

CHAPTER 27

OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20**, as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein. **(See 65 ILCS Sec. 5/1-3-2)**

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village; the provisions thereof shall be controlling within the corporate limits of the Village; provided, however, the penalties as provided by this Code shall apply. **(See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)**

ARTICLE II - GENERALLY

27-2-1 **OBSTRUCTING ARREST.** It shall be unlawful to willfully hinder, delay, resist or obstruct any officer of the Village or any person authorized by him in the discharge of his duty, or to aid, abet or encourage any such hindering, delaying, resisting or obstructing, or to neglect or refuse to obey any lawful order of any such officer.

27-2-2 **ABETTING AN ESCAPE.** It shall be unlawful to rescue or attempt to rescue, or aid, abet or encourage the rescue or escape of any person in the custody of any officer or other person having him legally in charge, or to molest or interfere with any officer or other person legally having any person in custody; or to in any manner aid, abet or encourage the rescue or escape or the attempt to escape from any prison of any person committed thereto; or to supply or attempt to supply any such person with any weapon or implement or means of escape, or for attempting to escape.

27-2-3 **IMPERSONATING AN OFFICER.** It shall be unlawful to falsely represent oneself to be an officer of the Village, or to, without authority, exercise or attempt to exercise any of the powers, duties, or functions of any Village officer.

27-2-4 **DAMAGE TO VILLAGE PROPERTY.** Any person who shall either intentionally, willfully, negligently or accidentally injure or damage any water meters, water mains and pipes, fire hydrants, pavements, curbs, gutters, manholes, sidewalks, trees, automotive equipment, buildings, or any other Village property of any kind or description shall immediately notify the Police Department of the time, place, nature, and extent of such damage.

27-2-5 **VIDEO GAMING.** Notwithstanding any other portions of the Revised Code of Ordinances, Video Gaming as provided for under the Illinois Video Gaming Act is permitted in the Village so long as such gaming complies with the laws of the State of Illinois. **(Ord. No. 12-11; 07-12-12)**

27-2-6 **RESERVED.** **(Ord. No. 12-11; 07-12-12)**

27-2-7 **PROSTITUTION.**

(A) **Practice Prostitution.** It shall be unlawful for any person to practice prostitution in the Village.

(B) **Soliciting Prostitution.** It shall be unlawful for any person to solicit on any street, alley, or other public place in the Village for the purpose of inducing any person to engage in prostitution or any unlawful sexual intercourse of any kind.

(C) **House of Ill-Fame Prostitution.** It shall be unlawful to maintain, frequent, or patronize any house of ill fame or house of prostitution in the Village.

27-2-8 **MISSILES.** It shall be unlawful to case, throw or propel any ball or missile on any public street or alley; and it shall be unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street, sidewalk or alley in the Village.

27-2-9 **HUNTING.** It shall be unlawful for any person to engage in killing any animal or bird other than as prescribed by law in the Village.

27-2-10 FIREWORKS.

(A) The term "**fireworks**" shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, sparklers, 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 toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing **twenty-five hundredths (.25)** 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 (.20)** grains of explosive mixture, the sale and use of which shall be permitted at all times.

(B) It shall be unlawful for any person to sell fireworks of any kind at any time to any child under the age of **twelve (12) years**, without the consent of his parent or guardian.

(C) Except in accordance with a permit issued by the Village, it shall be unlawful for any person, firm, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the Village limits. Permits for a supervised public display of fireworks may be obtained from the Village Clerk upon written application by **three (3)** or more adult individuals. Each such display shall be handled by a competent individual designated by the Village and shall be of such a character and so located, discharged, or fired as not to be hazardous to property or endanger any person. Application for a permit shall be made in writing at least **fifteen (15) days** in advance of the date of the display and action shall be taken on such application within **forty-eight (48) hours** after such application is made. Such application shall identify the competent individual who is to supervise the display and state his qualifications for handling such display. The application shall also state the location, date, and time of, and expected attendance at the proposed display. The application shall also state arrangements made for providing fire protection and emergency medical care at the display. If a permit is granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. No permit shall be required for supervised public displays conducted by State or County Fair Associations.

