

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. GENERAL PROVISIONS**
- 131. OFFENSES PERTAINING TO PROPERTY**
- 132. OFFENSES AGAINST PUBLIC ORDER**
- 133. OFFENSES AGAINST PUBLIC JUSTICE AND
ADMINISTRATION**
- 134. OFFENSES AGAINST PUBLIC MORALS**
- 135. GAMBLING OFFENSES**
- 136. OFFENSES AGAINST PUBLIC HEALTH AND
SAFETY**
- 137. WEAPONS**

CHAPTER 130: GENERAL PROVISIONS

Section

- 130.01 Definitions
- 130.02 Intent
- 130.03 Knowledge
- 130.04 Recklessness
- 130.05 Negligence
- 130.06 Attempt
- 130.07 Throwing, depositing, and distributing handbills

- 130.99 Penalty

§ 130.01 DEFINITIONS.

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

ACT. The taking of action or a failure or omission to take action. (ILCS Ch. 720, Act 5, § 2-2)

ANOTHER. A person or persons other than the offender. (ILCS Ch. 720, Act 5, § 2-3)

CONDUCT. An act or a series of acts, and the accompanying mental state. (ILCS Ch. 720, Act 5, § 2-4)

OFFENSE. A violation of a penal statute of this village or state. (ILCS Ch. 720, Act 5, § 2-12)

§ 130.02 INTENT.

A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the section defining the offense, when his/her conscious objective or purpose is to accomplish that result or engage in that conduct.
(ILCS Ch. 720, Act 5, § 4-4)

§ 130.03 KNOWLEDGE.

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

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

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

(B) Conduct performed knowingly or with knowledge is performed willfully, within the meaning of a statute using the latter term, unless the section clearly requires another meaning. (ILCS Ch. 720, Act 5, § 4-5)

§ 130.04 RECKLESSNESS.

A person is reckless or acts recklessly, when he/she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense; and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a section using the latter term, unless the statute clearly requires another meaning.

(ILCS Ch. 720, Act 5, § 4-6)

§ 130.05 NEGLIGENCE.

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

(ILCS Ch. 720, Act 5, § 4-7)

§ 130.06 ATTEMPT.

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

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

(C) *Enforcement.* A person convicted of an attempt may be fined not to exceed the maximum provided for the offense attempted. If such fine exceeds that set forth in § 130.99 below, however, the village shall enforce said offense under the provisions of state law.
(ILCS Ch. 720, Act 5, § 8-4) Penalty, see § 130.99

§ 130.07 THROWING, DEPOSITING, AND DISTRIBUTING HANDBILLS.

(A) No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street, or other public place within the village, or hand out or distribute or sell any commercial handbill in any public place. It shall not be unlawful on any sidewalk, street, or other public place within the village for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(B) No person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle, provided that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(C) No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.
(’79 Code, § 91.50) (Ord. 1431, passed 6-4-90) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$25 nor more than \$750.

(B) A person convicted for a violation of § 133.01 whose violation was the proximate cause of an injury to a peace officer is guilty of a Class 4 felony. (ILCS Ch. 720, Act 5, § 31-1)

CHAPTER 131: OFFENSES PERTAINING TO PROPERTY

Section

131.01 Damage of firefighting apparatus, hydrants, or equipment

131.02 Trespass to land

131.03 Damaging village property

131.04 Jackrocks

§ 131.01 DAMAGE OF FIREFIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT.

No person shall willfully and maliciously cut, injure, damage, tamper with, destroy, or deface any fire hydrant, fire hose, fire engine, or other public or private firefighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization.

(ILCS Ch. 720, Act 5, § 21-1.1) Penalty, see § 130.99

§ 131.02 TRESPASS TO LAND.

(A) (1) Except as provided in division (B) of this section, whoever commits any of the following commits a Class B misdemeanor:

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

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

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

(d) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land.

(2) For purposes of division (A)(1)(a) of this section, this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(B) Except as otherwise provided in this division, whoever enters upon any of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart commits a Class A misdemeanor:

- (1) A field that is used for growing crops or that is capable of being used for growing crops.
- (2) An enclosed area containing livestock.
- (3) An orchard.
- (4) A barn or other agricultural building containing livestock.

(C) A person has received notice from the owner or occupant within the meaning of division (A) if he or she has been notified personally, either orally or in writing including a valid court order as defined by ILCS Ch. 725, Act 5, § 112A-3(7) granting remedy ILCS Ch. 725, Act 5, § 112A-14(b)(2), or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(D) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his or her agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his or her agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him or her at the place he or she is so living upon the land.

