CHAPTER 14

GENERAL OFFENSES

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CHAPTER 14

GENERAL OFFENSES

ARTICLE 1. OFFENSES AGAINST PROPERTY

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14-1-1: DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Article:

a. 'Abandoned Vehicle' shall mean all vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

b. 'Building' shall mean any structure, vehicle, railway car, aircraft or watercraft used for lodging, business or industry.

c. 'Credit Card' shall mean any instrument or device, whether incomplete, revoked or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guaranty by the issuer.

d. 'Damage' shall mean an injury or harm to property sufficient to lower its value or involving significant inconvenience or loss of efficiency.

e. 'Deception' occurs when an actor knowingly:

1. Creates or confirms another's false impression which the actor does not believe to be true; or

2. fails to correct another's false impression which the actor previously has created or confirmed, or

3. prevents another from acquiring information material to the disposition of the property involved; or

4. transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is not a matter of official record; or

5. promises performance which the actor does not intend to perform or knows will not be preformed; or

6. uses a credit card without authorization or which he knows to be stolen, forged, revoked or canceled.

The term 'Deception' does not include falsity as to matters having no pecuniary significance.

f. 'Enter or Remain Unlawfully' shall mean an unlicensed, uninvited or otherwise unprivileged entry into or remaining in or upon premises. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a public building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

g. 'Obtain' shall mean:

1. in relation to property, to bring about a transfer or purported transfer to the obtainer or another or a legally recognized interest in the property; or

2. in relation to labor or service, to secure performance thereof for the benefit of the obtainer or another.

h. 'Obtain or Exerts Unauthorized Control' over property includes, but is not

necessarily limited to, conduct heretofore defined or known as common law larceny by trespassory taking, common law larceny by trick, larceny by conversion, embezzlement, extortion, or obtaining property by false pretenses.

i. 'Inoperable Motor Vehicle' shall mean any motor vehicle from which, for a period of at least thirty (30) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise sot related that the vehicle is incapable of being driven under its own motor power. 'Inoperable Motor Vehicle' shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own poser in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to historic vehicles over twenty five (25) years of age, or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles.

j. 'Owner' shall mean any person, other than the actor, who has possession of or any other interest in the property involved, and without whose consent the actor has no authority to exert control over the property.

k. 'Permanently to Deprive' shall mean:

1. to withhold property or cause it to be withheld from a person permanently or for so extended a period or under such circumstances that the major portion of its economic value, or of the use and benefit of such property, is lost to him; or

2. to dispose of the property so as to make it unlikely that the owner will recover it; or

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

4. to encumber, sell, give, pledge, or otherwise transfer any interest in the property.

l. 'Premises' shall mean a building or real property.

m. 'Property' shall mean any money, credit card, personal property, real property, thing in action, evidence of debt or contract, public record, or article of value of any kind.

n. 'Receiving' includes but is not limited to acquiring title, possession, control, or a security interest in the property.

o. 'Service' includes but in not limited to labor, professional service,

transportation service, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water.

p. 'Steal' shall mean:

1. to knowingly obtain or exert unauthorized control over the property of another with intent permanently to deprive him of such property; or

2. to knowingly obtain by deception control over property of another with intent permanently to deprive him of such property.

q. 'Stolen' shall mean obtained by theft, robbery, extortion, or appropriating lost or misdelivered property.

r. 'Streets or Highway' shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

s. 'Threat' shall mean to communicate, directly or indirectly, the intent:

1. to cause bodily injury in the future to another; or

2. to cause damage to property of another; or

3. to subject another person to physical confinement or restraint; or

4. to accuse another person of a crime or cause criminal charges to be instituted against another person; or

5. to expose a secret or publicize an asserted fact, whether true or false, tending to subject another person to hatred, contempt or ridicule; or

6. to reveal significant information sought to be concealed by the person threatened; or

7. to testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

8. to take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

9. to do any other act which is intended to harm substantially any person with respect to his health, safety, business, financial condition, or personal relationships.

t. 'Vehicle' shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, trees, runners, or slides, and transport persons or property of pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

u. 'Legal Guardian' means a person appointed guardian, or given custody, of a minor by a circuit court of the state, but does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act.

v. 'Minor' means a person who is above the age of eleven (11) years, but not yet nineteen (19) years of age.

14-1-2: ABANDONMENT OF VEHICLES: It shall be unlawful for any person to abandon any vehicle at any place within the municipality for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. A vehicle or an part thereof so abandoned on private property, not belonging to the owner or tenant of such property, may be authorized for removal by the Village Police Department after a waiting period of seven (7) days or more has expired.

14-1-3: ANIMALS; INJURY TO: It shall be unlawful for any person to kill or wound, or attempt to kill or wound, by use of a firearm, slingshot, bow and arrow or otherwise, any animal other than vermin or an animal which is causing immanent danger to the health of a person or of property.

14-1-4: APPROPRIATION OF LOST OR MISDELIVERED PROPERTY: It shall be unlawful for any person to appropriate lost or misdelivered property if a person obtains or exerts control over the property of another which the actor knows to have been lost or mislaid, or the have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, and the actor fails to take reasonable measures to discover and notify the owner.

As used in this section, 'reasonable measures' includes but is not necessarily limited to notifying the identified owner or any peace officer.

14-1-5: DAMAGE TO MUNICIPAL PROPERTY: It shall be unlawful for any person to negligently or willfully injure, destroy or deface any building, vehicle, equipment, bridge crossings, sidewalks, lamp, lamppost or the property of the municipality.

14-1-6: DEFACING NOTICES: It shall be unlawful for any person to willfully and maliciously tear down, mutilate or deface or render in part or in whole illegible any poster, notice or handbill lawfully posted in the municipality.

14-1-7: DESTRUCTION OF PROPERTY: It shall be unlawful for any person to intentionally damage the property of another.

In any prosecution for destruction of property, it is an affirmative defense that the actor reasonably believed that he had a lawful right to damage such property.

14-1-8: EXTORTION: It shall be unlawful for any person to intentionally obtain property or services of another by threat.

In any prosecution under this section based on a threat to accuse any person of a crime or to cause criminal charges to be instituted against any person, it is an affirmative defense that the actor reasonably believed the threatened criminal charge to be true, and that his sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

14-1-9: INOPERABLE VEHICLES: It shall be unlawful for any person to leave any partially dismantled, non-operative, wrecked or junked vehicle on any street or highway in the municipality.

a. All persons are required to dispose of any inoperable motor vehicles as defined in this Article under their control upon written notice received from the corporate authorities or from the Chief of Police or any member of his department designated by him commanding such disposition of said inoperable motor vehicle.

b. The Chief of Police or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the municipality which reasonably appears to be lost, stolen or unclaimed, or which is an inoperable vehicle as defined herein. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with state statutes.

14-1-10: RECEIVING STOLEN PROPERTY: It shall be unlawful for any person to receive stolen property if a person knowingly receives, retains, or disposes of property.

The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of receiving stolen property.

14-1-11: RECKLESS BURNING: It shall be unlawful for any person to intentionally cause a fire or explosion and thereby recklessly place property of another in danger

14-1-12: THEFT:

a. Definitions. For purposes of this section the following terms, phrases, words and their derivations shall have the meaning given therein. When not inconsistent within the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory. To the extent a word is not defined in this ordinance, the meanings attached to those words as defined in 720 ILCS 5/16A shall apply. Other words not defined in this ordinance or in the above-referenced statute shall be given their plain and ordinary meaning.

Juvenile shall mean any unemancipated person seventeen (17) years of age or younger.

Parent shall mean any person having legal custody of a juvenile (i) as a natural or adoptive parent (ii) as a legal guardian (iii) as a person who stands in loco parentis, or, (iv) as a person to whom legal custody has been given by court order.

Person shall mean *juveniles* and those who are not juveniles.

Property shall mean any tangible or intangible item or object.