27-2-11 UNLAWFUL USE OF WEAPONS. A person commits the offense of unlawful use of weapons when he knowingly:

(A) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

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

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

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

(E) Sets a spring gun; or

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

(G) Sells, manufactures, purchases, possesses or carries any weapon from which more than **eight (8) shots** or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than **eighteen (18) inches** in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder or Molotov cocktails; or

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

(I) Carries or possesses in a vehicle or on or about his person any pistol, revolver or firearm, when he is hooded, robed, or masked in such manner as to conceal his identity; or

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

27-2-12 **EXEMPTIONS.** **Section 27-2-11** does not apply to or affect any of the following:

(A) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(B) Manufacture, transportation, or sale of weapons to persons authorized to possess those weapons.

(C) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges while such members or patrons are using their firearms on those target ranges.

(D) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(E) Licensed hunters or fishermen while engaged in hunting or fishing.

(F) Transportation of weapons broken down in a non-functioning state or not immediately accessible.

27-2-13 ILLEGAL TO SELL FIREARMS AND OTHER DEVICES TO PERSONS UNDER TWENTY-ONE (21). No person shall within the corporate limits of the Village, sell, loan or furnish to any person under the age of **twenty-one (21)** any gun, pistol, fowling piece, air gun or air pistol, spring gun or spring pistol or other firearm or device which is calculated or intended to propel or project a bullet, pellet, arrow or similar projectile.

27-2-14 DISCHARGE OF FIREARMS. It shall be unlawful to discharge any firearm or air gun in the Village; provided that this Section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty or participating in a police firearm training session, or any firearm discharged in a police supervised activity at or during field training exercises at the Police Range, or to any citizen discharging a firearm when lawfully defending his or her person or property.

27-2-15 ADULT BOOK AND VIDEO STORES ILLEGAL. It shall be unlawful to operate an adult book and/or video store within the Village.

27-2-16 TATTOO ESTABLISHMENT. It shall be unlawful to operate a tattoo establishment within the Village.

27-2-17 THEFT OF SERVICES. It shall be unlawful for a person to commit a 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; or after receiving sanitary garbage hauling services contracted for by the Village, fails to pay the contract sanitary garbage hauler for those services. **(Ord. No. 97-11; 02-13-97)**

27-2-18 INTOXICATING LIQUORS: AGE RESTRICTIONS.

(A) It shall be unlawful for any person under **twenty-one (21) years** of age to have any beer or wine in his or her possession.

(B) It shall be unlawful for any person under **twenty-one (21) years** of age to consume any beer or wine except in the performance of a religious service or ceremony or in the privacy of a home under the direct supervision of the parent or parents of such person.

(C) It shall be unlawful for any person under the age of **twenty-one (21) years** of age to purchase, obtain, or attempt to purchase beer or wine in any tavern or other place in the Village where beer or wine is sold.

(D) It shall be unlawful for any person under the age of **twenty-one (21)** to misrepresent his or her age for the purpose of purchasing or obtaining beer or wine in any tavern or other place in the Village where beer or wine is sold.

27-2-19 POSSESSION OR CONSUMPTION OF INTOXICATING LIQUORS.

(A) It shall be unlawful to be in possession of a bottle, can, or other container of wine, beer, or intoxicating liquor which is open or has a seal broken, or to consume any wine, beer, or intoxicating liquor, while on any street, alley, school grounds, or other public place in the Village.

(B) It shall be unlawful to be in possession of a bottle, can, or other container of wine, beer, or intoxicating liquor which is open or has a seal broken, and to be disturbing the peace of the public while in any location, or to be disturbing the peace of his or her own family or another family while in any private building or place.

