

**TITLE 10
POLICE REGULATIONS**

**CHAPTER 1
GENERAL OFFENSES**

10-1-1: GENERAL PROVISIONS:

- A. Offenses Prohibited: It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to Municipal government.
- B. Aid to 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 the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

10-1-2: OFFENSES AGAINST PUBLIC PROPERTY:

- A. Expecting on Sidewalk or in Public Buildings: It shall be unlawful for any person to expectorate or spit upon any sidewalk or upon the floor of any public building or room used for public assemblies.
- B. Grade and Line Markers: It shall be unlawful for any person to purposely change or remove any stake, post or stone placed or set to designate the corner or line of any lot, street or alley, or show the grade of any street, alley or sidewalk.
- C. Injurious Material on Thoroughfares, Deposits of: It shall be unlawful for any person to deposit, place or allow to remain in or upon public thoroughfare any material or substance injurious to person or property.
- D. Lug Wheels Prohibited: It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.
- E. Playing Ball on Streets Prohibited: It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the Municipality. (1963 Code)
- F. Public Ways; Occupation of: Unless properly licensed in accordance with this Village Code, no person shall erect any booth or establish or fix any stand for the sale of fruit, books or other merchandise, or any

article of value whatever, within the boundary lines of any street, or so as to encumber any part or portion of any street or sidewalk. (Ord., 2-11-1897; amd. 1983 Code)

G. Water Flowing Upon Streets: It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare. (1963 Code)

H. Water Obstruction: It shall be unlawful for any person to stop or obstruct the passage of water in any street, gutter or public sewer, culvert or water pipes laid or placed by the Village. (Ord., 2-11-1897)

10-1-3: OFFENSES CONCERNING PROPERTY:

A. Junk, Keeping of Restricted: It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public parks, public grounds, business buildings or residences without first providing proper and tight buildings for the storage of the same. (Ord., 2-11-1897)

B. 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 or any other portion or part of any public property or sidewalk, or upon any tree, lamppost, hydrant or upon any private wall, door or gate. (Ord., 2-11-1897; amd. 1983 Code)

C. Trespassing: It shall be unlawful for any person to take down any fence or to let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof. (1963 Code)

D. Vandalism: It shall be unlawful for any person to wantonly mar, injure, deface or destroy any fence, signboard or awning in any street, public or private place, or to wantonly cut, injure, mark or deface any building or grounds belonging to the Village, nor any sewer, water pipe, hydrant, telephone or electric wire, tree, grass or shrub in any part of the Village. (Ord., 2-11-1897; amd. 1983 Code)

E. Loitering Prohibited:

1. Definitions: As used in this Chapter:

LOITERING: Remaining idle in essentially one location and includes the concept of spending time idly; to be dilatory; to linger; to stay; to

saunter; to delay; to stand around and also includes the colloquial expression "hanging around".

PUBLIC PLACE Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business, and also public grounds, sidewalks, areas or parks.

2. Prohibited Acts: It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner so as to:

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

b. Commit in or upon any public street, highway, sidewalk, alley, parkway, parking lot, park, or any other public place or any building any act or thing which is an obstruction or interference to the free and uninterrupted use or enjoyment of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, highway, sidewalk, alley, parkway, parking lot, park, or any other public place or any building, all of which prevents the free and uninterrupted ingress and egress to and from such premises; or

c. Engage in activities, make loud noises, consume alcoholic beverages or create circumstances that afford probable cause for alarm or concern for the safety and well being of persons or for the security of public or private property in the surrounding area.

3. Police Action: When any person causes or commits any of the acts enumerated in this Section, a police officer, or any law enforcement officer, shall order that person to stop causing or committing such acts and to move on or disperse. Any person who fails or refuses to obey such orders is guilty of a violation of this Section. (Ord. 83-0-6, 5-12-83)

F. Offenses in the Park:

1. No person shall bring within, possess or control, sell or give away, or drink any alcoholic beverages as defined by state law at any time in

any Village park except as permitted by the Village President and Board of Trustees.

2. No person shall bring within, possess or control, deposit or leave any glass bottle or glass container in any Village park.

3. No person shall drive or operate any motorized vehicle, including but not limited to, go-carts, mini-bikes, or other motorized vehicle whatsoever in any Village park, except as authorized by the Village President and Board of Trustees.

4. No person or his property shall remain in any Village park after sundown and before daybreak without authorization from the Village President and Board of Trustees. (Ord. 92-0-24, 8-13-92)

10-1-4: OFFENSES AGAINST PERSONS:

- A. Assault: It shall be unlawful for any person to commit assault which is hereby defined as any conduct which places another in reasonable apprehension of receiving a battery.
- B. Battery: It shall be unlawful for any person to commit battery. A person commits battery if he intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.
- C. Cruelty: It shall be unlawful for any person to cruelly or inhumanely whip, injure, beat or mistreat his own wife, child, step-child or apprentice or other child under his care.
- D. Disorderly Conduct: It shall be unlawful for any person to engage in any illegal or improper diversion or to use insulting, indecent or immoral language, or to be guilty of any indecent, insulting, or immoral conduct or behavior.
- E. Malicious Injury to Another: Any person who shall unlawfully beat, bruise or wound another, attempt to commit any injury upon the person of another, shall be deemed guilty of a misdemeanor.
- F. Window Sills to be Kept Clear: It shall be unlawful for any person to place or keep on any window sill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of

such building, unless said articles be securely fastened or protected by screens. (1963 Code)

10-1-5: OFFENSES CONCERNING FRAUD:

- A. Admission Fees, Fraudulently Avoiding Payment of: It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theatre, ballroom, lecture, concert or other place where admission fees are charged. 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.
- B. False Pretenses: It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares and merchandise.
- C. False Representation: It shall be unlawful for any person to represent falsely himself to be an officer of the Municipality or to attempt to impersonate any such officer or, without authority, to perform any official act therein on behalf of an officer.
- D. Swindling: It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for himself or for another any money or property or a representative of either. (1963 Code)

10-1-6: OFFENSES AGAINST AUTHORITY:

- A. Aid in Escape; Assist Officer ⁴⁷ : If any person shall resist or hinder the Chief of Police or other police officer in the discharge of his duty or shall offer or endeavor so to do, or if any person shall in any manner assist any person in custody of any such officer to escape or attempt to escape from custody, or shall rescue or attempt to rescue any person so in custody, or if any male inhabitant of this Village, over the age of sixteen (16) years, shall refuse or neglect to assist any such officer in the discharge of his duty when called on to do so, such person shall be deemed guilty of a misdemeanor. (Ord., 2-11-1897)

- B. Concealing Knowledge: It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this Code.
- C. Escape, Aid In: It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or to assist any person to escape from the custody of any peace officer.
- D. Escape: It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.
- E. Resisting an Officer: It shall be unlawful for any person to interfere wilfully with, resist, delay, obstruct, molest or threaten to molest any officer of the Municipality in the exercise of his official duties. (1963 Code)

10-1-7: OFFENSES CONCERNING ANIMALS:

- A. Animals at Large: No person shall leave any horse or other animal attached to any vehicle at any place without such animal being securely fastened, nor fasten any animal to any fence, railing or tree without the consent of the owner of such fence, railing or tree.
- B. Barking Dogs, Animal Noise: No person shall keep or permit to remain upon his premises any animal which, by barking, howling, or in any other manner, shall disturb the peace and quiet of the neighborhood or of any family.
- C. Birds, Injury to: It shall be unlawful for any person to kill or wound, or attempt to kill or wound, by use of a firearm, slingshot, bow and arrow or otherwise, any bird other than English sparrows, or to take the eggs or young of any bird.
- D. Cruelty to Animals: Whosoever shall be guilty of cruelty to any animal in any of the ways mentioned in this Section shall be deemed guilty of a misdemeanor.

By overloading, overdriving, overworking, cruelty, beating, torturing, tormenting, mutilating or cruelly killing any animal, or causing or knowingly allowing the same to be done.

By cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done.

By unnecessarily failing to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink and shelter.

By abandoning any old, maimed, infirm, sick or disabled animal.

By carrying or driving, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

By exposing or having any calves or sheep upon the streets or sidewalks or upon any vehicle within the Village with their legs tied or otherwise inhumanely restrained. (Ord., 2-11-1897)

10-1-8: OFFENSES AGAINST THE PEACE:

- A. Collecting Crowds: It shall be unlawful for any person to collect within the Village a crowd of people to the annoyance of the citizens thereof or to the annoyance or injury of the public. (Ord., 2-11-1897)
- B. Disturbing Assemblies: It shall be unlawful for any person, wilfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or profane discourse within their place of assembly, or so near the same as to disturb the order or solemnity of the meeting.
- C. Disturbing the Peace: It shall be unlawful for any person, wilfully, maliciously, intentionally or unnecessarily, to disturb the peace and quiet of another or of any neighborhood or family or religious congregation or other assembly by loud or unusual noises or indecent behavior or by offensive or unbecoming conduct or for any person to threaten, quarrel, fight or provoke an assault or battery or curse or swear or utter any obscene or vulgar or indecent language in the presence of another.
- D. Drunkenness: It shall be unlawful for any person to be found drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.
- E. Intoxication; Annoyance: Any person who shall be intoxicated in any street or other public place, or in any private house or place to the annoyance of any person, shall be deemed guilty of a misdemeanor.