Merchandise shall mean property offered for sale.

b. Theft from Person or Property. A person commits a theft when he knowingly: (1) obtains or exerts unauthorized control over property of another person which is valued at less than $300.00; or (2) obtains or exerts control of property of an other person by deception which is valued at less than $300.00; or (3) obtains or exerts control of property of another person by threat which is valued at less than 300.00; or (4) obtains control of stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe that the property was stolen.

c. Theft of Lost or Mislaid Property. A person who obtains control over lost or mislaid property commits theft when he: (1) knows the identity of the owner or knows or learns a reasonable method of identifying the owner; (2) fails to take reasonable measures to restore the property to the owner; and, (3) intends to deprive the owner of the use or benefit of the property.

d. Retail Theft. A person commits the offense of retail theft when he knowingly commits one or more of the following acts and the property valued at one hundred fifty dollars ($150.00) or less:

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

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

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

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

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

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

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

e. Parental Responsibility. It shall be unlawful for any parent of a juvenile that resides in the same home as that juvenile to allow him/her to knowingly possess stolen property. A parent shall be deemed to know that a juvenile possesses stolen property when: (1) a reasonable person would be induced to believe that the property in the juvenile's possession was obtained in violation of this ordinance; or (2) a parent fails to take reasonable steps to inquire as to the legality of the juvenile's possession of the property; and, in addition to either of the above, (3) fails to take reasonable measures to restore the property to its proper owner.

f. Penalty. Any person found to be in violation of this section shall be fined no less than $100.00 or the value of the stolen property or merchandise, whichever is greater. Each act or individual piece of property stolen shall constitute a separate offense. When deciding the amount of the fine, the hearing officer may consider prior violations for similar conduct.

g. Administrative Adjudication. Violations of this section shall be administered, processed and enforced through and in accordance with Chapter 15, Miscellaneous Regulations, Article 8, Administrative Adjudication of Non-Vehicular Regulations Violations.

14-1-13: CRIMINAL TRESPASS: It shall be unlawful for any person to knowingly enter or remain unlawfully in or upon the premises of another. Any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses, and appropriate action may be taken to prevent or suppress any violation of this section, the aforesaid enumerated acts so included, being as follows, to-wit:

a. An entry upon the premises, or any part thereof, of another, including any public property, in violation of a notice posted or exhibited at said premises, or at any point of a approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof.

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

c. A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof.

d. An entry into or upon any vehicle, aircraft or water craft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

In any prosecution under this section, it is an affirmative defense that the actor reasonably believed that:

1. the premises involved at the time were open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining on the premises; or

2. the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

14-1-14: UNAUTHORIZED USE OF MOTOR VEHICLES: It shall be unlawful for any person to:

a. take, operate, or exercise control over a motor vehicle of which the actor does not have the consent of the owner to so act;

b. ride in a vehicle which the actor knows has been unlawfully obtained;

c. have custody of a motor vehicle pursuant to an agreement between himself or another and the owner thereof whereby he or another is to perform for compensation a specific service for the owner, involving the maintenance, repair or use or storage of such vehicle, he intentionally uses or operates the same, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose.

14-1-15: REPEALED

14-1-16: LIABILITY OF PARENT OR LEGAL GUARDIAN OF MINOR OFFENDER: The parent or legal guardian of a minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of this article, provided that said minor has not paid said fine or made restitution or reparation within the time ordered by the court, and further provided that said parent or legal guardian has been served with summons or notice to appear in the original cause and all proceedings thereafter as provided by law.

14-1-17: DEFACEMENT:

a. *Definitions*: For purposes of this section, *deface* or *defacement* means defacing, altering, deforming, or otherwise damaging by any means including, without limitation, paint, ink, or etching.

b. *Defacement Unlawful*. It shall be unlawful for any person to knowingly deface public or private property of another without consent.

c. *Possession.* It shall be unlawful for any person to knowingly possess spray paint containers, paint, ink, marking pens, brushes, applicators, etching tools or other materials capable of defacement with the intent to violate any provision of this section.

d. *Sale.* It shall be unlawful for any person to sell any item or material capable of defacing property if that person knows or should know the item or material will be used to violate any provision of this section.

e. *Penalty.* Any person or entity found to be in violation of this section shall be fined not less than $100 nor more than $1,000 for each offense.

f. *Liability.* Any person found to be in violation shall be assessed, in add any penalty, the costs to clean, repair or place property defaced to its prior condition.

14-1-18: REPEALED

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(IV) shall not revoke a conditional discharge for failure to comply with conditions of a sentence which imposes financial obligations upon the offender unless such failure is due to his willful refusal to pay;

(V) may modify the conditions of a conditional discharge on motion of the Village or on its own motion or at the request of the offender after notice to all parties and a hearing.

5. If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue the offender on the existing period. with or without modifying or enlarging the conditions, or may impose any other penalty that was available at the time of the initial penalty;

6. A judgment revoking probation or conditional discharge is a final appealable order.

14-1-16: LIABILITY OF PARENT OR LEGAL GUARDIAN OF MINOR OFFENDER: The parent or legal guardian of a minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of this article, provided that said minor has not paid said fine or made restitution or reparation within the time ordered by the court, and further provided that said parent or legal guardian has been served with summons or notice to appear in the original cause and all proceedings thereafter as provided by law.

14-1-17: DEFACEMENT:

a. *Definitions*: For purposes of this section, *deface* or *defacement* means defacing, altering, deforming, or otherwise damaging by any means including, without limitation, paint, ink, or etching.

b. *Defacement Unlawful*. It shall be unlawful for any person to knowingly deface public or private property of another without consent.

c. *Possession*. It shall be unlawful for any person to knowingly possess spray paint containers, paint, ink, marking pens, brushes, applicators, etching tools or other materials capable of defacement with the intent to violate any provision of this section.

d. *Sale.* It shall be unlawful for any person to sell any item or material capable of defacing property if that person knows or should know the item or material will be used to violate any provision of this section.

e. *Penalty.* Any person or entity found to be in violation of this section shall be fined not less than $100 nor more than $1,000 for each offense.

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Liability. Any person found to be in violation shall be assessed, in addition to any penalty, the costs to clean, repair or place property defaced to its prior condition.

14-1-18: REPEALED

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CHAPTER 14

GENERAL OFFENSES

ARTICLE 2. OFFENSES AGAINST PERSONS

SECTION

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14-2-1: DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of this Article:

a. 'Deviate Sexual Conduct' shall have the meaning given it by definition contained in Section 11-2, Chapter 38, Illinois Revised Statutes, 1981.

b. 'Harmful Material' shall mean that material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, and is material the redeeming social importance of which is substantially less than its prurient appeal.

c. 'Material' shall mean any writing, picture, record or other representation of embodiment.

d. 'Distribute' means to transfer possession of, whether with or without consideration.

e. 'Knowingly' shall mean having knowledge of the content of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereon.

f. 'Intent to Defraud' shall mean the use of deception with the intention to injure another's interest which has economic value.

g. 'Lewd Act' shall mean:

1. an exposure of one's genitals or female breasts;

2. the touching, caressing or fondling of the genitals or female breasts;

3. sexual intercourse;

4. masturbation;

5. urination or defecation in a place other the a toilet or urinal.

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

i. 'Public Place' shall mean any place where the conduct may reasonably be expected to be viewed by others.

14-2-2: ASSAULT: It shall be unlawful for any person to commit an assault within the municipality.

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

14-2-3: ASSAULT; AGGRAVATED: It shall be unlawful for any person to commit an aggravated assault within the municipality.

A person commits an aggravated assault when, in committing an assault, he:

a. uses a deadly weapon;

b. is hooded, robed or masked, in such manner as to conceal his identity;

c. knows the individual assaulted to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or in any part of a building used for school purposes;

d. knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district, and such supervisor, director, instructor or other employee is upon the grounds of the park, municipal grounds or property, or grounds adjacent thereto, or is in any part of a building used for park purposes;

e. knows the individual assaulted to be a caseworker, investigator, or other person employed by the State Department of Public Aid or a County Department of Public Aid, and such caseworker, investigator or other person is upon the grounds of a Public Aid office or grounds adjacent thereto, or is in any part of a building used for Public Aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated in the employees' discharge of his duties, or on grounds adjacent thereto, or is in any part of the building in which the applicant, recipient, or other such person resides or is located;

f. knows the individual assaulted to be a peace officer, or a person summoned and directed by him, or a correctional officer, while such officer is engaged in the execution of his official duties;

g. knows the individual assaulted to be a fireman engaged in the execution of any of his official duties;

h. knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or

system engaged in the business of transportation of the public for hire, and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

i. is, or the individual assaulted is, on or about a public way, public property, or public place of accommodation or amusement;

j. knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein, or a political subdivision thereof, engaged in the performance of his authorized duties as such employee.

