

**TITLE 9: PUBLIC PEACE, MORALS AND WELFARE<sup>1</sup>**

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<sup>1</sup>For statutory provisions authorizing a municipality to pass and enforce police ordinances, see ILCS Ch. 65, Act 5, § 11-1-1 et seq.; for provisions authorizing the passage of various public order regulations, see ILCS Ch. 65, Act 5, § 11-5-1 et seq.

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## **CHAPTER 9.03: DAMAGE TO CITY PROPERTY<sup>1</sup>**

### Section

9.03.010 Acts designated

9.03.020 Injury to property; prohibited

### **§ 9.03.010 ACTS DESIGNATED.**

Whoever commits any of the following acts shall be punished as provided by Chapter 1.12:

(A) Knowingly damages any property supported in whole or in part with city funds or federal funds administered or granted through state agencies without consent of the city;

(B) Knowingly, by means of fire or explosives, damages property supported in whole or in part with city funds or federal funds administered or granted through state agencies;

(C) Knowingly starts a fire on property supported in whole or in part with city funds or federal funds administered or granted through state agencies without consent of the city; or

(D) Knowingly deposits on land or in a building supported in whole or in part with city funds, or federal funds administered or granted through state agencies without consent of the city, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

('78 Code, § 9.03.010) (Ord. 268, passed - -70)

### **§ 9.03.020 INJURY TO PROPERTY; PROHIBITED.**

No person shall injure or destroy or assist in injuring or destroying any bridge or its appurtenances, the City Hall or fire engine house, or any other public building or property belonging to the city.

('78 Code, § 9.03.020) (Ord. 27, passed - -61)

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<sup>1</sup>For statutory provisions relating to damage and trespass to property, see ILCS Ch. 720, Act 5, §§ 21-1 et seq.



## **CHAPTER 9.06: FIRE ALARMS AND FIRE APPARATUS**

### Section

9.06.010 Illegal meddling prohibited

### **§ 9.06.010 ILLEGAL MEDDLING PROHIBITED.**

It is unlawful for any person without authority to tamper with, injure or disturb any fire apparatus, water plug, hydrant or other thing belonging to the city, or without reasonable cause to cry out or otherwise make or circulate, or cause to be circulated, any false alarm of fire.

('78 Code, § 9.06.010) (Ord. 27, passed - -61)





## **CHAPTER 9.09: IMPERSONATING, RESISTING OR OBSTRUCTING PEACE OFFICER**

### Section

- 9.09.010 Peace officer defined
- 9.09.020 Obstructing peace officer
- 9.09.030 Acting as police officer
- 9.09.040 Impersonating police officer; unauthorized use of uniforms or devices
- 9.09.050 Violation; penalty

### **§ 9.09.010 PEACE OFFICER DEFINED.**

For the purpose of this chapter, **PEACE OFFICER** means any person who by virtue of this office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to a specific offense.  
(‘78 Code, § 9.09.010) (Ord. 267, passed - -70)

### **§ 9.09.020 OBSTRUCTING PEACE OFFICER.**

A person who knowingly resists or obstructs in the city the performance of his authorized, official duties by one known to the person to be a peace officer shall be guilty of the offense of resisting or obstructing a peace officer.  
(‘78 Code, § 9.09.020) (Ord. 267, passed - -70)

### **§ 9.09.030 ACTING AS POLICE OFFICER.**

No person, other than a member of the Police Department, shall assume to act as a police officer in any capacity, within the city.  
(‘78 Code, § 9.09.030) (Ord. 267, passed - -70)

### **§ 9.09.040 IMPERSONATING POLICE OFFICER; UNAUTHORIZED USE OF UNIFORMS OF DEVICES.**

Any person not a member of the Police Department who impersonates any of the members of the Police Department or who maliciously, or with intent to deceive uses or imitates any of the signs, signals or devices adopted and used by the Department of Police, or who wears in public the uniform adopted as the police uniform, shall be guilty of an offense.  
(‘78 Code, § 9.09.040) (Ord. 267, passed - -70)

**§ 9.09.050 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$300, but no more than \$750 for each offense.

('78 Code, § 9.09.050) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

**CHAPTER 9.12: RESERVED.**



**ARTICLE II: OFFENSES AGAINST THE PERSON**

**CHAPTER 9.15: ASSAULT**

Section

9.15.010 Defined

9.15.020 Violation; penalty

**§ 9.15.010 DEFINED.**

A person commits the offense of assault when, without lawful authority, he knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.  
(‘78 Code, § 9.15.010) (Ord. 267, passed - -70)

***Cross-reference:***

*Battery, see Chapter 9.18*

**§ 9.15.020 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$250, but no more than \$750 for each offense.  
(‘78 Code, § 9.15.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)



## **CHAPTER 9.18: BATTERY**

### Section

9.18.010 Defined

9.18.020 Violation; penalty

### **§ 9.18.010 DEFINED.**

A person commits the offense of battery when he intentionally and knowingly, without legal justifications by any means causes bodily harm to an individual, or makes physical contact of an insulting or provoking nature with an individual.

('78 Code, § 9.18.010) (Ord. 267, passed - -70)

### **§ 9.18.020 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$250, but no more than \$750 for each offense.

('78 Code, § 9.18.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)





## ARTICLE III: OFFENSES AGAINST PUBLIC DECENCY<sup>1</sup>

### CHAPTER 9.21: GAMBLING

#### Section

- 9.21.010 Definitions
- 9.21.020 Gambling an offense; acts constituting gambling enumerated
- 9.21.030 Syndicated gambling; offense; acts enumerated
- 9.21.040 Keeping a gambling place; penalty; revocation of license and permits; property sold for fine
- 9.21.050 Gambling devices; seizure; treatment as contraband
- 9.21.060 Penalty for violation of §§ 9.21.010 through 9.21.050
- 9.21.070 Pinball machines; unlawful where
- 9.21.080 Pinball machines; exceptions to § 9.21.070
- 9.21.090 Revocation of liquor license for violation
- 9.21.100 Charitable games

#### **Cross reference:**

*Nuisance abatement related to gambling, see Ch. 9.44*

#### **§ 9.21.010 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

- (1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property;
- (2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or of hazard;
- (3) "Video Gaming Terminals" as defined by the Video Gaming Act (ILCS Ch. 230, Act 40, § 1 et seq.) when licensed by the Illinois Department of Revenue in compliance with the Video Gaming Act.

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

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<sup>1</sup>For statutory provisions authorizing a municipality to suppress bawdy or disorderly houses, gaming, gambling and sale or exhibition of obscene publications, see ILCS Ch. 65, Act 5, § 11-5-1.

**POLICY GAME.** Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

('78 Code, § 9.21.010) (Ord. 267, passed - -70; Am. Ord. 1603, passed 7-2-12)

**§ 9.21.020 GAMBLING AN OFFENSE; ACTS CONSTITUTING GAMBLING ENUMERATED.**

(A) A person commits the offense of gambling when he does any of the following acts:

- (1) Plays a game of chance or skill for money or other thing of value;
- (2) Makes a wager upon the result of any game, contest or any political nomination, appointment or election;
- (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device;
- (4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised or the contract resulting therefrom, shall be settled, not by the receipt or delivery of the property, but by the payment only of difference in prices thereof. However, the issuance, purchases, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to the Illinois Securities Law of 1953, or by or through a person exempt from such registration under that law of a put, call or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under the Illinois Securities Law of 1953 is not gambling within the meaning of this division;
- (5) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been or are recorded or registered or knowingly possesses any money which he has received in the course of a bet or wager;
- (6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election;
- (7) Sets up or promotes any lottery, or sells, offers to sell or transfers any ticket or share for any lottery;
- (8) Sets up or promotes any policy game, or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device;
- (9) Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device or any advertisement of any lottery or policy game;

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

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

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

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

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

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

(5) The game commonly known as "bingo," when conducted in accordance with "An Act making lawful the conducting of bingo by certain nonprofit organizations, requiring licensing and prescribing regulations therefor," ILCS Ch. 230, Act 25 §§ 1 et seq.;

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

(7) Charitable games as defined in ILCS Ch. 230, Act 30, § 8, and in Section 9.21.100 of this Code.