- F. Letting 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.
- G. Loud Speakers or Sound Trucks: It shall be unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph, with loud speaker or sound amplifiers or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped.
- H. Vagrancy: It shall be unlawful for any person without visible means of support and the physical ability to work not to seek employment or labor, or to refuse to work when employment is offered him; for any person to seek alms as a business; for any person to roam about from place to place without any lawful business; for any idle or dissolute person or associate of known thieves to wander about the streets at a late and unusual hour of the night, or to lodge in any other place than is kept for lodging purposes without the permission of the owner of the property or the person in possession thereof; or for any person to consort habitually with common prostitutes, habitual drunkards or any user of narcotics. (1963 Code)
- I. Noises at Night: It shall be unlawful for any business or establishment to allow any loud or unusual noises to emit from such business or establishment between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) AM, which noise, by its boisterous nature, would disturb and destroy the peace and quiet of the neighborhood in which the premise are located, or be dangerous or detrimental to the health. Such noises shall include, but are not limited to: motors, presses, juke boxes, live bands, radios or patrons frequenting such business or establishment. (Ord. 78-13, 7-13-78, amd. Ord. 2018-O-37, 08-16-2018)

10-1-9: OFFENSES CONCERNING HEALTH AND SAFETY:

- A. Barbed Wire and Electric Fences: It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or part of barbed wire or to use barbed wire as a guard to any parking lot, stairway, entrance to a building or parcel of land. (1963 Code)
- B. Possession of Cannabis:

1. Cannabis Defined: "Cannabis" includes marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinal 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 cake, or the sterilized seed of such plant which is incapable of germination.

2. Violations: It shall be a violation of this subsection for any person knowingly to possess any quantity of any substance containing cannabis, except that the effect of this subsection shall be limited to persons knowingly possessing less than thirty (30) grams of any substance containing cannabis.

3. Penalty: Any person convicted of any violation of the provisions of this subsection shall be fined not more than five hundred dollars (\$500.00) for each offense. (Ord. 77-7, 6-9-1977)

C. Hypnotists Prohibited: It shall be unlawful for any person to practice hypnotism or for any person to be a subject for such hypnotists, provided that this shall not apply to hypnotism as used in the treatment of patients by an accredited doctor of medicine or dentistry nor shall it prohibit the teaching of hypnotism in any State accredited educational institution which maintains an academic standard of the college level. (1963 Code)

D. Poison; Handling Requirements: No poison or poisonous substance of any kind shall be sold or delivered by any druggist or other person unless the word "Poison" shall be plainly written or printed upon a label attached to the phial or parcel containing the same and a record thereof made and kept, showing the date of such sale or delivery, the article and amount thereof and the person to whom sold or delivered. Nor shall any drug or medicine be sold or delivered without having the name of such drug or medicine attached thereto as aforesaid, except upon the prescription of a physician.

- E. Railroad Equipment, In Motion: No person shall, while any locomotive, tender or car is in motion, get on or off or attempt to get on or off the same, without permission so to do from the person having the same in charge. (Ord., 2-11-1897)
- F. Discharge Of Firearms: It shall be unlawful for any person to fire or discharge any gun, pistol or other firearm within the limits of the Village.
- G. Fireworks Prohibited: It shall be unlawful for any person to fire, discharge or set off any rocket, cracker, torpedo or other fireworks containing any substance of an explosive nature; provided, that the President may, by proclamation, permit the use of fireworks on July 4 and at such other times as he may deem proper. (Ord., 2-11-1897)

10-1-10: OFFENSES AGAINST MORALS:

- A. Contraceptives; Sale Of: It shall be unlawful for any person to vend, sell, distribute or give away in any manner whatsoever any article, drug or medicinal preparation, manufactured, produced or intended for use, or which may be used as a contraceptive; provided, however, that the provisions hereof shall not apply to regularly licensed practitioners of medicine, or drug stores employing a registered pharmacist.

It shall be unlawful to vend, sell, give away or distribute any such articles, drugs or medicines for use as, or possible for use as, contraceptives, by means of machines, or peddling or canvassing within the Village. The proprietor of any premises wherein any such drugs, medicines, or articles are kept, contrary to the provisions of this subsection shall be presumed to be the vendor or distributor of the medicines, drugs or articles. (Ord., 2-11-1897)

- B. Public Indecency:

- 1. Definitions: In this subsection, the following definitions apply:

- NUDITY: The showing or exhibiting of the human male or female genitals, pubic area, female breast with less than a full covering of any part of the nipple, the covered male genitals in a discernable state or any portion of the buttocks being exposed.

- PUBLIC PLACE: Any location frequented by the public or where the public is present or likely to be present. Public places include, but are not limited to streets, sidewalks, parks, hotels, motels, restaurants, business establishments, commercial establishments (whether for

profit or not for profit), meeting room facilities, night clubs, retail establishments or other similar places. Public places shall not include enclosed single sex public restrooms, enclosed single sex showers, locker rooms, enclosed motel/hotel rooms used for sleeping accommodations, doctor offices, hospital facilities, churches and/or synagogues.

2. Public Indecency: Any person commits the offense of public indecency if he or she knowingly or intentionally in a public place: a) engages in sexual intercourse; b) engages in deviate sexual conduct; c) appears in a state of nudity; d) fondles their genitals or the genitals of another person; e) allows or encourages another person to commit a public indecent act as described above, shall have deemed to have violated this subsection. For purposes of this subsection, a person who "allows" or "encourages" another person to commit a public indecent act shall include, but not be limited to: any owner, manager, lessee or operator of a public place where an employee, independent contractor, agent or patron of said public place commits the offense of public indecency.

3. Penalty: Any person who is convicted of the offense of public indecency shall be fined not less than seven hundred fifty dollars (\$750.00) for each offense. Every day that the public indecency occurs shall be deemed a separate offense. The Village shall also have the right to seek immediate injunctive relief against any person engaging in conduct determined to be a public indecency. (Ord. 95-0-37, 12-28-1995)

C. Obscene Conduct: It shall be unlawful for any person in any public place or place open to the public view:

1. To urinate or stool;

2. To be guilty of a lewd, lascivious or obscene conduct or to sing any lewd or obscene song, ballad or other words; or

3. To indecently exhibit any animal.

D. Obscene Literature, Distribution Of: It shall be unlawful for any person to exhibit, pass, give or deliver to another any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast or figure or to have same in his possession. (1963 Code)

- E. Obscene Markings Or Words: Any person who shall, upon any building, fence, wall or other place, write, print or paint any obscene words or expression or any representation of anything of an immodest or vulgar character, shall be deemed guilty of a misdemeanor. (Ord., 2-11-1897)
- F. Prostitution: It shall be unlawful for any person to pursue or advertise in any manner her vocation as a prostitute or for any person to advertise the profession of a prostitute or solicit for a prostitute.
- G. Prostitution, House Of: It shall be unlawful for any person to keep or assist in the keeping of a house of ill fame or prostitution or knowingly to reside therein or knowingly to rent, lease or permit any person to occupy any house or room owned, leased or controlled by him for this purpose. (1963 Code)
- H. Venereal Diseases; Literature Concerning: No person shall offer to sell, or give away, distribute or have in his possession with intent to give away, sell or distribute, any book, pamphlet, circular, handbill, or advertisement of any kind purporting to treat diseases known as "venereal diseases", describing or explaining the genital organs, giving the nature and remedies of diseases peculiar to females, or the nature or causes of nervous debility, impotency, sterility or barrenness, gonorrhea, gleet, stricture, syphilis, infection of the prostate gland or the remedies therefor, or the cause or remedies for abortion or miscarriage, or articles or means of preventing conception.
- No person shall sell, give, distribute or have in his possession with intent to give away, sell or distribute any book, pamphlet, circular, handbill, advertisement or notice of any kind, giving or purporting to give information from whom or where medicine or anything whatever may be obtained for the cure, prevention or treatment of uterine diseases, or diseases peculiar to females, venereal diseases or diseases of the genital organs, or nervous debility, impotency, sterility or barrenness, gonorrhea, gleet, stricture, syphilis, infection of the prostate gland, abortion or miscarriage, or articles or means of preventing conception. (Ord., 2-11-1897)
- I. Race Track Messenger And/Or Contract Wagering Services: It shall be unlawful for any person to offer services to make bets for a second party at race tracks or to engage in the activity known as race track messenger service or runner; or to enter into a contract or agreement with another whereby the parties agree that for a fee, an amount of money or anything of value furnished by one party will be transferred or transported by the second party to a designated race track where

pari-mutuel wagering is permitted by law, or to any other place for the purpose of gambling, and that the second party will place wagers for the first party in conformance with the contract or agreement, and/or that any winning wagers will be collected and returned to the first party or to someone designated by him at a designated place. (Ord. 77-1, 2-10-1977)

J. Gambling:

A. Prohibited Act: Except for video gaming authorized pursuant to Title 10, Chapter 1, Section 10 of this Code, it shall be unlawful for any person to place, make, accept, relay, deliver, or pay any wager or bet on any sporting event or other competition.

B. Lottery Excepted: This section shall not apply to the lottery owned and operated by the State of Illinois. (Ord. 2016-O-13)

10-1-11: OFFENSES CONCERNING MINORS:

A. Tobacco Products, Sales To Minors, Possession By Minors:

1. "Tobacco products" as used herein means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, electronic cigarettes, or alternative nicotine products.
2. No person under twenty-one (21) years of age shall have in his possession any tobacco or tobacco related object.
3. No person under twenty-one (21) years of age shall buy any tobacco product, electronic cigarette, or alternative nicotine product. No person shall sell, buy for, distribute samples of or furnish any tobacco product, electronic cigarette, or alternative nicotine product to any person under twenty-one (21) years of age.
4. No person under sixteen (16) years of age may sell any tobacco product at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family owned business which can prove that the sales clerk is in fact a son or daughter of the owner.
5. No person under twenty-one (21) years of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, or alternative nicotine product shall display or use a false or forged identification card or transfer, alter, or deface an identification

card.