14-2-4: BATTERY: It shall be unlawful for any person to commit a battery within the municipality.

A person commits a battery if he intentionally or knowingly without legal justification and by any means:

a. causes bodily harm to an individual;

b. makes physical contact of an insulting or provoking nature with an individual.

14-2-5: BATTERY; AGGRAVATED: It shall be unlawful for any person to commit an aggravated battery within the municipality.

A person who, in committing a battery, intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

A person commits an aggravated battery when, in committing a battery, he:

a. uses a deadly weapon;

b. is hooded, robed or masked, in such manner as to conceal his identity;

c. knows the individual harmed to be a teacher or other person employed in any school, and such teacher or employee is upon the grounds of a school or grounds adjacent thereto, or in any part of a building used for school purposes;

d. knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district, and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

e. knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public or a County Department of Public Aid, and such caseworker, investigator or other person is upon the grounds of a Public Aid office or grounds adjacent thereto, or is in any part of a building used for Public Aid purposes, or upon the grounds of a home of a public aid applicant, recipient or any other person being interviewed or investigated int he employees discharge of his duties, or on grounds adjacent thereto, or is in any part of the building in which the applicant, recipient, or other such person resides or is located;

f. knows the individual harmed to be a peace officer, or a person summoned and directed by him, or a correctional officer, while such officer is engaged in the execution of any of his official duties, including arrest or attempted arrest;

g. knows the individual harmed to be a fireman engaged in the execution of any of his official duties;

h. is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;

i. knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation facility or system engaged in the business of transportation of the public for hire, and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location commits aggravated battery;

j. administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic or anesthetic substance commits aggravated battery.

14-2-6: BEGGING: It shall be unlawful for any person to meander abroad and beg or go from door to door or place themselves in the streets or other public places to beg or receive alms.

14-2-7: CREATING ODORS: It shall be unlawful for any person to conduct any business or use any premises so as to create an offensive smell or an odor that may taint the air and render it unwholesome or disagreeable to any reasonable person, or to the public, or to cause or tend to cause injury or damage to persons, property or business.

14-2-8: CRIMINAL HOUSING MANAGEMENT: It shall be unlawful for any person to commit the offense of criminal housing management within the municipality.

A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner of residential real estate or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any inhabitant is endangered.

14-2-9: CRIMINAL IMPERSONATION: It shall be unlawful for any person to:

a. assume a false identity and do an act in his assumed character with the intent to defraud another;

b. pretend to be a representative of some person or organization and do an act in his pretended capacity with the intent to defraud another;

14-2-10: EXPECTORATING ON SIDEWALK OR IN PUBLIC PLACES: It shall be unlawful for any person to expectorate or spit upon any sidewalk or within any building or room to which the public is invited except for the wash basins and toilets therein.

14-2-11: GAMBLING:

(a) *Definitions*. The following words, terms, phrases and their derivations, when used in this section, shall have the meanings ascribed herein, except where the context clearly indicates a different meaning:

Board means the Illinois Gaming Board.

Commercial Motor Vehicles means as defined in Section 18b-101 of the Illinois Vehicle Code, 625 ILCS 5/18b-101.

Gambling means: (i) the playing of a game of chance or skill for money or other thing of value including but not limited to baccarat, twenty-one, poker, craps, slot machines, a video game of chance, roulette, klondike, punchboard, faro, keno, numbers ticket, push card, jar jacket, pull tab, bingo, lotteries, and raffles; (ii) wagering on the result of any game, contest, event or any political nomination, appointment or election; (iii) the playing of use of any gambling device or the operation, keeping, owning, use, purchase, exhibition, rental, sale, or bargain for the sale or lease of any gambling device; (iv) the ownership or possession of any books, instruments or apparatus by means of which bets or wagers have been recorded or registered; (v) sale of pools upon the result of any game or contest of skill or chance, political nominations, appointments or elections; (vi) the setting up or promotion of any lottery or the sale, or offering for sale, or to knowingly possess or transfer any

policy ticket or similar device; (vii) the setting up or promotion of any policy game or sells, offers to sell or possesses or transfers any policy ticket, slip, record, document or other similar device; (viii) the drafting, printing or publishing of any lottery ticket, share, policy ticket or similar device; (ix) advertises any means of gambling; or (x) the transmittal of information as to wagers, betting odds or chances by telephone, telegraph, radio, semaphore or similar means, or the knowing installation of equipment for the transmission or receipt of such information except that nothing herein shall prohibit the transmission or receipt of such information for the use of news reporting of sporting events or contests.

Gambling Device means any clock, tape machine, video machine, video gaming terminal, slot machine, mechanism, table, furniture, fixture, equipment, instrument or other thing used for the reception of money or other thing of value on chance or skill or upon which the action of money or other thing of value is staked, hazarded, bet, won or lost, or which is primarily for use for gambling. A *gambling device* shall not include: (i) a coin operated mechanical device played for amusement which awards the player with the right to replay such mechanical device and is so constructed or devised as to make the result for the operation thereof depend, in part, upon the skill of the player and which does not return to the player money, property or right to receive money or property; or, (ii) vending machines by which full and adequate return is made for the money invested and there is no element of chance or hazard.

Licensed Establishment means any licensed retail establishment where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises and includes any such establishment that has a contractual relationship with an inter-track wagering location licensee under the Illinois Horse Racing Act of 1975, provided any contractual relationship shall not include any transfer or offer of revenue from the operation of video gaming under the Video Gaming Act, 230 ILCS 40/1, *et seq.*, to any licensee licensed under the Illinois Horse Racing Act of 1975. Provided, however, that the licensed establishment that has such a contractual relationship with an inter-track wagering location licensee may not, itself, be: (i) an inter-track wagering location licensee; (ii) the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975; or (iii) the corporate subsidiary of a corporation that is also the corporate parent or subsidiary of any licensee licensed under the Illinois Horse Racing Act of 1975. Licensed establishment does not include a facility operated by an organization licensee, an inter-track wagering licensee, or an inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 or a riverboat licensed under the Riverboat Gambling Act, except as provided in this paragraph.

Licensed Fraternal Establishment means the location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

Licensed Veterans Establishment means the location where a qualified veteran's organization that derives its charter from a national veteran's organization regularly meets.

Licensed Truck Stop Establishment means a facility: (i) that is at least a 3-acre facility with a convenience store; (ii) with separate diesel islands for fueling commercial motor vehicles; (iii) that sells at retail more than 10,000 gallons of diesel or biodiesel fuel per month; and (iv) with parking spaces for commercial motor vehicles. The requirement of item (iii) of this paragraph may be met by showing that estimated future sales or past sales average at least 10,000 gallons per month.

Lottery means 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 means any scheme or procedure whereby a person promises or guarantees by an 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.

Video Gaming Terminal means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Board utilizing a video display and microprocessors in which the play may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

(b) *Gambling Prohibited.* Except as otherwise excepted, it shall be unlawful for any person to gamble within the corporate limits of the village, or for any person or entity which owns, occupies or controls any property or establishment within the village, to knowingly permit others to gamble on the premises.

(c) *Exceptions.* Nothing in this section shall be deemed to prohibit or make unlawful the following activities or forms of gambling: (i) the keeping, possession, ownership, use or playing of a video gaming terminal in a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment, which is licensed by the Board to conduct or allow such specific activities under the Video Gaming Act, 230 ILCS 40/1, *et seq.*, and as licensed under § 11-1-21 of this Code; (ii) a licensee, licensed by the village to conduct a raffle in

accordance with the Raffles Act, 230 ILCS 15/0.01, *et seq.*; (iii) a licensee, licensed by the Illinois Department of Revenue, to conduct or allow bingo play in accordance with the Bingo License and Tax Act, 230 ILCS 25/1, *et. seq.*; or a licensee, licensed by the Illinois Department of Revenue, to conduct or allow gambling in accordance with the Charitable Games Act, 230 ILCS 30/1, *et seq.*

(d) *Licensed Establishments*. Any business, liquor or food licensee within the corporate limits of the village that allows gambling to occur on premises in violation of this section shall be subject to having his/her/its license immediately revoked for a period of sixty (60) days. Any business, liquor or food licensee within the corporate limits of the village that allows gambling to occur on premises in violation of this section a second time shall have his/her/its license permanently revoked and, thereafter, barred from obtaining any business, liquor or food license within the village.

