

CHAPTER 27

OFFENSES

ARTICLE I – DEFINITIONS

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

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply.

ARTICLE II - GENERALLY

27-2-1 **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties and no person shall use obscene or offensive language in the presence of a police officer; nor shall any person assault, strike, or fight with any police officer in the discharge of his duties or permit such conduct in or upon any house or premises in the City owned or possessed by him or under his management and control.

27-2-2 **IMPERSONATION OF OFFICER.** No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any person in his custody, or impersonate any of the members of the Police Force of this City, or maliciously or with the intention of deceiving any person, wear the uniform of or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department.

27-2-3 DISTURBING LAWFUL ASSEMBLIES. It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

27-2-4 UNLAWFUL ASSEMBLY.

(A) Whenever **twelve (12)** or more persons, any of them armed with clubs or dangerous weapons, or **thirty (30)** or more persons armed or unarmed are unlawfully, riotously, or tumultuously assembled in the City, it shall be the duty of each of the City Police Officers to go among the persons so assembled, or as near them as safety will permit, and in the name of the State command them immediately to disperse; and if they do not obey, every person refusing to disperse shall be deemed guilty of unlawful assembly.

(B) When persons so unlawfully assembled neglect or refuse on command to disperse, it shall be the duty of the Police to forthwith suppress such assembly and disperse the person composing it in such a manner as may be most expedient. **(See 20 ILCS Sec. 1815/40)**

27-2-5 DISTURBING THE PEACE. No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct.

27-2-6 BARBED WIRE AND ELECTRIC FENCES. It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below **eight (8) feet** in height and no electrically charged fence shall be erected or maintained, except in an agricultural or conservation zone district.

27-2-7 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 SALE OF CIGARETTES OR TOBACCO TO MINORS. It shall be unlawful for any person(s) to sell, buy for, or furnish any cigar, cigarette, or tobacco in any of its forms to any minor under **sixteen (16) years** of age unless upon the written order of the parent or guardian.

27-2-9 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-10 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge.

27-2-11 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

27-2-12 FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-13 RENTING PREMISES FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-14 AID TO AN OFFENSE. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-15 POSTING BILLS. It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper City and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-16 **INTOXICATION IN PUBLIC.** No person shall, in the City, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner.

27-2-17 **BEGGING.** No person shall beg or solicit alms within the City without having obtained permission in writing from the Mayor.

27-2-18 **CONCEALED WEAPONS.** No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

27-2-19 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City or so that the bullet, arrow, missile or projectile therefrom enters the City without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his personal property.

27-2-20 **GAMES IN STREET.**

(A) No person shall, upon any City street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

(B) It shall be unlawful for any person to place recreation or amusement items, including but not limited to basketball goals, hockey nets, soccer goals or other games or sports equipment upon any City street, alley, boulevard, sidewalk or right-of-way. Such items are subject to removal and impoundment by the City.

(C) Any property impounded by the City under subsection (B) may be redeemed by the rightful owner upon payment of **Fifty Dollars (\$50.00)**, being the fee calculated to cover the City's cost in removing and storing the item. Any property not redeemed within **thirty (30) days** of impoundment shall be deemed abandoned and may be disposed of by the City in any manner that the City sees fit.

(Ord. No. 13-8; 08-13-13)

27-2-21 STORAGE OF EXPLOSIVES.

(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding **five (5) pounds. (See 65 ILCS Sec. 5/11-8-4)**

27-2-22 THROWING ROCKS. No person in the City shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-23 DESTRUCTION OF PUBLIC PROPERTY. No person in the City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-24 FORTUNE TELLING. No person in the City shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-25 DISCARDED REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside without first removing the door or lid, snap-lock or other device from the ice box, refrigerator or container.

27-2-26 HALLOWEEN. It shall be illegal for any person of the age of **twelve (12) years** or older to engage in Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the City, either masked or unmasked. No person under the age of **twelve (12) years** shall engage in the Halloween practice called "**Trick or Treat**", except on **October 31st** of each year, however if such date is a Sunday then the Mayor may in his discretion designate another date for "**Trick or Treat**". Said right to engage in Halloween practice shall extend only from **5:00 P.M. until 8:00 P.M. (Ord. No. 99-29; 12-14-99)**

27-2-27 CURFEW.

(A) **Established.** It shall be unlawful for a person less than **seventeen (17) years of age** to be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least **eighteen (18) years of age**, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than **seventeen (17) years** of age to perform:

- (1) Between **11:00 P.M.** on Sunday to Thursday, inclusive and **6:00 A.M.** on the following day.
- (2) Between **12:00 Midnight** on Friday and Saturday, inclusive and **6:00 A.M.** on the following day.

(B) **Responsibility of Parents and Guardians.** It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (A) of this Section. **(See 65 ILCS Sec. 5/11-1-5)**

27-2-28 FIGHTING BY AGREEMENT. No person or persons in the City shall fight by any type of agreement (written or verbal). Any or all who participate in such fighting shall be in violation of this provision regardless of circumstances. (Excluded from this provision are organized athletic type events.) **(Ord. No. 99-33; 12-14-99)**

27-2-29 LOITERING IN PARKING LOTS. No person shall loiter at any time in the parking lot or employee parking lot for the Daum Administration Building, located at 1101 Walnut Street. The prohibition established hereby does not include the general public parking lot to the South of the employee parking lot for the Daum Administration Building. **(Ord. No. 07-07; 05-03-07)**

ARTICLE III - OFFENSES AGAINST PROPERTY

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

(A) obtains or exerts unauthorized control over property of the owner; or
(B) obtains by deception, control over property of the owner; or
(C) obtains by threat, control over property of the owner; or
(D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

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

(E) It shall be unlawful to commit a petty theft.
(See 720 ILCS Sec. 5/16-1)

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

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

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

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

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

ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

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

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

(B) with intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;

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

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

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

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

(G) urinates and/or defecates in public view or in a place that could be viewed by the public. **(Ord. No. 99-24; 10-12-99)**

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

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

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

(B) preventing the commission by another of any offense.
(See 720 ILCS Sec. 5/31-8)

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

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

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

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

such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

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

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

27-4-5 TRAPPING ANIMALS. It shall be unlawful for anyone to trap game or fur-bearing animals in the City.