6. Tobacco products, electronic cigarettes, or alternative nicotine products may be sold through a vending machine only if such tobacco products are not placed together with any nontobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:
 - a. Places to which persons under twenty-one (21) years of age are not permitted access.
 - b. Places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.
 - c. Places where the vending machine can only be operated by the owner or an employee over age twenty-one (21) either directly or through a remote control device if the device is inaccessible to all customers. (Ord. 2019-O-18, 06-13-2019)

B. Delinquency, Encouraging: It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. (1963 Code)

C. Publications, Restrictions To Minors: It shall be unlawful to hire, use or permit any minor child to sell or give away or in any manner to distribute any book, pamphlet or other publication devoted to the publication of, principally made up of criminal news, police reports or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, and it shall be unlawful for any person to exhibit upon any street or in any place within the view or which may be within the view of any minor child or permit to be examined or in the possession of any minor child, any such book, pamphlet or other publication. (Ord., 2-11-1897)

D. Curfew:

1. Definitions: In this subsection the following definitions apply:

ESTABLISHMENT: Any privately owned place of business carried on for profit or any place of amusement or entertainment to which the public is invited.

MINOR: Any person under the age of seventeen (17) years.

OPERATOR: Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment; and whenever used in any clause prescribing a penalty the term "operator" as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

PARENT: Any natural parent of a minor, a guardian or any adult person, twenty one (21) years of age or over, responsible for the care and custody of a minor.

PUBLIC PLACE: Any public street, highway, road, alley, park, playground, public building, place or vacant lot.

REMAIN: To loiter, idle, wander, stroll, be present at or play in or upon a public place. (Ord. 76-18, 11-30-1976)

2. Unlawful Conduct Of Minors: It shall be unlawful for any minor to remain in or upon any public place or any establishment between the hours of ten thirty o'clock (10:30) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of ten thirty o'clock (10:30) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. on any other day of the week; provided, however, that the provisions of this Section shall not apply to any minor accompanied by a parent, or to a minor upon an errand, school activity or other legitimate business directed by such minor's parent or to any minor who is engaged in some occupation or lawful employment under the statutes⁴⁸ of this State during the curfew hours.

3. Unlawful Conduct Of Parents: It shall be unlawful for any parent to allow or permit any minor to remain in or upon any public place or any establishment between the hours of ten thirty o'clock (10:30) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of ten thirty o'clock (10:30) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. on any other day of the week; provided, however, that the provisions of this Section shall not apply to any parent who

accompanies a minor or a parent who directs a minor upon an errand, school activity or other legitimate business or to any parent of a minor engaged in some occupation or lawful employment under the statutes of this State during the curfew hours.

4. Unlawful Conduct Of Owners Or Operators: It shall be unlawful for any owner or operator of an establishment or their agents or employees to allow or permit any minor to remain upon the premises of said establishment between the hours of ten thirty o'clock (10:30) P.M. Friday and six o'clock (6:00) A.M. Saturday, or between the hours of ten thirty o'clock (10:30) P.M. Saturday and six o'clock (6:00) A.M. Sunday, or between the hours of nine thirty o'clock (9:30) P.M. and six o'clock (6:00) A.M. on any other day of the week. (Ord. 96-0-15, 10-24-1996)

5. Enforcement: Any police officer who finds a minor violating any provisions of subsection D2 of this Section shall obtain information from such minor as to his name and address, age and the name and address of his parent or parents. The minor shall be warned by the police officer forthwith to comply with the provisions of subsection D2 of this Section and to desist from further violation thereof. The minor shall thereupon be instructed to proceed to his home forthwith or be promptly returned to his home by the police officer, or detained by the police until the parent of the child takes him into custody. The information obtained from the minor shall be forwarded to the juvenile office of the Police Department of the Village, who shall cause a written notice to be mailed or delivered to the parent or parents of the minor, advising of the violation of subsection D2 of this Section. (Ord. 76-18, 11-30-1976)

6. Penalties:

a. In case any minor, after the warning provided for in subsection D5 of this Section, shall again violate any of the provisions of the above mentioned subsection, such minor may be brought before the Juvenile Court Division of the Circuit Court of Cook County to be dealt with accordingly, or fined not more than five hundred dollars (\$500.00), or both.

b. Any parent who shall violate any provision of subsection D3 of this Section after having received notice of a prior violation shall be fined not more than seven hundred fifty dollars (\$750.00) for each violation.

c. Any owner or operator of an establishment and any agents or employees of any owner or operator who shall violate the provisions of subsection D4 of this Section shall be fined not more than seven hundred fifty dollars (\$750.00) for each violation.

Each violation of the provisions of this Chapter shall constitute a separate offense. (Ord. 96-0-15, 10-24-1996)

E. Parental Responsibility: It shall be unlawful for the parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to fail to exercise proper parental responsibility by allowing or permitting said minor to commit any violation of a Village ordinance or State statute concerning vandalism, battery, curfew, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass or possession of alcoholic liquor, tobacco products, cannabis or controlled substances or any other offense of wilful or malicious acts to persons or property. A parent or legal guardian shall be presumed to have allowed or permitted said minor to have committed a violation of a Village ordinance or State statute if said minor has been either adjudicated to be in violation of any ordinance or State statute as described above, or has been charged with the violation of any ordinance or State statute as described above (except if found to be not guilty); or has incurred nonjudicial sanctions from any peace officer, or conservator of the peace resulting from an admission of guilt to an offense of an ordinance or State statute as described above; or said parent or legal guardian has received a written notice by certified mail (return receipt requested) or by personal service in substantially the following form: (Ord. 76-18, 11-30-1976; amd. Ord. 97-0-15, 9-11-1997)

LEGAL NOTICE

TO: (Parents' Names)

FROM: Village of Willow Springs

You are hereby notified that (minor's name) has been involved with a violation of an ordinance or State Statute concerning vandalism, battery, curfew, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass, or possession of alcoholic liquor, or any other offense of wilful or malicious acts to persons or property.

If said minor is again involved with a violation of one of the abovetype ordinances or State Statutes you may be found guilty of

the offense of Parental Irresponsibility. Conviction for said offense can result in a fine of not less than \$50.00 nor more than \$750.00. You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his unlawful conduct. (Ord. 96-0-15, 10-24-1996)

1. Definitions: The following terms shall have the meaning ascribed to them for the purpose of this subsection:

LEGAL GUARDIAN: A person appointed guardian or given custody of a minor by court, but it does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act ⁴⁹, as amended, in the State of Illinois.

MINOR: Any person who has not yet attained the age of nineteen (19) years.

2. Regulations Adopted; Supervision: It is the policy of the Village to permit the Village Prosecutor to use the provisions of the "Unified Code of Corrections", as amended, in the State of Illinois, pertaining to supervision in order to further the ends of justice, restitution, and purposes of this Chapter.

3. Court Appearance Of Parents: It is the policy of the Village that a parent or legal guardian of a minor be notified and required to appear in court whenever that minor is charged with a violation of an ordinance or State statute which requires the minor's appearance in court. To this end, it is hereby directed that a notice in substantially the following form be sent to the parents or legal guardians of the minor:

LEGAL NOTICE

TO: (Parents' Names)

FROM: Village of Willow Springs

You are hereby notified that (minor's name) has been charged with an offense which is a violation of a Village ordinance or State Statute and which requires the appearance of said minor in court. You are further notified that one of the parents of said minor must appear in court before the case will be tried or be disposed.

If you fail to appear, the Village Prosecutor has been directed to have issued a subpoena to bring you into court. Failure to obey a

subpoena can result in contempt of court, with a fine or imprisonment.

4. Failure To Appear: The Village Prosecutor is hereby directed to have subpoenas issued whenever a parent or legal guardian of a minor does not appear in court after the first two (2) times said case has been before the court. (Ord. 76-18, 11-30-1976)

5. Penalty: Any person violating any provisions of this subsection E shall be served a penalty in accordance with Section 1-4-1 of this Code, and a separate offense shall be deemed committed on each day on which a violation occurs. (Ord. 76-18, 11-30-1976; amd. Ord. 96-0-15, 10-24-1996)

10-1-12: OFFENSES CONCERNING WEAPONS:

- A. Forfeiture Of Weapons: Any person who shall be adjudged to have violated any of the provisions of this Section may be required to forfeit to the Village any such weapons so carried. (Ord., 2-11-1897)
- B. Weapons, Concealed: Any person not a police officer who shall, within the limits of the Village, carry under his clothes or concealed about his person, any pistol, revolver, billy, slingshot, bowie knife, razor, dagger or knuckles of any kind or other dangerous, offensive or deadly weapons, shall be deemed guilty of a misdemeanor. (Ord., 2-11-1897; 1983 Code)
- C. Weapons, Furnishing To Prisoners: It shall be unlawful for any person to furnish or attempt to furnish or take into jail or to deliver or attempt to deliver to any prisoner therein confined, or in the custody of any officer, any weapon, tool, intoxicating liquors, drug or other article without the consent of the officer in charge. (1963 Code)

10-1-13 - CODE HEARING DEPARTMENT

- A. Purpose. The stated purpose of this chapter is to provide for the fair and efficient enforcement of the Village Code as may be allowed by law and directed by ordinance, through the adjudication of violations of such village ordinances and establishing procedures for collection of unpaid fines and penalties. All provisions of the Village Code may be enforced through the code enforcement department, provided the system shall have no authority to impose a penalty of incarceration or adjudicate an offense under the Illinois Motor Vehicle code which is

a traffic regulation governing moving vehicles, or to impose a fine in excess of \$750 for a single violation.

