

CHAPTER 132: OFFENSES AGAINST PUBLIC ORDER

Section

- 132.01 Disorderly conduct
- 132.02 Curfew hours for minors
- 132.03 Truancy
- 132.04 Obstruction or interference of vehicular and pedestrian traffic
- 132.05 Laser pointers
- 132.06 Noise nuisances
- 132.07 Hunting activities

§ 132.01 DISORDERLY CONDUCT.

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

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

(2) 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; or

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

(4) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, ILCS Ch. 210, Act 45, §§ 1-101 *et seq.*;

(5) Transmits or causes to be transmitted in any manner to the Police Department or Fire Department or any privately-owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance, or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required.

(6) Transmits or causes to be transmitted a false report under ILCS Ch. 320, Act 15, §§ 0.01 *et seq.*

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

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

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

(B) In addition to any penalty imposed as set forth in § 130.99, any person convicted of disorderly conduct shall be ordered by the court to perform community service, as set forth under the provisions of ILCS Ch. 720, Act 5, § 26-1.
(ILCS Ch. 720, Act 5, § 26-1) Penalty, see § 130.99

§ 132.02 CURFEW HOURS FOR MINORS.

(A) *Definitions.* Whenever used in this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CURFEW HOURS.

(a) 10:30 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(b) 11:30 p.m. on any Friday or Saturday and until 6:00 a.m. of the following day.

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

ESTABLISHMENT. Any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

GUARDIAN.

- (a) A person who, under court order, is the guardian of the person of a minor; or
- (b) A public or private agency with whom a minor has been placed by a court.

MINOR. Any person under 17 years of age.

OPERATOR. Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT. A person who is:

- (a) A natural parent, adoptive parent, or step-parent of another person; or
- (b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

REMAIN.

- (a) To linger or stay; or
- (b) To fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) Offenses.

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the village during curfew hours.

(2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the village during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) *Defenses.*

(1) It is a defense to prosecution under division (B) that the minor was:

- (a) Accompanied by the minor's parent or guardian;
- (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (c) In a motor vehicle involved in interstate travel;
- (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (e) Involved in an emergency;
- (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or other similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the village, a civic organization, or another similar entity that takes responsibility for the minor;
- (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (i) Married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended.

(2) It is a defense to prosecution under division (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in division (C) is present.

(E) *Penalties.* A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(Ord. 1971, passed 4-19-2004)

Statutory reference:

Authority to impose curfew, see ILCS Ch. 65, Act 5, § 11-1-5

§ 132.03 TRUANCY.

(A) *Definitions.* For purposes of this section, the following terms, words and their derivatives shall have the following meanings:

PARENT. The father or mother of a minor child, whether by birth or adoption. The word **PARENT** as used in this section shall also be deemed to mean **LEGAL GUARDIAN**. In the event that the minor's parents are divorced or separated within the meaning of the Illinois Marriage and Dissolution of Marriage Act, the parent having lawful physical custody of the minor shall be deemed to be the parent authorized to give consent as required by this section.

LEGAL GUARDIAN. Any foster parent, or any person appointed guardian, or otherwise awarded custody of a minor by a Court of law in this State, or pursuant to the Illinois Juvenile Court Act, that shall not include any person appointed guardian only to the estate of a minor.

VALID CAUSE FOR ABSENCE. Illness, observation of a religious holiday, death in the immediately family, family emergency and other situations beyond the control of the minor as determined by the Board of Education in each District or such other circumstances which cause reasonable concern to the parent for the health or safety of the minor.

(B) *Truancy prohibited.* It shall be unlawful for any person between the ages of 7 and 16 years inclusive enrolled in a public, private or parochial school within the corporate limits of the village to absent himself or herself from attendance at school without the permission of his or her parent or legal guardian for absences for valid cause as determined herein, or by the school in which the minor is enrolled. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission for such absences has substantially been obtained from the parent or lawful guardian, provided that such permission is submitted in writing to the proper school authorities within 24 hours of the next regularly scheduled school day after such absence.

(C) *Parental responsibility.* It shall be unlawful for a parent or legal guardian to permit his or her minor child or ward to violate this section.

(D) *Penalty.*

(1) The initial incident of truancy shall be handled by the policy and procedure of the school and by the school authorities in which the minor is enrolled. The incident shall be documented and retained by the School District to be supplied to the Court at any subsequent hearings for violations of this section.

(2) Any subsequent violations will result in the minor and/or parent or legal guardian being appropriately cited and brought before the Court. Conviction for said offense shall result in a fine of not less than \$75, nor more than \$500 for violation. In addition to, or in lieu of, the violator may be required by the Court or administrative hearing officer to serve a period of community service.

(3) Any person that shall violate any of the provisions of this section may be required, in addition to or in lieu of a fine, to perform a period of community service not to exceed 50 hours per violation. Such community service may consist of any labor assigned by a church, not-for-profit corporation, library or public agency that is deemed suitable to help cause a positive behavioral change. The person so required to perform such community service shall return to the Court or administrative hearing officer, after completion of the community service, with written proof verifying the completion thereof.

(Ord. 1718, passed 12-7-98)

§ 132.04 OBSTRUCTION OR INTERFERENCE OF VEHICULAR AND PEDESTRIAN TRAFFIC.