27-4-6 BURNING TRASH LIMITED. It shall be unlawful for any person, firm, or corporation to burn any trash within the corporate limits of the City other than leaves. The burning of leaves is prohibited between the hours of **six o'clock (6:00) P.M.** to **Midnight (12:00)** and between the hours of **Midnight (12:00)** to **six o'clock (6:00) A.M.** of any day. **(Ord. No. 70-7; 06-26-70)**

27-4-7 PINBALL MACHINES REQUIRED. No person shall, within the limits of the City, use, own or operate any electronic pinball game by means of which coins are deposited in the machine for the purpose of winning money, merchandise or any other thing of value; provided, that operation of such machines for the purpose of winning free plays is permitted. **(Ord. No. 77-14; 09-27-77)**

27-4-8 YARD SALES. To conduct a yard sale or any similar sale upon any premises within the City more frequently than twice within **one (1) calendar year.** The period of each sale shall not exceed **three (3) consecutive days.** Any person intending to conduct such a sale shall register with the Police Department, giving location and dates of said sale, prior to its commencement. **(Ord. No. 78-20; 09-26-78)**

ARTICLE V – LITTER CODE

DIVISION I - ADMINISTRATION

27-5-1 DEFINITIONS. The following terms, phrases, words and their derivations shall have the meaning given herein unless their use in the text clearly demonstrates a different meaning.

"COMMERCIAL HANDBILL" shall mean and include any handbill which:

- (A) Advertises for sale, or promotional gifts or prizes, any merchandise, product, commodity or thing;
- (B) Directs attention to any business or other activity for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means;
- (C) Directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged;
- (D) While containing reading or pictorial matter other than advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

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

"ELEMENTS" shall mean and include any element whether created by nature or created by man, which with reasonable foreseeability could carry litter from one place to another. Elements shall include, but not be limited to, air current, rain, water current, and animals.

"HANDBILL" shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by United States Mail, except that handbill shall not include a newspaper.

"LITTER" shall mean and include any uncontainerized man-made or man-used waste which, if deposited within the City otherwise than in a litter receptacle, tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the City. Litter may include, but is not limited to any, garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

"LITTER RECEPTACLES" shall mean and include any container which is designed to receive litter and to prevent the escape of litter deposited therein, which is of such size or sufficient

capacity to hold all litter generated between collection periods, and which is in compliance with the regulations issued pursuant to **Section 27-5-3**.

"PARK" shall mean and include a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation, or any other area under the supervision of the Department of Parks and Recreation.

"PARKING LOTS" shall mean and include any private or public property with provisions for parking vehicles, to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.

"PERSON" includes any individual, partnership, corporation, company, firm, association or organization of any kind. **(Ord. No. 14-2; 03-11-14)**

"PRIVATE PREMISES" shall mean and include any dwelling house, building or other structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building or other structure.

"PUBLIC PLACE" shall mean and include any and all streets, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

27-5-2 ENFORCEMENT. Regulations promulgated in this Article shall be enforced by the Department of Public Works and the Police Department.

27-5-3 POWERS AND DUTIES OF THE ADMINISTRATIVE AGENCY.

(A) The Board of Public Works shall adopt, revise, and revoke rules and regulations in furtherance of the purpose of this Code.

(B) Notice of any adoption, revisions or revocation of rules and regulations pursuant to this Section shall be given to the County Board.

(C) If, within **thirty (30) days** after notice is given by the City Council of adoption, revision or revocation of rules and regulations by the Board of Public Works pursuant to this Section, the City Council shall by resolution or ordinance disapprove or reject such adoption, revision or revocation of rules and regulations, such action of the Board of Public Works in adopting, revising or revoking rules and regulations shall be of no effect.

(D) Provided the adoption, revision, or revocation of rules and regulations by the Board of Public Works pursuant to this Section has not been disapproved or rejected by the City Council within **thirty (30) days** after notice is given the City Council of such adoption, revision or revocation, the adoption, revision or revocation shall become effective **thirty (30) days** after such notice and following compliance with any applicable requirements for publication.

27-5-4 **ABATEMENT BY CITY.** The Director of Public Works, or his designee, where premises are in violation of any section of this Article, is hereby empowered to enter upon the premises and may thereupon correct the unclean conditions and place a lien on such land in the same amount in accordance with the procedure provided for abatement of unwholesome environmental conditions; but such person shall also be liable in an action to recover the aforesaid penalty.

27-5-5 **RECOVERY BY CITY OF EXPENSES OF LITTER REMOVAL.**

(A) The City is damaged by the depositing of litter within the City, and the cost of litter removal has become a significant expense of the City. It is intended that persons responsible for such expenses shall bear the costs of same. In order to recover the cost of litter removal, the City may bring a civil action against any person believed to be responsible for depositing litter. The City may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for depositing litter. If the settlement offer is accepted, no action will be instituted by the City.

(B) The Department of Public Works and the Police Department:

- (1) shall be responsible for determining the identity of persons responsible for damaging the City by depositing litter within the City, and
- (2) except as provided in subsection (D), are hereby empowered, as agents of the City, to make to any person believed to be responsible for damaging the City by depositing litter within the City, an offer of settlement.

(C) The Board of Public Works shall determine a standard amount of settlement offer authorized to be made by this Section. In determining the standard amount of the settlement offer, the Board of Public Works shall consider only such factors as may reasonably be considered when any individual offer of settlement is determined.

(D) The provisions of subsection (B) shall not be construed to require that a settlement offer be made if the amount of damage caused by the litter being deposited in the City is significantly greater than the standard amount of the settlement offer determined by the Board of Public Works pursuant to subsection (C) hereof.

27-5-6 **RESERVED.**

DIVISION II

VEHICULAR WASTE ON PUBLIC STREETS

27-5-7 VEHICLES DROPPING CONTENTS ON STREET. It shall be unlawful for any person to transport in any vehicle or by any other means or manner any loose material or articles likely to sift, fall, spill or be blown about on any public street, alley or other public way in the City.

27-5-8 REGULATIONS FOR USE OF GARBAGE OR REFUSE DISPOSAL VEHICLES. It shall be unlawful for any person, to overload such vehicles. Each operator of such a vehicle shall cover the contents or shall convey the contents in tightly secured and covered boxes or other containers.

In case of any of the contents of such vehicles shall become blown or scattered upon any public street, alley or other public way or place in the City, the person in charge thereof shall immediately gather up or cause to be gathered up any such blown or scattered material.

27-5-9 RESERVED.

DIVISION III – MAINTENANCE OF PROPERTY

27-5-10 LITTER COLLECTION AND STORAGE AREAS. Every owner or occupant or lessee of a house or building used for residence, business or commercial purpose shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized. Failure to so maintain clean litter collection and storage areas shall constitute a violation of this Section.

27-5-11 DUTY TO COLLECT LITTER. All litter that is subject to movement by the elements shall be secured by the owner of the premises where it is found before the same is allowed to be removed by the elements to adjoining premises.