B. Creation.

1. Pursuant to the statutory authority granted by 65 Illinois Compiled Statutes 5/1-2.2-1 et seq., the village code hearing department is hereby established which shall have the power to enforce compliance with all Village Code sections, as from time to time authorized by the board of trustees, except for any offense under the Illinois vehicle code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under section 6-204 of the Illinois Vehicle Code.
2. The provisions of 65 Illinois Compiled Statutes 5/1-2.2-1 et seq., as it may be amended from time to time, is hereby adopted and incorporated into this chapter as if fully set forth herein.
3. The department shall be administered by a director of code enforcement, and staffed by hearing officers and other employees as may be needed, appointed by the president, subject to approval by the board of trustees.
4. The establishment of the Village code hearing department does not preclude the village from using any other method to enforce the Village Code.

- C. Definitions. As used in this section, unless the context requires otherwise: "Code" means any village ordinance except for (i) building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as may be amended from time to time, and (ii) any offense under the Illinois Vehicle Code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.

"Hearing Officer" means a municipal employee or an officer or agent of the Village, other than a law enforcement officer, whose duty it is to:

1. Preside at an administrative hearing called to determine whether or not a code violation exists;
2. Hear testimony and accept evidence from all interested parties relevant to the existence of a code violation;

3. Preserve and authenticate the transcript and record of the hearing and all exhibits and evidence introduced at the hearing; and
 4. Issue and sign a written finding, decision and order stating whether a code violation exists.
- D. Code Hearing Department. There is hereby established a Code Hearing Department in the Village. The function of the Code Hearing Department is to expedite the prosecution and correction of code violations in the manner set forth in this Chapter. The Code Hearing Department may adjudicate any violation of a municipal ordinance except for (i) building code violations that must be adjudicated pursuant to 65 ILCS 5/11-31.1 et seq. in its current form and as amended from time to time, and (ii) any offense under the Illinois Vehicle Code or similar offense that is a traffic regulation governing the movement of vehicles except for any reportable offense under Section 6-204 of the Illinois Vehicle Code.
- E. Hearing Procedures Not Exclusive. This Chapter does not preclude The Village from using other methods to enforce the provisions of its Village Code.
- F. Instituting Hearing Code Proceedings. When a police officer or other individual authorized to issue a code violation finds a code violation to exist, he or she shall note the violation on a multiple copy violation notice and report form that indicates (i) the name and address of the defendant, (ii) the type and nature of the violation, (iii) the date and time the violation was observed, and (iv) the names of the witnesses of the violation. The violation report form shall be forwarded to the Code Hearing Department where a docket number shall be stamped on all copies of the report and a hearing date shall be noted in the blank spaces provided for that purpose on the form. The hearing date shall not be less than 30 nor more than 40 days after the violation is reported.

One copy of the violation report form shall be maintained in the files of the Code Hearing Department and shall be part of the record of hearing, one copy of the report form shall be returned to the individual representing the Village in the case so that he or she may prepare evidence of the code violation for presentation at the hearing on the date indicated, and one copy of the report form shall be served by first class mail to the defendant along with a summons commanding the defendant to appear at the hearing.

- G. Subpoenas; Defaults. At any time prior to the hearing date, the hearing officer assigned to hear the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If on the date set for the hearing the defendant or his or her attorney fails to appear, the hearing officer may find the defendant in default and proceed with the hearing and accept evidence relevant to the existence of a code violation.
- H. Continuances; Representation at Code Hearings. No continuances shall be authorized by the hearing officer in proceedings under this Chapter except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer under this Chapter shall not exceed 35 days. The case for the Village may be presented by an attorney designated by the Village or by any other municipal employee, except that the case for the Village shall not be presented by any employee of the Code Hearing Department. The case for the defendant may be presented by the defendant, the defendant's attorney, or any other agent or representative of the defendant.
- I. Hearing; Evidence. The hearing officer shall preside at the hearing, shall hear testimony and shall accept any evidence relevant to the existence or non-existence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter.
- J. Qualifications of Hearing Officers. Prior to conducting proceedings under this Chapter, hearing officers shall successfully complete a formal training program that includes the following:
1. Instruction on the rules of procedure of the hearing that they will conduct;
 2. Orientation to each subject area of the code violations that they will administer;
 3. Observation of administrative hearings; and
 4. Participation in hypothetical cases, including rules on evidence and issuing final orders.

In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three years.

- K. Findings, Decision and Order. At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing as to whether or not a code violation exists. The determination shall be in writing and shall be designated as findings, decision and order. The findings, decision and order shall include (i) the hearing officer's findings of fact; (ii) a decision whether or not a code violation exists based upon the findings of fact; and (iii) an order that states the sanction or dismisses the case if a violation is not proved. A monetary sanction for a violation under this Chapter shall not exceed the amount provided by 65 ILCS 5/1-2-1 in its current form and as amended from time to time. A copy of the findings, decision, and order shall be served on the defendant within five (5) days after it is issued. Service shall be in the same manner that the report form and summons are served under Section F of this Chapter. Payment of any penalty or fine and the disposition of fine money shall be in the same manner as set forth in the Village Code, unless the Board of Trustees directs otherwise.
- L. Review Under Administrative Review Law. The findings, decision and order of the hearing officer shall be subject to review in the Circuit Court of Cook County. The provisions of the Administrative Review Act and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decisions, and order of a hearing officer.
- M. Judgment on Findings, Decision, and Order.
1. A fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of, or the failure to exhaust administrative review shall be a debt due and owing to the Village and, as such, may be collected in accordance with applicable law.
 2. After expiration of the period within which administrative review may be sought for a final determination of the code violation, the Village may commence a proceeding in the Circuit Court of Cook County for purpose of obtaining a judgement on the findings, decision, and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions, and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order was issued in accordance with this Chapter and the applicable

provisions of the Village Code. Service of the summons and a copy of the petition may be by any method provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision, and order does not exceed \$2,500. If the court is satisfied that the findings, decision and order was entered in accordance with the requirements of this section and the applicable provisions of the Village Code and that the defendant had an opportunity for a hearing under this section and for judicial review as provided in this section:

a) The court shall render judgment in favor of the Village and against the defendant for the amount indicated in the findings, decision, and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money;

b) The court may also issue any other orders and injunctions that are requested by the Village to enforce the order of the hearing officer to correct a code violation.

N. Impact on Existing Administrative Adjudication Systems. This Chapter shall not affect the validity of systems of administrative adjudication that were authorized by state statute and the Village and which were in existence prior to the effective date of this Chapter. (Ord. 2008-O-10)

CHAPTER 2 ANIMAL REGULATIONS

ARTICLE A. ANIMALS GENERALLY

10-2A-1: RUNNING AT LARGE:

A. The running at large of horses, cattle, geese, sheep, swine and goats shall be unlawful and is hereby prohibited, and whoever being the owner of or having the possession of any such animal and shall suffer or permit the same to run or be at large shall be deemed guilty of a misdemeanor.

B. Herding without Consent: The herding of any animals or allowing the same to run upon or occupy any unenclosed lands without the consent of the person owning or having control of such lands, shall be deemed running at large within the meaning of this Chapter. (Ord. 02-O-2009)

ARTICLE B. DOGS

10-2B-1: DOG CATCHER; ENFORCEMENT:

A. Dog Catcher Provided, Duties: The Village President may engage a dog catcher as an independent contractor for the purposes of controlling dogs running at large and unlicensed dogs. The dog catcher engaged shall not be an employee of the Village, and therefore shall not be entitled to the benefits and protections, if any, afforded Village employees.

1. Term: The dog catcher shall be engaged for a period of one year commencing May 1 and terminating April 30 of each year. The President shall have the right to terminate at any time without cause and without hearing the engagement of the dog catcher, and to appoint a successor for the remainder of the current fiscal year.

2. Agreement: Any dog catcher so engaged by the Village President shall sign an agreement with the Village binding him to the terms, conditions and provisions of this Article.

3. Authority: The dog catcher shall have the authority to seize and impound any dogs found running at large within the Village, whether or not such dog is licensed. The dog catcher shall maintain a dog pound for purposes of impounding any dogs running at large within the Village. Said dog pound shall be maintained in compliance with State Statutes and regulations and shall be available and open to inspection by the Village at any time and shall be maintained at all times in a manner acceptable to the Village.

4. Insurance: The dog catcher, prior to commencing any work within the Village, shall secure comprehensive general liability insurance which shall include coverage over all motor vehicles used by him, his agents or employees, in furtherance of being a dog catcher. Said policy shall have limits of liability for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) per person and per occurrence. All policies of insurance shall be written in companies acceptable to the Village. The dog catcher shall deposit a copy of said insurance policy or policies with the Village on or before the date the dog catcher begins work within the Village, and thereafter, at least thirty (30) days prior to the expiration date of the original policies or renewal policies. All policies shall require not less than ten (10) days' written notice to the Village prior to cancellation of same.

B. Impoundment of Animals; Fees: The dog catcher shall make his dog pound available for the impoundment of any dog seized by the Police Department in accordance with this Article. If said dog is seized by the Police Department because it is running at large, then the dog catcher shall be responsible for the notice requirements and collection of the proper fees in accordance with this Article.

The dog catcher shall be responsible for collecting and receipting for all payments and fees required in this Article. The fees and payments collected by the dog catcher shall be distributed as follows:

1. All annual license fees paid to the dog catcher to redeem a dog shall be paid over to the Village;
2. Forty dollars (\$40.00) of each redemption fee collected by the dog catcher shall be paid over to the Village; and
3. The balance of the payments and fees collected by the dog catcher shall be retained by the dog catcher in full payment to him for his services rendered to the Village.