(A) No person or persons shall at any time assemble in or upon any public street, alley or sidewalk of the village in such a manner as to obstruct or interfere with the free passage of vehicles in and along such street or alley or with the free passage of persons along said street or sidewalk, or in any manner harass or intimidate any person seeking to use said public street, alley or sidewalk. Any person who refuses to obey an order of a police officer to disperse or to cease such act shall be guilty of a violation of this section.

(B) Any person who violates this section shall be fined not less than \$50 nor more than \$100 for each offense.

(Ord. 1715, passed 12-7-98)

§ 132.05 LASER POINTERS.

(A) *Definitions.* For purposes of this section, **LASER POINTER** shall be any helium neon (HeNe) laser which typically operates at a wavelength of 832.8 nMe with the mandated power limit of 5mW of

power. Said lasers are considered Class 2 lasers with the potential for eye injury; and a diode laser which typically operates at a wavelength of 670 nMe (although others are possible) with a power source providing 5mW. Said lasers are considered Class 3a lasers, with the potential for eye injury.

(B) *Prohibited Acts.*

(1) It shall be unlawful for any person under the age of 18 years to have in his or her possession at any private or public place, except as provided herein, a laser pointer.

(2) No person, firm or corporation shall sell to or provide a minor with a laser pointer as described in this section unless the minor is accompanied by a parent or legal guardian at the time of purchase or transfer. No minor shall, at the time of purchase of such laser pointer, furnish fraudulent evidence of majority. No minor shall, except while accompanied by a parent or legal guardian, possess a laser pointer as described herein on any public property or on any private property, without the express permission of the lawful owner or manager of the private property.

It shall not be a violation of this section for a person under the age of 18 years, to possess a laser pointer as described herein, while under the direct supervision of the parent or guardian of such person, when such possession is limited to the privacy of the parents or guardians home.

(C) *Penalty.* Any person who found guilty of an offense under this section shall be fined not less than \$75 nor more than \$500 for each offense.

(Ord. 1716, passed 12-7-98)

§ 132.06 NOISE NUISANCES.

(A) It shall be unlawful for any person to make, continue or cause to be made to continued, any excessive, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, rest, health or safety of others within the village, except in the cases of urgent necessity in the interest of public safety. The following are hereby declared to be excessive, disturbing, loud and unnecessary noises in violation of this section, however, said list shall not be deemed to be exhaustive and exclusive, namely:

(1) *Noise considered a nuisance.* The playing, using, operating or permitting to be played, used or operated, any radio, compact disk, tape player, musical instrument, phonograph, television or other machine or device for the producing or re-producing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing of the persons who are in the room, chamber, vehicle or out door area within the village in which or where such machine or device is played, used or operated and who are voluntary listeners thereto. The operation of any such radio, compact disk or tape player, instrument, phonograph or device in such a manner as to be plainly audible at a distance of 50 feet from the location of such set, instrument or device, shall be in violation of this section.

(2) *Permit for outdoor area.* No band, group, disk jockey, orchestra or other persons using amplified sound equipment, in an outdoor arena, may operate in violation of division (A)(1) without first obtaining approval for the permit from the Village Clerk. Such permit shall prohibit the amplification of sound after 11:00 p.m. on Sunday through Thursday and 12:00 p.m. on Friday and Saturday.

(B) A violation of this section shall be a petty offense and subject to a fine not less than \$75 nor more than \$500.

(C) Any Village Police Officer may stop any motor vehicle, or driver or passenger of such vehicle solely on the basis of a violation or suspected violation of this section while such motor vehicle is being operated on any roadway within this jurisdiction.

(Ord. 1719, passed 12-7-98)

§ 132.07 HUNTING ACTIVITIES.

(A) *Definitions.* For the purpose of this section, the term **FIREARM** shall mean and include any shotgun, rifle, revolver, B-B gun, air gun, CO2 gun, bow and arrow, crossbow, slingshot or other similar stringed weapons.

(B) *Prohibitive Acts.*

(1) Kill, take or wound, or attempt to kill, take, or wound any animal within the village with any firearm;

(2) Hunt, pursue, harass, or disturb in any manner, any bird, game or animal within the village with any firearm with the intent to use the firearm within the village.

(C) *Exemptions.*

(1) The acts prohibited in division (B) above shall not apply to any officer of the law, while in the performance of his/her duty, or to persons lawfully summoned by any officer to assist in making arrests or preserving the peace, while so engaged in assisting such officer, or to any citizen discharging a firearm when lawfully defending his/her person or property.

(2) The acts prohibited in division (B) shall not apply to any individual engaged in act of hunting solely by use of a bow and arrow, cross bow or other stringed weapon while doing so not less than 1,000 feet from any residence, designated street or highway located within the village.

(D) *Penalties.*

(1) Any police officer shall seize any firearm, ammunition, or other weapon in violation of this section and upon a conviction of a violation of this section the firearm, ammunition, or weapon shall be confiscated and destroyed as provided by law.

(2) In addition to the sanctions imposed by division (D)(1) above, any person, firm or corporation violating the provisions of this section shall be fined not less than \$75 nor more than \$750 for each offense.

(Ord. 1720, passed 12-7-98)