27-5-12 NEGLECTED PREMISES VISIBLE TO THE PUBLIC. It shall be the duty of any person owning or controlling a house or other building or premises, including vacant lots visible from any public place or private premises, to maintain such premises in a reasonably clean and orderly manner and to a standard conforming to other orderly premises in that vicinity. It shall be a violation of this Section to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter thereon.

27-5-13 AREAS AROUND BUSINESS PREMISES. The owner or person in control of any public place, including but not limited to restaurants, shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office buildings, apartment buildings, housing projects, gas stations, and hospitals and clinics shall at all times keep the premises clean of all litter and shall take measures including daily cleanup of the premises to prevent litter from being carried by the elements to adjoining premises. It shall be a violation of this Section to abandon, neglect or disregard the condition or appearance of such premises so as to permit it to accumulate litter thereon.

27-5-14 LOADING OR UNLOADING DOCKS. The person owning, operating or in control of a loading or unloading dock shall at all times maintain the dock area free of litter in such a manner that litter will be prevented from being carried by the elements to adjoining premises.

27-5-15 CONSTRUCTION SITES—CLEAN CONDITION. The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried by the elements to adjoining premises.

27-5-16 MAINTAINING SIDEWALKS AND ALLEYS. Persons owning, occupying or in control of any premises shall keep the sidewalks and alleys adjacent thereto free of litter. In residential areas, owners or occupants shall sweep or rinse off the sidewalks abutting their premises as often as may be required to keep the walk and street reasonably free from dirt, paper, and waste. All owners or persons controlling premises in the central business district of the City shall, at least once each **twenty-four (24) hours**, except when the business is closed, sweep the sidewalks in front of their premises down to the curb, and gather up and removal all loose paper and refuse.

27-5-17 ABANDONED GARBAGE CONTAINERS. It shall be unlawful for any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage which has been containerized in accordance with a contract for its removal to allow that refuse, waste or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow that container to remain unemptied for longer than **fourteen (14) days** or in any case until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place.

27-5-18 **NEGLECTED REFUSE CONTAINERS--CONTRACTOR.** It shall be unlawful for any person who has contracted to collect and remove that refuse, waste or garbage described above to allow that refuse, waste or garbage to remain uncollected beyond the date provided by the contract for its collection and removal, or in any case to allow that container to remain unemptied for longer than **fourteen (14) days** or in any case until after that refuse, waste or garbage creates any condition which is offensive to persons upon any private premises or public place. A violation of this Section may be abated by the City in accordance with the provision of **Section 27-5-4**; provided, however, that in lieu of the lien thereon provided the container in question may be impounded and a lien be executed against any property held in connection with the business of collecting refuse, waste or garbage by that person who has agreed by contract to collect and remove that refuse, waste or garbage in question.

27-5-19 **GRAFFITI.**

(A) **Definitions.** "Graffiti" shall mean any words, letters, pictures, symbols, graphics or other drawings placed on any building or other premises by someone other than the owner or owner's agent, using spray paint, paint, chalk or any other substance which does not include information relating to the location and/or address of the building and/or signage otherwise permitted by the Ordinances of the City.

(B) **Violation.** It shall be unlawful for any person to intentionally damage, deface, conceal or impair the use of any real estate or personal property in which another has a property interest, without the consent of the other person, firm or corporation or any agent thereof.

(C) **Duty of Person in Control of Property.**

(1) It shall be the duty of any person owning, controlling or in possession of a house or other building or premises, including vacant lots visible from any public place or private premises, located within the City to maintain such premises free from graffiti.

(2) It shall be a violation of this Section for any person owning, controlling or in possession of a premises to abandon, neglect or disregard the condition or appearance of the premises so as to permit accumulation of graffiti thereon.

(3) If written notice is given of the above described condition to any one of the owner or person in control or in possession of the premises, such person given notice has **seven (7) days** to remove said graffiti. Upon failure of such person to remove said graffiti, the City may take the necessary action to remove said graffiti and the person so notified shall be responsible for the expense incurred for removal.
(Ord. No. 96-14; 12-10-96)

27-5-20 - 27-5-21 **RESERVED.**

DIVISION IV – LITTER RECEPTACLES

27-5-22 **PUBLIC PLACES.** Every owner, occupant, tenant or lessee using or occupying any public place shall provide adequate litter receptacles of sizes, numbers and types as required to contain all litter generated by those persons frequenting that public place, and as specified by the Director of Public Works for all public places.

27-5-23 PARKING LOTS. Any parking lot shall be equipped with litter receptacles in compliance with this Section and the regulations issued pursuant to **Section 27-5-3.**

27-5-24 PRIVATE PREMISES. The owner or person in control of private premises shall maintain litter receptacles for collection of litter as necessary or as required by regulations made pursuant to **Section 27-5-3**, and in such a manner that litter will be prevented from being carried by the elements to adjoining premises.

27-5-25 SPECIFICATIONS. Litter receptacles shall comply in size, material, and all other characteristics with the specification of regulations made pursuant to **Section 27-5-3.**

27-5-26 PERIODIC EMPTYING OF RECEPTACLES. All litter shall be removed periodically from litter receptacles as necessary to maintain their usefulness, and in accordance with regulations made pursuant to **Section 27-5-3.**

27-5-27 PREVENTION OF SCATTERING. Persons placing litter in litter receptacles shall do so in such manner as to prevent litter from being carried from the receptacles by the elements.

27-5-28 UPSETTING OR TAMPERING WITH RECEPTACLES. No person shall cause the removal, upsetting, mutilation, defacing or tampering with litter receptacles or cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises.

27-5-29 LITTER RECEPTACLES OBSTRUCTING TRAFFIC. Litter receptacles shall not be placed in any location where they may obstruct vehicular traffic or unreasonably obstruct pedestrian traffic.

27-5-30 EXTERIOR OF LITTER RECEPTACLES. Litter receptacles located on publicly-owned property shall be conspicuously identified and shall be free of commercial advertising.

27-5-31 RECEPTACLES TO BE PROVIDED BY THE CITY. In the central business district and in such other areas as the Department of Transportation may deem advisable, it may cause to be

placed in convenient places litter receptacles, to be provided and serviced either by contract or by direct operation by the City. The Department of Transportation may also cooperate with any merchants' association or civic group by permitting the placing by the merchants' association or civic group of litter receptacles in the same or in any other area of the City.

27-5-32 CONTAINERS EXEMPT FROM THE PROVISIONS OF THIS CODE. No section of this Code and no regulation made pursuant to this Code shall be construed to regulate the containers used in the collection of refuse, waste or garbage which containers are regulated by City ordinances.