(C) No person shall be in possession of intoxicating liquor in any container on any street, alley, school grounds, Village property or other public place other than for the purpose of transportation from place of purchase to residence, and the person transporting the intoxicating liquor must be **twenty-one (21) years** of age, and the intoxicating liquor cannot be out of the original container or have the seal broken.

(D) No person shall have alcoholic liquor in any container in the Village Park or on the Village ballpark or on or around that immediate area whether it be posted or unposted.

27-2-20 RESPONSIBILITY OF OTHERS.

(A) For the purpose of this Section, "**Alcoholic Liquor**" means all intoxicating beverages.

(B) It shall be unlawful for any parent or guardian to permit any minor child to which he or she may be the parent or guardian, to violate any of the previous paragraphs in this Section and the sections on liquor offenses.

(C) It shall be unlawful for any person to sell, give, or deliver beer or wine to any person under **twenty-one (21) years** of age, unless upon written order of such persons, parent, or guardian, any compound liquor or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethylacetate, methylethylketone, isopropanol, cellosolveacetate or other substance which will introduce an intoxicating condition, as defined herein when the seller offered, or delivered, and knows or has reason to know that such compound is intended for the use of introducing such a condition.

(D) No person shall knowingly sell or offer for sale, deliver, or give to any person under **twenty-one (21) years** of age, unless upon written order of such persons, parent, or guardian, any compound liquor or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethylacetate, methylethylketone, isopropanol, cellosolveacetate or other substance which will introduce an intoxicating condition, as defined herein when the seller offered, or delivered, knows or has reason to know that such compound is intended for the use to introduce such a condition.

27-2-21 UNLAWFUL ASSEMBLIES. Any **two (2)** or more persons who shall assemble for the purpose of disturbing the peace, or of committing an unlawful act, and who shall not disperse when commanded or requested by any peace officer shall each and severally be subject to the penalties set out in this Section.

27-2-22 PERMITTING UNLAWFUL ASSEMBLIES. Any person who shall knowingly suffer or permit any assemblage for the purpose of disturbing the peace, or of committing any unlawful act, or any breach of the peace, or any riotous, tumultuous, offensive or disorderly conduct or any loud or unusual noise or disturbance or obscene, offensive, profane or unseemly language, to the annoyance, disturbance or vexation of others, in or upon any premises owned or occupied by him under his control, shall be subject to the penalties set out in this Section.

27-2-23 DECEPTIVE PRACTICES. It is hereby determined that the following conduct is illegal, to-wit:

For any person, with intent to obtain control over property or to pay for property, labor, or services of another, to issue or deliver 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 the order is issued or presented to the depository, is prima facie evidence that the offender knew that it would not be paid.

27-2-24 POSSESSION OF MARIJUANA PROHIBITED. It shall be unlawful for any person to grow, possess, sell, give away, barter, deliver, exchange, distribute or administer marijuana or any derivatives thereof.

27-2-25 POSSESSION OF CONTROLLED SUBSTANCES PROHIBITED. It shall be unlawful for any person to grow, possess, sell, give away, barter, deliver, exchange, distribute or administer controlled substances or any derivatives thereof. For the purpose of this Chapter, a controlled substance shall be defined in accordance with the Schedules and Determinations contained within **Chapter 410 of the Illinois Compiled Statutes** now in effect and including any additions and/or revisions made subsequently thereto. Said Schedules and Determinations are incorporated by reference and are made a part hereof.

27-2-26 PROHIBITING THE SALE, DELIVERY OR POSSESSION OF EQUIPMENT USED IN CONNECTION WITH CANNABIS. It shall be unlawful for any person to sell, deliver, possess or possess with intent to sell or deliver any equipment of any kind which is used, or intended for use, as a container of cannabis or as an instrument for the

use of cannabis as defined in this Section, except where such articles or equipment are prescribed for strictly medical purposes and uses as such. For the purpose of this Section, the following definitions are stated:

(A) **Cannabis.** "Cannabis" includes 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 manufacture, sale, 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 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 seed of such plant which is incapable of germination.