(8) Raffles and poker runs conducted by a charitable organization, as defined by § 5.36.210. ('78 Code, § 9.21.020) (Ord. 267, passed - -70; Am. Ord. 1400, passed 5-15-06; Am. Ord. 1749, passed 9-18-17)

**§ 9.21.030 SYNDICATED GAMBLING; OFFENSE; ACTS ENUMERATED.**

(A) A person commits the offense of syndicated gambling when he operates a policy game or engages in the business of bookmaking.

(1) A person operates a policy game when he knowingly uses any premises or property for the purpose of receiving or knowingly does receive from what is commonly called "policy."

(a) Money from a person other than the better or player whose bets or plays are represented by such money;

(b) Written policy game records, made or used over any period of time, from a person other than the bettor or player whose bets or plays are represented by such written record.

(2) A person engages in bookmaking when he receives or accepts more than five bets or wagers upon the result of any trials or contests of skill, speed or power of endurance or upon any lot, chance, casualty, unknown or contingent event whatsoever, which bets or wagers shall be of such size that the total of the amounts of money paid or promised to be paid to such bookmaker on account thereof shall exceed \$2,000. Bookmaking is the receiving or accepting of such bets or wagers regardless of the form or manner in which the bookmaker records them.

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

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

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

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

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law.  
(‘78 Code, § 9.21.030) (Ord. 267, passed - -70)

**§ 9.21.040 KEEPING A GAMBLING PLACE; PENALTY; REVOCATION OF LICENSE AND PERMITS; PROPERTY SOLD FOR FINE.**

(A) A **GAMBLING PLACE**, is any real estate, vehicle, boat or any other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place shall be punished as provided in § 9.21.060.

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

(1) The premises is a public nuisance and may be proceeded against as such.

(2) All licenses, permits or certificates issued by the city authorizing the serving of food or liquor on such premises shall be void, and no license, permit or certificate so canceled shall be reissued for the premises for a period of 60 days thereafter, nor shall any person convicted of keeping a gambling place be reissued such a license for one year from his conviction; and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license.

(3) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter.  
(‘78 Code, § 9.21.040) (Ord. 267, passed - -70)

**§ 9.21.050 GAMBLING DEVICES; SEIZURE; TREATMENT AS CONTRABAND.**

(A) Every gambling device which is incapable of lawful use is contraband and shall be subject to seizure, confiscation and destruction by the city.

(B) Every gambling device shall be seized and forfeited as contraband to the county. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county.  
(‘78 Code, § 9.21.050) (Ord. 267, passed - -70; Am. Ord. 1603, passed 7-2-12)

**§ 9.21.060 PENALTY FOR VIOLATION OF §§ 9.21.010 THROUGH 9.21.050.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$200, but no more than \$750 for each offense.

('78 Code, § 9.21.060) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

**§ 9.21.070 PINBALL MACHINES; UNLAWFUL WHERE.**

It is unlawful to maintain for the use of the public or patrons or to permit the use of any mechanical pinball machine or any mechanical amusement device which is so constructed that result of its operation propels an electric light, ray, or impulse to a target, or other amusement device or game in or on any premises where the sale of alcoholic liquor at retail is permitted, any store, restaurant, playground, park or any other place of public resort in the city.

('78 Code, § 9.21.070) (Ord. 121, passed - -64)

**§ 9.21.080 PINBALL MACHINES; EXCEPTIONS TO § 9.21.070.**

Shuffleboard, mechanical pool tables, and bowling machines shall be excepted from the operation of § 9.21.070.

('78 Code, § 9.21.080) (Ord. 121, passed - -64)

**§ 9.21.090 REVOCATION OF LIQUOR LICENSE FOR VIOLATION.**

The Local Liquor Commissioner may suspend or revoke the license of any person, firm or corporation licensed to sell alcoholic liquor in the city who permits a violation of §§ 9.21.070 and 9.21.080 to occur on the premises covered by such license.

('78 Code, § 9.21.090) (Ord. 121, passed - -64)

**§ 9.21.100 CHARITABLE GAMES.**

Any not for profit organization which possesses a valid license issued by the Illinois Department of Revenue under ILCS Ch. 230, Act 25, § 3 of the Illinois Charitable Games Act may conduct charitable games within the city under the provisions of this section.

(A) The entire net proceeds from charitable games must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(B) (1) No person except a bona fide member or employee of the sponsoring organization, or a volunteer recruited by the sponsoring organization, may participate in the management or operation of the game. A person participates in the management or operation of a charitable game when he or she sells admission tickets at the event; sells, redeems, or in any way assists in the selling or redeeming of chips, scrip, or play money; participates in the conducting of any of the games played during the event, or supervises, directs or instructs anyone conducting a game; or at any time during the hours of the charitable games event counts, handles, or supervises anyone counting or handling any of the proceeds or chips, scrip, or play money at the event. A person who is present to insure that the games are being

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conducted in conformance with the rules established by the licensed organization or is present to insure that the games are being conducted in conformance with the rules established by the licensed organization or is present to insure that the equipment is working properly is considered to be participating in the management or operation of a game. Setting up, cleaning up, selling food and drink, or providing security for persons or property at the event does not constitute participation in the management or operation of the game.

(2) Only bona fide members, volunteers as defined in ILCS Ch. 230, Act 25, § 2 of the Charitable Games Act, and employees of the sponsoring organization may participate in the management or operation of the games. A person who participates in the management or operation of the games and who is not a bona fide member, volunteer as defined in ILCS Ch. 230, Act 25, § 2 of the Act, or employee of the sponsoring organization, or who receives remuneration or other compensation either directly or indirectly from any source for participating in the management or operation of the games, or who has participated in the management or operation of more than four charitable game events in the calendar year, commits a violation of this section. In addition, a licensed organization that utilizes any person described in the preceding sentence commits a violation of this section.

(C) No person may receive any remuneration or compensation either directly or indirectly from any source for participating in the management or operation of the game.

(D) No single bet at any game may exceed \$10.

(E) A bank shall be established on the premises to convert currency into chips, scrip, or other form of play money which shall then be used to play at games of chance which the participant chooses. Chips, scrip, or play money must be monogrammed with the logo of the licensed organization or of the supplier. Each participant must be issued a receipt indicating the amount of chips, scrip, or play money purchased.

(F) At the conclusion of the event or when the participant leaves, he or she may cash in his or her chips, scrip, or play money in exchange for currency not to exceed \$250 or noncash prizes. Each participant shall sign for any receipt of prizes. The licensee shall provide the Illinois Department of Revenue with a listing of all prizes awarded.

(G) Each licensee shall be permitted to conduct charitable games on not more than four days each year.

(H) Unless the provider of the premises is a municipality, the provider of the premises may not rent or otherwise provide the premises for the conducting of more than eight charitable games nights per year.

(I) Charitable games may not be played between the hours of 2:00 a.m. and noon.

(J) No person under the age of 18 years may play or participate in the conducting of charitable games. Any person under the age of 18 years may be within the area where charitable games are being played only when accompanied by his or her parent or guardian.

(K) No one other than the sponsoring organization of charitable games must have a proprietary interest in the game promoted.

(L) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where charitable games are being conducted.

(M) The sale of tangible personal property at charitable games is subject to all state and local taxes and obligations.

(N) (1) Each licensee may offer or conduct only the games listed below, which must be conducted in accordance with rules posted by the organization. The organization sponsoring charitable games shall promulgate rules, and make printed copies available to participants, for the following games:

- (a) Roulette;
- (b) Blackjack;
- (c) Poker;
- (d) Pull tabs;
- (e) Craps;
- (f) Bang;
- (g) Beat the dealer;
- (h) Big six;
- (i) Gin rummy;
- (j) Five card stud poker;
- (k) Chuck-a-luck;
- (l) Keno;
- (m) Hold-em poker; and
- (n) Merchandise wheel.

(2) A licensee need not offer or conduct every game permitted by law. The conducting of games not listed above is prohibited by this section.

(O) No slot machines or coin-in-the-slot-operated devices that allow a participant to play games or chance based upon cards or dice shall be permitted to be used at the location and during the time at which the charitable games are being conducted.

(P) No cards, dice, wheels, or other equipment may be modified or altered so as to give the licensee a greater advantage in winning, other than as provided under the normal rules of play of a particular game.

(Q) No credit shall be extended to any of the participants.

(R) No person may participate in the management or operation of the games at more than four charitable games events in any calendar year.

(S) A supplier may have only one representative present at the charitable games event, for the exclusive purpose of ensuring that its equipment is not damaged.

