

Chapter 13

MISCELLANEOUS OFFENSES AND PROVISIONS

Art. I.	In General, Secs. 13-1--13-30
Art. II.	Offenses Against Order, Secs. 13-31--13-46
Art. III.	Offenses Against Morals, Secs. 13-47--13-64
Art. IV.	Offenses Pertaining to Property, Secs. 13-65--13-79
Art. V.	Weapons, Secs. 13-80--13-95
Art. VI.	Compromise of Violations, Secs. 13-96--13-99
Art. VII.	Parks, Secs. 13-100--13-118
Art. VIII.	Nuisance and Lien Procedures, Secs. 13-119--13-126

ARTICLE I. IN GENERAL

Sec. 13-1. When accountability for another exists.

A person is legally accountable for the conduct of another when:

- (1) Having a mental state described by the Ordinance defining the offense, he causes another to perform the conduct and the other person in fact or by reason of legal incapacity lacks such a mental state; or
- (2) The Ordinance defining the offense makes him so accountable; or
- (3) Either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he solicits, aids, abets, agrees or attempts to aid, such other person in the planning or commission of the offense. However, a person is not so accountable unless the Ordinance defining the offense provides otherwise, if:
 - (a) He is a victim of the offense committed; or
 - (b) The offense is so defined that his conduct was inevitably inevitable to its commission; or
 - (c) Before the commission of the offense, he terminates his effort to promote or facilitate such commission, and does one of the following: wholly deprives his prior efforts of effectiveness in such commission, or gives timely warning to the proper law enforcement authorities, or otherwise makes proper effort to prevent the commission of the offense.

State law reference--For similar provisions, see 720 ILCS 5/5-2

Sec. 13-2. Vagrancy.

It shall be unlawful for any mendicant or vagrant to frequent any depot, store, theater, street, alley, sidewalk, park or other public place or any place frequented by the public in the Village. Any person

MISCELLANEOUS OFFENSES AND PROVISIONS

found sleeping in such place, and who has no established domicile or residence, shall be considered to be a vagrant. (Code 1958, Sec. 28.326)

Sec. 13-3. Nuisances generally.

- (a) *Prohibited.* It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under his, her or its control. Nuisances shall include, but not be limited to anything declared to be a nuisance by this Code, State law or any highly obnoxious or annoying thing or anything offensive or annoying to individuals or to the community to the prejudice of their legal rights.
- (b) *Abatement.* The Chief of Police and the Superintendent of Building and Zoning of the Village, if any, are each hereby authorized to abate any nuisance existing in the Village, whether such nuisances are specifically recognized by ordinance or not. (94-12, Sec. 7, 3-17-94)

Sec. 13-4. Used appliances, etc., on public property prohibited and declared a nuisance.

It shall be unlawful and is hereby declared a nuisance for any person to place, store or deposit any used appliances, junk or similar items on public property.

Sec. 13-5. Operation of snowmobiles, mini-bikes, etc., on property of others.

It shall be unlawful and is hereby declared a nuisance for any person to operate any snowmobile, mini-bike, motorized skateboard, motorized scooter, all terrain vehicle or recreation vehicle of any kind on the private property of another person, which shall include property of the Village, without first obtaining the permission of the owner of such property. (Ord. No. 2000-43, Sec. 1, 8-17-2000)

Sec. 13-6. Making unusual noises.

It shall be unlawful and is hereby declared a nuisance for any person to shout, bawl, scream, use profane or obscene language, dance, sing, fight, quarrel or make any unusual noise or sound in any house, tavern or in any part of the Village in such a manner as to disturb the peace of the neighborhood or those passing through the streets.

Sec. 13-7. Dense smoke.

- (a) It shall be unlawful and is hereby declared a nuisance to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.
- (b) For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as

MISCELLANEOUS OFFENSES AND PROVISIONS

published and used by the United States Geological Survey, shall be and is hereby adopted as a standard for such grading, and smoke shall be, and is hereby defined as and declared to be "dense" when it is of a degree of density of number three (3) of said chart or greater, for more than six (6) minutes in any one (1) hour; whether such period of time is consecutive or not. (Code 1958, Sec. 17.313)

Sec. 13-8. Advertising unlawful business; destroying lawful advertising.

It shall be unlawful to advertise any unlawful business or article in the Village and it shall be unlawful to injure or deface any lawful advertisement or notice. (Code 1958, Sec. 28.312)

Sec. 13-9. Medical advertisements.