That portion of all monies collected by the dog catcher to be paid over to the Village shall be paid to the Village Treasurer on Friday of each week.

The dog catcher shall at all times maintain full and complete books and records of all impoundment fees and costs. Such books and records shall be available for inspection by the Village at any time.

C. Impoundment Notice: Upon impounding any dog, the dog catcher forthwith shall notify the owner or keeper of such dog, either personally or by mail, postage prepaid, of such impounding, unless such owner or keeper is unknown. The notice shall inform the owner or keeper of the impoundment, of the redemption period during impoundment and of the consequences of a failure to redeem the dog within the redemption period. A duplicate copy of all such notices shall be sent to the Village Clerk. This notice shall advise the owner or keeper that unless he timely applies for redemption of such dog, the dog will be destroyed or disposed of by the dog catcher at the expiration of a period of five (5) days after the giving of a personal notice, or seven (7) days from the date the notice is mailed. If an application is not made for redemption by the owner or keeper within the period set forth in the notice, or within five (5) days after the date of impounding if notice is not given because the name and address of the owner or keeper of

the dog are not known, the dog may be destroyed, sold or disposed of by the dog catcher.

- D. Redemption of Dogs: Except as herein otherwise provided, any dog impounded may be redeemed by the owner or keeper thereof at any time before the destruction, sale or other disposition of such dog as provided for herein upon payment to the keeper of the pound of a redemption fee of forty dollars (\$40.00) together with all fees necessary to recoup the entire cost of impoundment or confinement and if the dog is not already licensed, and is to be licensed as provided herein, payment of a full annual license fee for the current license year. If the dog impounded is held on complaint that it is dangerous, fierce or vicious, or that it has disturbed in any manner the quiet of any person or neighborhood, or that it has bitten or injured or attempted to injure any person, such dog shall not be redeemed until the order of the court which has jurisdiction of the complaint. No redemption shall be made of any dog suspected of having rabies unless and until it has been definitely determined that the dog is not afflicted with rabies.

10-2B-2: POLICE DEPARTMENT; ENFORCEMENT:

The Police Department shall enforce all provisions of this Article and in particular, shall, in addition to the dog catcher, enforce the prohibition against dogs running at large by seizing such dogs and delivering them to the dog catcher for impoundment.

- A. Impoundment: The Police Department may impound any dog when, in the judgment of any officer, the impoundment of a dog is necessary upon complaint that such dog is dangerous, fierce or vicious, or that it has disturbed in any manner the quiet of any person or neighborhood, or that it has bitten or injured or attempted to injure any person or that it has or may have rabies.

B. Issuing Citations:

1. Procedure of Police Officers: A police officer who halts a person for a violation of any provision of this Article, other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name and address of said person, and such other pertinent information as may be necessary, and shall issue to him in writing on a form provided by the Village a citation containing a notice to answer to the charge against him before the proper court.

2. Disposition of Citations: Every police officer, upon issuing a citation to an alleged violator of any provision of this Article, shall deliver the original citation to his immediate superior officer, who shall cause the original to be delivered to the proper court in the event the citation has not been settled as herein provided.

Upon the filing of such original citation with the proper court, said citation may be disposed of only by trial or by other official action, including forfeiture of bail or by payment of a fine.

It shall be unlawful and official misconduct for any member of the Police Department or other officer or public employee or for any other person to dispose of, alter, or deface a citation or any copy thereof, or the record of the issuance or disposition of any citation, complaint or warrant.

3. Citation as Complaint for Prosecution: The citation when filed shall be deemed to be a lawful complaint for the purpose of prosecution under this Article.

4. Failure to Obey Citation: It shall be unlawful for any person to violate the command of a citation duly issued him by a police officer regardless of the disposition of the charge for which such citation was originally issued.

5. Citation Procedure: Whenever a police officer is authorized to arrest a person without a warrant because of a violation of this Article, said police officer may, in lieu of the filing of a complaint in court, in the first instance issue to such alleged violator, a citation:

Advising said person that he has violated a specific portion of this Article;

Requesting him to make payment in any amount applicable to said alleged violation as set forth herein as settlement of said violation claim; and

Informing him that upon failure to so settle, a complaint will be filed in the Circuit Court of Cook County, charging him with such violation.

C. Violations, Settlement: Pursuant to said citation, the person accused of said violation may settle the violation claim in respect of such portion of this Article violation by paying to the Village the applicable amount as shown in the schedule set forth herein, within a period to be

specified in said citation not more than thirty (30) days of the time said alleged offense was committed.

Such payment shall be made in accordance with instructions contained in the aforesaid citation at the Village Hall and a receipt for the monies so received shall be promptly remitted to the Village Treasurer to be credited to the proper Municipal fund.

The violation described in said citation which is issued pursuant to the terms of this Article, may be settled and paid in the respective amounts set forth in the following schedule:

1. In the event that said payment is made prior to the mailing by the Village or by the police officer of a final notice, forty dollars (\$40.00) shall be accepted as settlement for each violation;

2. In the event that payment has not been paid prior to the mailing of such final notice, and in fact, final notice has been mailed, fifty dollars (\$50.00) shall be accepted as settlement for each violation; and

3. In the event that payment is not made within the time prescribed in the final notice, and a notice to appear has been served and a complaint filed in the Circuit Court of Cook County, payment of any fine and costs shall be in such amounts as may be determined and established by the Circuit Court of Cook County.

D. Prosecution of Violators: In the event that the person to whom said citation is issued fails to settle and pay said violation claim within the prescribed time, or within a period of time specified in a final notice (if one is served upon him) then the police officer is authorized to cause a notice to appear to be served upon said alleged violator and is authorized to file a complaint and to prosecute the same in the Circuit Court of Cook County.

E. Proof of Violation: The fact that a dog license issued by the Village has been issued in the name of and to said alleged violator, shall be considered prima facie proof that said alleged violator was in control of or was responsible for the conduct of the dog at the time of such alleged violation.

10-2B-3: LICENSE PROVISIONS:

A. License Required: No person shall own, harbor or keep a dog in the Village unless a license is procured therefore as herein provided. Every

owner of and every person who harbors or keeps a dog four (4) months old or older shall cause such dog to be licensed and shall report his or her name and address to the Village Clerk and the name, breed, color and sex of such dog. Such report on forms to be provided by the Village Clerk shall be made not later than ten (10) days after the occurrence of the following:

1. Such person shall acquire a dog four (4) months old or older, or
2. Such dog shall attain the age of four (4) months, and
3. Within thirty (30) days after the first day of May of each year for any dog required to be licensed on said date.

B. License Fees:

1. Annual Fees: The annual license fee for each year shall be paid at the office of the Village Clerk as follows:

- a. Ten dollars (\$10.00) for each dog owned, harbored or kept within the Village;
- b. One-half (1/2) the fee set forth in subparagraphs A shall be charged in subparagraph B for any dog purchased or otherwise acquired after October 31 of any license year.

2. Failure to Pay Fee Within Required Time: In the event a license is not procured within the time required in subsection A, the fee for such license shall thereupon be as follows:

- a. Twenty dollars (\$20.00) per annum.

C. Rabies Inoculation Required: Every person who owns, harbors or keeps a dog subject to license hereunder shall cause said dog to be inoculated against rabies by a licensed veterinarian. No license shall be issued for said dog unless current evidence of such rabies inoculation shall be presented to the Village Clerk for entry in the Village Clerk's register, hereinafter described.

D. Display of License Tags: Every dog shall be provided by the owner or keeper with a collar made of metal, leather or other substantial material, to which a license tag will be securely fastened; no dog shall be permitted to remain within the limits of the Village unless the owner

or keeper thereof shall have caused the dog to be licensed as herein provided, and provided with such collar and tag.

- E. Register Kept: The Village Clerk shall keep a complete register, in a book specially kept for the purpose, of all licensed dogs, describing the same by name, breed, color and sex, and showing the name and address of the owner or keeper, as given, and the number of the Village license tag. The Village Clerk shall provide, each and every year, such number of metal tags as may be necessary (the shape to be changed every year), having stamped thereon the year for which the license fee is paid and also the number of the tag. It shall be the duty of the Village Clerk to deliver one of such metal tags to the person having paid with the registry of the dog.

10-2B-4: RUNNING AT LARGE:

- A. It shall be unlawful to permit any dog to run at large. Subject to the provisions of subsection C herein, any dog found upon any public property, public park, public street or on private property not owned or possessed by such owner, shall be deemed at large unless such dog is firmly held on a leash or is in an enclosed vehicle. The owner or keeper of any dog who permits such dog to be at large in violation of the provisions of this Section shall be subject to the penalty and the dog may be impounded as herein provided.
- B. Any dog running at large in the Village and any dog that may in any manner disturb the quiet of any person or neighborhood or that shall so bite or so injure a person as to cause an abrasion of the skin is declared to be a nuisance, and such dog shall be taken up and impounded.
- C. Prohibited in Public Parks: It shall be unlawful for any person to permit at any time, whether leashed or not, any dog owned, harbored or kept by said person to be upon those public areas of the Village designated as "Parks" or "Tot Lots". The Public Works Department is authorized to post appropriate signs at said public places to advise the public of the prohibition herein contained.
- D. The owner of a dog must restrain his or her animal by leash, confined within a crate, cage or vehicle, or confined by the owner's premises.