(E) A person shall be exempt from prosecution under this section if he or she beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this division, **UNOCCUPIED AND ABANDONED RESIDENTIAL AND INDUSTRIAL PROPERTY** means any real estate in which the taxes have not been paid for a period of at least two years; and which has been left unoccupied and abandoned for a period of at least one year; and **BEAUTIFIES** means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

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

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

(H) Division (A)(1)(d) of this section does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(I) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under division (B) of this section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be: the actual damages, but not less than \$250, if the vehicle is operated in a nature preserve or registered area as defined in ILCS Ch. 525, Act 30, §§ 3.11 and 3.14 of the Illinois Natural Areas Preservation Act; twice the actual damages if the owner has previously notified the person to cease trespassing; or in any other case, the actual damages, but not less than \$50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this division:

(1) **LAND** includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. **LAND** does not include driveways or private roadways upon which the owner allows the public to drive.

(2) **OWNER** means the person who has the right to possession of the land, including the owner, operator or tenant.

(3) **VEHICLE** has the same meaning as provided under ILCS Ch. 625, Act 5, § 1-217. (ILCS Ch. 720, Act 5, § 21-3) Penalty, see § 130.99

§ 131.03 DAMAGING VILLAGE PROPERTY.

(A) (1) It shall be unlawful to:

- (a) Knowingly damages any property of another;
- (b) Recklessly by means of fire or explosive damages property of another;
- (c) Knowingly starts a fire on the land of another;
- (d) Knowingly injures a domestic animal of another without his or her

consent;

(e) Knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or

(f) Damages any property, other than as described in ILCS Ch. 720, Act 5, § 20-1(b), with intent to defraud an insurer; or

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

(2) When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(3) It is an affirmative defense to a violation of divisions (1)(a), (1)(c), or (1)(e) of this section that the owner of the property or land damaged consented to such damage.
(ILCS Ch. 720, Act 5, § 21-1(1))

(B) For the purposes of this section, **PROPERTY** means anything of value including, but not limited to real estate, money, commercial instruments, written instruments representing or embodying rights concerning anything of value, labor, or services, things affixed to or found on land or part of or affixed to any building, electricity, gas, or water.
Penalty, see § 130.99

§ 131.04 JACKROCKS.

(A) A person who knowingly sells, gives away, manufactures, purchases, or possesses a jackrock or who knowingly places, tosses, or throws a jackrock on public or private property commits a Class A misdemeanor.

(B) As used in this section, **JACKROCK** means a caltrop or other object manufactured with one or more rounded or sharpened points, which when placed or thrown present at least one point at such an angle that it is peculiar to and designed for use in puncturing or damaging vehicle tires. It does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction, if a conspicuous and clearly visible warning is posted at the device's location, alerting persons to its presence.

(C) This section does not apply to the possession, transfer, or use of jackrocks by any law enforcement officer in the course of his/her or her official duties.
(ILCS Ch. 720, Act 5, § 21-1.4) Penalty, see § 130.99

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.

2005 S-3

(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)

CHAPTER 133: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

Section

- 133.01 Resisting or obstructing a peace officer or correctional institution employee
- 133.02 Refusing to aid an officer
- 133.03 Tampering with public notice
- 133.04 Attempt to solicit drugs
- 133.05 Vehicle impoundment

§ 133.01 RESISTING OR OBSTRUCTING A PEACE OFFICER OR CORRECTIONAL INSTITUTION EMPLOYEE.

(A) (1) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his official capacity commits a Class A misdemeanor.

(2) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(B) For purposes of this section, ***CORRECTIONAL INSTITUTION EMPLOYEE*** means any person employed to supervise and control inmates incarcerated in a penitentiary, state farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons; and ***FIREFIGHTER*** means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. ***FIREFIGHTER*** also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.

(C) It is an affirmative defense to a violation of this section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.
(ILCS Ch. 720, Act 5, § 31-1) Penalty, see § 130.99

§ 133.02 REFUSING TO AID AN OFFICER.

No person, upon command, shall refuse or knowingly reasonably fail to aid a person known by him/her to be a police officer in:

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

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

(ILCS Ch. 720, Act 5, § 31-8) Penalty, see § 130.99

§ 133.03 TAMPERING WITH PUBLIC NOTICE.

No person shall 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.

(ILCS Ch. 720, Act 5, § 32-9) Penalty, see § 130.99

§ 133.04 ATTEMPT TO SOLICIT DRUGS.

It is unlawful for any person to solicit or to attempt to obtain cannabis as defined in the Illinois Cannabis Control Act or a controlled substance, counterfeit substance, controlled substance analog, or a look-a-like substance as defined by the Illinois Controlled Substances Act with an intent to possess by request, contract, agreement, command or understanding unless otherwise authorized by valid registration pursuant to said Act.