27-5-33 - 27-5-34 RESERVED.

DIVISION V - HANDBILLS

27-5-35 THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES. No person shall throw, scatter or cast any kind of handbill in or upon any public place within the City; and no person shall hand out or distribute or sell any commercial handbill in any public place; provided however, it shall not be unlawful for any person to hand out or distribute handbills or any other thing which is otherwise permitted and authorized by law in any public place to any person willing to accept such handbill or other thing, without payment therefor.

27-5-36 PLACING HANDBILLS IN VEHICLES. No person shall deposit, fasten, throw, scatter or cast any handbill in or upon any vehicle. The provisions of this Section shall not be deemed to prohibit the handing of any noncommercial handbill to the owner or other occupant of any vehicle who is willing to accept it without payment therefor.

27-5-37 DISTRIBUTION OF HANDBILLS ON VACANT PRIVATE PREMISES. No person shall throw, deposit or place any handbills in or upon private premises which are uninhabited or vacant. **(Ord. No. 12-7; 04-10-12)**

27-5-38 PREMISES POSTED AGAINST HANDBILL DISTRIBUTION.

No person shall throw, deposit or place any handbill upon any premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near any entrance thereof a sign bearing the words "No Trespassing," "No Peddlers or Solicitors," "No Advertisements" or any other notice indicating in any manner that the occupants of said premises do not desire to have any such handbills left upon said premises. **(Ord. No. 12-7; 04-10-12)**

27-5-39 MANNER OF HANDBILL DISTRIBUTION ON INHABITED PRIVATE PREMISES.

No person shall throw, deposit or place any handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or any other person then present in or upon the private premises who is willing to accept such handbill. Provided, however, in case of inhabited private premises which are not posted against handbill distribution as provided in this Article, any person, unless requested by someone upon such premises not to do so or unless notified not to do so by the registry provided in this Article, may place or deposit any handbill in or upon the inhabited private premises, if the handbill is placed or deposited on the porch of the primary entrance of the premises or in proximity of the primary entrance, and in such a manner so as to prevent it from being carried by the elements about such premises or elsewhere, except that mailboxes may not be so used when prohibited by federal postal laws or regulations. **(Ord. No. 14-2; 03-11-14)**

27-5-40 CLEAN UP. Any person distributing handbills shall maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-41 ACTIVITIES EXEMPT FROM THE APPLICATION OF THIS ARTICLE. The provisions of this Article shall not be construed to prohibit the distribution of newspapers and political pamphlets.

[Unless Otherwise Noted, This Article Ord. No. 12-84; 10-23-84]

ARTICLE VI - TRESPASS

27-6-1 **TRESPASSES PROHIBITED.** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property.

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

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

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

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

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

(See Chapter 7; Article II)

ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

27-7-2 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

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

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

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

27-7-3 **VIOLATION.** It shall be unlawful for any person to commit an act of vandalism, as defined under **Section 27-7-1. (Ord. No. 96-14; 12-10-96)**

ARTICLE VIII - OBSCENITY

27-8-1 **OBSCENITY.**

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

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

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

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

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

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

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

27-8-2 HARMFUL MATERIAL.

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

(B) **Definitions.**

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

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

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

(D) **Affirmative Defenses.**

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

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

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

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

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

ARTICLE IX

FIREWORKS – PRIVATE USE AND PUBLIC DISPLAYS

27-9-1 FINDINGS. The City has found that the widespread and uncontrolled sale and use of fireworks causes substantial harm to persons and property. Such harm poses a serious threat to the health, safety and general welfare of the community.

27-9-2 PURPOSE. The purpose of this Article is to eliminate the harm to health and property within the City and is designed to safeguard the health, safety, and welfare of the citizens and protect property.

27-9-3 SCOPE OF AUTHORITY. Unless exempted by provisions contained herein, the provisions of this Article shall apply to all persons within the City.

27-9-4 DEFINITIONS.

"POLICE CHIEF": The Police Chief of the City.

"FIRE CHIEF": The Chief of the Fire Department of the City.

"FIREWORKS": Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which any such explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, lady fingers, torpedoes, skyrockets, Roman candles, dayglo bombs, sparklers, or other devices containing any such explosive substance. The term "fireworks" shall not include model rockets and model rocket engines which are designed, sold, and used for the purpose of propelling recoverable aero models, when actually used for that purpose and used under the supervision of the science instructor or other competent adult and when the place and time of firing the sky rockets or missiles has been approved by the Police Chief. The term "fireworks" shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy papers or plastic caps are used and such toy paper or plastic caps are manufactured as provided therein except that no toy paper or plastic cap shall contain more than **Twenty-Five Hundredths (.25) of a grain** of explosive composition per cap. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. The sale and use of these toy paper or plastic caps shall be permitted at all times. Nothing in this Section shall be construed as applying to the manufacture, storage, sale, or use of

signals necessary for the safe operation of railroads or other classes of public or private transportation, nor applying to the military or naval forces of the United States or of this State, or to peace officers. Nothing in this Section shall be construed as forbidding the sale and use of blank cartridges for ceremonial, theatrical or athletic events. **(Ord. No. 06-21; 08-08-06)**

"SELL OR DISPLAY": Selling, offering to sell, exhibiting, or possessing with intent to give away, sell, or offer to sell within the City.

"USE": Purchasing, possessing, setting off or otherwise causing to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or to discharge them or throw them from land, air, or highway into any area of the City. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This provision shall also mean and include casting, throwing, lighting, or firing any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other fireworks or combustible firecrackers of any kind.

27-9-5 PROHIBITIONS AND UNLAWFUL ACTS. Except as provided herein, it shall be unlawful for any person to sell or display, offer to sell, possess, give away, store, or use fireworks within the City. It shall be unlawful for any person to allow or permit fireworks to be used or exploded on his premises or premises under his control. It shall be unlawful for any person to mishandle or misuse fireworks. The following constitute unlawful mishandling or misuse of fireworks:

(A) It shall be unlawful to throw any firework, whether such firework is burning or not.

(B) It shall be unlawful to throw or otherwise use fireworks from an automobile or other motor vehicle, whether the vehicle is moving or standing still.

(C) It shall be unlawful to store, keep, sell, or use any fireworks within **fifty (50) feet** of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of **one (1) gallon**.

(D) It shall be unlawful to discharge or use any fireworks within **one thousand (1,000) feet** of any hospital, sanitarium, or infirmary.

(E) It shall be unlawful to discharge or use any fireworks in, under, or on an automobile or other motor vehicle, whether moving or standing still.