(T) No employee, owner or officer of a consultant service hired by a licensed organization to perform services at the event, including, but not limited to, security for persons or property at the event or services before the event including, but not limited to, training for volunteers or advertising may participate in the management or operation of the games.

(U) Volunteers as defined in ILCS Ch. 230, Act 25, § 2 of the Charitable Games Act and bona fide members and employees of a sponsoring organization may not receive remuneration or compensation,

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either directly or indirectly from any source, for participating in the management or operation of games. They may participate in the management or operation of no more than four charitable games events, either of the sponsoring organization or any other licensed organization, during a calendar year.  
(Ord. 1400, passed 5-15-06)



## **CHAPTER 9.24: INTOXICATING COMPOUNDS<sup>1</sup>**

### Section

- 9.24.010 Unlawful use of intoxicating compounds
- 9.24.020 Violation; penalty

### **§ 9.24.010 UNLAWFUL USE OF INTOXICATING COMPOUNDS.**

No person shall breathe, inhale or drink any compound, liquid or chemical containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes. For the purpose of this section, any such condition so induced shall be deemed to be an intoxicated condition.  
(‘78 Code, § 9.24.010) (Ord. 268, passed - -70)

### **§ 9.24.020 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$300, but no more than \$750 for each offense.  
(‘78 Code, § 9.24.020) (Ord. 268, passed - -70; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For state law pertaining to alcoholic beverages, see ILCS Ch. 235; for provisions on alcoholic beverage violations, see Ch. 5.08 of this Code.



## CHAPTER 9.27: OFFENSES AGAINST PUBLIC MORALS<sup>1</sup>

### Section

- 9.27.010 Public indecency
- 9.27.020 Obscenity
- 9.27.030 Harmful material

### § 9.27.010 PUBLIC INDECENCY.

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

- (1) An act of sexual penetration or sexual conduct; or
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

Breast-feeding of infants is not an act of public indecency.

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

(C) *Sentence.* Public indecency is a Class A misdemeanor. Any person convicted of a third or subsequent violation for public indecency is guilty of a Class 4 felony. Public indecency is a class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds.  
(ILCS Ch. 720, Act 5, § 11-30)

### § 9.27.020 OBSCENITY.

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

- (1) Sells, delivers, or provides, or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene;
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;
- (3) Publishes, exhibits, or otherwise makes available anything obscene;

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<sup>1</sup>For state laws relating to public indecency, see ILCS Ch. 720, Act 5, § 11-30.

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

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

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

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

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

(2) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions, or lewd exhibition of the genitals; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(C) *Interpretation of evidence.*

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

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

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

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

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

(c) The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;

(d) The degree, if any, of public acceptance of the material in this state;

(e) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;

(f) Purpose of the author, creator, publisher, or disseminator.

(D) *Permissive inference.* The trier of fact may infer an intent to disseminate from the creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three copies of obscene material.

(E) *Affirmative defenses.* It shall be an affirmative defense to obscenity that the dissemination:

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

(2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(F) *Forfeiture of property.* A person who has been convicted previously of the offense of obscenity and who is convicted of a second or subsequent offense of obscenity is subject to the property forfeiture provisions set forth in the Code of Criminal Procedure.  
(ILCS Ch. 720, Act 5, § 11-20)

**§ 9.27.030 HARMFUL MATERIAL.**

(A) *Definitions.* For purposes of this section:

(1) ***DISTRIBUTE.*** To transfer possession of, whether with or without consideration.

(2) ***HARMFUL TO MINORS.*** That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sado-masochistic abuse, when, taken as a whole, it

(a) Predominantly appeals to the prurient interest in sex of minors;

(b) Is patently offensive to prevailing standards in the adult community of the state as a whole with respect to what is suitable material for minors; and

(c) Lacks serious social, literary, artistic, political or scientific value for minors.

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

(4) ***MATERIAL.***

(a) Any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar depiction, including any such representation or image which is stored electronically; or

(b) Any book, magazine, printed matter however reproduced or recorded audio of any sort.

(5) ***MINOR.*** Any person under the age of 18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) That an advertisement of harmful material as defined in this section culminated in the sale of distribution of such harmful material to a child under circumstances where there was no person confrontation of the child by the defendant, his or her employees or agents, as where the order or request for such harmful material was transmitted by mail, telephone, internet or similar means of communication and delivery of such harmful material to the child was by mail, freight, internet or similar means of transport, which advertisement contained the following statement or a substantially similar statement and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter herein advertised. Any person under the age of 18 years who falsely states that he is not under the age of 18 for the purpose of obtaining the material advertised, is guilty of a Class B misdemeanor under the laws of the State."

(D) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specifically susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

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

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

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

(ILCS Ch. 720, Act 5, § 11-21)





## CHAPTER 9.33: PROSTITUTION<sup>1</sup>

### Section

- 9.33.010 Reserved
- 9.33.020 Patronizing a prostitute
- 9.33.030 Soliciting for a prostitute
- 9.33.040 Pimping
- 9.33.050 Pandering
- 9.33.060 Keeping place for purpose of prostitution
- 9.33.070 Violation; penalty

### **§ 9.33.010 RESERVED.**

### **§ 9.33.020 PATRONIZING A PROSTITUTE.**

(A) Any person who knowingly performs, offers, or agrees to perform any act of sexual penetration as defined in § 9.33.010 for anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution; or

(B) Any person who knowingly performs any of the following acts with a person not his or her spouse commits Patronizing a prostitute:

- (1) Engages in an act of sexual penetration as defined in § 9.33.010 with a prostitute; or
- (2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in § 9.33.010 above; or
- (3) Engages in any touching or fondling with a prostitute of the sex organs of own person by the other person, with the intent to achieve sexual arousal or gratification.  
(ILCS Ch. 720, Act 5, § 11-14(a) and § 11-18(a))

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<sup>1</sup>For state laws relating to prostitution, see ILCS Ch. 720, Act 5, §§ 11-14 through 11-19.

**§ 9.33.030 SOLICITING FOR A PROSTITUTE.**

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

(A) Solicits another for the purpose of prostitution;

(B) Arranges or offers to arrange a meeting of persons for the purpose of prostitution;

(C) Directs another to a place knowing the direction is for the purpose of prostitution.

('78 Code, § 9.33.030) (Ord. 267, passed - -70)

**§ 9.33.040 PIMPING.**

Any person who receives money or other property from a prostitute, not for a lawful consideration, knowing it was earned in whole or in part from the practice of prostitution, commits the offense of pimping.

('78 Code, § 9.33.040) (Ord. 267, passed - -70)

**§ 9.33.050 PANDERING.**

Any person who performs any of the following acts for money commits the offense of pandering:

(A) Compels a person to become a prostitute; or

(B) Arranges or offers to arrange a situation in which a person may practice prostitution.

('78 Code, § 9.33.050) (Ord. 267, passed - -70)

**§ 9.33.060 KEEPING PLACE FOR PURPOSE OF PROSTITUTION.**

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, which is declared to be an offense:

(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.

('78 Code, § 9.33.060) (Ord. 267, passed - -70)

**§ 9.33.070 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$100, but no more than \$750 for each offense.

('78 Code, § 9.33.070) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)



**ARTICLE IV: OFFENSES AGAINST PUBLIC PEACE<sup>1</sup>**

**CHAPTER 9.36: CIVIL EMERGENCIES<sup>2</sup>**

Section

- 9.36.010 Definitions
- 9.36.020 Curfew defined
- 9.36.030 Declaration of emergency
- 9.36.040 Curfew; order; applicability
- 9.36.050 Authority of mayor to issue orders
- 9.36.060 Length of effectiveness of proclamation
- 9.36.070 Notification to news media
- 9.36.080 Violation; penalty
- 9.36.090 Construction of chapter; intent

**§ 9.36.010 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CIVIL EMERGENCY.***

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force accompanied by immediate power to execute by three or more persons acting together without authority of law; or

(2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons or destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

('78 Code, § 9.36.010) (Ord. 212, passed - -70)

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<sup>1</sup>For statutory provisions authorizing corporate authorities to prevent and regulate riots, noises, disturbances, disorderly conduct, intoxication, and vagrancy, see ILCS Ch. 65, Act 5, § 11-5-1 et seq.