(Ord. 1952, passed 1-20-2004)

§ 133.05 VEHICLE IMPOUNDMENT.

(A) The owner of record of any motor vehicle which is used in connection with a violation of § 133.04, or that contains cannabis as defined by the Illinois Cannabis Act or a controlled substance counterfeit substance, controlled substance analog, or a look-alike substance as defined by the Illinois Controlled Substances Act, unless otherwise authorized by a valid registration under said Act, or a motor vehicle transporting firearms in violation of § 137.03, shall be subject to seizure and impoundment and liable to the village for an administrative penalty not to exceed \$500 plus any towing and storage fees as hereinafter provided. This division shall not apply:

(1) If the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered; or

(2) If the vehicle is operating as a common carrier and the violations occurs without the knowledge of the person in control of the vehicle.

(B) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the village or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this section.

(C) Whenever the owner of record of a vehicle seized pursuant to this section makes a request of the Police Department in person and in writing for a vehicle impoundment hearing after the seizure, a hearing officer shall conduct the vehicle impoundment hearing within 24 hours after such request is made, excluding Saturdays, Sundays and legal holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle is subject to seizure and impoundment under division (A), the hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle posts with the department of revenue a cash bond in the amount to exceed \$500 plus any applicable towing and storage fees.

(D) Unless a hearing is held pursuant to division (C) above, within ten days after a vehicle is seized and impounded pursuant to this section, the village shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted pursuant to this section. The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 30 days after the vehicle was seized. The hearing shall be conducted by a hearing officer appointed by that Village President. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in connection with a violation of §§ 133.04 or 137.03, and that none of the exceptions described in division (A) (1) and (2) applies, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the village for an administrative penalty in the amount not to exceed \$500. If the owner of record fails to appear at the hearing, the hearing officer shall enter default order in favor of the village requiring the payment to the village of an administrative penalty in an amount not to exceed \$500. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the owner's vehicle or cash bond.

(E) (1) If an administrative penalty is imposed pursuant to this section, such penalty shall constitute a debt due and owing to the village. If a cash bond has been posted pursuant to this section, the bond shall be applied to the penalty. If a vehicle has been impounded when such a penalty is imposed the village may seek to obtain a judgment on the debt and enforce such judgment against the vehicle as provided by law. Except as provided otherwise in this section, a vehicle shall continue to be impounded until:

2005 S-3

(a) The penalty, plus any applicable towing and storage fees, is paid to the village, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle, or

(b) The vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

(2) If the administrative penalty and applicable fees are not paid within 30 days after an administrative penalty is imposed under division (D) against an owner of record who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable fees are not paid within 30 days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within 30 days after an action seeking administrative review has been resolved in favor of the village, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code, ILCS Ch. 625, Act 5, § 4-208.

(3) Except as otherwise specifically provided by law, no owner, lienholder or other person shall be legally entitled to take possession of a vehicle impounded under this section until the civil penalty and fees applicable under this section have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lienholders of record, not to exceed \$500 plus the applicable fees.

(F) For purposes of this section, the **OWNER OF RECORD** of a vehicle is the record title holder.

(Ord. 1952, passed 1-20-2004)

CHAPTER 134: OFFENSES AGAINST PUBLIC MORALS

Section

- 134.01 Public indecency
- 134.02 Obscenity
- 134.03 Harmful material

§ 134.01 PUBLIC INDECENCY.

(A) Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

- (1) An act of sexual penetration or sexual conduct as defined in ILCS Ch. 720, Act 5, § 12-12; or
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

(B) **PUBLIC PLACE.** For purposes of this section, any place where the conduct may reasonably be expected to be viewed by others.

(C) Breast-feeding of infants is not an act of public indecency.
(ILCS Ch. 720, Act 5, § 11-9) Penalty, see § 130.99

§ 134.02 OBSCENITY.

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

- (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;
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;

(3) Publishes, exhibits, or otherwise makes available anything obscene;

(4) Performs an obscene act or otherwise presents an obscene exhibition of his/her body for gain;

(5) Creates, buys, procures, or possesses obscene matter or material with intent to disseminate it in violation of this section, or of the penal laws or regulations of any other jurisdiction; or

(6) Advertises or otherwise promotes the sale of material represented or held out by him/her to be obscene, whether or not it is obscene.

(B) *Obscene defined.* Any material or performance is **OBSCENE** if:

(1) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;

(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.*

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

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

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

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

(b) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

- (c) The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;
- (d) The degree, if any, of public acceptance of the material in this state;
- (e) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
- (f) Purpose of the author, creator, publisher, or disseminator.

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

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

(ILCS Ch. 720, Act 5, § 11-20) Penalty, see § 130.99

§ 134.03 HARMFUL MATERIAL.