(B) **An Instrument for the Use of Cannabis.** Any equipment or property which is substantially and instrumentally connected with the use of cannabis, including but not limited to the following specific equipment or property:

- (1) a smoking pipe made of metal, wood, plastic, ceramic, glass or other material and commonly called a "pot pipe" or "hash pipe";
- (2) a smoking pipe made of metal, wood, plastic, ceramic, glass or other material which allows for the liquid filtration of the substance being smoked, commonly called a "water pipe";
- (3) any instrument which when used could extract derivatives of the plant Cannabis Sativa, this process being commonly called "manicuring";
- (4) any instrument which appears to have spring-loaded clips, tweezers, hemostats, bobby pins, two pieces of metal with an adjustable tension or alligator clips, or which could be commonly called a "roach clip".

(C) The provisions of this Section shall not apply to:

- (1) Any person, firm or corporation who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Department of Law Enforcement, to process and deliver substances containing cannabis.
- (2) Persons, firms or corporations registered under Federal Law to conduct research with cannabis.

27-2-27 PROHIBITING THE SALE, DELIVERY OR POSSESSION OF EQUIPMENT USED IN CONNECTION WITH CONTROLLED SUBSTANCES, INCLUDING BUT NOT LIMITED TO COCAINE. It shall be unlawful for any person to sell, deliver, possess or possess with intent to sell or deliver any equipment of any kind which is used, or intended for use, as a container of controlled substances, including but not limited to cocaine, or as an instrument for the use of controlled substances, including but not limited to

cocaine as defined in this Section, except where such articles or equipment are prescribed for strictly medical purposes and uses as such. For the purpose of this Section, the following definitions are stated:

(A) **Controlled Substances.** This is defined in accordance with the Schedules and Determinations contained within **Chapter 410 of the Illinois Compiled Statutes** now in effect and including any additions and/or revisions made subsequently thereto. Said Schedules and Determinations are incorporated by reference and are made a part hereof.

(B) An Instrument for the Use of Controlled Substances, Including But Not Limited to Cocaine. Any equipment or property which is substantially and instrumentally connected with the use of controlled substances, including but not limited to cocaine, including but not limited to the following specific equipment or property:

- (1) any instrument that would be similar to a small spoon, usually **one and one-half (1/2) to two (2) inches** in length with the spoon portion being less than **one-half (1/2) inch** in diameter, commonly called a "coke spoon";

(C) The provisions of this Section shall not apply to:

- (1) Any person, firm or corporation who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Department of Law Enforcement, to process and deliver substances containing controlled substances, including but not limited to cocaine.
- (2) Persons, firms or corporations registered under Federal Law to conduct research with controlled substances.

27-2-28 THEFT. It shall be unlawful for any person to commit a theft in the Village.

"Theft" is defined as the willful or intentional unauthorized stealing, taking and carrying, leading, riding or driving away the personal goods of another person. Theft shall embrace every willful or intentional unauthorized taking which deprives another person, either temporarily or permanently, of his money or another personal property, or those means or muniments by which the right and title to property, real or personal, may be ascertained. Theft shall also embrace the willful or intentional unauthorized taking and carrying away of any bond, bill, note, receipt, or any other instrument of writing of value to the owner.

27-2-29 ASSAULT. A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

27-2-30 BATTERY. A person commits battery if he intentionally or knowingly without legal justification and by any means:

- (A) Causes bodily harm to an individual, or
- (B) Makes physical contact of an insulting or provoking nature with an individual.

27-2-31 INDECENT CONDUCT. It shall be unlawful for any person to commit any indecent or immoral act; or to appear in any public place in clothes properly belonging to the opposite sex, or not properly or decently garbed.

27-2-32 SALE OF HARMFUL MATERIAL TO MINORS.