(e) *Seizure of Unauthorized Gambling Devices and Gambling Funds*. Any gambling device which is not authorized by this section shall be subject to immediate seizure and confiscation by the village. Any money or other thing of value intrinsically related to acts of gambling not authorized by this section shall be seized and forfeited as contraband. Disposition of such gambling devices and funds seized or confiscated shall be made in accordance with the law.

(f) Penalty. Any person found to be in violation of this section shall be fined not less than $750.00 nor more than $2,500.00 for each offense. Each violation of this section, or day said violation is permitted to continue, shall constitute a separate offense.

14-2-12: REPEALED

14-2-13: REPEALED

14-2-14: REPEALED

14-2-15: REPEALED

14-2-16: HARMFUL MATERIAL; ELEMENTS OF THE OFFENSE: It shall be unlawful for any person with knowledge that a person is under eighteen (18) years of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly to distribute to or send, or cause to be sent to, or exhibit to, or offer to distribute or exhibit, any harmful material to such person.

14-2-17: HARMFUL MATERIAL; INTERPRETATION OF EVIDENCE: The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited, unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

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

14-2-18: HARMFUL MATERIAL; AFFIRMATIVE DEFENSES:

a. Nothing in this section shall prohibit any public library, or any library operated by an accredited institution of higher education, from circulating harmful material to any person under eighteen (18) years of age; provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this section that the act charged was committed in aid of legitimate scientific or educational purposes.

b. Nothing in this section shall prohibit any parent from distributing to his child any harmful material.

c. Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child, shall be a defense to any criminal prosecution under this section: a document issued by the federal government, or any state, county or municipal government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces.

d. In the event an advertisement of harmful material as defined in this Article culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents, as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication, and delivery of such harmful material to the child was by mail, freight or similar means of transport, it shall be a defense in any prosecution for a violation of this section that the advertisement contained a statement that the defendant required the purchaser to certify that he was not under eighteen (18) years of age.

14-2-19: HARMFUL MATERIAL; CHILD FALSIFYING AGE: It shall be unlawful for any person under eighteen (18) years of age who falsely states, either orally or in writing, that he is not under the age of eighteen (18) years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material.

14-2-20: IMPERSONATING AND INTERFERING WITH MUNICIPAL OFFICERS: It shall be unlawful for any person to falsely represent himself to be an officer of the municipality or shall, without being duly authorized, exercise or attempt to exercise any of the duties, functions or powers of a municipal officer, or shall hinder, obstruct, resist or otherwise interfere with any municipal officer in the discharge of his official duties.

14-2-21: IMPERSONATING OPPOSITE SEX: It shall be unlawful for any person of one sex to be upon the public streets or in any public place dressed in the clothing of and impersonating the opposite sex. Such violation shall not occur when the impersonation is part of a theatrical presentation.

4-2-22: INDECENT EXHIBITION OF ANIMALS: It shall be unlawful for any person to instigate, cause or procure, or in any manner assist in, any indecent exhibition of any animal or shall exhibit or perform any indecent, immoral or lewd play or show or representation of any kind.

14-2-23: LEWD CONDUCT: It shall be unlawful for any person to intentionally perform any lewd act in a public place or at a place and under circumstances which such act could be observed by any member of the public.

The owner, manager or operator of premises open to the public is guilty of permitting lewd conduct if he intentionally permits or causes any lewd act on said premises.

14-2-24: REPEALED
14-2-25: REPEALED

14-2-26: NUDITY; INDECENT DRESS OR EXPOSURE: It shall be unlawful for any person, for the purpose of bathing or otherwise, to appear in any public place in a state of nudity, or in any indecent and lewd dress or to make any indecent exposure of his or her person.

14-2-27: OBSCENITY; ELEMENTS OF THE OFFENSE: It shall be unlawful for any person with knowledge of the nature and content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, to:

a. sell, deliver or provide, or offer or agree to sell, deliver or provide, any obscene writing, picture, record or other representation or embodiment of the obscene;

b. present or direct an obscene play, dance or other performance or participate directly in the portion thereof which makes it obscene;

c. public, exhibit or otherwise make available anything obscene;

d. perform an obscene act or otherwise present an obscene exhibition of his body for gain;

e. create, buy, procure or possess obscene matter or material with intent to disseminate it in violation of this section, or of the penal laws or regulations or any other jurisdiction;

f. advertise or otherwise promote the sale of material represented or held out by him to be obscene, whether or not it is obscene.

14-2-28: OBSCENITY; INTERPRETATION OF EVIDENCE: Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sale 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 utterly without redeeming social importance.

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.

14-2-29: OBSCENITY; 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 (3) copies of obscene material shall be prima facie evidence of an intent to disseminate.

14-2-30: OBSCENITY; AFFIRMATIVE DEFENSE: It shall be an affirmative defense to obscenity that the dissemination:

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

b. was to institutions or individuals having scientific or other special justification for possession of such material.

14-2-31: POLLUTION: It shall be unlawful for any person to cause or permit the discharge, emission, escape or release into the atmosphere from any source such quantities of soot, fly ash, dust, cinders, dirt, oxides, gases, vapors, odors, toxic or radioactive substances, waste or other solid, liquid or gaseous matter in such quantities and in such place or manner as to endanger the health, comfort or safety of any person or of the public or in any such manner as to cause or tend to cause injury or damage to property or business.

Except as herein provided, It shall be unlawful for any person to cause or permit the emission of any smoke consisting of small gasborne particles other than water, from any source whatever, or a density, shade, or opacity equal to or greater than described as

No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines. A copy of the Ringelmann Chart is on file with the municipality.

During any eight (8) hour period, smoke having a density, shade or opacity equal to but not greater than Ringelmann No. 3 shall be permitted for a total time of no greater than two (2) minutes.

14-2-32: PROSTITUTION: It shall be unlawful for any person to commit prostitution within the municipality.

Any person who performs, offers or agrees to perform any of the following acts for money, or other valuable consideration commits an act of prostitution:

a. any act of sexual intercourse;

b. any act of deviate sexual conduct.

14-2-33: PROSTITUTION; SOLICITING FOR: It shall be unlawful for any person to solicit for a prostitute within the municipality.

Any person who performs any of the following acts commits soliciting for a prostitute:

a. solicits another for the purpose of prostitution;

b. arranges or offers to arrange a meting of persons for the purpose of prostitution;

c. directs another to a place knowing such direction is for the purpose of prostitution.

14-2-34: PROSTITUTION; KEEPING A PLACE OF: It shall be unlawful for any person to keep a place of prostitution within the municipality.

Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution, who performs any of the following acts keeps a place of prostitution:

a. knowingly grants or permits the use of such place for the purpose of prostitution;

b. grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution;

c. permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

14-2-35: PROSTITUTION; PATRONIZING: It shall be unlawful for any person to patronize a prostitute within the municipality.

Any person who performs any of the following acts with a person not his spouse commits the offense of patronizing a prostitute:

a. engages in an act of sexual intercourse or deviate sexual conduct with a prostitute;

b. enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.

14-2-36: PUBLIC INDECENCY:. It shall be unlawful for any person to commit a public indecency if they knowingly or intentionally, in a public place:

a. engage in sexual intercourse;

b. engage in deviate sexual conduct;

c. appear in a state of nudity;

d. fondles the genitals of himself or another person

DEFINITIONS

a) *Nudity* - Nudity means the showing of the human male or female genitals, pubic area, female breast with less than a full opaque covering of any part of the nipple, the covered male genitals in a discernibly turgid state or that portion of the buttocks which would be covered by a properly worn 'thong' type bikini bottom.

Public Place - Public Place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments, (whether for profit or not for profit and whether to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by religious, social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public place shall not include enclosed single sex public rest rooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches,

ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by: (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation ; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or an accredited private college.

c. A person convicted of the offense of public indecency shall be fined not less than $500 for each offense and may be enjoined from continuing the conduct determined to be public indecency.

d. That a person who knowingly or intentionally encourages or facilitates another person's commission of the offense of public indecency shall be deemed to have committed a public nuisance.

e. This Ordinance is patterned after and shall be interpreted in the same manner as the Indiana Public Indecency Statute upheld by the United States Supreme Court in Barnes v. Glen Theatre, Inc., 501 U.S. 560, 111 S. Ct. 2456 (1991).

f. The definition of Public Place set forth above shall be interpreted to be no more broad than the definition of Public Place set forth in 720 ILCS 5/11-9 (formerly Ill. Rev. Stat., ch. 38, ¶11-9) as upheld by the Illinois Supreme Court in People v. Garrison, 82 Ill. 2d 444, N.E .2d 483 (1980).