It shall be unlawful for any person to distribute, cast, throw or place or cause to be distributed, cast, thrown, or placed in, upon or along any of the streets, alleys or other public places in the Village, or upon the porches or yards of private residences therein or within any dwelling or building in the Village, any sample of merchandise or medicinal preparation for the purpose or with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine or any other article whatsoever. (Code 1958, Sec. 28.319)

Sec. 13-10. Posting bills.

It shall be unlawful to post any bill or advertisement on any public property without the authority of the Village President and Board of Trustees and it shall be unlawful to post any bill or advertisement without the written consent of the owner of the property thereof. (Code 1958, Sec. 28.317)

Sec. 13-11. Expectoration.

It shall be unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited. (Code 1958, Sec.17.312)

Sec. 13-12. Establishing cemeteries and burying persons in Village.

It shall be unlawful for any person to establish a cemetery or to bury any person within the Village limits, or within one (1) mile thereof except in an established cemetery. (Code 1958, Sec. 17.306)

Sec. 13-13. Duty of undertakers to notify police of deaths.

It shall be the duty of any undertaker to notify the Police Department whenever a body is turned over to him for his services. (Code 1958, Sec. 17.315)

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-14. Gas leaks.

Any person maintaining any gas pipe in the Village shall, in the absence of a provision in the franchise concerning the subject, keep such pipes free from leaks. (Code 1958, Sec. 9.307)

Sec. 13-15. Blowing steam whistles.

It shall be unlawful to blow or cause to be sounded any steam whistle of any stationary engine or steam engine in the Village except as a signal for starting or stopping work or in emergencies to avoid or to prevent injury to persons or property. (Code 1958, Sec. 28.323)

Sec. 13-16. Gambling--Definitions.

- (a) A "gambling device" is any clock, tape machine, slot machine or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. A "gambling device" does not include:
- (1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.
 - (2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.
 - (3) Video gaming terminals licensed and operated in accordance with the Video Gaming Act, 230 ILCS 40/1 *et seq.* (Ord. 12-21, Sec. 4, 8-16-12)
- (b) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name.
- (c) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

State law reference--For similar provisions, see 720 ILCS 5/28-2

Sec. 13-17. Same--Prohibited.

MISCELLANEOUS OFFENSES AND PROVISIONS

- (a) A person commits gambling, which shall be a violation of this Code, when he:
- (1) Plays a game of chance or skill for money or other thing of value; unless excepted in Subsection (b) of this Section; or
 - (2) Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or
 - (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or
 - (4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to 815 ILCS 5/8, or by or through a person exempt from such registration under said section, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under 815 ILCS 5/3 is not gambling within the meaning of this paragraph (4); or
 - (5) Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or
 - (6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or
 - (7) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or
 - (8) Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or
 - (9) Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, or any advertisement of any lottery or policy game; except for such activity related to lotteries, bingo games and raffles authorized and conducted in accordance with the

MISCELLANEOUS OFFENSES AND PROVISIONS

laws of Illinois or any other State or foreign government; or

- (10) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this Paragraph 10 prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.
 - (11) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet. This item (11) does not apply to activities referenced in items (6) and (6.1) of Subsection (b) of this Section.
- (b) Participants in any of the following activities shall not be convicted of gambling:
- (1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and
 - (2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest; and
 - (3) Pari-mutuel betting as authorized by the law of Illinois; and
 - (4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside Illinois when such transportation is not prohibited by any applicable Federal law; or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act, by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act.
 - (5) The game commonly known as “bingo”, when conducted in accordance with the Bingo License and Tax Act.
 - (6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules.

MISCELLANEOUS OFFENSES AND PROVISIONS

- (6.1) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established in Section 7.12 of the Illinois Lottery Law.
 - (7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this Subparagraph (b)(7), an antique slot machine is one manufactured twenty-five (25) years ago or earlier.
 - (8) Raffles when conducted in accordance with the Raffles Act.
 - (9) Charitable games when conducted in accordance with the Charitable Games Act.
 - (10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act.
 - (11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act.
 - (12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veterans establishment when conducted in accordance with the Video Gaming Act.
 - (13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate.
- (c) In prosecutions under Subsection (a), circumstantial evidence shall have the same validity and weight as in any criminal prosecution. (Code 1958, Secs. 28.101--28.104; Ord. 12-21, Sec. 5, 8-16-12)

State law reference--For similar provisions, see 720 ILCS 5/28-1

Sec. 13-18. Curfew for minors.