(F) It shall be unlawful to discharge or use fireworks within **fifty (50) feet** of any retail fireworks within **fifty (50) feet** of any retail fireworks stand or facility where fireworks are sold.

(G) It shall be unlawful to mishandle or misuse fireworks in any other way.

27-9-6 **EXCEPTIONS.** The following exceptions shall apply:

(A) It shall be lawful for a person to possess the fireworks, specified in paragraph (C) below, on and between the dates of **June 27th** and **July 5th** of each year. Provided that, nothing in this provision shall be construed to allow the sale or display of any fireworks.

(B) It shall be lawful for a person to use certain fireworks, herein specified, on **July 4th** of each year between the hours of **8:00 a.m.** and **11:30 p.m.**

(C) The following fireworks may be possessed or used, as provided in this Section, provided that nothing in this Section shall be construed to allow the possession or use of any firework that is not a "**Class C**" firework as defined by federal law:

- (1) Nonpoisonous snakes and items of similar composition.
- (2) Roman candles, not exceeding **ten (10)** balls with total pyrotechnic composition not exceeding **twenty (20) grams** in weight, and inside tube diameter not exceeding **three-eighths (3/8) inch**.
- (3) Skyrockets with sticks, total pyrotechnic composition not exceeding **twenty (20) grams** in weight, and inside tube diameter not exceeding **one-half (1/2) inch**.
- (4) Helicopter-type rockets, total pyrotechnic composition not exceeding **twenty (20) grams** in weight, and inside tube diameter not exceeding **three-fourths (3/4) inch**.
- (5) Cylindrical fountains, with total pyrotechnic composition not exceeding **seventy-five (75) grams** in weight, and inside tube diameter not exceeding **three-fourths (3/4) inch**.
- (6) Cone fountains, with total pyrotechnic composition not exceeding **fifty (50) grams** in weight.
- (7) Wheels, with total pyrotechnic composition not exceeding **sixty (60) grams** for each driver unit or **two hundred forty (240) grams** for each wheel, and with inside tube diameter of driver units not exceeding **one-half (1/2) inch**.
- (8) Illuminating torches and colored fire in any form, with total pyrotechnic composition not exceeding **one hundred (100) grams** each.
- (9) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate not exceeding **five (5) grams**, and all sparklers.

- (10) Mines and shells, of which the mortar is an integral part, total pyrotechnic composition not exceeding **forty (40) grams** in weight.
- (11) Firecrackers and salutes with casings, with external dimensions not exceeding **one and one-half (1 ½) inches** in length and **one-quarter (1/4) inch** in diameter, and total composition not exceeding **two (2) grams** each in weight.
- (12) Smoke devices known as smoke balls, or tubes containing a pyrotechnic mixture which, upon ignition, produces a visible cloud of black, white or colored smoke.

(D) Nothing in **Section 27-9-5** shall be construed as forbidding the possession or use of any fireworks by those in charge of a public exhibition. Such an exhibition may be held on any day or days of the year provided that it is held at a location which does not endanger persons or property, and provided that a pyrotechnic expert is used, and provided that those in charge of the exhibition obtain a permit and comply with **Sections 27-9-7** and **27-9-8** herein and all applicable state laws or regulations.

27-9-7 PUBLIC EXHIBITIONS – PERMIT APPLICATIONS – CONTENTS.

An applicant for a permit for a public exhibition or display of fireworks shall file with the City Clerk a written application therefor, duly subscribed and sworn by the applicant. Such application shall set forth the following:

- (A) The name of the association, organization, or corporation sponsoring the display, together with the names of the persons to be in charge of the display.
- (B) The date and time of day at which the display is to be held.
- (C) The exact location planned for the display.
- (D) A description setting forth the name, age, address, and experience of the persons who are to do the actual firing and discharging of the fireworks.
- (E) The number and kinds of fireworks to be discharged.
- (F) The manner and place of the storage of such fireworks between the date of purchase and the date of display.
- (G) A diagram or sketch of the grounds on which the fireworks are to be discharged, the location of all buildings, streets, trees, telephone, or telegraph lines or overhead obstructions within a distance of **fifty (50) yards** of the point of discharge, and the lines behind which the public will be restrained.

27-9-8 PUBLIC EXHIBITIONS – PERMIT APPLICATIONS – FILING. An application for a permit for a public exhibition or display of fireworks shall be filed with the City Clerk at least **twenty (20) days** before the date set for the display. A copy of such application shall be sent at once to the Fire Chief, who shall make or cause to be made, an investigation of the site of the

proposed display and investigate the competence and skill of the persons in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this Article, he shall so advise the City Clerk within **ten (10) days**, at which time, the City Clerk shall issue the permit. The applicant for a permit shall, at the time of filing application therefor, pay to the City Clerk a fee of **One Hundred Dollars (\$100.00)**, which sum shall be refunded in the event the application for such permit is denied. Each applicant shall pay to the City Clerk a nonrefundable investigation fee of **Thirty Dollars (\$30.00)**. **(Ord. No. 06-21)**

ARTICLE X – DRUG PARAPHERNALIA

27-10-1 DEFINITIONS.

(A) The term “**drug paraphernalia**” means all equipment, products, and materials of any kind which are used, intended for use, or marketed for use with illegal cannabis or drugs, as defined by the **Illinois Compiled Statutes**, or designed for use in planting, propagating, cultivating, growing, harvesting, manufactured, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, **Illinois Compiled Statutes, Chapter 720, Paragraph 570/100 et seq.**, “Drug paraphernalia” includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment, used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;

- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - (b) Water pipes;
 - (c) Carburetion tubes and devices;
 - (d) Smoking and carburetion masks;
 - (e) Roach clips or other objects used to hold burning materials, such as a marijuana cigarette which has become too small or short to be held in the hand;
 - (f) Miniature cocaine spoons and cocaine vials;
 - (g) Chamber pipes;
 - (h) Carburetor pipes;
 - (i) Electric pipes;
 - (j) Air-driven pipes;
 - (k) Chilams;
 - (l) Bongs;
 - (m) Ice pipes or chillers.