(A) As used in this section:

DISTRIBUTE. Transfer possession of, whether with or without consideration.

HARMFUL TO MINORS. That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a whole, it predominately appeals to the prurient interest in sex of minors, is patently offensive to prevailing standards in the adult community in the state as a whole with respect to what is suitable material for minors, and lacks serious literary, artistic, political, or scientific value for minors.

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

MATERIAL. Any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or any book, magazine, printed matter however reproduced, or recorded audio of any sort.

MINOR. Any person under the age of 18.

NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernably turgid state.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

SEXUAL CONDUCT. Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(B) A person is guilty of distributing harmful material to a minor when he or she:

(1) Knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(a) Any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors;

(b) A motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors;

(c) An admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) Admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(C) In any prosecution arising under this section, it is an affirmative defense:

(1) That the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) That the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) That the defendant was a *bona fide* school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) That the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) That an advertisement of harmful material as defined in this section culminated 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, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18:

"NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State."

(D) 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 sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution 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.

(E) Distribution of harmful material in violation of this section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony to be prosecuted under appropriate state law.

(F) Any person under the age of 18 that falsely states, either orally or in writing, that he or she is not under the age of 18, or that presents or offers to any person any evidence of age and identity that is false or not actually his or her own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(G) A person over the age of 18 who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to, or sends, or causes to be sent, or exhibits to, or offers to distribute, or exhibits any harmful material to a person that he or she believes is a minor is guilty of a Class A misdemeanor. If that person utilized a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, then each offense is a Class 4 felony to be prosecuted under appropriate state law.

(H) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this section.

(ILCS Ch. 720, Act 5, § 11-21) Penalty, see § 130.99

CHAPTER 135: GAMBLING OFFENSES

Section

- 135.01 Definitions
- 135.02 Gambling
- 135.03 Keeping a gambling place
- 135.04 Seizure of gambling devices and gambling funds

§ 135.01 DEFINITIONS.

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

ACCESS. The same meaning ascribed in ILCS Ch. 720, Act 5, § 16D-2.

COMPUTER. The same meaning ascribed in ILCS Ch. 720, Act 5, § 16D-2.

GAMBLING DEVICE. Any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A **GAMBLING DEVICE** does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(3) A crane game. For the purposes of this division (3), a **CRANE GAME** is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than \$25.

(4) A redemption machine. For the purposes of this division (4), a **REDEMPTION MACHINE** is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all of the following conditions are met:

- (a) The outcome of the game is predominantly determined by the skill of the player.
- (b) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.
- (c) Only merchandise prizes are awarded.
- (d) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed \$25.
- (e) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device.

INTERNET. An interactive computer service or system or an information service, or access software provider that provides or enables computer access multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or online service.

LOTTERY. Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

POLICY GAME. Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.
(ILCS Ch. 720, Act 5, § 28-2)

§ 135.02 GAMBLING.

- (A) A person commits gambling when, within the corporate limits of the village, he:
 - (1) Plays a game of chance or skill for money or other thing of value, unless excepted in division (B);
 - (2) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;
 - (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;

(4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, as described in ILCS Ch. 720, Act 5, § 28-1 (a)(4);

(5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he/she has received in the courses of a bet or wager;

(6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;

(7) Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;

(8) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;

(9) Knowingly drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;

(10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet.

(B) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this state;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law;

(5) The game commonly known as “bingo,” when conducted in accordance with ILCS Ch. 230, Act 25, §§ 1 *et seq.*;

(6) Lotteries when conducted by the state in accordance with ILCS Ch. 20, Act 1605, §§ 1 *et seq.*;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an **ANTIQUÉ SLOT MACHINE** is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with ILCS Ch. 230, Act 15, §§ 1 *et seq.*;

(9) Charitable games when conducted in accordance with ILCS Ch. 230, Act 30, §§ 1 *et seq.*; and

(10) Pull tabs and jar games when conducted under ILCS Ch. 230, Act 20, §§ 1 *et seq.*; and

(11) Gambling games conducted on riverboats when authorized under ILCS Ch. 230, Act 10, §§ 1 *et seq.*

(C) *Circumstantial evidence.* In prosecutions under division (A) of this section, circumstantial evidence shall have the same validity and weight as in any criminal prosecution. (ILCS Ch. 720, Act 5, § 28-1) Penalty, see § 130.99

§ 135.03 KEEPING A GAMBLING PLACE.

(A) For purposes of this section, a **GAMBLING PLACE** is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling. No person shall knowingly permit any premises or property owned or occupied by him/her or under his/her control to be used as a gambling place.