CHAPTER 14

GENERAL OFFENSES

ARTICLE 3. OFFENSES AGAINST PUBLIC ORDER

SECTION

14-3-1: Breach of the Peace
14-3-2: Discharge and Possession of Air Rifles, Air Guns, Spring Guns and Similar Objects
14-3-3: Discharge of Firearms
14-3-4: Disorderly Conduct
14-3-5: Disturbing the Peace
14-3-6: Disturbing Schools, Assemblies
14-3-7: Drunk and Disorderly Conduct
14-3-8: False Alarms and Calls
14-3-9: Fighting
14-3-10: Loitering; Definition
14-3-11: Loitering
14-3-12: Loitering; Police Order to Disperse
14-3-13: Nuisances; Definition - Prohibition
14-3-14: Nuisances; Non-Summary Abatement - Notice
14-3-15: Nuisances; Non-Summary Abatement
14-3-16: Nuisances; Summary Abatement
14-3-17: Passing Fire or Police Lines
14-3-18: Prisoners
14-3-19: Unlawful Use of Weapons
14-3-20: Possession and Sale of Fireworks Prohibited
14-3-21: Fireworks, Firearms and Other Devices Prohibited at Toyota Park

14-3-1: BREACH OF THE PEACE: It shall be unlawful for any person to provoke a breach of the peace or use any violent, threatening, profane or indecent language to the disturbance of any person, or to use any threatening, reproaching or abusive language to or concerning any person tending to provoke a breach of the peace.

14-3-2: DISCHARGE AND POSSESSION OF AIR RIFLES, AIR GUNS, SPRING GUNS AND SIMILAR OBJECTS: It shall be unlawful for any person to fire or discharge on any street, public parkway, public alley or other public place or way within the municipality, or out of doors of any place within the municipality within one thousand ($1,000) feet of any such public way, any air rifle, air gun or air pistol, spring gun or spring pistol or other device, which is calculated or intended to propel or project a bullet, pellet, arrow or similar projectile.

a. It shall be unlawful for any person to possess or have an air rifle under his supervision and control while in or upon a motor vehicle within the municipality.

b. The term 'air rifle' means and includes an 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 or property damage.

Weapons used in violation of this section shall be forfeited to and confiscated by the municipality.

14-3-3: DISCHARGE OF FIREARMS: It shall be unlawful for any person except a peace officer or any officer of any court whose duty it may be to serve warrants or make arrests, to fire or discharge any gun, pistol, fowling piece or other firearm, within the corporate limits of the municipality, except within a totally enclosed building licensed by the municipality to permit the discharge of firearms therein.

14-3-4: DISORDERLY CONDUCT

a. It shall be unlawful for any person to act disorderly in public or on any private property.

b. A person acts disorderly when he knowingly:

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

(ii) Transmits or causes to be transmitted in any manner to the fire department of any city, town village or fire protection district a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that the fire exists;

(iii) 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 a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place,'

(iv) Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;

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

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

(vii) 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;

(viii) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;

(ix) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2014, or the ID/DD Community Care Act;

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

(xi) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended;

(xii) 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

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

c. *Penalty.* Any person found to be in violation of this section shall be fined not less than $100 nor more than $1,000 for each offense.

14-3-5: DISTURBING THE PEACE: It shall be unlawful for any person willfully, maliciously, intentionally or unnecessarily to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, swear or utter any obscene or vulgar or indecent language in the presence of another.

14-3-6: DISTURBING SCHOOLS, ASSEMBLIES: It shall be unlawful for any person to willfully interrupt or disturb any school or other assembly of people met for a lawful purpose, and no person shall, by menace, profane swearing, vulgar language or any disorderly or unusual conduct, interrupt or disturb an assembly of people met for the worship of God.

A person is guilty of disruption of school activities if he comes into or remains in any school building, classroom, or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful reason, and intentionally causes substantial disruption of the activities of the school.

14-3-7: DRUNK AND DISORDERLY CONDUCT: It shall be unlawful for any person to:

a. be drunk or be in a state of intoxication in any street, avenue or public place or in any private house or place to the disturbance of any person;

b. to drink any alcoholic liquor as defined by law on any public way or in or about any motor vehicle upon a public way in the municipality;

c. to transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle except in the original package and with the seal unbroken.

14-3-8: FALSE ALARMS AND CALLS: It shall be unlawful for any person to willfully make or send in any alarm or call for emergency fire, police or ambulance service unless there is sufficient cause therefor.

14-3-9: FIGHTING: It shall be unlawful for any person to instigate, cause or procure any dog fight, prize fight, cock fight or any public or private fighting.

14-3-10: LOITERING; DEFINITIONS: As used in this Article:

a. 'Loitering' shall mean remaining idle in essentially one (1) location, and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expressing 'hanging around.'

b. 'Public Place' shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds, areas or parks.

14-3-11: LOITERING: It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, either alone and/or in consort with others, in a public place in such manner so as to:

a. obstruct any public street, public highway, public sidewalk, public parking lot, or any other public place or building by hindering or impending or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

b. commit in or upon any public street, public highway, public sidewalk, public parking lot, or any other public place or building any act or thing which is an obstruction or interference to the free and interrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, public parking lot, or any other public place or building, all of which prevents the free an uninterrupted ingress, egress, and regress therein, thereon and thereto.

14-3-12: LOITERING; POLICE ORDER TO DISPERSE: When any person causes or commits any of the conditions enumerated in Section 14-3-11, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall violate this Article.

14-3-13: NUISANCES; DEFINITION - PROHIBITION: The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the municipality, are hereby declared to be unlawful and prohibited:

a. Any act or offense which is a nuisance according to the Common Law of the State of Illinois, or declared or defined to be a nuisance by the ordinances of the municipality. In addition, the officials of the municipality shall be authorized to abate any nuisance which, while not specifically defined within this Article, shall constitute the unreasonable, unwarrantable, or unlawful use by person of property, real or personal, or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature.

b. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited, or to remain in any place under his ownership or control to the prejudice of others.

c. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

d. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

e. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

f. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

g. To advertise wares or occupation by painting notices of the same on, or affixing them to fences, walls, windows, building exteriors, utility poles, or on hydrants, other public or private property, or on rocks or other natural objects, without the consent of the owner, of if in the highway or other public place, without permission of the property authorities.

h. To harass, intimidate or threaten any person who is about to sell or lease, or has sold or leased, a residence or other real property or is about to buy or lease, or has bought or leased, a residence or other real property, when the harassment, intimidation or threat relates to a person's attempt to sell, buy or lease a residence or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

i. To dump, abandon, deposit, dismantle or burn upon any public property or right-of-way, highway, park, street or parkway anywhere in the municipality any trash, garbage, ashes, junk, junked or wrecked motor vehicles or parts thereof, or miscellaneous waste.

j. To store, keep, or maintain outside of a closed building, any junk, parts, machinery or equipment not in an operable condition, or motor vehicle not in an operable condition, where such inoperable motor vehicle is an actual danger or detriment to life, safety, health or peaceful enjoyment of the property of surrounding land owners; provided, however, that this provision shall not apply to a properly licensed junk yard or other permitted outdoor storage use which is in full compliance with all of the ordinances of the municipality governing the same.

k. To own, maintain or keep a dwelling unit unfit for human habitation, or dangerous or detrimental to life, safety or health because of lack of repair, defects in the plumbing system, lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.

l. To store or place any materials in a manner which may harbor rats.

m. To produce or permit to be produced, whether on public or private property, any offensive noise to the disturbance of the peace or quiet of any person residing in the vicinity.

14-3-14: NUISANCES; NON-SUMMARY ABATEMENT NOTICE: Any officer of the municipality possessing police powers may serve or cause to be served a notice, in writing, upon the owner, agent, occupant or person in possession, charge or control of any land, building or premises or item of personality in or upon which any nuisance may be found, or who may be the owner or cause of any nuisance, requiring them, or either or both of them, to abate the same within a specified reasonable time, in such manner as the notice shall direct.