<sup>2</sup>For statutory provisions authorizing municipalities to prevent or suppress riots, see ILCS Ch. 65, Act 5, § 11-5-2; for statutory provisions authorizing municipalities to grant emergency powers to the Mayor, see ILCS Ch. 65, Act 5, § 11-1-6.

**§ 9.36.020 CURFEW DEFINED.**

**CURFEW** is defined as a prohibition against any persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

('78 Code, § 9.36.020) (Ord. 212, passed - -70)

**§ 9.36.030 DECLARATION OF EMERGENCY.**

Whenever an emergency, as defined in § 9.36.010, exists, the mayor shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

('78 Code, § 9.36.030) (Ord. 212, passed - -70)

**§ 9.36.040 CURFEW; ORDER; APPLICABILITY.**

After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the city or to the city as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interests of the public safety and welfare.

('78 Code, § 9.36.040) (Ord. 212, passed - -70)

**§ 9.36.050 AUTHORITY OF MAYOR TO ISSUE ORDERS.**

After the proclamation of a civil emergency, the Mayor of the city may also in the interest of public safety and welfare make any or all of the following orders:

(A) The closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;

(B) The discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;

(C) The discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

(D) The discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;

(E) Issue such other orders as are imminently necessary for the protection of life and property.

('78 Code, § 9.36.050) (Ord. 212, passed - -70)

**§ 9.36.060 LENGTH OF EFFECTIVENESS OF PROCLAMATION.**

The proclamation authorized in § 9.36.030 shall be effective for a period of 48 hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each 48 hour

period during the time the civil emergency exists. The proclamation authorized in § 9.36.030 shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared.

('78 Code, § 9.36.060) (Ord. 212, passed - -70)

**§ 9.36.070 NOTIFICATION OF NEWS MEDIA.**

Upon issuing the proclamation authorized in § 9.36.030, the Chief of Police shall notify the news media situated within the city or surrounding areas and shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the following places within the city: the City Hall, the police station and Hillcrest Shopping Center.

('78 Code, § 9.36.070) (Ord. 212, passed - -70)

**§ 9.36.080 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$250, but no more than \$750 for each offense.

('78 Code, § 9.36.080) (Ord. 212, passed - -70; Am. Ord. 998, passed 7-1-96)

**§ 9.36.090 CONSTRUCTION OF CHAPTER; INTENT.**

Nothing contained in this chapter shall be construed to impair the powers contained in the Municipal Code of the city giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the city.

('78 Code, § 9.36.090) (Ord. 212, passed - -70)





## CHAPTER 9.39: DISORDERLY CONDUCT<sup>1</sup>

### Section

- 9.39.010 Disorderly acts enumerated
- 9.39.020 Violation of § 9.39.010; penalty
- 9.39.030 Disturbance of meetings
- 9.39.040 Prohibited acts

#### **Cross reference:**

*Abatement of chronic nuisance properties, see § 9.44.020*

### **§ 9.39.010 DISORDERLY ACTS ENUMERATED.**

A person commits the offense of disorderly conduct when he knowingly:

- (A) Does any act in such an unreasonable manner as to provoke, make or aid in making a breach of peace;
- (B) Does or makes any unreasonable or offensive act, utterance, gesture or display which under the circumstances creates a clear and present danger of a breach of peace or an imminent threat of violence;
- (C) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer, under circumstances where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm;
- (D) Assemblies with three or more persons for the purpose of using force or violence to disturb the public peace;
- (E) Goes about begging or soliciting funds on the public ways, except as provided in this code or other ordinances of the city;
- (F) Appears in any public place manifestly under the influence of alcohol, narcotic or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property or annoy persons in his vicinity. **PUBLIC PLACE**, for purposes of this division, means any place where the conduct may reasonably be expected to be viewed by others;
- (G) Knowingly and intentionally goes upon any school property, public or private, within the city, at any time when other persons are present, for the purpose of or with the intention of making or doing any unreasonable or offensive act, utterance, gesture or display, or who does or makes any unreasonable or offensive act, utterance, gesture or display, which disrupts or interferes with or tends to disrupt or interfere with the educational classes or social and athletic activities then and there in progress.

(H) It shall be unlawful for any person to transport, carry, possess or consume any alcoholic liquor other than in the original container and with the seal unbroken on any public property or private property that is accessible to the general public and to which the general public is invited, unless such public area is a permitted area under the terms of a city-issued liquor license or city-sanctioned event where the possession of such alcoholic liquor is allowed.

('78 Code, § 9.39.020) (Ord. 267, passed - -70; Am. Ord. 1741, passed 8-7-17)

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<sup>1</sup>For state law regulating disorderly conduct, see ILCS Ch. 720, Act 5, § 26-1.

#### **§ 9.39.020 VIOLATION OF § 9.39.010; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$250, but no more than \$750 for each offense.

('78 Code, § 9.39.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

#### **§ 9.39.030 DISTURBANCE OF MEETINGS.**

No person shall disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

('78 Code, § 9.39.030) (Ord. 27, passed - -61)

#### **§ 9.39.040 PROHIBITED ACTS.**

No person or persons within the city shall conduct himself or themselves in a tumultuous, riotous, or disorderly manner; neither shall it be lawful for any person or persons within the city to fight by agreement or mutual consent, nor to strike, fight or assault any other person or persons; nor to commit an assault and battery upon the person of another; nor shall it be lawful for any person to aid, abet or assist, or encourage any person to fight or to commit an assault or assault and battery upon the person of another.

('78 Code, § 9.39.040) (Ord. 27, passed - -61)

## CHAPTER 9.42: NOISE<sup>1</sup>

### Section

- 9.42.010 Disturbing the peace; prohibited
- 9.42.020 Loud or unnecessary noises; prohibited
- 9.42.030 Examples of loud or unnecessary noises
- 9.42.035 Noise; time restrictions; nuisances; prohibited
- 9.41.040 Violations; penalty

### **§ 9.42.010 DISTURBING THE PEACE; PROHIBITED.**

It shall not be lawful for any person or persons within the city to disturb the peace of any street, alley, neighborhood, family or persons by loud or unusual noises, or blowing of trumpets, horns or other instruments or by beating any noise-making instrument, or by loud or boisterous laughing, bellowing, whooping, screaming, cursing, challenging to fight, uttering obscene language or conversation or by creating any false alarms; nor shall any person or persons disturb the peace as aforesaid by any other means or device whatever.

('78 Code, § 9.42.010) (Ord. 27, passed - -61)

### **§ 9.42.020 LOUD OR UNNECESSARY NOISES; PROHIBITED.**

It is unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the city.

('78 Code, § 9.42.020) (Ord. 267, passed - -61)

### **§ 9.42.030 EXAMPLES OF LOUD OR UNNECESSARY NOISES.**

The following acts are examples of the noises prohibited by § 9.42.020:

(A) The throwing or propelling of any firecrackers, roman candles or rockets of any type, or any articles of any explosives;

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<sup>1</sup>For statutory provisions authorizing a municipality to suppress or prevent noise, see ILCS Ch. 65, Act 5, § 11-5-2.

(B) The sounding of any horn or signaling device on any automobile, motorcycle, motorbus, or other vehicle on any street or public place of the city, except as a danger warning or the creation, by means of any such signaling device for an unnecessary and unreasonable period of time, or the use of any signaling device, except one operated by hand or electricity, or the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.

('78 Code, § 9.42.030) (Ord. 267, passed - -70)

#### **§ 9.42.035 NOISE; TIME RESTRICTIONS; NUISANCES; PROHIBITED.**

Any loud noise, whether created manually or through any type of equipment, machinery, or other device, which occurs after the hour of 10:00 p.m. Sunday through Thursday or 11:00 p.m. Friday and Saturday and before 6:30 a.m. Monday through Friday or 8:00 a.m. Saturday and Sunday, which can be heard at a distance of 100 feet from the epicenter of location from which the noise is generated, is declared to be a nuisance. Upon request of any police officer, the person in control of the equipment, machinery or device creating the noise, or the person whom is generating the noise, shall cease and desist immediately. If that person refuses, or fails to completely cease and desist, he shall be charged with a violation of this section.

(Ord. 999, passed 8-5-96; Am. Ord. 1032, passed 7-21-97)

#### **§ 9.42.040 VIOLATIONS; PENALTY.**

Any person found guilty of a violation of §§ 9.42.020, 9.42.030 or 9.42.035 shall be fined not less than \$75, but no more than \$750 for each offense. Separate occurrences occurring on the same day shall be deemed separate offenses for purposes of imposing a penalty.