(B) When any premises is determined by the circuit court to be a gambling place:

(1) The premises is hereby declared to be a public nuisance and may be proceeded against as such; and

(2) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter. (ILCS Ch. 720, Act 5, § 28-3) Penalty, see § 130.99

§ 135.04 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by village authorities. As used in this section, a *GAMBLING DEVICE* includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.

(B) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs. (ILCS Ch. 720, Act 5, § 28-5(a),(b))

CHAPTER 136: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

Litter

- 136.01 Definitions
- 136.02 Dumping or depositing of litter prohibited; exemptions
- 136.03 Dumping or depositing litter from motor vehicle prohibited
- 136.04 Accumulation of litter prohibited
- 136.05 Presumption of violation by operator throwing litter from motor vehicle
- 136.06 Receptacles required in public areas
- 136.07 Power of court to order removal of litter

Possession of Drugs and Drug Paraphernalia

- 136.20 Paraphernalia used with cannabis
- 136.21 Prohibiting the sale and possession of items designed or marketed for use with illegal cannabis or drugs
- 136.22 Possession of cannabis prohibited

LITTER

§ 136.01 DEFINITIONS.

For the purposes of §§ 136.01 through 136.07 the following words and phrases shall have the following meanings ascribed to them respectively.

LITTER. Any discarded, used, or unconsumed substance or waste. **LITTER** may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, abandoned vehicle, as defined in ILCS Ch. 625, Act 5, §§ 1-100 *et seq.*, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely

to injure any person or create a traffic hazard; potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, § 3.360; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly. (ILCS Ch. 415, Act 105, § 3)

MOTOR VEHICLE. As defined in Chapter 70 of this Code of Ordinances.

§ 136.02 DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS.

(A) No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this village, or upon or into any river, lake, pond, or other stream or body of water in this village unless:

(1) The property has been designated by the village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;

(2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(4) The person is acting under the direction of proper public officials during special cleanup days; and/or

(5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter, including but not limited to potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, § 3.360, when the emergency situation no longer exists.

(B) (1) Any person convicted of a violation of this section is guilty of a Class B misdemeanor. A second conviction for an offense committed after the first conviction is a Class A misdemeanor. A third or subsequent violation, committed after a second conviction is a Class 4 felony to be prosecuted under appropriate state law.

(2) In addition to any fine imposed under this section, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.

(3) The penalties prescribed in this section are in addition to, and not in lieu of, any penalties, rights, remedies, duties or liabilities otherwise imposed or conferred by law.

(4) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, the site where the offense occurred, as provided in Section 50 of the Illinois Adopt-A-Highway Act. (ILCS Ch. 415, Act 105, §§ 4 and 8)

§ 136.03 DUMPING OR DEPOSITING LITTER FROM MOTOR VEHICLE PROHIBITED.

(A) No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in this village except as permitted under § 136.02 (A)(1) through (5). Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.

(B) (1) Any person convicted of a violation of this section is guilty of a Class B misdemeanor. A second conviction for an offense committed after the first conviction is a Class A misdemeanor. A third or subsequent violation, committed after a second conviction is a Class 4 felony to be prosecuted under appropriate state law.

(2) In addition to any fine imposed under this section, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.

(3) The penalties prescribed in this section are in addition to, and not in lieu of, any penalties, rights, remedies, duties or liabilities otherwise imposed or conferred by law.

(4) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, the site where the offense occurred, as provided in Section 50 of the Illinois Adopt-A-Highway Act. (ILCS Ch. 415, Act 105, §§ 5 and 8)

§ 136.04 ACCUMULATION OF LITTER PROHIBITED.

(A) No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

(B) (1) Any person convicted of a violation of this section is guilty of a Class B misdemeanor. A second conviction for an offense committed after the first conviction is a Class A misdemeanor. A third or subsequent violation, committed after a second conviction is a Class 4 felony to be prosecuted under appropriate state law.

(2) In addition to any fine imposed under this section, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.

(3) The penalties prescribed in this section are in addition to, and not in lieu of, any penalties, rights, remedies, duties or liabilities otherwise imposed or conferred by law.

(4) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, the site where the offense occurred, as provided in Section 50 of the Illinois Adopt-A-Highway Act.
(ILCS Ch. 415, Act 105, §§ 6 and 8)

§ 136.05 PRESUMPTION OF VIOLATION BY OPERATOR THROWING LITTER FROM MOTOR VEHICLE.

Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated § 136.03, but that presumption may be rebutted.
(ILCS Ch. 415, Act 105, § 9)

§ 136.06 RECEPTACLES REQUIRED IN PUBLIC AREAS.