14-3-15: NON-SUMMARY ABATEMENT: If the person so served and notified does not abate the nuisance within the specified reasonable time, the corporate authorities may proceed to abate the nuisance in any or all manner allowable by law; including, without limiting the generality thereof, the following:

a. seeking to impose a monetary penalty as defined by Section 1-1-11 of this Code by instituting an ordinance enforcement action;

b. seeking to enjoin the continuance of the nuisance by the filing of a lawsuit in a court of competent jurisdiction.

14-3-16: SUMMARY ABATEMENT: Whenever, in the opinion of an officer of the municipality possessing police powers, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to persons or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, such officer shall proceed to abate such nuisance; provided, further, that whenever the owner, occupant, agent or person in possession, charge or control of the real or personal property which has become a nuisance is unknown or cannot readily be found, the municipal officer with police power may proceed to abate such nuisance without notice. Where the abatement of nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably possible.

14-3-17: PASSING FIRE OR POLICE LINES: It shall be unlawful for any person to rescue or attempt to rescue any person from the custody of any municipal officer. No person shall aid, abet or encourage the rescue or escape from prison of any person legally committed thereto or shall supply, or attempt to supply, any such person with any weapon or intoxicating liquors or with any implement or means of escape while in prison or in the legal custody of any municipal officer.

14-3-19: UNLAWFUL USE OF WEAPONS: It shall be unlawful for any person to:

a. sell, manufacture, purchase, possess or carry any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife;

b. carry or possess with intent to use the same unlawfully against another a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or any other dangerous or deadly weapon or instrument of like character;

c. carry on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance;

d. carry concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, or other firearm;

e. set a spring gun;

f. possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

g. sell, manufacture, purchase, possess or carry any weapon from which more than eight (8) or more shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

h. carry or possess any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by the municipality or any public gathering at which an admissions charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted;

i. carry or possess in a vehicle or on or about his person any pistol, revolver or firearm when he is hooded, robed or masked in such a manner as to conceal his identity;

j. carry or possess in a vehicle or on or about his person within the corporate limits of the municipality, except when on his land or in his own abode or fixed place of business, any loaded pistol, revolver or other firearm.

14-3-20: POSSESSION AND SALE OF FIREWORKS PROHIBITED: It shall be unlawful for any person to possess, offer for sale, sell, use, or explode any fireworks without a permit issued from the Village. Fireworks shall mean any item as defined in the Fireworks Use Act (425 ILCS 35/0.01, *et seq.*) and includes, but is not limited to, blank cartridges, toy cannons, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or like devices containing any explosive substance.

14-3-21: FIREWORKS, FIREARMS AND OTHER DEVICES PROHIBITED AT TOYOTA PARK:

a. It shall be unlawful for any person to possess, sell or use any fireworks (as that term is defined in the Fireworks Regulation Act of Illinois), snake or glow worm pellets, smoke devices, smoke bombs, sparklers, party poppers, bobby traps, snappers, trick matches, cigarette loads, toy pistols, toy canes, toy guns, firearms (as that term is defined in the Firearm Owners Identification Card Act), or any item which exhibits a flame on the grounds of or in Toyota Park without a permit issued by the Village of Bridgeview.

b. Nothing shall prohibit the lighting of a cigarette or cigar in a smoking permitted area.

c. Nothing shall prohibit the possession of a firearm by a peace officer employed by the Village of Bridgeview.

CHAPTER 14

GENERAL OFFENSES

ARTICLE 4 MISCELLANEOUS OFFENSES

SECTION

14-4-1: Abandoned Refrigerators and Freezers
14-4-2: Admission Fees, Fraudulently Avoiding Payment of
14-4-3: Burning Leaves and Rubbish
14-4-4: Burning Refuse and Garbage
14-4-5: Curfew
14-4-6: Dangerous Sports
14-4-7: Prohibiting Smoking on Public Passenger Vehicles
14-4-8: Storage of Combustible Refuse
14-4-9: Prohibited Dumping
14-4-10: Permit Required for Dumping Clean Ground, Dirt or Fill
14-4-11: Sale of Spray Paint to Minors
14-4-12: Laser Pointers
14-4-13: Open Burning and Fires
14-4-14: Synthetic Cannabinoids and Synthetic Stimulants
14-4-15: Possession of Cannabis
14-4-16: Drug Paraphernalia
14-4-17: Truancy

14-4-1: ABANDONED REFRIGERATORS AND FREEZERS: It shall be unlawful for any person to permit or allow a discarded refrigerator or freezer or one not in use to remain in any place accessible to children unless the latching or locking mechanism on the door of the same has been removed, or unless the doors of the same are bolted and locked in such manner that it is impossible to open the same by the use of hands.

14-4-2: ADMISSION FEES, FRAUDULENTLY AVOIDING PAYMENT OF: It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theatre, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

14-4-3: BURNING LEAVES AND RUBBISH: It shall be unlawful for any person, firm or corporation to burn any leaves, paper or rubbish or any other substance upon any of the public streets, sidewalks, alleys or any other public place within the municipality.

14-4-4: BURNING REFUSE AND GARBAGE: It shall be unlawful to burn any garbage or refuse outside of any building at any time in the municipality.

14-4-5: CURFEW:

(a) *Definitions.* The following terms, phrases, words and their derivations shall have the meaning ascribed herein. When not inconsistent within the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

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

Establishment means any privately-owned place of business operated for a profit to which the public is invited.

Child means any person thirteen (13) years of age and younger.

Guardian means any person who, under a court order, is the guardian of the person, of the juvenile/child or any public or private agency with whom a juvenile/child has been placed by the court.

Juvenile means any person under the age of seventeen (17) years but older than thirteen (13) years of age.

Operator means any individual, firm, association, partnership, or corporation owning, operating, managing or conducting any establishment.

Parent means any person having legal custody of a juvenile/child (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in *loco parentis*, or (iv) as a person to whom legal custody has been given by court order.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas, shopping centers, private businesses, streets, and similar areas that are open to the use of the public.

Remain means to linger, stay, wander, be present at or plan in or upon.

(b) *Unlawful Conduct of Juveniles and Children.* It shall be unlawful for:

(i) any juvenile to remain in or upon any public place or any establishment between the hours of eleven o'clock (11:00) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of eleven (11:00) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. on any other day of the week.

(ii) for any child to remain in or upon any public place or any establishment between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. any day of the week.

(c) *Affirmative Defenses.* It is a defense to liability under this section that the juvenile or child was:

(i) Accompanied by his/her parent or guardian;

(ii) On an errand at the direction of the juvenile or child's parent or guardian without any detour or stopping;

(iii) In a motor vehicle involved in interstate travel;

(iv) Involved in any emergency;

(v) On the sidewalk abutting the juvenile or child's residence or abutting the residence of a next door neighbor and the adult owner or resident of that property has given permission for the juvenile or child to be there;

(vi) When the juvenile or child is married or has been married pursuant to state law;

(vii) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a unit of local government, local school, a civic organization, or another similar entity that takes responsibility for the juvenile or child, or going to or returning home from, without detour or stopping, any such activity; or,

(viii) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, speech, and the right of assembly, or going to or returning home from, without any detour or stopping, any such exercise.

(d) *Unlawful Conduct of Parent or Guardian.* It shall be unlawful for any parent or guardian to knowingly, or by insufficient control, allow his or juvenile or child to violate the provisions of this section. Notwithstanding the foregoing, it shall be an affirmative defense for the parent or guardian that the juvenile or child is not in violation of curfew hours by way of the affirmative defenses set forth herein.

(e) *Unlawful Conduct of an Operator*. It shall be unlawful for any operator of an establishment, or its agents or employees, to knowingly allow any juvenile or child to remain on the premises in violation of this section. It shall be an affirmative defense if the operator, its agents or employees, notifies the police department that a juvenile or child is present on the premises of the establishment in violation of the curfew hours and refuses to leave the establishment. It shall also be an affirmative defense for the operator, its agents or employees, that the juvenile or child is not in violation of the curfew hours by way of the affirmative defenses set forth herein.

(f) *Enforcement.* The following shall govern the duties of a police officer suspecting a violation of this section:

(i) Inquiry and Assessment: A police officer, upon discovering any juvenile or child being unattended by an adult in a public place or an establishment past curfew, shall: inquire of the juvenile or child his/her age, place of residence and telephone number; inquire as to why the juvenile or child is out past curfew; assess whether the activity the juvenile or child is engaged in is/was protected under this section; and, assess whether such an affirmative defense is reasonable given the surrounding circumstances such as time elapsed from beginning or end of said activity allowing the juvenile or child a reasonable amount of time to go to or return from such activity.