('78 Code, § 9.42.040) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96; Am. Ord. 999, passed 8-5-96)

## CHAPTER 9.43: DRUG OFFENSES

### Section

- 9.43.010 Definitions
- 9.43.020 Possession of cannabis; violations; punishment
- 9.43.030 Manufacture or delivery of cannabis; violations; punishment
- 9.43.040 Casual delivery of cannabis as possession
- 9.43.050 Production of Cannabis Sativa plant; punishment
- 9.43.051 Possession of drug paraphernalia
- 9.43.060 Penalties

### § 9.43.010 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANNABIS.** Includes marihuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

**CASUAL DELIVERY.** The delivery of not more than ten grams of any substance containing cannabis without consideration.

**DELIVER or DELIVERY.** The actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

**MANUFACTURE.** The production, preparation, propagation, compounding, conversion or processing of cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of cannabis or labeling of its container, except that this term does not include the preparations compounding, packaging or labeling of cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

**PERSON.** Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

**PRODUCE. or PRODUCTION.** Planting, cultivating, tending or harvesting.  
(‘78 Code, § 9.43.010) (Ord. 596, passed - -84)

**§ 9.43.020 POSSESSION OF CANNABIS; VIOLATIONS; PUNISHMENT.**

It is unlawful for any person knowingly to possess cannabis. Any person violating this section with respect to:

(A) Not more than 2.5 grams of any substance containing cannabis shall be fined not less than \$200, nor more than \$750;

(B) More than 2.5 grams, but not more than ten grams of any substance containing cannabis shall be fined not less than \$350, nor more than \$750;

(C) More than ten grams of any substance containing cannabis shall be fined not less than \$500, nor more than \$750.  
(‘78 Code, § 9.43.020) (Ord. 596, passed - -84; Am. Ord. 998, passed 7-1-96)

**§ 9.43.030 MANUFACTURE OR DELIVERY OF CANNABIS; VIOLATIONS; PUNISHMENT.**

It is unlawful for any person knowingly to manufacture, deliver, or possess with the intent to deliver cannabis. Any person who violates this section with respect to:

(A) Not more than 2.5 grams of any substance containing cannabis shall be fined not less than \$200, nor more than \$750;

(B) More than 2.5 grams but not more than ten grams of any substance containing cannabis shall be fined not less than \$350, nor more than \$750.

(C) More than ten grams of any substance containing cannabis shall be fined not less than \$500, nor more than 750.  
(‘78 Code, § 9.43.030) (Ord. 596, passed - -84; Am. Ord. 998, passed 7-1-96)

**§ 9.43.040 CASUAL DELIVERY OF CANNABIS AS POSSESSION.**

Any delivery of cannabis which is a casual delivery shall be treated in all respects as possession of cannabis for purposes of penalties.  
(‘78 Code, § 9.43.040) (Ord. 596, passed - -84)

**§ 9.43.050 PRODUCTION OF CANNABIS SATIVA PLANT; PUNISHMENT.**

Any person who knowingly produces the Cannabis Sativa plant shall be fined not less than \$350, nor more than \$750 for each offense.  
(‘78 Code, § 9.43.050) (Ord. 596, passed - -84; Am. Ord. 998, passed 7-1-96)

**§ 9.43.051 POSSESSION OF DRUG PARAPHERNALIA.**

(A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in the ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use is guilty of a violation of this section for which the court shall impose a minimum fine of \$750 and enter a judgment of conviction.

(B) In determining intent under this section, the trier of fact may consider the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of the same upon the drug paraphernalia.

(C) This section shall not apply to:

(1) Items marketed for use 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;

(2) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, harvest, manufacture, processing, testing, packaging, storing, containment, concealing, injection, ingesting or inhaling of tobacco or any other lawful substance, including, but not limited to, garden hose, rakes, sickles, baggies, tobacco pipes, rolling papers, cigars, and the like.

(3) Items marketed for decorative purposes, which such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited under this section.  
(Ord. 1001, passed 10-7-96)

**§ 9.43.060 PENALTIES.**

In addition to the fines provided for in this chapter, upon conviction, an offender may be sentenced to not more than six months incarceration in the county jail.  
(‘78 Code, § 9.43.060) (Ord. 596, passed - -84)





**ARTICLE V: OFFENSES AGAINST PROPERTY<sup>1</sup>**

**CHAPTER 9.44: NUISANCE ABATEMENT**

Section

- 9.44.010 Definitions
- 9.44.020 Abatement of chronic nuisance properties
- 9.44.030 Abatement of nuisance
- 9.44.040 Procedure
- 9.44.050 Remedy
- 9.44.060 Appeal
- 9.44.070 Determination of abatement

**§ 9.44.010 DEFINITIONS.**

For purposes of this chapter, the following definitions shall apply:

**CHRONIC NUISANCE PROPERTY.** Property upon which two or more nuisance activities have occurred during any 180-day period, as a result of any two separate factual events that have been independently investigated by any law enforcement agency or the Building Department, when said investigations resulted in enforcement action for nuisance activities.

**CONTROL.** The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

**ENFORCEMENT ACTION.** Shall include any of the following actions taken against any person associated with the property while at or within 300 feet of the property:

- (1) Arrest of an individual.
- (2) Issuance of a citation.
- (3) The filing by the city of a civil or criminal complaint.
- (4) The responding officer or Building Department official has made a factual finding that the nuisance activity has occurred despite the fact that a witness does not want to sign a complaint and/or no citation is issued.

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<sup>1</sup>For state law relating to offenses against property, see ILCS Ch. 720, Act 5, § 15-1 et seq.

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**NUISANCE ACTIVITIES.** Shall include the following activities:

- (1) Disorderly conduct as defined in ILCS Ch. 720, Act 5, § 26-1.
- (2) Unlawful use of weapons as defined in ILCS Ch. 720, Act 5, § 24-1 et seq.
- (3) Mob action as defined in ILCS Ch. 720, Act 5, § 25.1.
- (4) Discharge of a firearm as defined in ILCS Ch. 720, Act 5, §§ 24-1.2 and 1.5.
- (5) Gambling as defined in ILCS Ch. 720, Act 5, § 28-1.
- (6) Possession, manufacture or delivery of controlled substances as defined in ILCS Ch. 720, Act 570, § 40 et seq.
- (7) Assault or battery or any related offense as defined in ILCS Ch. 720, Act 5, § 12-1 et seq.
- (8) Sexual abuse or related offenses as defined in ILCS Ch. 720, Act 5, § 12-15 et seq.
- (9) Public indecency as defined in ILCS Ch. 720, Act 5, § 11-9 et seq.
- (10) Prostitution as defined in ILCS Ch. 720, Act 5, § 11-14 et seq.
- (11) Criminal damage to property as defined in ILCS Ch. 720, Act 5, § 21-1 et seq.
- (12) Possession, cultivation, manufacture or delivery of cannabis as defined in ILCS Ch. 720 Act 550, § 1 et seq.
- (13) Illegal consumption or possession of alcohol as defined in ILCS Ch. 235, Act 5, § 1 et seq.
- (14) Violation of any city ordinance or State of Illinois statute controlling or regulating the sale or use of alcoholic beverages.
- (15) Violation of the City Housing Code Chapter 15, or any successor code section, relative to rubbish and garbage.
- (16) Violation of the City Code Chapter 7.08 relative to plants and weeds.

**OWNER.** Any person, agent, firm or corporation having any legal or equitable interest in the property. Owner includes but is not limited to:

- (1) A mortgagee in possession in who is vested:
  - (a) All or part of the legal title to the property or
  - (b) All or part of the beneficial ownership and the right to the present use and enjoyment of the premises; or
- (2) An occupant who can control what occurs on the property.

**PERMIT.** To suffer, allow, consent to, acquiesce by failure to prevent, or expressly ascent or agree to the doing of an act.

**PERSON.** Any natural person, association, partnership or corporation capable of owning or using property in the city.

**PERSON ASSOCIATED WITH.** Any person who, on the occasion of a nuisance activity, has entered, patronized, visited or attempted to enter, patronize or visit or waited to enter, patronize or visit a property or person present on a property.

**PERSON IN CHARGE.** Any person in actual or constructive possession of a property including but not limited to an owner, occupant or lessee of property.