(A) In order to assist the public in complying with this chapter, the owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

(B) For purposes of this section, ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** includes, but is not limited to commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls; and ***PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR***

AS A PUBLIC WAY includes, but is not limited to any property that is publicly owned or operated for any of the purposes stated in the definition in this division for *PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS* but excludes state highway rights-of-way and rest areas located thereon.

(C) If no litter receptacles are placed on property described in this section, the owner or person in control of the property shall be fined \$100 for violating this section. If the owner or person in control of the property has placed litter receptacles on his/her property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his/her property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within ten days after being made aware of that fact by written notice from the police, he/she shall be fined \$25 for each receptacle not so provided and maintained.

(ILCS Ch. 415, Act 105, § 10)

§ 136.07 POWER OF COURT TO ORDER REMOVAL OF LITTER.

(A) Any person convicted of a violation of §§ 136.02, 136.03, and 136.04 is guilty of a Class B misdemeanor. A second conviction for an offense committed after the first conviction is a Class A misdemeanor. A third or subsequent violation, committed after a second conviction is a Class 4 felony to be prosecuted under appropriate state law.

(B) In addition to any fine imposed under this section, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.

(C) The penalties prescribed in this section are in addition to, and not in lieu of, any penalties, rights, remedies, duties or liabilities otherwise imposed or conferred by law.

(D) An individual convicted of violating §§ 136.02, 136.03, and 136.04 by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, the site where the offense occurred, as provided in Section 50 of the Illinois Adopt-A-Highway Act.

(ILCS Ch. 415, Act 105, § 8)

POSSESSION OF DRUGS AND DRUG PARAPHERNALIA**§ 136.20 PARAPHERNALIA USED WITH CANNABIS.**

(A) It shall be unlawful for any person to sell or deliver, or possess with intent to sell or deliver, 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.

(B) For the purpose of this section:

CANNABIS. 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 the plant, and any compound, manufacturer, salt, derivative, mixture, or preparation of the 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 the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

INSTRUMENT FOR THE USE OF CANNABIS. Any equipment or property which is substantially and instrumentally connected with the use of cannabis.

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

(1) Any person who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Department of Law Enforcement, to possess and deliver substances containing cannabis;

(2) Persons registered under federal law to conduct research with cannabis.

(D) Any person violating the provisions of this section shall be fined not less than \$50 nor more than \$750 for each offense.

('79 Code, § 133.09) (Ord. 1025, passed 10-1-79)

§ 136.21 PROHIBITING THE SALE AND POSSESSION OF ITEMS DESIGNED OR MARKETED FOR USE WITH ILLEGAL CANNABIS OR DRUGS.

(A) *Jurisdiction.* Pursuant to the police powers vested in the village by the Illinois Constitution, this section shall be in effect within the village to prohibit the sale and possession of items intended for use or designed for use with illegal cannabis or drugs.

(B) *Definitions.* The term ***DRUG PARAPHERNALIA*** means all equipment, products, and materials of any kind which are used, intended for use, or designed 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 a controlled substance in violation of the Cannabis Control Act and ILCS Ch. 720, Act 550, §§ 1 *et seq.* It includes but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

(f) Miniature cocaine spoons and cocaine vials.

- (g) Chamber pipes.
- (h) Carburetor pipes.
- (i) Electric pipes.
- (j) Air-driven pipes.
- (k) Chillums.
- (l) Bongs.
- (m) Ice pipes or chillers.

(13) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance.
- (c) The proximity of the object, in time and space, to a direct violation of this subchapter.
- (d) The proximity of the object to controlled substances.
- (e) The existence of any residue of controlled substances on the object.
- (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he/she knows, or should reasonably know, intend to use the object to facilitate a violation of this subchapter. The innocence of an owner, or of anyone in control of the object, as to a direct violation of this subchapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
- (g) Instructions, oral or written, provided with the object concerning its use.
- (h) Descriptive materials accompanying the object which explain or depict its use.
- (i) National and local advertising concerning its use.
- (j) The manner in which the object is displayed for sale.

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.

(l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

(m) The existence and scope of legitimate uses for the object in the community.

(n) Expert testimony concerning its use.

(C) *Possession of drug paraphernalia.* It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this subchapter. Any person who violates this section may be fined up to \$750.

(D) *Manufacture or delivery of drug paraphernalia.* It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this subchapter. Any person who violates this section, upon conviction, may be imprisoned for not more than three months or fined \$750, or both.

(E) *Delivery of drug paraphernalia to a minor.* Any person 18 years of age or over who violates division (D) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least three years his/her junior, upon conviction, may be imprisoned for not more than six months or fined \$750, or both.

(F) *Advertisement of drug paraphernalia.* It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section, upon conviction, may be imprisoned for not more than 30 days or fined \$750, or both.