(ii) *Processing:* After a police officer determines that a juvenile or child is in violation of the provisions of this section and, that no affirmative defense applies, he shall: warn the juvenile or child to comply with the provisions of section and to desist from any further curfew violations; return the juvenile or child to his/her home, or detain the juvenile or child until the parent or guardian take custody; and, cause a written notice of violation of this section to be mailed or delivered to the parent or guardian of the juvenile/child.

(iii) Citations: Any police officer may issue citations for violations of this section.

(g) *Penalties* The following penalties for violating this section shall apply as follows:

(i) Any juvenile or child, after having been issued a warning for a previous violation of this section, shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each violation.

(ii) Any parent or guardian that violates the provisions of this section, after having received a notice of prior violation, shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each violation.

(iii) Any operator of an establishment and any of its agents or employees that violate the provisions of this section shall be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) for each violation.

(iv) Each violation of the provisions of this section shall constitute a separate offense.

14-4-6: DANGEROUS SPORTS: It shall be unlawful to throw, kick or knock any ball, stones or other hard substances, or play ball or engage in any sport or exercise upon any public street or place so as to endanger persons or property, obstruct or impede traffic, or endanger the comfort, convenience, health or safety of others within the municipality.

14-4-7: PROHIBITING SMOKING ON PUBLIC PASSENGER VEHICLES: It shall be unlawful for any person to smoke or carry a lighted cigarette, cigar or pipe on a bus or other public passenger vehicles having a capacity of more than seven (7) passengers within the limits of the municipality. An person violating this section shall be fined not more than Twenty Five ($25.00) dollars for each offense.

14-4-8: STORAGE OF COMBUSTIBLE REFUSE: It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard.

14-4-9: PROHIBITED DUMPING: It shall be unlawful for any person to dump or deposit anywhere within the Village any ground, dirt or fill containing offensive matter or substance, garbage, ashes, miscellaneous waste, manure or other substance that may contain disease, germs, or be scattered by the wind, or be decomposed, or become filthy, noxious or unhealthy, or emit any offensive smell or deleterious exhalation.

14-4-10: PERMIT REQUIRED FOR DUMPING CLEAN GROUND, DIRT OR FILL: It shall be unlawful for any person, firm or corporation to dump or deposit clean ground, dirt or fill, within the Village without first obtaining the written consent of the owner of the property to be used for such purpose and a permit obtained from the Village to so dump or deposit, as aforesaid, at the location authorized in said permit. Such written consent from the owner of the property shall be filed with the Village as a condition precedent to the issuance of a permit by the Village. Any permit issued under this section shall be valid for a period not to exceed one (1) year.

a. No permit shall be issued by the Village in accordance with this section unless and until the applicant executes and delivers a bond, with good and sufficient sureties, approved by the Village, running in favor of the Village, in the penal sum of Five Thousand Dollars ($5,000.00) conditioned that said applicant will comply with the requirements of this chapter, and any additional regulations imposed by the Village pertaining to unlawful dumping.

14-4-11: SALE OF SPRAY PAINT TO MINORS: It shall be unlawful for any person to sell or deliver spray paint in an aerosol can to a person less than eighteen (18) years of age within the municipality

14-4-12: LASER POINTERS:

(a) Possession by Minors Prohibited. It shall be unlawful for any person under the age of 18 to possess a laser pointer except in the residence of that person.

(b) Sale to Minors Prohibited: It shall be unlawful for any person to sell a laser pointer to any person under the age of 18.

(c) Use Outside of Buildings Prohibited. It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminated on any person, animal, object or place located outside of the building where the person using the laser pointer is located.

(d) Illumination of Persons Prohibited. It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates on any person.

(e) person to use a laser pointer in such a manner that the laser beam illuminates the operator of a motor Illumination of Vehicle Operators Prohibited. It shall be unlawful for any vehicle.

(f) Illumination of Law Enforcement Personnel Prohibited. It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates a uniformed law enforcement officer.

(g) Use in Public Places Prohibited. It shall be unlawful for any person located on the public right-of-way, street, alley, public park, or private parking lot accessible to the public to use a laser pointer.

For purposes of this section, a "laser pointer" is any device which contains a small diode laser that emits an intense beam lf light, including but not limited to Class 2 lasers, Class 3a lasers, Class 3b lasers, and Class 4 lasers. The penalty clause for this ordinance shall be Section 1-1-11 of the Municipal Code of Bridgeview.

14-4-13 OPEN BURNING AND FIRES:

a. No person shall cause or allow open burning except as permitted in this section. "Open burning" is defined as the combustion of any matter with a flame in excess of 4 inches outside of any enclosed structure in such a way that the products of the combustion are emitted to the open air.

b. The following types of open burning are permitted on privately owned property:

1. Burning of charcoal, propane, or natural gas is permitted in a barbeque for the purpose of cooking.

2. Burning of commercially purchased candles and torches is permitted not less than 30 feet from any structure or tree.

3. Small open flames for heating tar, for welding, acetylene torches, and highway safety flares.

4. Burning of firewood only in a container or contained area which does not exceed 20 square feet for personal enjoyment or recreational enjoyment of a small group of persons.

5. Burning of firewood only for a campfire or other celebration in a container or contained area with a permit issued from the Village of Bridgeview.

6. Burning pursuant to a permit issued by the Illinois Environmental Protection Agency

c. Open burning of leaves, garbage, construction wood, building by-products and waste is prohibited.

d. Open burning on publicly owned property is prohibited except by the governmental agency owning such property.

The penalty clause for this ordinance shall be Section 1-1-11 of the Municipal Code of Bridgeview.

14-4-14 SYNTHETIC CANNABINOIDS AND SYNTHETIC STIMULANTS:

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

(1) *A product containing a synthetic cannabinoid or a synthetic stimulant or product(s)* means any product containing a synthetic cannabinoid or a synthetic stimulant, as those terms defined herein such as, but not limited to, the following brand names or identifiers: Spice, Chronic Spice, Spice Gold, Spice Silver, K2, K2 Sky, K2 Solid Sex, K2 Orisha, K2 Amazonian Shelter, K2 Thai Dream, K3, K3 Legal, Stinger, Red X Dawn, Spike 99, Spicylicious, Zohai, Serenity, Genie, Yucatan Fire, Earthquake, Mystery, Black Mamba, Mr. Nice Guy, Skunk, Pulse, Ivory Wave, Pure Ivory, Purple Wave, Vanilla Sky, Bliss, Meow Meow, Zoom, Sextacy, Molly's Plant Food, Purple Monkey Plant Food, Buzz Grow, 4MMC, m-Cat and Energy 1.

(2) *Synthetic cannbinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts and salts of isomers) containing a cannabinoid receptor agonist, such as:

- JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)
- JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)
- JWH-018 (1-pentyl-3-(1-naphthoyl)indole)
- JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole)
- JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone)
- JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)
- JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone)
- JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)
- JWH-164 (7methoxynaphthalen-1-yl(1-pentylindol-3-yl)methanone
- JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-napthalen-1-ylmethanone)
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone
- JWH-210 (4-ethylnapthalaen-1-yl-(1-pentylindol-3-yl)methanone
- JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole)
- JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole)
- JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole)
- HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)

- HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)
- HU-308 ([1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol)
- HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methyethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione
- CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol)
- CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues
- WIN 55,212-2 ((R)-(+)-[2,3-Dihydri-5-methyl-3-(4-moropholinylmethyl)pyrrolo [1,2,3-de)-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone)
- RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone)
- RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)2-(2-methoxyphenyl)ethanone)

(3) *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as:

- 3-Fluoromethcathinone
- 4-Fluoromethcathinone
- 3,4-Methylenedioxymethcathinone (other name: methylone, MDMC)
- 3,4-Methylenedioxypyrovalerone (other name: MDPV)
- 4-Methylmethcathinon (other names: mephedrone, 4-MMC)
- 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC)
- 4-Ethylmethcathinone (other name: 4-EMC)
- Beta-keto-N-methylbenzodioxyolpropylamine (other names: butylone, bk-MBDB)
- Napthylplyrovalerone (other names: naphyrone, NRG-1)
- Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

  - in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
  - at the 3-position with an alkyl substituent;
  - at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;
  - or by inclusion of the nitrogen atom in a cyclic structure.