(A) It shall be unlawful for any person with knowledge that a person is **seventeen (17) years** of age or younger, or who fails to exercise reasonable care in determining the age of such person, to sell, deliver, offer for sale, distribute, publish, print or exhibit to any person **seventeen (17) years** of age or younger any harmful material with knowledge of the content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, whether writing, picture, moving picture, record, or other representation of embodiment of harmful material, or to present or to direct a harmful play or other performance, or to perform a harmful act, or otherwise promote the sale of harmful material to any person **seventeen (17) years** of age or younger.

(B) A thing shall be deemed to be harmful which in whole or in part depicts or describes nude persons, sexual acts, normal or perverted sexual conduct, whether actual or simulated, representations of masturbation, excretory functions, or the human genitals. A thing shall also be deemed harmful which, when taken as a whole, appeals to an interest in violence and lacks serious literary, artistic, political or scientific value, and which depicts or describes the shooting, stabbing, mutilating, maiming, torturing, burning, strangling or striking of a human being.

(C) Nothing in this Section shall prohibit any public library or accredited educational institution from circulating harmful material to any person under the age of **eighteen (18) years**, provided such circulation was with parental consent and was for a legitimate scientific or educational purpose. Nothing in this Section shall prohibit a parent from distributing to his child any harmful material.

27-2-33 ABANDONED REFRIGERATORS OR ICEBOXES. It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(See 720 ILCS Sec. 505/1)**

27-2-34 CURFEW.

(A) **Established.** It shall be unlawful for a person less than **fourteen (14) years** to be on any street, alley or any of the other public places in the Village after the hour of **10:30 P.M.** It shall be unlawful for any person under the age of **eighteen (18) years** to be on any street, alley, or any of the other public places in the Village after the hour of **11:00 P.M.** on Sunday through Thursday, or after the hour of **12:00 Midnight** on Friday or Saturday. This curfew shall not apply to any person accompanied by his parent, guardian, or other person **twenty-one (21) years** or older who is responsible for his care and custody.

(B) **Penalty Upon Parent or Guardian.** It shall be unlawful for any parent, guardian or other person having legal custody or control of any minor to allow said minor to be upon the streets, alleys, or in any other public place in the Village, in violation of any of the provisions of this Code or the Ordinances of the Village.

27-2-35 THEFT OF RECYCLABLES UNLAWFUL. It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the Village limits unless said person is acting as an agent for the Village or acting as an agent for a waste hauler licensed by the Village.

27-2-36 THROWING OBJECTS FROM MOTOR VEHICLES. Pursuant to the police powers in **65 ILCS 5/11-1-1** it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

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

27-2-37 PEDESTRIAN TRAFFIC IN ROADWAY. To the extent that any sidewalks are available, all pedestrians shall walk on sidewalks and avoid walking in roadways. To the extent that any pedestrian walks in the roadway, such pedestrian shall walk on the roadway only on the shoulder as far as is practicable from the edge of the roadway. Any pedestrian lawfully walking upon a roadway shall walk against the flow of traffic. Pedestrians walking at night or during poor visibility shall only walk in well lighted areas and shall wear reflective clothing. Pedestrians shall not in any instance utilize baby strollers in the roadway after dusk or before dawn. Pedestrians entering the roadway shall yield the right of way to any vehicles upon the roadway. It shall be the responsibility of the pedestrians to be aware of traffic and make all efforts to provide for their own safety. The purpose of this Section is to provide an organized manner of the use of the roadways as necessary but to strongly encourage pedestrians not to use the roadway as a method of transportation. **(Ord. No. 05-13; 11-10-05)**

ARTICLE III

OFFENSES AGAINST PROPERTY

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

- (A) obtains or exerts unauthorized control over property of the owner;
- or
- (B) obtains by deception, control over property of the owner; or
 - (C) obtains by threat, control over property of the owner; or
 - (D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and
 - (1) intends to deprive the owner permanently of the use or benefit of the property;
 - (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;
 - (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
 - (E) It shall be unlawful to commit a petty theft.