10-2B-5: LITTER CONTROL:

No owner, keeper or person in control of a dog shall cause or permit such dog to be on any public property, public park, public street or on private property not owned or possessed by such owner, keeper or person in control, unless such owner, keeper or person in control of such dog has in his immediate possession a device for the removal of dog excrement and a depository for the transmission of the same to a receptacle located upon property owned or possessed by such owner, keeper or person in control. No owner, keeper or person in control of any dog shall fail or refuse to immediately remove excrement left by such dog on any public property, public park, public street or on private property not owned or possessed by such owner, keeper or person in control of such dog and to transmit and deposit the same in a proper receptacle located on property owned or possessed by such owner, keeper or person in control of said dog.

10-2B-6: PROHIBITED IN FOOD ESTABLISHMENTS:

It shall be unlawful to permit any dog to enter, even though on a leash, or be in any restaurant, food establishment of any kind whatsoever, tavern, grocery, meat market, bakery or other retail store, shop or establishment engaged in the sale or service of food, beverages or food products anywhere within the Village during the time that any of said premises, places or establishments are open for use by the public or persons entitled to use the same. This provision shall not apply to dogs leading blind persons.

10-2B-7: DOG CATCHER; ALTERNATIVE PROCEDURES:

The Village President may determine that it is in the best interest of the Village to appoint a person as dog catcher under the following provisions:

- A. The person appointed shall be an employee of the Village and not be required to post a bond.
- B. Said person will be covered by Village insurance.
- C. Said person will have the status of a part-time police officer, with specific duties as a dog catcher, and will be paid accordingly.
- D. Said person will be appointed annually by the Village President and his term shall expire at the expiration of said year.
- E. The dog catcher shall call the Anti-Cruelty Society and have the dog picked up as soon as possible.

10-2B-8: FEES:

Any dog impounded may be redeemed pursuant to Section 10-2B-1D by paying the Village a forty dollar (\$40.00) fee together with all fees necessary to recoup the entire cost of impoundment or confinement.

10-2B-9: MAXIMUM NUMBER OF ANIMALS ALLOWED; EXCEPTION

No person shall keep or allow to be kept on the premises owned, occupied or lawfully controlled by such person more than four (4) dogs, cats or combination of dogs and cats within the Village, except that in addition and regardless of number, any puppies or kittens produced by a female dog or cat kept on any such premises may also be kept on such premises until said puppies or kittens are twelve (12) weeks old. This section shall not apply to licensed veterinary hospitals, pet shops, shelters or humane societies validly located in the Village pursuant to applicable Village codes and ordinances.

10-2B-10: State Code

In addition to the codes enforced within this Chapter, the Village does herein adopt the following provisions from the State of Illinois Humane Care for Animals Act, and if an individual is charged under any subsection herein, the prosecution of said violation will be referred to the Cook County State's Attorney's Office:

A. Owner's Duties:

Each owner shall provide for each of his/her animals:

1. sufficient quantity of good quality, wholesome food and water;
2. adequate shelter and protection from the weather;
3. veterinary care when needed to prevent suffering; and
4. humane care and treatment.

B. Cruel Treatment

No person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.

No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

Any person convicted of violating this section of the Act is guilty of up to a Class C misdemeanor. A second conviction is a Class B misdemeanor. A third or subsequent conviction is a Class A misdemeanor.

C. Aggravated Cruelty

No person may intentionally commit an act that causes a companion animal to suffer serious injury or death. Aggravated cruelty does not include euthanasia of a companion animal through recognized methods approved by the Department of Agriculture.

Any person convicted of violating this section of the Act is guilty of a Class A misdemeanor, which is punishable by a fine of up to \$1,000.00 and/or 1 year in jail.

D. Confinement in Motor Vehicle

No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department of Agriculture investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

Any person convicted of violating this section of the Act is guilty of a petty offense. A second or subsequent conviction is a Class C misdemeanor.

Any fines not specifically defined in any of the sections of this Chapter shall be levied at not less than Fifty dollars (\$50) nor more than Seven Hundred Fifty dollars (\$750). (Ord. 02-O-2009)

CHAPTER 3 ALARM SYSTEM REGULATIONS

10-3-1: DEFINITIONS:

The following definitions shall be applicable for the purposes of this Chapter.

ALARM CONDITIONS: Alarms activated by unlawful violation of a user's property or other violations that the systems were designed to protect against, acts of God, other violent conditions or by outside agencies or external forces not under the control of the owner, lessee or his employee or agent.

ALARM EQUIPMENT SUPPLIER: Any person, firm or corporation that sells, leases or installs automatic protection devices or signaling devices which transmit alarms upon receipt of a stimulus from a detection apparatus or a manually operated system.

ALARM SYSTEM: An assembly of equipment and devices such as a solid state unit, arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Department are expected to respond.

ALARM USER: Any person on whose premises an alarm system is maintained within the Village of Willow Springs except for alarm systems on motor vehicles. Also included are those systems which employ an audible signal emitting sounds or a flashing light or beacon designed to alert or signal persons outside the premises.

CENTRAL STATION: A facility whose prime purpose is to monitor incoming alarm signals twenty four (24) hours a day and relay the signal information to the appropriate authorities.

DIRECT LINE: A telephone line leading directly into the communications center of the Police Department that is for use only to report signals on a person-to-person basis.

FALSE ALARMS The activation of an alarm system caused by improper operation, negligence of the owner or lessee or his employee or agent or equipment malfunction.

LOCAL ALARMS: A signaling system which, when activated, causes an audible and/or visual signaling device to be activated in or on the premises within which the system is installed.

PERSON: Any individual, partnership, corporation, association or society, school district, county, unit of local government as defined in the

Constitution of the State of Illinois, government agency and body politic, but such term does not include the Village of Willow Springs.

POLICE CHIEF: The chief of the Police Department of the Village of Willow Springs, or his authorized representative.

PUBLIC TRUNKLINE: A telephone line leading into the communications center of the Police Department that is for the purpose of handling emergency and administrative calls on a person-to-person basis.

SIGNALING DEVICE: An electrically operated instrument which automatically sends visual and/or audible signals to be registered by indicators at a monitor panel at the receiving terminal or central station.

VILLAGE: Village of Willow Springs.

10-3-2: PERMITTED DEVICES:

- A. No person shall use or cause or permit to be used, an alarm system utilizing automatic protection devices that automatically select a public trunkline of the Police Department of the Village and then reproduce any pre-recorded message to report any robbery, burglary, fire or other emergency.
- B. With the exception of local alarms, only signaling devices shall be permitted to be installed in the Village for the purpose of reporting any robbery, burglary, fire or other emergency to the Police Department of the Village.

10-3-3: MONITORING SYSTEM:

- A. The Police Department of the Village is authorized to, but need not, contract for and maintain the installation of a uniform monitoring system (Board) to receive visual and audible signals over direct lines. This system shall have a capacity to meet present needs and the ability to expand for future needs, and shall be available to any permit user who meets the requirements for a permit for connection.
- B. The company supplying and maintaining the monitoring system shall have the right to charge subscribers or their alarm equipment supplier a reasonable fee for connection to and maintenance of the system.

10-3-4: PERMIT REQUIRED:

- A. No alarm user shall install, operate or maintain an alarm system in the Village without first obtaining a permit as required below.
- B. Any alarm user who operates an alarm system without first obtaining authorization as required by this Section, or who, after having an authorization revoked, fails to disconnect his alarm system, shall be in violation of this Chapter.

10-3-5: APPLICATION FOR PERMIT:

- A. Applications for permits to install, maintain and operate an alarm system shall be filed with the Clerk of the Village along with an application fee of twenty five dollars (\$25.00). The alarm user applying for the authorization required shall state on the application form his name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, his telephone number, the type of alarm system (local, burglar signaling device, holdup signaling device, fire signaling device) the alarm equipment supplier selling, installing, monitoring, inspecting, responding to and/or maintaining the alarm system, and the name and telephone number of at least two (2) other persons (in the case of a corporate alarm user application, at least 3 persons) who can be reached at any time, day or night, and who are authorized by user to deal with police authorities and who can open the premises in which the system is installed. The information contained in an alarm user authorization application required by this Section and other information received by the Police Chief through correspondence or communications with an alarm user shall be securely maintained and restricted to inspection only by the Police Chief or certain officers or Village employees specifically assigned the responsibility for handling and processing alarm user authorizations in the course of official duties. The Police Chief or any employee of the Village shall not knowingly or willfully reveal the information contained in an alarm user authorization application or in correspondence or communications with an alarm user to any other person for any purpose not related to this Chapter or official law enforcement matters without the express written consent of the alarm user supplying such information. The Chief of Police shall approve such application if he finds that:

- 1. A statement that the equipment does comply with the standard of the Underwriters Laboratories, the National Fire Protection Association, Factory Material, Canadian Standards Association, or equal.

2. The alarm equipment supplier installing the device maintains an adequate service organization to repair, maintain and otherwise service the system sold, leased or installed by him.

B. The Chief of Police may impose reasonable conditions on the issuance and exercise of said permit.

10-3-6: INSPECTION:

The Chief of Police or Building Commissioner shall have the right to inspect any alarm system on the premises where it is intended to be used, reasonable times to determine whether a permit should be granted and whether it is being used in conformity with the terms of the permit and the provisions of this Chapter. Every alarm user authorized under this Section shall be required to have its alarm system inspected at least once a year by an alarm equipment supplier, licensed by the Village and post a certificate of such inspection on the premises in plain view where the alarm system is maintained.

10-3-7: LOCAL ALARMS:

Local alarms are those alarms that activate audibly or visibly on the premises of the owner, partner or lessee. Local alarms may be in addition to an alarm system connected to a monitoring system. Local alarms with any externally audible alert shall have an automatic cutoff after fifteen (15) minutes of sounding and shall not make a sound similar to that of Civil Defense warning systems.