- (a) *Definitions.* As used in this Section 13-18, the following words shall be defined as follows:

(1) CURFEW HOURS:

Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. the following day

Between 12:01 a.m. and 6:00 a.m. Saturday

MISCELLANEOUS OFFENSES AND PROVISIONS

Between 12:01 a.m. and 6:00 a.m. Sunday

- (2) **EMERGENCY:** any unforeseen circumstance or combination of circumstances or the resulting state that calls for such immediate action as is necessary to protect a person from imminent threat of bodily injury, loss of life or property from substantial damage. The term includes, but is not limited to, a fire, natural disaster, automobile accident, medical emergency, or any situation requiring immediate action to prevent bodily injury, loss of life or loss of property.
- (3) **ESTABLISHMENT:** any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any restaurant, retail establishment, place of amusement or entertainment.
- (4) **GUARDIAN:**
 - (a) a person who, by court order, is designated guardian of the person of a minor;
or
 - (b) a public or private agency with whom a minor has been placed by a court of competent jurisdiction.
- (5) **MINOR:** any person under 17 years of age
- (6) **OPERATOR:** any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **PARENT:** a person who is a natural parent, adoptive parent, or step-parent of a minor;
- (8) **CUSTODIAN:** a person who has attained the age of 18 years and who is authorized by a parent or guardian to have the care and custody of a minor;
- (9) **PUBLIC PLACE:** any place to which the public or a substantial group of the public has access, including but not limited to streets, highways, public ways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, shops, parks, places of entertainment or amusement, arenas, stadiums, and restaurants.
- 10) **REMAIN:**
 - (a) to linger or stay; or

MISCELLANEOUS OFFENSES AND PROVISIONS

- (b) fail to leave the premises of an establishment when requested to do so by a police officer or the owner, operator, or other person in control of the establishment.

11) **BODILY INJURY:** injury that harms or creates a substantial risk of harm to one's person or that causes death, disfigurement, loss or impairment of the function of any bodily member or organ.

(b) Offenses. It shall be unlawful for:

(1) a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours; or

(2) a parent, guardian or custodian to knowingly permit, or by insufficient control allow a minor to remain in any public place or on the premises of any establishment within the Village during curfew hours; or

(3) the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses

(1) It shall be a defense to prosecution under this Section 13-18 that the minor was:

(a) accompanied by the minor's parent, guardian or custodian;

(b) on or returning from an errand at the direction of the minor's parent, guardian, or custodian without any unnecessary detour or stop;

(c) in a motor vehicle involved in interstate travel;

(d) engaged in an employment activity in which such minor may lawfully engage under the laws of the State of Illinois, or traveling to or returning home from the employment activity, without any unnecessary detour or stop;

(e) involved in an emergency;

(f) on the sidewalk abutting the minor's residence, that of a guardian or custodian, or abutting the residence of a next-door neighbor if ;the neighbor does not object to the minor's presence;

MISCELLANEOUS OFFENSES AND PROVISIONS

- (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a school, a civic organization, a unity of local government or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the unit of local government, a school, a civic organization, or another similar entity that takes responsibility for the minor;
- (h) exercising rights protected by the First Amendment to the United States Constitution or Article 1, Section 3, 4 and 5 of the Constitution of the State of Illinois, or both, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (i) married or previously married or has been declared an emancipated minor in accordance with the Illinois Compiled Statutes.

(2) It is a defense to prosecution under this Section 13-18 that the owner, operator, or employee of an establishment promptly notified the Village's Police Department that a minor was present on the premises of the establishment during curfew hours and the minor refused when first requested to leave the premises.

- (d) Enforcement. Prior to taking any enforcement action under this Section, a police officer shall inquire as to the apparent offender's age and reason for being in the public place. No citation shall be issued and no arrest shall be made under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response of the minor and all other circumstances known to the officer at the time, no defense as set forth in Section 13-18(c) exists. (Ord. 2004-14, Sec. 1, 4-15-04)

Sec. 13-19. Same--Parents or guardians permitting violations.

Repealed. (Ord. 2004-14, Sec. 2, 4-15-04)

Sec. 13-20. Rollerskates and Skateboards.

- (a) *Definitions:* As used in this Article,
 - (i) a rollerskate is a shoe or a device which attaches to a shoe that has small wheels attached to it for skating on sidewalks, hard floors and similar surfaces;
 - (ii) a "skateboard" is a board that has small wheels attached to it;
 - (iii) a "motorized skateboard" is a skateboard which has a small motor attached to it;
 - (iv) a "scooter" is a board which has small wheels attached and also has a perpendicular pole or similar extension attached to it which is used to steer and/or as a hand rest;
 - (v) a "motorized scooter" is a scooter which has a motor attached to it;