(B) As used for City ordinance violations, "Cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the 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. **(Ord. No. 16-28; 12-27-16)**

27-10-2 DETERMINATION OF DRUG PARAPHERNALIA. In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other relevant factors, the following:

- (A) Statements by an owner or anyone in control of the object concerning its use;
- (B) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any controlled substances;
- (C) The proximity of the object, in time and place, to a direct violation of this Article;
- (D) The proximity of the object to controlled substances;
- (E) The existence of any residue of controlled substances on the object;
- (F) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Article; and the innocence of any owner or anyone in control of the object, as to a direct violation of this Article, shall not prevent a finding that the object is intended or designed for use as "drug paraphernalia";
- (G) Instructions, oral or written, provided with the object concerning its use;
- (H) Descriptive materials accompanying the object which explain or depict its use;
- (I) National or local advertising concerning the object's use;
- (J) The manner in which the object is displayed for sale;
- (K) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;
- (M) The existence and scope of legitimate uses for the object in the community;
- (N) Expert testimony concerning the object's use.

27-10-3 OFFENSES AND PENALTIES.

(A) Possession of Drug Paraphernalia.

- (1) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in 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 Class A misdemeanor for which the court shall impose a minimum fine of **Seven Hundred Fifty Dollars (\$750.00)** in addition to any other penalty prescribed for a Class A misdemeanor. This subparagraph (1) does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- (2) In determining intent under subparagraph (1), the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.
- (3) If a person violates subparagraph (1) of **Section 27-10-3(E)**, the penalty for possession of any drug paraphernalia seized during the violation for that offense shall be a civil law violation punishable by a fine of **Two Hundred Dollars (\$200.00)**. The proceeds of the fine shall be payable to the Jackson County Circuit Court. Within **thirty (30) days** after the deposit of the fine, the Clerk shall distribute the proceeds of the fine as follows:
 - (a) **Twenty Dollars (\$20.00)** of the fine to the Circuit Clerk to be used to defer the cost of automatic expungement
 - (b) **Eighty Dollars (\$80.00)** to the Murphysboro Police Department
 - (c) **One Hundred Dollars (\$100.00)** to the City of Murphysboro
- (4) The Police Department shall automatically expunge, on or before **January 1** and **July 1** of each year, the records of a person found to have committed a violation of **Section 27-10-3(A)(1)** containing the final disposition pertaining to the person issued a citation for the offense.
- (5) The Jackson County Circuit Clerk shall expunge, upon order of the court, or in the absence of a court order on or before **January 1** and **July 1** of each year, the court records of a person found in the circuit court to have committed a violation of **Section 27-10-3(A)(1)** containing the final disposition pertaining to the person issued a citation for the offense.

(Ord. No. 17-1; 01-24-17)

(B) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the *Illinois Controlled Substances Act, **(720 ILCS Sec. 570/100 et seq.)**. Any person violating this Section is guilty of a crime, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(C) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates subsection (B) of this Section by delivering, selling, or giving drug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**. **(Ord. No. 438-82; 07-20-82)**

(D) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this Section is

guilty of a crime and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

- (E) It is unlawful for any person knowingly to possess cannabis.
- (1) Any person who violates this subsection with respect to more than **ten (10) grams** of any substance containing cannabis shall be prosecuted in accordance with the Illinois Criminal Code.
 - (2) Any person who violates this subsection with respect to not more than **ten (10) grams** of any substance containing cannabis is guilty of an ordinance violation punishable by a fine of **Two Hundred Dollars (\$200.00)**. The proceeds of the fine shall be payable to the Jackson County Circuit Court. Within **thirty (30) days** after the deposit of the fine, the Clerk shall distribute the proceeds of the fine as follows:
 - (a) **Twenty Dollars (\$20.00)** of the fine to the Circuit Clerk to be used to defer the cost of automatic expungement.
 - (b) **One Hundred Dollars (\$100.00)** to the Murphysboro Police Department.
 - (c) **Eighty Dollars (\$80.00)** to the City of Murphysboro.
 - (3) The Police Department shall automatically expunge, on or before **January 1** and **July 1** of each year, the records of a person found to have committed a violation of **Section 27-10-3(E)(2)** containing the final disposition pertaining to the person issued a citation for the offense.
 - (4) The Jackson County Circuit Clerk shall expunge, upon order of the court, or in the absence of a court order on or before **January 1** and **July 1** of each year, the court records of a person found in the Circuit Court to have committed a violation of **Section 27-10-3(E)(2)** containing the final disposition pertaining to the person issued a citation for the offense.

(Ord. No. 16-28; 12-27-16)

27-10-4 FORFEITURE OF PROPERTY.

- (A) All articles defined in subsection (B)(1) shall be subject to forfeiture.
- (B) Property subject to forfeiture under this Article may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:
- (1) If the property subject to seizure has been the subject of a prior judgment in favor of the City in an ordinance violation proceeding;
 - (2) If there is probable cause to believe that the property is either directly or indirectly dangerous to health or safety.
- (C) In the event of seizure pursuant to subsection (B), proceedings under subsection (D) shall be promptly instituted.
- (D) Property taken or detained under this Article shall not be subject to replevin, but is deemed to be in the custody of the Chief of Police, subject only to the orders of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Article, the Chief of Police may:
- (1) Place the property under seal; or
 - (2) Remove the property to a place designated by him; or
 - (3) Take custody of the property and remove it to an appropriate location for destruction.

27-10-5 PROHIBITION OF POSSESSION OF WEAPONS, LIQUOR AND DRUGS IN THE CITY HALL. Except for evidence purposes, it shall be unlawful for any person other than police officers to possess within the City Hall:

- (A) a dangerous weapon as defined in **Illinois Compiled Statutes, Chapter 720, Section 5/33A-1**, as now and hereafter amended or renumbered, or
- (B) alcoholic liquor as defined in **Chapter 21**, or
- (C) a controlled substance as defined in **Illinois Compiled Statutes, Chapter 720, Section 570/102**, as now and hereafter amended or renumbered, or
- (D) cannabis, as defined in the "**Cannabis Control Act**", **Illinois Compiled Statutes, Chapter 720, Section 550/1, et seq.**, as now or hereafter amended or renumbered.

ARTICLE XI – SOUND AMPLIFYING REGULATIONS

27-11-1 **DEFINITIONS.** For purposes of this Code the following definitions shall apply unless a contrary meaning is clear from the context:

(A) **Day Time Hours.** 7:00 A.M. to 10:00 P.M. Local Time.

(B) **Night Time Hours.** 10:00 P.M. to 7:00 A.M. Local Time.

(C) **Sound Amplifying Device.** Any device utilizing electric current which amplifies a musical instrument, tuner, phonograph record, magnetic tape, compact disc, or any electrically synthesized sound or human voice.

(D) **Multiple Unit Dwellings.** Any parcel of land containing **two (2)** or more adjoining dwelling units.

(E) **Boundary Line.** That line where the property, upon which the sound amplifying device is located, meets any public right of way for streets, sidewalks or alleys, or meets property owned by another person or entity, which line may be determined by objects or structures which are positioned so that a reasonable person would believe that the objects or structures indicate the boundary of the property.