10-3-8: TESTING OF EQUIPMENT:

A. No alarm system designed to transmit alarm conditions directly to the Police Department shall be tested or demonstrated without first obtaining permission from the Police Department. Permission is not required to test or demonstrate alarm devices not transmitting alarm conditions directly to the Police Department, unless the alarm conditions are to be relayed to the Police Department.

B. Failure to notify the Police Department prior to testing an alarm system shall constitute a false alarm.

10-3-9: REVOCATION OF PERMIT:

A. More than two (2) false alarms in one calendar month from any alarm system for which alarm user authorization has been obtained may

constitute grounds for revocation of such authorization, subject to provisions of this Section.

- B. After the Police Department has recorded two (2) false alarms within a calendar month from any authorized alarm user, it shall prepare a station complaint and shall verbally notify the same day the authorized alarm user, specifically those persons authorized to deal with police authorization and inform them of the facts and ask that they within fifteen (15) days, submit a written report describing effort to discover and eliminate the cause or causes of the false alarms. If the authorized alarm user fails to submit a report within fifteen (15) days or such longer period as the Chief of Police may reasonably grant or if by said report, the alarm user fails to show that he has taken or will take reasonable steps to eliminate or reduce false alarms, the Police Chief may revoke the alarm user's authorization.
- C. When alarm conditions are received by the Police Department that evidence a failure to comply with the requirements of this Chapter, the Police Chief is authorized to demand that the owner or lessee of such device, or his representative, disconnect such device until it is made to comply with said requirements.
- D. The Chief of Police may revoke or suspend any permit issued pursuant to the provisions of this Chapter after giving written notice to the alarm user and an opportunity for the alarm user to effect compliance within ten (10) days or less, if he determines that the alarm system under said permit has been installed, maintained or operated in violation of this Chapter or of any term or condition of said permit.
- E. An alarm system user whose authorization has been revoked is not precluded under this Section from applying for a new authorization. The Police Chief, however, is not required to issue a new authorization unless he is satisfied that the alarm user's system has been properly serviced and its deficiencies corrected. The Police Chief may impose reasonable restrictions and conditions upon issuing a new authorization to an alarm user with respect to the particular system for which the authorization is revoked.

10-3-10: FALSE ALARMS AND RESPONSE TIME - PAYMENT OF FEES:

- A. The alarm user shall be assessed a fee of one hundred dollars (\$100.00) for each false alarm in excess of two (2) per calendar year. False alarms are defined as false burglary, fire or holdup alarms and any combination thereof. (Ord. 2007-O-38)

- B. An alarm user or his authorized agent shall have thirty (30) minutes in which to arrive at an alarm location to assist police authorities in shutting off any alarm. If the response time is greater than thirty (30) minutes, the alarm user will be assessed a fifty dollar (\$50.00) fee unless he releases the responding agency from the scene at the time he is advised of the alarm by the responding agency.
- C. All fees shall be paid to the Village Clerk for deposit into the Village General Corporate Fund.

10-3-11: DISCONNECTION:

In the event the Village finds it necessary to disconnect a defective alarm system, the Village shall incur no liability by such action. (Ord. 92-0-1, 1-9-92)

**CHAPTER 4
GRAFFITI PROHIBITED**

10-4-1: GRAFFITI DEFINED:

For the purpose of this Code, graffiti constitutes, but is not limited to, any sign, drawing, diagram, etching, sketch, symbol, lettering, name, marking or picture which is placed on real property or any improvements thereon or personal property in such a location and in such a manner so as to be visible to the general public. (Ord. 96-0-3, 3-14-1996)

10-4-2: OFFENSES PROHIBITED:

- A. It shall be unlawful for any person to place graffiti upon real property or any improvements thereon or personal property, whether publicly or privately owned.
- B. It shall be unlawful for the owner, tenant, occupant and/or anyone in control of real property or any improvements thereon or personal property which is in public view to place or give permission for the placement of any graffiti on such property, without having first obtained from the Village a properly issued sign permit.
- C. It shall be unlawful for any person to possess, with the intent to use in violation of subsections A and B above, the following items: spray paint containers; paint; ink; marking pens which contain a nonwater soluble fluid; brushes; applicators; and other materials for marking, drawing, scratching, lettering or etching. (Ord. 96-0-3, 3-14-1996)

10-4-3: REMOVAL OF GRAFFITI:

Upon notification by the Village, the owner, tenant, occupant and/or person in control of property upon which graffiti has been placed shall have it removed within ten (10) days of the date of said notice from the Village. (Ord. 96-0-3, 3-14-1996)

10-4-4: PENALTIES:

- A. The penalty for violating Section 10-4-2 of this Code shall be a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. In addition to any fine, the offender may be ordered to pay restitution in an amount necessary to cover the cost of restoring the property to its condition prior to the application of the graffiti.
- B. The penalty for violating Section 10-4-3 of this Code by failing to remove graffiti upon notice and within the time required shall be a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day the graffiti is not removed after notice is given and after expiration of the ten (10) day period may be considered a separate offense for the purpose of assessing a penalty.
- C. Any person convicted of a violation of this Chapter, who is also found to have been a member of a gang or a candidate for membership in a gang at the time the offense was committed, and who is found to have violated this Chapter in conjunction with gang-related activities, shall be subject to a fine of up to seven hundred fifty dollars (\$750.00) for each offense in addition to the other penalties provided in this Chapter.
- D. Any person who is charged with violating any provision of this Chapter who, at the time of commission of the violation, was seventeen (17) years of age, or younger, shall appear in court accompanied by a parent or legal guardian.
- E. In addition to any fine imposed for violations of this Chapter, the Court may order the offender to complete some form of community service work within the Village of Willow Springs, including, but not limited to, performing the necessary clean-up of the property to remove the graffiti which he created as well as being ordered to clean graffiti at other locations in the Village. (Ord. 96-0-3, 3-14-1996)

CHAPTER 5 DRUG PARAPHERNALIA CONTROL

10-5-1: DEFINITIONS:

The following terms shall have the following meanings ascribed to them for the purposes of this Chapter:

CANNABIS: Shall have the meaning ascribed to it in section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.

CONTROLLED SUBSTANCE: Shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act" as if that definition were incorporated herein.

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

DRUG PARAPHERNALIA: All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, cannabis and/or controlled substances in violation of this Chapter. It includes, but is not limited to:

- A. Kits used, intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is cannabis and/or a controlled substance or from which cannabis and/or controlled substances can be derived;
- B. Kits used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing or preparing cannabis and/or controlled substances;
- C. Isomerization devices used, intended for use, or designed for use, in increasing the potency of any species of plant which is cannabis and/or controlled substances;
- D. Testing equipment used, intended for use, or designed for use, in identifying or in analyzing the strength, effectiveness or purity of cannabis and/or controlled substances;

E. Scales and balances used, intended for use, or designed for use, in weighing or measuring cannabis and/or controlled substances;

F. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use, in cutting cannabis and/or controlled substances;

G. Separation gins and sifters used, intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining cannabis;

H. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use, in compounding cannabis and/or controlled substances;

I. Capsules, balloons, envelopes or other containers used, intended for use, or designed for use, in packaging small quantities of cannabis and/or controlled substances;

J. Containers and other objects used, intended for use, or designed for use in storing or concealing cannabis and/or controlled substances;

K. Hypodermic syringes, needles, or other objects used, intended for use, or designed for use, in parenterally injecting cannabis and/or controlled substances into the human body; and

L. Objects used, intended for use, or designed for use, in ingesting, inhaling or otherwise introducing cannabis, cocaine, hashish or hashish oil into the human body, including, but not limited to:

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

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

6. Miniature cocaine spoons and cocaine vials;
7. Chamber pipes;
8. Carburetor pipes;
9. Electric pipes;
10. Air-driven pipes;
11. Chillums;
12. Bongs; and
13. Ice pipes or chillers. (Ord. 97-0-3, 2-13-1997)

10-5-2: DETERMINATION OF DRUG PARAPHERNALIA:

In determining whether an object is drug paraphernalia, the following shall be considered, without limitation of such other considerations a court may deem relevant:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. Prior convictions, if any, of an owner or of anyone in control of the object, under any city, state or Federal law relating to cannabis and/or any controlled substance;
- C. The proximity of the object in time and space to a direct violation of this Chapter;
- D. The proximity of the object to cannabis and/or controlled substances;
- E. The existence of any residue of cannabis and/or controlled substances on the object;
- F. Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom the person knows, or should reasonably know, intend to use the object to facilitate a violation of this Chapter. The innocence of an owner, or of anyone in control of this object, as to a direct violation of this Chapter, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;

- G. Oral or written instructions provided with the object concerning its use;
- H. Descriptive materials accompanying the object which explain or depict its use;
- I. National and local advertising concerning its use;
- J. The manner in which the object is displayed for sale;
- K. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- L. The existence and scope of legitimate uses for the object in the community; and
- M. Expert testimony concerning its use. (Ord. 97-0-3, 2-13-1997)

10-5-3: PROHIBITED USES:

- A. Possession Of Drug Paraphernalia: No person may use, or possess with the sole intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body cannabis and/or a controlled substance in violation of this Chapter.
- B. Manufacture Or Delivery Of Drug Paraphernalia: No person may deliver, or possess with intent to deliver, drug paraphernalia, reasonably knowing that it will be solely 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 cannabis and/or a controlled substance in violation of this Chapter.
- C. Delivery Of Drug Paraphernalia To A Minor: Any person who is eighteen (18) years of age or over, who violates subsection B of this Section by delivering drug paraphernalia to a person under eighteen (18) years of age, and any person who is also found to have been a member of a gang, or a candidate for membership in a gang, at the time the violation of this Chapter occurs and who has been found to have violated this Chapter in conjunction with gang related activity, shall be

guilty of a special offense punishable in accordance with subsection 10-5-5B of this Chapter.