(G) *Civil forfeiture.* All drug paraphernalia manufactured, delivered, possessed, intended for use, or designed for use defined in division (B) of this section shall be seized without a warrant by a peace officer and the paraphernalia shall be subject to forfeiture.

(H) *Severability.* If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or other applications of the

section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

('79 Code, § 133.10) (Ord. 1150, passed 7-19-82)

§ 136.22 POSSESSION OF CANNABIS PROHIBITED.

(A) Definition.

CANNABIS. 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 the plants; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, 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 the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(B) It shall be unlawful for any person knowingly to possess 30 grams or less of any substance containing cannabis.

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

(1) Any person who has been authorized by the Department of Mental Health and Developmental Disabilities with the approval of the Department of Law Enforcement to possess and deliver substances containing cannabis;

(2) Persons registered under federal law to conduct research with cannabis.

(D) Any person violating the provisions of this section shall be fined not less than \$50 nor more than \$750 for each offense.

(E) The court may impose a sentence of supervision upon any person if, having regard to the nature and circumstances of the offense and the history, character, and condition of the person, the court is of the opinion that a formal conviction under this section is inappropriate.

(1) When a person is placed on supervision, the court shall enter an order for supervision specifying the period of the supervision, and shall defer further proceedings in the case until the conclusion of the period.

(2) The period of supervision shall be reasonable under all the circumstances of the case, but may not be longer than one year.

(3) The court may, in addition to the other considerations, require the person to:

(a) Make a report to, appear in person before, or participate with the court or such persons or social agency as directed by the court in the order of supervision;

(b) Work or pursue a course of study or vocational training;

(c) Undergo medical or psychiatric treatment; or treatment for drug addiction or alcoholism;

(d) In the case of a minor, reside with his/her parents or in a foster home;

(e) In the case of a minor, attend school;

(f) In the case of a minor, attend a nonresidential program for youth.

(4) The court shall defer entering any judgment on the charges until a conclusion of the supervision.

(5) At the conclusion of the period of supervision, if the court determines that the person has successfully complied with all the conditions of supervision, the court shall discharge the person and enter a judgment dismissing the charges.

(6) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disability imposed by law upon conviction of a crime. That person may have his/her record of arrest expunged as may be provided by law.

('79 Code, § 133.11) (Ord. 1242, passed 1-7-85)

CHAPTER 137: WEAPONS

Section

Deadly Weapons

- 137.01 Unlawful use of weapons
- 137.02 Exemptions
- 137.03 Unlawful possession of firearms and firearm ammunition
- 137.04 Confiscation and disposition of weapons

Air Rifles

- 137.10 Definitions
- 137.11 Selling, renting, or transferring to children; prohibition
- 137.12 Carrying or discharging on public streets
- 137.13 Permissive possession
- 137.14 Permissive sales
- 137.15 Seizure and removal

Statutory reference:

Firearms and ammunition registration, ILCS Ch. 430, Act 65, §§ 0.01 through 16.3
Boarding aircraft with weapons, ILCS Ch. 720, Act 545, §§ 0.01 through 7

DEADLY WEAPONS

§ 137.01 UNLAWFUL USE OF WEAPONS.

(A) No person shall knowingly:

(1) Sell, manufacture, purchase, possess, or carry any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switch-blade knife, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife; or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas, but which shall not be deemed to include crossbows, common or compound bows and/or underwater spearguns in accordance with ILCS Ch. 720, Act 5, § 24-1(e);

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

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

(4) Carry or possess in any vehicle or concealed on or about his/her person except when on his/her land or in his/her own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this division (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

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

(b) Are not immediately accessible; or

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

(5) Set a spring gun;

(6) Carry or possess any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted. This division (A)(6) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses;

(7) Carry or possess on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of the village, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her land or in his or her own abode or fixed place of business, any pistol, revolver, stun gun or taser or other firearm, except that this division (7) does not apply to or affect transportation of weapons that meet one of the following conditions:

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

(b) Are not immediately accessible; or

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

(8) Sell, manufacture, or purchase any explosive bullet. **EXPLOSIVE BULLET** shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap.

(9) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this section, **BILLY CLUB** means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material.

(B) A **STUN GUN** or **TASER**, as used in division (A), means:

(1) Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him/her incapable of normal functioning; or

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him/her incapable of normal functioning.

(ILCS Ch. 720, Act 5, § 24-1(a)) Penalty, see § 130.99

Statutory reference:

For provisions concerning silencers on guns; machine guns; possession of weapon while hooded, robed and/or masked; or possession of weapons on school or university grounds (all of which are felonies), see ILCS Ch. 720, Act 5, §§ 24-1(a)(6), (7), and (9) and § 24-1(c)(2) respectively

§ 137.02 EXEMPTIONS.