**PROPERTY.** Any real property, including land in that which is affixed, incidental or pertinent to land, including but not limited to any premises, room, house, building, or structure or any separate part or portion thereof whether permitted or not.  
(Ord. 1607, passed 9-4-12)

**§ 9.44.020 ABATEMENT OF CHRONIC NUISANCE PROPERTIES.**

(A) Any certain property within the city that becomes a chronic nuisance property is in violation of this chapter and is subject to its remedies.

(B) Any person in charge who permits property under his or her ownership or control to be a public nuisance property shall be in violation of this chapter and subject to its remedies.  
(Ord. 1607, passed 9-4-12)

**§ 9.44.030 ABATEMENT OF NUISANCE.**

The city may commence an action through any available procedures including but not limited to administrative citations, to abate a public nuisance as described above.  
(Ord. 1607, passed 9-4-12)

**§ 9.44.040 PROCEDURE.**

When two or more nuisance activities resulting in an enforcement action occur on or within a property, the Chief of Police or his designee, or the Building Commissioner or his designee, shall declare the property a chronic nuisance property and take the following action:

(A) Notify all persons in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information: .

(1) The street address or a legal description sufficient for identification of the property.

(2) A statement that the Chief of Police and/or Building Commissioner has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Chief of Police shall offer the person in charge an opportunity to propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation. The proposal shall be acceptable if it can reasonably be expected to result in abatement of the nuisance activities described in the notice within 60 days.

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(3) A statement that the owner shall, within ten days of receipt of the notice, respond to the Chief of Police with an appeal pursuant to § 9.44.060 or a written nuisance abatement proposal.

(4) A statement that failure to complete an approved course of action may result in the cost of future enforcement being assessed against the property.

(5) A statement that the property owner may be subject to a fine for permitting a chronic nuisance property.

(6) A statement that any property owner who has been notified by the Chief of Police that their non-owner occupied property is a chronic nuisance property must attend the City of Crest Hill Landlord Training Program or an alternate landlord training program as approved by the Chief of Police or his designee. The fee for any landlord training program administered by the city shall be \$50 and shall be paid by the property owner prior to attending the training. Failure to attend an approved landlord training within six months shall result in a fine of \$250.

(B) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to all persons in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the Chief of Police.

(C) A copy of the notice shall be served on the owner at such address as shown on the tax records of the county in which the property is located, and/or the occupant, at the address of the property, if these persons are different than the person in charge and shall be made either personally or by first class mail, postage prepaid.

(D) A copy of the notice shall also be posted at the property after ten days have elapsed from the service or mailing of the notice to the person in charge, and the person in charge has not contacted the Chief of Police.

(E) The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this chapter.

(F) If after the notification, but prior to the commencement of legal proceedings by the city pursuant to this chapter, a person in charge stipulates with the Chief of Police that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the Chief of Police may agree to postpone legal proceedings for a period of not less than ten nor more than thirty (60) days, except in the case of a nuisance activity where a search warrant was executed at the property. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within thirty (60) days, the Chief of Police may commence a legal proceeding to abate the nuisance.

(G) Concurrent with the notification procedures set forth herein, the Chief of Police shall maintain copies of the notice, as well as any other documentation, which supports legal proceedings.

(H) The Chief of Police shall have the authority to delegate procedural responsibilities to enforce this chapter to another member of the Police Department, while maintaining oversight of the process.  
(Ord. 1607, passed 9-4-12)

**§ 9.44.050 REMEDIES.**

(A) The owner of a chronic nuisance property may be liable for the cost of each enforcement action for a nuisance activity that occurs after notice is delivered as provided in § 9.44.040. The Chief of Police or his designee or the Building Commissioner or his designee shall calculate the cost of each enforcement action and report such cost to the City Treasurer, or his designee, who shall bill the owner by invoice delivered as provided in § 9.44.040. The invoice shall contain:

- (1) The street address or legal description sufficient for identification of the property.
- (2) A concise description of the nuisance activity and the cost of the resulting action.

(3) A statement that the invoice must be paid in full within 30 days of the date on the invoice and the any unpaid amounts shall be a lien on the property.

(B) In addition to the remedy in § 9.44.050(a), a fine of \$750 may be assessed for each enforcement action for a nuisance activity that occurs after notice is delivered as provided in § 9.44.040.

(C) This chapter may be enforced by injunction.  
(Ord. 1607, passed 9-4-12)

**§ 9.44.060 APPEAL.**

Appeal of the notice delivered by the Chief of Police pursuant to § 9.44.040 or the invoice delivered by the City Treasurer pursuant to § 9.44.050 must be submitted in writing to the Chief of Police within ten days of receipt of the notice or invoice.

(Ord. 1607, passed 9-4-12)

**§ 9.44.070 DETERMINATION OF ABATEMENT.**

(A) The public nuisance created by a chronic nuisance property shall be deemed abated when no enforcement action for a nuisance activity occurs for a period of six consecutive months from the date stated on the notice declaring the property to be a chronic nuisance property. Upon abatement, the property shall not be classified as a chronic nuisance property until a new notice is delivered as provided in § 9.44.040.

(B) Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the city or its officials in accordance with the laws of the state.

(Ord. 1607, passed 9-4-12)



## CHAPTER 9.45: DAMAGE TO PROPERTY<sup>1</sup>

### Section

#### 9.45.010 Specific acts enumerated

#### **§ 9.45.010 SPECIFIC ACTS ENUMERATED.**

Whoever commits any of the following acts in the city shall be deemed guilty of the offense of damage to property:

(A) Knowingly damages any property of another, including public property without the consent of the owner;

(B) Recklessly, by means of fire or explosives, damages property of another;

(C) Knowingly starts a fire on the land of another without the consent of the owner;

(D) Knowingly injures a domestic animal of another without the consent of the owner;

(E) Knowingly deposits on the land or in the building of another, without the consent of the owner, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

('78 Code, § 9.45.010) (Ord. 267, passed - -70)

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<sup>1</sup>For statutory provisions on criminal damage to property, see ILCS Ch. 720, Act 5, § 21-1.





## **CHAPTER 9.46: GRAFFITI**

### Section

- 9.46.010 Graffiti prohibited
- 9.46.020 Exemption; public officials and utilities
- 9.46.030 Affirmative defense
- 9.46.040 Removal of graffiti
- 9.46.050 Penalty
- 9.46.060 Placement of graffiti prohibited
- 9.46.070 Possession of graffiti materials prohibited

### **§ 9.46.010 GRAFFITI PROHIBITED.**

It is unlawful for any person to inscribe, draw or otherwise place on the surface of any structure or wall that is publicly or privately owned, any sign, symbol, marking, name, initial, word, diagram, sketch, picture or letter, without the express written permission of the owner of such real or personal property. The aforementioned list is not to be a limitation, but is merely illustrative of items known as graffiti. (Ord. 876, passed 3-15-93)

### **§ 9.46.020 EXEMPTION: PUBLIC OFFICIALS AND UTILITIES.**

The prohibitions of this section shall not apply to government officials and employees or employees or official representatives of any public or private utilities with respect to the posting or labeling of tags, notices or other markings on building or other property while in the course of their employment or in the performance of their official duties. (Ord. 876, passed 3-15-93)

### **§ 9.46.030 AFFIRMATIVE DEFENSE.**

It shall be an affirmative defense to the alleged violation of § 9.46.010 if such activity was undertaken with the prior written consent of the owner of the property, demonstrating that the owner was aware of the content or method of the inscription to be placed on the structure or wall; however, no owner of property shall place or give permission to place on any property, real or personal which is in public view, any sign, symbol, marking, name, initial, work, diagram, sketch, picture or letter which incites violence by reference to gang, or criminal activity, depicts or expresses obscenity by referring to sexual activity or contains defamatory material about a public or private person. Additionally, no owner of fixed real or personal property shall give permission for the placement of any graffiti on such property without having first obtained a properly issued sign permit. (Ord. 876, passed 3-15-93)

**§ 9.46.040 REMOVAL OF GRAFFITI.**

The city hereby declares graffiti as defined in § 9.46.010 to be a public nuisance, and as a nuisance, subject to abatement as provided herein:

(A) Upon a written notification by the city, the owner of property upon which graffiti has been illegally placed, shall remove the graffiti within seven calendar days from the date of notice.