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

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

- (A) To knowingly damage any property of another without his consent; or
 - (B) recklessly, by means of fire or explosive, damage property of another;
- or
- (C) knowingly start a fire on the land of another without his consent; or
 - (D) knowingly injure a domestic animal of another without his consent; or
 - (E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. **(See 720 ILCS Sec. 5/21-1)**

27-3-3 **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(See 720 ILCS Sec. 5/21-1.1)**

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

27-3-5 DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED. It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the Village.

27-3-6 TAMPERING WITH PUBLIC NOTICE. It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(See 720 ILCS Sec. 5/32-9)**

27-3-7 SKATEBOARDS, ROLLER BLADES AND BLADE SKATES REGULATED. The practices of riding or propelling oneself upon a device commonly known or referred to as a skateboard, roller skates, or blade skates are hereby prohibited upon any public roadway located within the Village municipal boundary. **(Ord. No. 09-14; 07-09-09)**

27-3-8 EXCESSIVE NOISE PROHIBITED. It shall be unlawful for the owner or renter or manager of any residential property in the Village to permit any loud noise to be played by radio, television, tape player, horn, or other amplified sound equipment in or outside in the yard whether constant or intermittent unless such sound is completely inaudible at a distance of **twenty-five (25) feet** from the property line and when such sound is disturbing another person or persons, whether it be day or night. There shall be a fine of **One Hundred Fifty Dollars (\$150.00)** for each violation of this Section. **(Ord. No. 04-20; 11-30-04)**

27-3-9 GO-CARTS AND ELECTRIC POWERED SCOOTERS REGULATED. The practices of riding or propelling oneself upon powered devices including, but not limited to, go-carts and electric powered scooters is hereby prohibited upon any public roadway, sidewalks, and public grounds located within the Village municipal boundary. The within prohibition shall not prohibit the use of electric wheelchairs or other motorized aids used to assist handicapped or disabled individuals by such individuals. **(Ord. No. 09-17; 08-13-09)**

ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

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

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

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

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

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

(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

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

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

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

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

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

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

(B) preventing the commission by another of any offense.

(See 720 ILCS Sec. 5/31-8)

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

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

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

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

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

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

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

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

ARTICLE V - ANTI-LITTER

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

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

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

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

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

(A) advertise for sale any merchandise, product, commodity or thing;
or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

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

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

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

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

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

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

27-5-2 SPITTING. No person shall spit or expectorate upon any public sidewalk, public doorstep, public stairway, public elevator or upon the floor or walls of any public building within the Village.

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.

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

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property. Any of the following acts by any person shall be deemed to constitute a trespass in violation of the provisions of this Article.

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

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

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

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

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

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

ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

27-7-2 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to

exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

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

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

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

ARTICLE VIII - OBSCENITY

27-8-1 OBSCENITY.

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

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

(B) **Obscene Defined.** Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

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

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

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

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

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

(E) **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 **eighteen (18) years** of age;
- (2) was to institutions or individuals having scientific or other special justification for possession of such material.

27-8-2 HARMFUL MATERIAL.

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

(B) **Definitions.**

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

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

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

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

(D) **Affirmative Defenses.**

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

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

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

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

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

ARTICLE IX - OPEN BURNING

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

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

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

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

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

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

27-9-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.**
The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

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

(F) No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

27-9-4 **EXCEPTIONS.** Nothing in this Article shall be construed to prohibit the burning of wood, charcoal, clean fuel oil, or natural gas, in a fireplace, grill or a like facility for cooking or social heating purposes where monitored by a responsible adult except to the extent that the Fire Chief or Chief of Police determines that atmospheric conditions or local circumstances make such fires hazardous and dangerous. Nothing in this Article shall preclude Village employees or their agents from engaging in burning on Village property. **(Ord. No. 01-20; 10-11-01)**