natural parent, adoptive parent, or stepparent of another person.

"Responsible Adult" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"Truancy Hours" means the period of the day when the school the minor would normally attend school as required by the Illinois compulsory Attendance statute (**105 ILCS 5/26-1 et seq.**).

"Truancy Officer" means any officer, appointee, employee or other agent of any school district or any federal, state or local government entity or any agency thereof performing the duties of a truant officer under the Illinois compulsory Attendance statute (**105 ILCS 5/26-1 et seq.**).

"Truancy Review Board" means any agency or entity established by any school district located in whole or in part within the Village, or any federal, state or local government entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agency which provides service to improve education performance and/or attendance.

"Truant Minor" means any minor who violates any portion of this Truancy Code or any Truancy provisions of the Illinois School Code.

27-11-2 **TRUANCY RESTRICTIONS.**

(A) It is unlawful for any minor who is subject to compulsory school attendance by the Illinois School Code (**105 ILCS 5/1-1 et seq.**), or by court order, to be absent from such attendance; without a defense as stated in **Section 27-11-2(D)** below.

(B) It is unlawful for any minor who is subject to compulsory school attendance by the Illinois School Code (**105 ILCS 5/1-1 et seq.**), or by court order, to be present in any public place or on the premises of any establishment during Truancy Hours; without a defense as stated in **Section 27-11-2(D)** below.

(C) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, a minor to be Truant or to be present in any public place or on the premises of any establishment within the Village during Truancy Hours, as prohibited in **Section 27-11-2(A)** and **27-11-2(B)** above.

(D) It is a defense to prosecution under **Section 27-11-2(A)** or **27-11-2(B)** or **27-11-2(C)** or **Section 27-11-3** hereafter, that the minor was:

- (1) Accompanied by a parent, guardian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) Involved in an emergency;
- (3) Going to or returning from a medical appointment without any detour or stop;
- (4) Engaged in, going to or returning home from any employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) In possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6) A bona fide participant in an alternative education or home schooling program;
- (7) Engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods, field trips and school sponsored extracurricular activities.

27-11-3 **ESTABLISHMENT RESTRICTIONS.** It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Section 27-11-2** above during Truancy Hours. It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Section 27-11-2**, notified the Village Police Department that a minor was present on the premises of the establishment during truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-11-4 ENFORCEMENT.

(A) Whenever a Truancy Officer or other school representative has knowledge based on reasonable grounds of a violation of this Article, such person may be issued a citation. A complaint may be filed with the Police Department by a Truancy Officer or other school representative.

(B) A citation issued hereunder this shall be in writing and shall:

- (1) State the name of the person being cited and the person's address if known;
- (2) Set forth the specific section of this Article that was violated, the date of the violation and a brief description of the violation;
- (3) Be signed by the issuing Truant Officer, school representative of complaining party.

(C) A minor cited for a citation under this Article must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, guardian, custodian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

27-11-5 PENALTY.

(A) Any person or minor who violates any provision of this Article shall upon conviction thereof be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, plus court costs; and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues.

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-11-6** hereinafter.

27-11-6 CIVIL LIABILITY. If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, guardian, custodian or other adult person having the legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, guardian, custodian or other adult person having the legal care or custody of a minor who has committed any offense of this Article shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Article or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Article and subject the violator to the penalties described within **Section 27-11-5** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the Village in collecting the monies due.

(Ord. No. 2008-07; 04-07-08)