(B) The city, upon notification of graffiti placed upon city property, shall remove the graffiti within seven calendar days from the date of notification. The city also shall remove graffiti from the exterior of private property if the owner of the private property informs the city of the presence of such graffiti, and of the owner's inability to remove it. The owner of said private property will be required to execute a statement authorizing the removal of the graffiti by the city and must sign a release holding the city harmless from any and all claims or suits for damages brought against the city for actions taken by the city or its employees to remove the graffiti, including damages due to any adverse or injurious effect of chemicals used to remove the graffiti. If property owners do not request removal of the graffiti by the city, or do not remove the graffiti within the time specified in § 9.46.040(A), they shall be subject to the penalties listed in § 9.46.050.

(C) An extension of time in which graffiti must be removed may be granted by the city upon application of the property owner to the Department of Public works, and a showing of cause. Cause shall include, but not be limited to: weather, temperature, availability of chemicals or physical limitations. (Ord. 876, passed 3-15-93; Am. Ord. 959, passed 8-7-95; Am. Ord. 1045, passed 1-5-98)

**§ 9.46.050 PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$150, but no more than \$750 for each offense. (Ord. 876, passed 3-15-93; Am. Ord. 998, passed 7-1-96)

**§ 9.46.060 PLACEMENT OF GRAFFITI PROHIBITED.**

(A) It shall be unlawful for any person to place graffiti upon the real or personal, public or private property of another.

(B) Any person found guilty of a violation of division (A) of this section shall be fined not less than \$150, but no more than \$750 for each offense. Community service shall not be imposed in lieu of a fine. In addition to the fine, the offender may be ordered by the Court to pay restitution to the property owner for the costs of restoring the property to its state prior to the application of graffiti. (Ord. 876, passed 3-15-93; Am. Ord. 998, passed 7-1-96)

**§ 9.46.070 POSSESSION OF GRAFFITI MATERIALS PROHIBITED.**

(A) It shall be unlawful for any person to possess, while in any public building or public facility or while on private property, a spray paint container, paint, ink, marking pen which contains a nonwater soluble fluid, brush, applicator, or any other materials for marking, scratching or etching with the intent to use such material in violation of § 9.46.060(A).

(B) Any person found guilty of a violation of division (A) of this section shall be fined not less than \$150, but no more than \$750 for each offense.

(Ord. 876, passed 3-15-93; Am. Ord. 998, passed 7-1-96)



## CHAPTER 9.48: DEFRAUDING THE TELEPHONE COMPANY<sup>1</sup>

### Section

9.48.010 Unlawful

9.48.020 Violation; penalty

### **§ 9.48.010 UNLAWFUL.**

It is unlawful for any person to insert or to attempt to insert into the coinbox or money receptacle of any telephone any slug, button or other substance, or to manipulate or operate, or to attempt to manipulate or operate in any manner whatever any telephone instrument or any mechanism or device connected or commonly used therewith, with the intent to obtain telephone service without paying therefor or with the intent of obtaining coins of the United States therefrom.

('78 Code, § 9.48.010) (Ord. 267, passed - -70)

### **§ 9.48.020 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$200, but no more than \$750 for each offense.

('78 Code, § 9.48.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For state laws making criminal theft from coin-operated machines, see ILCS Ch. 720, Act 5, § 16-5.



## CHAPTER 9.51: LOOTING<sup>1</sup>

### Section

9.51.010 Defined

9.51.020 Violation; penalty

#### **§ 9.51.010 DEFINED.**

A person commits looting when he knowingly, without authority of law or the owner, enters any home or dwelling, or upon the premises of another, or enters any commercial mercantile, business or industrial building, plant or establishment, or enters any building belonging to any governmental body or agency, in which normal security of property is not present by virtue of a hurricane, storm, fire or *vis major* of any kind or by virtue of a riot, mob or other human agency and obtains or exerts control over property of the owner.

('78 Code, § 9.51.010) (Ord. 267, passed - -70)

#### **§ 9.51.020 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$350, but no more than \$750 for each offense.

('78 Code, § 9.51.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For state laws making looting a crime, see ILCS Ch. 720, Act 5, § 42-1.





## **CHAPTER 9.54: POSSESSION OF BURGLARY TOOLS<sup>1</sup>**

### Section

9.54.010 Offense

9.54.020 Violation; penalty

### **§ 9.54.010 OFFENSE.**

Whoever possesses any key, tool, instrument, device or any device or any explosive, suitable for use in breaking into a building, house, trailer, watercraft, aircraft, motor vehicle, railroad car, or any depository designed for the safekeeping of property or any part thereof, with intent to enter any such place and with intent to commit therein a felony or theft, shall be guilty of an offense.

('78 Code, § 9.54.010) (Ord. 267, passed - -70)

### **§ 9.54.020 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$350, but no more than \$750 for each offense.

('78 Code, § 9.54.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For state laws making criminal burglary and the possession of burglary tools, see ILC Ch. 720, Act 5, § 12-2.



## CHAPTER 9.57: THEFT<sup>1</sup>

### Section

- 9.57.010 Offense; defined
- 9.57.020 Violation; penalty

### § 9.57.010 OFFENSE; DEFINED.

Theft in the city is an offense. A person commits theft when he knowingly:

- (A) Obtains or exerts unauthorized control over property of another;
- (B) Obtains, by deception, control over property of another;
- (C) Obtains, by threat, control over property of another;

(D) Obtains control over stolen property knowing the property to have been stolen by another or obtaining control over the property under such circumstances as would reasonably induce him to believe that the property was stolen, together with one of the following:

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

(E) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen.

('78 Code, § 9.57.010) (Ord. 267, passed - -70)

### § 9.57.020 VIOLATION; PENALTY.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$200, but no more than \$750 for each offense.

('78 Code, § 9.57.020) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For state laws relating to theft, see ILCS Ch. 720, Act 5, § 16-1 et seq.



## CHAPTER 9.60: TRESPASS<sup>1</sup>

### Section

- 9.60.010 Notice, peace officer defined
- 9.60.020 Entry into buildings and vehicles without consent
- 9.60.030 Entry on land; remaining on land after notice to leave
- 9.60.040 Applicability
- 9.60.050 Violation; penalty

### **§ 9.60.010 NOTICE, PEACE OFFICER DEFINED.**

(A) For the purpose of this chapter, a person has received notice from the owner, occupant or person in charge of land if he has been notified personally, either orally or in writing, if a printed or written notice forbidding such entry has been conspicuously posted or exhibited on a part thereof.

(B) For the purpose of this chapter, **PEACE OFFICER** means any person who, by virtue of his office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.  
(‘78 Code, § 9.60.010) (Ord. 267, passed - -70)

### **§ 9.60.020 ENTRY INTO BUILDINGS AND VEHICLES WITHOUT CONSENT.**

Any person who knowingly and without authority enters any vehicle or building or any part thereof of another, without the owner’s consent, shall be guilty of trespassing.  
(‘78 Code, § 9.60.020) (Ord. 267, passed - -70)

### **§ 9.60.030 ENTRY ON LAND; REMAINING ON LAND AFTER NOTICE TO LEAVE.**

Any person who knowingly enters upon the land, or any part thereof, of another, after receiving, immediately prior to the entry, notice from the owner, occupant or person in charge of such land, or part thereof, or from a peace officer, that the entry is forbidden, or who remains upon the land of another after receiving notice to depart, as heretofore enumerated, shall be guilty of trespassing.  
(‘78 Code, § 9.60.030) (Ord. 267, passed - -70)

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<sup>1</sup>For state criminal trespass laws, see ILCS Ch. 720, Act 5, §§ 21-2, 21-3 and 21-5.

**§ 9.60.040 APPLICABILITY.**

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

('78 Code, § 9.60.040)

**§ 9.60.050 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$150, but no more than \$750 for each offense.

('78 Code, § 9.60.050) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96)

## CHAPTER 9.63: FRAUD

### Section

- 9.63.010 Definitions
- 9.63.020 Deceptive practice; prima facie evidence
- 9.63.030 Violation; penalty

### § 9.63.010 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**FINANCIAL INSTITUTION.** A bank, insurance company, credit union, savings and loan association, investment trust or other depository of money or medium of savings or collective investment.