(F) **Motor Vehicle.** For purposes of this Section, “motor vehicle” shall have the meaning ascribed to it in the Illinois Vehicle Code.

(G) **City-Assisted Special Event.** Parades, celebrations, and festivals taking place within the City when such event results in the closure of public streets or alleys by action of the City Council, when auxiliary police are provided by the City for security purposes for such event, when the City provides contribution to such event of labor or funds, or when the City offers its resources to assist in cleaning debris and litter after such event.

27-11-2 **NOISE FROM ANY PROPERTY.** It shall be unlawful for any person to use or operate, or to knowingly permit another person to use or operate upon property owned, controlled, or managed by him or her, a sound amplifying device so that the device produces loud and raucous sounds at a distance greater than **seventy-five (75) feet** during the night time hours or greater than **one hundred (100) feet** during the day time hours from any boundary line of the property upon which the sound amplifying device is located, except the persons or devices set forth in **Section 27-11-4.**

27-11-3 **NOISE UPON PROPERTY CONTAINING MOBILE HOME PARKS AND MULTIPLE UNIT DWELLINGS.**

(A) It shall be unlawful for any person to use or operate or to knowingly permit another person to use or operate upon property owned, controlled, or managed by him or her, a sound amplifying device so that the device produces loud and raucous sounds at a distance greater than **seventy-five (75) feet** during night time hours or greater than **one hundred (100) feet** during day time hours from any sound amplifying device upon property within a mobile home park.

(B) It shall be unlawful for any person to use or operate or to knowingly permit another person to use or operate upon property owned, controlled, or managed by him or her, a sound amplifying device so that the device produces loud and raucous sounds in an immediately adjacent multiple unit dwelling.

27-11-4 NOISE FROM A MOTOR VEHICLE OR MOTORCYCLE. It shall be unlawful for any driver to operate or knowingly permit operation of a sound amplifying device from a motor vehicle or motorcycle operated by the driver and located within the public right of way that can be heard at a distance greater than **seventy-five (75) feet** from the motor vehicle or motorcycle, unless such device is being operated to request assistance or warn of a hazardous situation.

27-11-5 EXCEPTIONS. The following persons and devices are exempt from the restrictions contained in this Article:

(A) Police, fire, ambulance and other emergency personnel when acting in their official capacity.

(B) Sounds produced by warning and anti-theft devices for a period of time which is reasonable under the circumstances existing at the time the sounds are produced.

(C) Sounds produced by carillons or clocks constructed for outdoor use.

(D) Persons using or operating or permitting other persons to use or operate a sound amplifying device as part of and at the location of City-assisted special events, which use or operation shall not commence until **9:00 A.M.** and shall cease at **11:59 P.M.** of the day of the event.

27-11-6 PENALTIES. Any person violating the provisions of this Article, on conviction thereof, shall be subject to the following penalties:

1 st offense	\$75.00
2 nd offense	\$100.00
3 rd offense	\$250.00
4 th offense and thereafter	\$500.00

27-11-7 SUBSEQUENT OFFENSES. Each subsequent incident of conduct by the same person or persons which violates the provisions of this Article shall constitute a separate offense, whether or not occurring on the same day as the initial offense.

(Ord. No. 96-11; 08-13-96)

ARTICLE XII – TRUANCY

27-12-1 **TRUANCY.**

(A) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

- (1) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The terms includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (2) **"Parent or Custodian"** means any person having custody of a person or a student who is:
 - (a) a natural parent, adoptive parent or step-parent;
 - (b) a legal guardian;
 - (c) a person who stands in loco parentis, or otherwise acts in the role of a parent by reason of private agreement, arrangement, custom or habit;
 - (d) a person to whom legal custody has been granted by Court order; or
 - (e) a person at least **eighteen (18) years** of age and authorized by a parent or guardian to have the care and custody of a student.
- (3) **"Student"** means any person between the ages of **seven (7)** and **seventeen (17) years** subject to compulsory school attendance under **105 ILCS 5/26-1**, and who is enrolled in a public, private or parochial school within the corporate limits of the City. Students who are instructed in a home school program are not subject to the provisions of the Section.
- (4) **"Truant"** means a child subject to compulsory school attendance under **105 ILCS 5/26-1**, and who is absent without valid cause, as defined in this Section, from such attendance for a school day or portion thereof.
- (5) **"Valid cause for absence"** means illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the principal or the principal's designee of the school which that student attends, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student.

(B) **Truancy Prohibited.**

- (1) It shall be unlawful for any student to absent himself from attendance during all, or part of, a school day during a time when school is in session without valid cause.
- (2) Each day, or period, that a student absents himself from attendance in school or a school class during a time when school is in session without valid cause shall constitute a separate offense and shall be punishable as such.

(C) **Parental Responsibility.**

- (1) No parent or custodian of a student under the age of **thirteen (13) years** of age shall, without valid cause, permit such student to absent himself from attendance at a public, private or parochial school on such date, and during such hour, as the school may be regularly in session. Such parent shall be deemed to permit a student's unexcused absence from school if a student under the age of **thirteen (13) years** of age is convicted of violating any provision of this Section.
- (2) If a student under **thirteen (13) years** of age is convicted of violating any provision of this Section, the parent or custodian of said student is liable for the student's violation and shall be subject to the penalties set forth in subsection (G) of this Section.

(D) **Defenses.** In addition to being absent for a valid cause as defined herein, it is a defense to prosecution under this Section if the student was:

- (1) accompanied by a parent or custodian if engaged in an activity which would constitute an excused absence from the school from which the student would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of a valid proof that the student has permission to leave the school campus;
- (6) a bona fide participant in an alternative education or home school program;
- (7) engaged in or subject to an authorized or excused absence from the school which the student attends;
- (8) an emancipated minor pursuant to law; or
- (9) subject to any other defense and/or exemption set forth in the Illinois School Code (**105 ILCS 5/1-1 et seq.**) for compulsory attendance or enrollment in school.

(E) **Authority to Stop and Detain.** Any police officer who witnesses a person whom the officer reasonably believes to be in violation of this Section may stop and detain the person for the purpose of verifying the person's identity, age, school enrollment and authority to be absent from school. The police officer shall immediately inform the person of the reason for the detention and that he or she will be released upon verification of authorization to be absent from school. Other than to transport the student to school or to his/her parent or legal guardian, the person shall not be removed from the scene of the investigatory stop unless he or she refuses to provide the officer with the necessary information. If the officer determines that the person is in violation of this Section, he may, if practical, transport the offender to school authorities or to the child's parent or legal guardian.