(A) Section 137.01(A)(3), (A)(4) and (A)(7) do not apply to or affect any of the following:

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

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

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

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of

their

2009 S-5

employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, ILCS Ch. 225, Act 447, §§ 5-5 *et seq.*, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this division (A)(5) shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, ILCS Ch. 225, Act 447, §§ 5-5 *et seq.*, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, ILCS Ch. 225, Act 447, §§ 5-5 *et seq.* Such firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in § 137.01(A)(3) and (A)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for

acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, ILCS Ch. 225, Act 447, §§ 5-5 *et seq.* Such firearm control card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this division, **FINANCIAL INSTITUTION** means a bank, savings and loan association, credit union or company providing armored car services.

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

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act, ILCS Ch. 20, Act 2910, §§ 0.01 *et seq.*

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to the State's Attorneys Appellate Prosecutor's Act, ILCS Ch. 725, Act 210, §§ 1 *et seq.*

(12) Special investigators appointed by a State's Attorney under ILCS Ch. 55, Act 5, § 3-9005.

(13) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.

(14) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(15) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(16) Manufacture, transportation, or sale of weapons to persons authorized under divisions (A)(1) through (15) of this section to possess those weapons.

(B) Section 137.01(A)(4) and (A)(7) do not apply to or affect any of the following:

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

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

(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

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

(C) Section 137.01(A)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(D) Section 137.01(A)(6) does not apply to any owner, manager or authorized employee of any place specified in that division nor to any law enforcement officer.

(E) Section 137.01(A)(4) and (A)(7) do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(F) Section 137.01(A)(8) does not apply to:

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

(2) Bonafide collectors of antique or surplus military ordinance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (G)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(G) Section 137.01(A)(4), (A)(6), and (A)(7) do not apply to an athlete's possession, transport on official Olympic and Paralympic transit systems established for athletes, or use of competition firearms sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athlete's training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(H) An information or indictment based upon a violation of any division of this section need not negative any exemptions contained in this section. The defendant shall have the burden of proving such an exemption.

(I) Nothing in this section shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier

operating under license of the state or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this section shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by ILCS Ch. 720, Act 5, § 24-1(a)(7) or ILCS Ch. 720, Act 5, § 24-2(c), which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

(ILCS Ch. 720, Act 5, § 24-2)

§ 137.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

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

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

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

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

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

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

(B) *Sentence.* Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony to be prosecuted under appropriate state law. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation.

(C) Nothing in division (A)(1) of this section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice

shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.
(ILCS Ch. 720, Act 5, § 24-3.1) Penalty, see § 130.99

§ 137.04 CONFISCATION AND DISPOSITION OF WEAPONS.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law.
(ILCS Ch. 720, Act 5, § 24-6)

AIR RIFLES

§ 137.10 DEFINITIONS.

For the purposes of §§ 137.10 *et seq.*, the following words and phrases shall have the following meanings ascribed to them respectively.

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

DEALER. Any person, copartnership, association, or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of ***AIR RIFLE.***
(ILCS Ch. 720, Act 535, § 1)

§ 137.11 SELLING, RENTING, OR TRANSFERRING TO CHILDREN; PROHIBITION.

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

(B) It is unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between the person and the person under 13 years of age, or where the person stands in loco parentis to the person under 13 years of age.
(ILCS Ch. 720, Act 535, § 2) Penalty, see § 130.99

§ 137.12 CARRYING OR DISCHARGING ON PUBLIC STREETS.

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

(B) It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway, or public land or any public place except on a safely constructed target range. (ILCS Ch. 720, Act 535, § 3)

(C) Any person convicted of violating this section shall pay a fine not to exceed \$50. (ILCS Ch. 720, Act 535, § 7)

§ 137.13 PERMISSIVE POSSESSION.

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

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

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

(C) Used in or on any private grounds or residence under circumstances when the air rifle is fired, discharged, or operated in a manner as not to endanger persons or property and then only if it is used in a manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

(ILCS Ch. 720, Act 535, § 4)

§ 137.14 PERMISSIVE SALES.

The provisions of §§ 137.10 through 137.14 do not prohibit sales of air rifles:

(A) By wholesale dealers or jobbers;

(B) To be shipped out of the state;

(C) To be used at a target range operated in accordance with ILCS Ch. 720, Act 535, § 4 or by members of the Armed Services of the United States or veterans' organizations. (ILCS Ch. 720, Act 535, § 5)

§ 137.15 SEIZURE AND REMOVAL.

Any police officer shall seize, take, remove, or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this chapter.
(ILCS Ch. 720, Act 535, § 6)