**PROPERTY.** Anything of value.  
(‘78 Code, § 9.63.010) (Ord. 376, passed - -75)

### § 9.63.020 DECEPTIVE PRACTICE; PRIMA FACIE EVIDENCE.

A person commits a deceptive practice when, with intent to defraud, and with intent to obtain control over property or to pay for property, labor or services of another, he issues or delivers a check or other order in the sum of less than \$150 upon a real or fictitious financial institution for the payment of money, knowing that it will not be paid by the financial institution. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered is prima facie evidence that the offender knows that it will not be paid by the depository.  
(‘78 Code, § 9.63.020) (Ord. 376, passed - -75)

### § 9.63.030 VIOLATION; PENALTY.

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$200, but no more than \$750 for each offense.  
(‘78 Code, § 9.63.030) (Ord. 376, passed - -75; Am. Ord. 998, passed 7-1-96)





**ARTICLE VI: CONSUMER PROTECTION**

**CHAPTER 9.66: FALSE ADVERTISING<sup>1</sup>**

Section

9.66.010 Prohibited

**§ 9.66.010 PROHIBITED.**

No person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, securities, service or anything offered directly or indirectly by such person, firm, corporation or association to the public for sale or distribution, or with intent to increase the consumption thereof or induce the public in any manner to enter into any obligation relating thereto, or any interest therein, shall make, publish, disseminate, circulate or place before the public, in this city, in any newspaper or other publication sold or offered for sale upon any street, sidewalk or public ground, or in any handbill, or advertisement posted upon any street, sidewalk or public ground, or on any placard, advertisement or handbill exhibited or carried in any street or public ground, or upon any sidewalk, or on any banner of size flying across the street or from any house an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains assertion, representation, or statement which is untrue, deceptive or misleading.  
(‘78 Code, § 9.66.010) (Ord. 27 passed - -61)

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<sup>1</sup>For state law regulating fraudulent advertising, see ILCS Ch. 720, Act 295, § 1a et seq.



**ARTICLE VII: OFFENSES BY OR AGAINST MINORS**

**CHAPTER 9.69: CONTRIBUTING TO THE DELINQUENCY OF A MINOR<sup>1</sup>**

Section

9.69.010 Violation; penalty

**§ 9.69.010 VIOLATION; PENALTY.**

Any person who knowingly or wilfully causes, aids or encourages any minor child to be or to become a delinquent child, or who knowingly or wilfully does acts which directly tend to render any such child so delinquent is guilty of the crime of contributing to the delinquency of a minor, and upon such finding shall be fined not less than \$350, but no more than \$750 for each offense.

('78 Code, § 9.69.010) (Ord. 268, passed - -70; Am. Ord. 998, passed 7-1-96)

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<sup>1</sup>For state law pertaining to contributing to the delinquency of a child, see ILCS Ch. 720, Act 130, § 2a.



## CHAPTER 9.72: CURFEWS APPLICABLE TO MINORS

### Section

9.72.010	Definitions
9.72.020	Offenses
9.72.030	Defenses
9.72.040	Enforcement
9.72.050	Penalties

### § 9.72.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

#### ***CURFEW HOURS.***

(1) When a person is more than 15 years of age, but less than 18 years of age:

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(b) 11:59 p.m. on any Friday or Saturday and until 6:00 a.m. of the following day.

(2) When a person is less than 16 years of age: 9:30 p.m. until 6:00 a.m. on the following day, seven days a week.

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

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

#### ***GUARDIAN.***

(1) A person who, under court order, is the guardian of the person of a minor; or

(2) A public or private agency with whom a minor has been placed by a court.

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

**PARENT.** A person who is:

- (1) A natural parent, adoptive parent, or stepparent of another person; or
- (2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a person less than 18 years of age.

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

**REMAIN.** To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

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

(Ord. 1319, passed 7-6-04)

#### § 9.72.020 OFFENSES.

(A) A person of less than 18 years of age commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(B) A parent or guardian of a person less than 18 years of age commits an offense if he knowingly permits, or by insufficient control allows, the person of less than 18 years of age to remain in any public place or on the premises of any establishment within the city during curfew hours.

(C) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a person of less than 18 years of age to remain upon the premises of the establishment during curfew hours.

(Ord. 1319, passed 7-6-04) Penalty, see § 9.72.050

#### § 9.72.030 DEFENSES.

(A) It is a defense to prosecution under § 9.72.020 that the person of less than 18 years of age was:

- (1) Accompanied by his or her parent or guardian;
- (2) On an errand at the direction of his or her parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning from home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the presence of the person under the age of 18;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civil organization, or another similar entity that takes responsibility for the person of less than 18 years of age, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the person of less than 18 years of age;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended.

(B) It is a defense to prosecution under § 9.72.020(C) that the owner, operator or employee of an establishment promptly notified the police department that a person of less than 18 years of age was present on the premises of the establishment during curfew hours and refused to leave.

(Ord. 1319, passed 7-6-04)

#### **§ 9.72.040 ENFORCEMENT.**

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in under § 9.72.030 is present.

(Ord. 1319, passed 7-6-04)

#### **§ 9.72.050 PENALTIES.**

A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon a finding of guilt or a guilty plea, is punishable by a fine not to exceed \$1,000.

(Ord. 1319, passed 7-6-04)





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## ARTICLE VIII: WEAPONS

### CHAPTER 9.75: CONCEALING AND DISCHARGING WEAPONS

#### Section

- 9.75.010 Applicability
- 9.75.020 Concealing firearms
- 9.75.025 Possession with intent to use
- 9.75.030 Discharge of firearms generally
- 9.75.040 Discharge of toy firearms
- 9.75.060 Arrests
- 9.75.070 Confiscation of weapons
- 9.75.080 Reserved
- 9.75.090 Violation; penalty

#### **Cross reference:**

*Nuisance abatement concerning weapons, see Ch. 9.44*

#### **§ 9.75.010 APPLICABILITY.**

The provisions of this chapter shall not apply to duly constituted peace officers while engaged in the discharge of their official duties.

('78 Code, § 9.75.010) (Ord. 803, passed - -91)

#### **§ 9.75.020 CONCEALING FIREARMS.**

It is unlawful for any person to carry or possess 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, derringer or other firearm.

('78 Code, § 9.75.020) (Ord. 803, passed - -91)

#### **§ 9.75.025 POSSESSION WITH INTENT TO USE.**

It is unlawful for any person to carry or possess with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character.

('78 Code, § 9.75.025) (Ord. 803, passed - -91)

**§ 9.75.030 DISCHARGE OF FIREARMS GENERALLY.**

No person shall fire or discharge any gun, pistol, bow and arrow, crossbow, or other firearm/weapon within the city, except upon premises used by a duly licensed shooting gallery, gun club, rifle club, or archery range/club.

('78 Code, § 9.75.030) (Ord. 803, passed - -91; Am. Ord. 1723, passed 11-7-16)

**§ 9.75.040 DISCHARGE OF TOY FIREARMS.**

No person shall fire or discharge or set off anywhere within the city or have in his possession for such a purpose any toy firearm, air rifle, toy cannon or any gun which discharges projectiles either by air, spring, explosive substance or any other force.

('78 Code, § 9.75.040) (Ord. 803, passed - -91)

**§ 9.75.060 ARRESTS.**

Any police officer of the city may, within the city, without a warrant, arrest any person whom he finds in the act of violating the provisions of this chapter, and detain the person in custody until a summons or warrant can be procured on complaint made under oath or affirmation for the trial of the person or until the person shall establish his lawful right to carry a weapon under the provisions of this chapter.

('78 Code, § 9.75.060) (Ord. 803, passed - -91)

**§ 9.75.070 CONFISCATION OF WEAPONS.**

Pending the showing of the right of any person to carry a weapon as provided by this chapter, the weapon found on any person arrested as a result of a violation of this chapter shall be confiscated and retained by the police.

('78 Code, § 9.75.070) (Ord. 803, passed - -91)

**§ 9.75.080 RESERVED.****§ 9.75.090 VIOLATION; PENALTY.**

Any person found guilty of a violation of any of the provisions of this chapter shall be fined not less than \$350, but no more than \$750 for each offense.

('78 Code, § 9.75.090) (Ord. 803, passed - -91; Am. Ord. 998, passed 7-1-96)

## **CHAPTER 9.78: PENALTY**

### Section

9.78.010 Designated

### **§ 9.78.010 DESIGNATED.**

Any person found guilty of a violation of any of the provisions of this title, unless otherwise provided, shall be fined not less than \$75, but no more than \$750 for each offense.  
(‘78 Code, § 9.78.010) (Am. Ord. 998, passed 7-1-96)