(F) **Enforcement.** Any City police officer and any duly appointed and authorized truant officer or designee of the Regional Superintendent of Schools of Community Unit School District #186 shall have authority to issue citations for violations of this Section.

(G) **Penalties.**

- (1) Any student **thirteen (13) years** of age or older convicted of a violation of this Section is subject to a fine not to exceed **One Hundred Dollars (\$100.00)** or community service, or both.
- (2) Any parent or custodian of a student under **thirteen (13) years** of age convicted of a violation of this Section is subject to a fine not to exceed **One Hundred Dollars (\$100.00)** or community service, or both.

(Ord. No. 12-5; 04-10-12)

ARTICLE XIII – MURPHYSBORO APPLE FESTIVAL

27-13-1 **DEFINITION OF MURPHYSBORO APPLE FESTIVAL.** For purposes of this Article the term “Murphysboro Apple Festival” shall include those days of each year from the first Sunday following Labor Day through the second Sunday following Labor Day.

27-13-2 **DEFINITION OF MURPHYSBORO APPLE FESTIVAL BOUNDARIES.**
The term “Murphysboro Apple Festival Boundaries” shall include the following areas:

10th Street to 13th Street between Locust Street to Mulberry Street; 14th Street to 13th Street between Manning Street and South Street; and encompassing all the areas inside said boundaries.

During the Friday and Saturday of the Murphysboro Apple Festival, the established boundaries shall additionally include Walnut Street between 7th Street and 22nd Street encompassing one block north and one block south of Walnut Street during the hours of 2:00 P.M. and 5:00 P.M. on said Friday and the hours of 9:00 A.M. to 4:00 P.M. on said Saturday.

27-13-3 **REGULATION ON BUSINESSES AND/OR VENDORS.** It shall be unlawful for any vendor or business to offer for sale any goods, property or commodities during the annually held Murphysboro Apple Festival, within the Murphysboro Apple Festival Boundaries, except as follows:

(A) It shall be lawful for established businesses within the City that own, lease or rent real property to offer for sale only those goods, property or commodities sold during its normal course of business.

(B) It shall be unlawful for vendors, businesses, organizations, groups or individuals contracted or authorized by the Murphysboro Apple Festival Committee to offer for sale any goods, property or commodities.

27-13-4 **REGULATION ON SEX OFFENDERS.** It shall be unlawful for any person registered as a Sex Offender, Child Sex Offender or Juvenile Sex Offender to be within the boundaries set between 11th Street to 14th Street, and between Walnut Street and South Street and/or Walnut Street and Mulberry Street, encompassing all the areas inside said boundaries, during the annually held Murphysboro Apple Festival.

27-13-5 **REGULATION ON PETS.** It shall be unlawful for any person to possess any pet or animal within the boundaries set between 11th Street to 14th Street, and between Walnut Street and South Street and/or Walnut Street and Mulberry Street, encompassing all the areas inside said boundaries, during the annually held Murphysboro Apple Festival except as follows:

(A) This Section does not apply to service animals as defined by the Americans with Disabilities Act or under the provisions of the Illinois Human Rights Act or other law of the State of Illinois.

(B) This Section does not apply to any person inhabiting a residential premises located within said boundaries, so long as such person is the owner of the pet or animal and the pet or animal remains on the residential premises of such owner, or if the pet or animal is temporarily off of the residential premises of the owner only for the purpose of transporting the pet or animal directly to or from a location outside of said boundaries, and the City Code is otherwise complied with.

(Ord. No. 14-10; 08-12-14)

ARTICLE XIV – HANDBILLS

27-14-1 **LICENSE REQUIRED.** It shall be unlawful for any person to throw, deposit, place, hand out or distribute any commercial handbill to a private premises within the City without first having obtained a license to do so from the City.

27-14-2 **APPLICATION.** A person desiring a commercial handbill license may obtain the same by making application on a form provided by the City Clerk requiring, at a minimum, the following information:

- (A) Name, address and telephone number of the applicant.
- (B) Name, address and telephone number of each person who will supervise the distribution of handbills for the applicant.
- (C) A comprehensive description of the materials sought to be distributed.
- (D) The proposed days, hours and location of distribution.
- (E) Name, address and telephone number of all individuals who are employed or otherwise authorized by the applicant to perform the proposed distribution of handbills.

27-14-3 **FEE.** At the time of making application for a license, the applicant shall pay the license fee of **Sixty Dollars (\$60.00)**. A license issued under this Article shall be valid, unless sooner revoked, from **May 1st** of each year to **April 30th** of the following year.

27-14-4 **LICENSE NOT TRANSFERABLE AND NO REFUND OF FEE.**

- (A) A license issued under this Article is not transferable, and any attempted transfer or assignment of such license shall render the license void, and the licensee shall not be entitled to any refund of any part of the license fee.
- (B) If a license is surrendered by the licensee or is revoked by the City there shall be no refund to the licensee of any part of the license fee.

27-14-5 **REPORT OF CHANGE OF INFORMATION.** The holder of a commercial handbill license shall report in writing to the City Clerk within **five (5) working days** of any changes in the information provided to the City when application was made and the license issued.

27-14-6 **EMPLOYEES AND AGENTS.** Persons acting for a licensee, as employees or agents, in the distribution of commercial handbills shall not be required to obtain a license or pay a fee, however, each such persons shall be subject to and comply with all other provisions of this Article and shall be subject to the penalties for violation thereof.

27-14-7 REVOCATION OF LICENSE. Without limiting other just grounds for revocation, the City may immediately revoke any license issued under this Article that was obtained under an application containing false, misleading or fraudulent information, or for violation of this Article or other City Ordinance by the licensee or by any person acting for the licensee, as employee, agent or otherwise.

27-14-8 REGISTRY (DO NOT THROW LIST).

(A) No licensee shall place or allow to be placed any commercial handbill upon any private premises if the owner or occupant has notified the licensee not to do so.

(B) For this purpose, the licensee shall establish and maintain a registry (Do Not Throw List) of the names and addresses of all owners and occupants who have so notified the licensee.

(C) The name and telephone number of the licensee shall be placed on any handbills distributed by the licensee, including notice of the right to be placed on the registry.

(D) Every licensee shall keep and maintain records of the registry, including but not limited to requests made to be placed on the registry, complaints for failure to comply and for handbills distributed in violation of the registry requirements, whether made by telephone, in writing or otherwise.

(E) Every licensee shall make the registry and such records available for inspection and copying by the City upon request.

(Ord. No. 14-2; 03-11-14)