- D. Exemption: This Chapter does not apply to manufacturers, practitioners, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Illinois law. (Ord. 97-0-3, 2-13-1997)

10-5-4: PARENTAL RESPONSIBILITY:

In the event of a violation of this Chapter by an unemancipated minor residing with a parent or legal guardian, then, and in that event, such parent or legal guardian shall be subject to the parental responsibility provisions of subsection 10-1-11E of this Title. (Ord. 97-0-3, 2-13-1997)

10-5-5: PENALTIES:

- A. The penalty for violating this Chapter shall be a fine of not less than one hundred dollars (\$100.00), nor more than seven hundred fifty dollars (\$750.00) for each offense.
- B. Any person convicted of a violation of subsection 10-5-3C of this Chapter shall be subject to a fine of up to seven hundred fifty dollars (\$750.00) for each offense in addition to the other penalties provided in this Chapter.
- C. Any person who is charged with violating any provision of this Chapter who, at the time of commission of the violation, was seventeen (17) years of age, or younger, shall appear in court accompanied by a parent or legal guardian.
- D. In addition to any fine imposed for violations of this Chapter, the court may order the offender to complete some form of community service work within the Village. (Ord. 97-0-3, 2-13-1997)

**CHAPTER 6
RAFFLES LICENSING**

10-6-1: DEFINITIONS:

For the purpose of this chapter, the following words and phrases shall have the meanings hereby given them:

BUSINESS: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of the village.

CHARITABLE: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

EDUCATIONAL: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

FRATERNAL: An organization of persons having a common interest, the primary interest of which is both to promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

LABOR: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

NET PROCEEDS: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

NONPROFIT: An organization or institution organized and conducted on a not for profit basis with no personal profit inuring to anyone as a result of the operation.

RAFFLE: A form of lottery, as defined in section 28-2(b) of the Illinois criminal code of 1961, conducted by an organization licensed under this chapter to which:

A. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and

B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set

of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

RELIGIOUS: Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERANS: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

VILLAGE: The village of Willow Springs, Cook County, Illinois. (Ord. 13-O-2002, 5-23-2002)

10-6-2: LICENSING:

- A. Location: Sales of raffle chances shall be only at locations designated in the license application and which are within the borders of the village of Willow Springs.
- B. Eligibility For License: Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects, or to a nonprofit fundraising organization that the village determines is organized for the sole purpose of providing financial assistance to an identified individual or group suffering extreme financial hardship as the result of an illness, disability, accident or disaster.
- C. Duration Of License: Licenses shall permit the applicant to issue or sell raffle chances only for those dates stated in the license application, but in no event shall the period of sales exceed one year. Each license is valid for not more than one raffle per week during any one year period.
- D. Maximum Value Of Prizes:

1. The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed five million dollars (\$5,000,000.00). (2018-O-49, 12-13-2018)

2. The retail value of each individual prize awarded by a licensee in a single raffle shall not exceed five million dollars (\$5,000,000.00). (2018-O-49, 12-13-2018)

E. Price Of Chances: The price charged for each raffle chance sold or issued shall not exceed two hundred fifty dollars (\$250.00). (Ord. 13-O-2002, 5-23-2002)

10-6-3: LICENSE; APPLICATION; RESTRICTIONS:

A. No person, firm or corporation shall conduct a raffle without having first obtained a license therefor pursuant to this chapter.

B. Each application for a license shall be in writing upon forms provided by the village and shall contain the following:

1. Name and address of individual making application;

2. Name and address of organization applying for a license;

3. Approximate number of members of the organization that reside in the village and the length of existence of the organization;

4. Name and address of the raffle manager;

5. The location(s) at which raffle chances are to be sold or issued;

6. The time period during which raffle chances will be sold or issued;

7. The maximum number of raffle chances to be sold;

8. The time of determination of winning chance;

9. The location(s) at which winning chances will be determined;

10. A sworn statement, signed by the presiding officer, and secretary if there is one, of the organization attesting to the not for profit character of the organization, and attesting to the fact the organization is not otherwise ineligible to receive a license; and

11. Such other information as the village may from time to time require.
- C. Each application for a license shall be accompanied by payment of a license fee of five dollars (\$5.00).
- D. Application for licenses shall be submitted to the village clerk. The village shall act to either issue or deny the license within thirty (30) days. (Ord. 13-O-2002, 5-23-2002)

10-6-4: INELIGIBILITY:

The following are ineligible for any license under this chapter:

- A. Any person who has been convicted of a felony;
- B. Any person who is or has been a professional gambler or gambling promoter;
- C. Any person who is not of good moral character;
- D. Any firm or corporation in which a person defined in subsection A, B or C of this section has a proprietary, equitable or credit interest or in which such a person is active or employed;
- E. Any organization in which a person defined in subsection A, B or C of this section is an officer, director, or employee, whether compensated or not; and
- F. Any organization in which a person defined in subsection A, B or C of this section is to participate in the management or operation of a raffle. (Ord. 13-O-2002, 5-23-2002)

10-6-5: CONDUCT OF RAFFLES:

The conducting of raffles is subject to the following restrictions:

- A. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game;
- B. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

- C. No person may receive any remuneration or profit for participating in the management or operation of the raffle;
- D. A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;
- E. Raffle chances may be sold or issued only within the village of Willow Springs and only at the locations specified on the license, and winning chances may be determined only at those locations specified on the license; and
- F. A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian. (Ord. 13-O-2002, 5-23-2002)

10-6-6: RECORDS AND REPORTS:

- A. Each organization licensed to conduct raffles shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- B. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to licensee therefor issued by the department of revenue of the state of Illinois, and placed in a separate account. Each organization should have separate records for its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles should not be the same person who accounts for other revenues of the organization.
- C. Each organization licensed to conduct raffles shall report monthly to its membership, and to the village its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this section.

D. Records required by this section shall be preserved for three (3) years, and organizations shall make available for public inspection at reasonable times and places their records relating to operation of raffles. (Ord. 13-O-2002, 5-23-2002)

10-6-7: RAFFLES MANAGER; BOND:

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the village clerk not less than thirty (30) days prior to its cancellation. The village board of trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this act, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. (Ord. 13-O-2002, 5-23-2002)

10-6-8: PENALTY:

- A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists enforcement of any of the provisions of this chapter, or who shall refuse to remedy a violation of any such provisions shall, upon conviction, where no specific penalty is provided for the section being violated, be punished by a fine not to exceed seven hundred fifty dollars (\$750.00) for any one offense. A separate offense shall be deemed committed for each day such violation shall continue.

- B. In the event any building or structure erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the village by and through its building commissioner, director of the code enforcement or other appropriate official, in addition to other remedies, may institute an appropriate action or proceeding: 1) to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; 2) to prevent the occupancy of the building, structure or land; 3) to prevent any illegal action,

conduct, business or use in or about the premises; or 4) to restrain, correct or abate the violation. (Ord. 13-O-2002, 5-23-2002)

CHAPTER 7 PROHIBITION OF SYNTHETIC DRUGS

10-7-1 DEFINITIONS

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning:

1. A product containing a synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
2. Synthetic cannabinoid means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salt of isomers) containing a cannabinoid receptor agonist, such as:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)

JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)

JWH-018 (1-pentyl-3-(1-naphthoyl)indole)

JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole)

JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone)

JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)

JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone)

JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)

JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone) JWH-

200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone)

JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone)

JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone)

JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole)

JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole)

JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole)

HU-210 ((6aR, 10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c] chromen-1-ol)

HU-211 ((6aS, 10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1 ol)

HU-308 ([[1R,2R,5R]-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)Phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl)methanol)

HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione)

CP 55,940 (2- [(1 R,2R, 5 R)- 5 hydroxy-2-(3 hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol)

CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol) and its homologues

WIN 55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo[1,2,3-de)-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone)

RCS-4 ((4-methoxyphenyl)(1-pentyl)-1H-indol-3-yl)methanone)

RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl) ethanone)

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

3-Fluoromethcathinone

4-Fluoromethcathinone (other name: flephedrone)

3,4-Methylenedioxy-methcathinone (other name: methylone, MDMC)

3,4-Methylenedioxy-pyrovalerone (other name: MDPV)

4-Methylmethcathinone (other names: mephedrone, 4-MMC)

4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC)
4-Ethylmethcathinone (other name: 4-EMC)

Ethcathinone

Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB)

Naphthylpyrovalerone (other names: naphyrone, NRG-1)

N,N-dimethylcathinone (other name: metamfepramone)

Alpha-pyrrolidinopropiophenone (other name: alpha-PPP)

4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP)

3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name:MDPPP)

Alpha-pyrrolidinovalerophenone (other name: alpha-PVP)

6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine)(other name:MDAI)

Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

at the 3-position with an alkyl substituent;

at the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or by inclusion of the nitrogen atom in a cyclic structure.

4. Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain such as:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

2-(4-(Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-2);

2-(4-(Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

10-7-2 SALE OR DELIVERY

It shall be unlawful for any business or person to sell, offer for sale, or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen. Any business or person who is found to be in violation of this section shall have their business license revoked.

10-7-3 POSSESSION

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

10-7-4 USE

It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

10-7-5 PENALTIES

- A. Any person found to be in violation of 10-7-2 shall be subject to fine of not less than \$500 nor more than \$750 for each violation thereof.
- B. Any person found to be in violation of 10-7-3 or 10-7-4 shall be subject to fine of not less than \$100 nor more than \$750 for each violation thereof. (Ordinance 2012-O-16)