(b) *Sale or Delivery*. It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid or a synthetic stimulant.

(c) *Possession*. It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid or a synthetic stimulant with the intent of using the product for ingestion, consumption, inhaling, or intravenous use. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product to drug paraphernalia; the presence of the product on or within drug paraphernalia; the proximity of the product to a different controlled substance; and whether or not the individual in possession of the product is exhibiting physical effects commonly associated with being under the influence of a controlled substance.

(d) *Use*. It shall be unlawful for any person to be under the influence of a synthetic cannaboid or a synthetic stimulant.

14-4-15 POSSESSION OF CANNABIS:

(a) *Possession.* It shall be unlawful for any person to knowingly possess 29.9 grams or less of any product containing cannabis as defined by the Cannabis Control Act (720 ILCS 55/1, *et seq*.).

(b) *Processing.* Any person in possession of 10 or more grams of any substance containing cannabis shall have a criminal history check completed. If the criminal history check reveals no outstanding warrants, previous drug possession convictions, a possible probation violation, or another basis that would necessitate criminal processing, a citation for a violation of this section may be issued in lieu of or in addition to criminal processing.

(c) *Exception.* There shall be no violations of this section if a person is legally authorized to possess a substance containing cannabis under the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.) or the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, et seq.).

(d) *Penalty.* Any person found to be in violation of this section shall be fined in accordance with the following schedule:

(i)	Possession of 00-9.9 grams:	$100.00
(ii)	Possession of 10-19.9 grams:	$250.00
(iii)	Possession of 20-29.9 grams:	$500.00

14-4-16 DRUG PARAPHERNALIA

(a) *Definitions:* For purposes of this section, *drug paraphernalia* means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under the Cannabis Control Act (720 ILCS 550/1 *et seq.*) or the Illinois Controlled Substances Act (720 ILCS 570/100 *et seq.*) It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines or other illegal substances into the human body, such as:

(i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(ii) water pipes;
(iii) carburetion tubes and devices;
(iv) smoking and carburetion masks;
(v) 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;
(vi) miniature spoons with level capacities of one-tenth cubic centimeter or less;
(vii) chamber pipes;
(viii) carburetor pipes;
(ix) electric pipes;
(x) air-driven pipes;
(xi) chillums;
(xii) bongs;
(xiii) ice pipes or chillers;
(xiv) wired cigarette papers;
(xv) cigarette papers; or
(xvi) cocaine freebase kits.

(b) *Sale or Delivery.* Except as otherwise authorized by or licensed through the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.) or the Compassionate use of Medical Cannabis Pilot Program Act (410 ILCS 130/1, et seq.), it shall be unlawful for any person to sell, offer for sale or deliver any drug paraphernalia. In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

(i) instructions or questions, oral or written, in conjunction with any sale concerning any item's use;
(ii) descriptive materials accompanying the item which explain or depict its use;
(iii) national and local advertising concerning its use;

(iv) the manner in which the item is displayed for sale;
(v) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of loose tobacco products;
(vi) direct or circumstantial evidence of the ratio of sales of the items (s) to the total sales of loose tobacco;
(vii) evidence that the item(s) sold accompanied a purchase of loose tobacco in an original manufacturer's package;
(viii) the number of times an individual or group has purchased such item(s) in a 3 month period without having purchased loose tobacco in an original manufacturer's package;
(ix) The existence and scope of legitimate uses of the item in the community; and
(x) Expert testimony concerning its use.

(c) *Possession.* Except as otherwise authorized by or licensed through the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act, it shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introduction cannabis or a controlled substance for that use. In determining intent under this subsection, a trier of fact may take into consideration, amongst other things, the proximity of the cannabis or controlled substances to drug paraphernalia, the presence of cannabis or a controlled substance on the drug paraphernalia whether or not the person in possession of the drug paraphernalia is under the influence of cannabis or another controlled substance.

(d) *Exemptions.* This section does not apply to:

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

(ii) Items historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing , testing, analyzing, packaging, repacking, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance;

(iii) Items listed in section of the Drug Paraphernalia Control Act (720 ILCS 600/1) which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by said Act;

(iv) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act (720 ILCS 635/0.01, et seq.); or,

(v) Those persons authorized or licensed to possess or sell the drug paraphernalia under and pursuant to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act.

(e) *Penalty.* Any person or entity found to be in violation of this section shall be fined not less than $100 nor more than $1,000 for each offense. For purposes of this section, each item of drug paraphernalia shall be chargeable and constitute a separate and different offense.

14-4-17 TRUANCY:

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

Legal guardian means any foster parent, or any person appointed guardian, or otherwise awarded custody of a child by a court of law, or any person appointed guardian or given custody of a child under the Illinois Juvenile Court Act (705 ILCS 405/1-1, *et seq.*), but shall not include any person appointed guardian to the estate of a child, only.

Parent means the father or mother of a child, whether by birth or adoption. The word parent, as used in this section, shall also mean legal guardian. If the child's parents are divorced or separated within the meaning of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/101, *et seq.*), the parent having lawful physical custody of the child shall be deemed to be the parent authorized to give consent required by this subdivision.

Permission means oral or written permission, with valid cause for absence, by a parent which is conveyed to the child's school prior to the beginning of the school day in which the child will be sent or partially absent.

Truant means a child subject to compulsory school attendance and who is absent without valid cause from attendance for a school day or a portion thereof.

Valid cause for absence means illness, observance of a religious holiday, death in the immediate family, family emergency and other situations beyond the control of the child, as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the health and safety of the child.

CHAPTER 14

GENERAL OFFENSES

ARTICLE 5. TOYOTA PARK

SECTION

14-5-1: Items Prohibited
14-5-2: No Trespassing
14-5-3: Penalty
14-5-4: Administration
14-5-5: Non-Exclusivity

14-5-1: ITEMS PROHIBITED:

(a) It shall be unlawful for any attendee to bring into Toyota Park or have in his/her possession the following items:

a. Aerosol cans;
b. Balloons and beach balls;
c. Cameras with lenses or lens attachments over 6" (all cameras may be prohibited during some events);
d. Cans, bottles or other beverage containers;
e. Chains, studded bracelets, or like items;
f. Coolers or ice chests;
g. Fireworks, flares, smoke bombs, etc.;
h. Illegal drugs;
i. Large bags or purses;
j. Laser pens or pointers;
k. Noisemaking devices such as whistles or air horns;
l. Food or beverages not purchased from a vendor inside Toyota Park;
m. Poles to display banners, flags, etc.;
n. Umbrellas;
o. Video or recording devices;
p. Weapons; and,
q. Any other items deemed to be inappropriate or dangerous by Toyota Park Management.

(b) Any prohibited item deemed dangerous by Toyota Park personnel shall be confiscated. Items not otherwise illegal shall be returned to an individual after an event.

14-5-2: NO TRESPASSING:

(a) It shall be unlawful for any person, without the privilege and authority to do so, to knowingly enter or remain on or in any restricted area of Toyota Park.

(b) *"Restricted area"* means the playing field and adjoining surfaces, stage, clubhouse, garage, docking area, or any dressing room, locker room, suite, office, garage, concession area, drive, walkway, room or such area that may be specifically posted as "private," "restricted," "no trespassing," "authorized personnel only," "employees only," "no admittance," or words of similar import, or is separated from areas of general admittance by permanent or temporary structures such as fences, walls, gates, horses, bars or ropes.

(c) *"without privilege and authority"* means without valid credentials, or accompanied by authorized personnel possessing and carrying valid credentials.

14-5-3: PENALTY: Any person found to be in violation of any provision of this Article shall be fined no less than $250.00 nor more than $1,000. Each violation or day a violation is permitted to continue shall constitute a separate and chargeable offense.

14-5-4: ADMINISTRATION: Violations of this Article shall be administered, processed and enforced through and in accordance with Chapter 15, Miscellaneous Regulations, Article 8, Administrative Adjudication of Non-Vehicular Regulations Violations.

14-5-5 NON-EXCLUSIVITY: This Article is not an exclusive means of enforcement and any peace officer may arrest and criminally charge an individual for violations of the criminal statutes of the State of Illinois upon probable cause.