MISCELLANEOUS OFFENSES AND PROVISIONS

- (vi) “skate” means to glide or move along on rollerskates or on a skateboard.
- (b) *Use of motorized skateboards and motorized scooters prohibited.* It shall be unlawful to operate or to ride on a motorized skateboard or a motorized scooter in the public streets, upon the public sidewalks or within a public right of way.
- (c) *Streets/Sidewalks:* No person shall skate on rollerskates or on a skateboard in the public streets, upon the public sidewalks or within a public right of way in a manner which interfered or obstructs the passage of vehicles in and along said streets or the passage of persons along such streets, sidewalks or rights-of-way.
- (d) *Village Parking Areas:* No person shall skate on rollerskates or a skateboard or operate or ride on a motorized skateboard or motorized scooter upon any parking lot which is owned, leased or operated by the Village.
- (e) *Business Districts:* No person shall skate on rollerskates or a skateboard on a public sidewalk, public street or within a public right-of-way which is located in an area of the Village that is zoned either B-1, B-2, B-3, B-4, or B-5 under the Village's Zoning Ordinance.
- (f) *Special Events:* The restrictions contained in Subsections (c), (d) and (e) shall not be applicable to persons who skate on rollerskates or skateboards in connection with an event such as a parade or a block party, for which a permit has been issued or which has otherwise been approved and authorized by the Village.
- (g) *Restricted Streets:* No person shall skate on rollerskates or on a skateboard upon the following public streets within the Village of Fox River Grove: Algonquin, Birch, Pleasant and Violet. (Ord. No. 90-18, Sec. 1, 7-18-90, Ord. No. 2000-43, Sec. 2, 8-17-2000; Ord. No. 11-25, Sec. 1, 11-17-11).

Secs. 13-21. Feeding of birds prohibited.

- (a) No person shall feed any bird, including but not limited to geese, ducks, pigeons and similar fowl while such person is within any park or on any other property, including, but limited to, storm-water retention and detention areas, the premises of public buildings and structures, parkways, streets, and other public rights-of-way, owned, controlled, or under the jurisdiction of the Village of Fox River Grove.
- (b) No person shall leave any seed, bread or bread crumbs, or other foodstuff which intended to be, or which may constitute, bird food on any property owned, controlled or under the jurisdiction of the Village of Fox River Grove, including, but not limited to, parks, storm-water retention and detention areas, the premises of public buildings and structures, parkways, streets, and other public rights-of-ways. (Ord. No. 2000-29, Sec. 1, 5-18-2000)

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-22. Offenses Relating to Burglar, Fire and Security Alarms.

(a) False Burglar and Security Alarms

- (1) It shall be an offense to own, operate, utilize or maintain a burglar or security alarm system, which repeatedly emits false alarms. If the Police Department responds to more than three (3) false burglar or security alarms within a twelve (12) month period that are emitted or emanate from the same alarm system, the occupant, owner or manager of the premises from which the alarm was emitted shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars or more than seven hundred fifty (\$750.00) dollars for each offense. Each false alarm in excess of three (3) that occurs during the twelve (12) month period shall constitute a separate offense.
- (2) It shall be an offense to fail to give the Police Department prior notice that maintenance, repair or installation work is being performed on a burglar or security alarm system. Such prior notice shall be given by the person performing the installation, maintenance or repair work not less than twenty-four (24) hours prior to the start of the work, unless the work is being performed on an emergency basis, in which case the notice shall be given as soon as reasonably possible. If the Police Department responds to a false burglar or security alarm that was emitted because of installation, maintenance or repair work being done on the alarm, and the person performing the work failed to notify the Police Department as provided in this Section 13-22(a)(2), the person performing the installation, maintenance or repair work shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars nor more than seven hundred fifty (\$750.00) dollars for each offense. Each false alarm to which the Police Department responded as a result of the failure to give notice shall constitute a separate offense.

(b) Audible Alarms

It shall be an offense for any fire, burglar, motor vehicle or security alarm system to emit an audible alarm signal for more than ten (10) minutes without shutting off and resetting. The owner or operator of any motor vehicle and the owner, manager or occupant of any premises on which a security alarm system is located which violates the provisions of this Section 13-22(b) shall be subject to a fine of not less than two hundred fifty (\$250.00) dollars nor more than seven hundred fifty (\$750.00) dollars for each offense. A separate offense shall occur each time a security alarm system emits an alarm signal for more than ten (10) minutes. (Ord. No. 07-11, Sec. 1, 4-19-7)

Sec. 13-23--13-30. Reserved.

ARTICLE II. OFFENSES AGAINST ORDER

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-31. Disorderly conduct.

A person commits disorderly conduct, which is a violation of this Code, when he knowingly:

- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- (2) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or
- (3) Transmits in any manner to the Fire Department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- (4) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- (5) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
- (6) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it. (Code 1958, Sec. 28.301)

State law reference--For similar provisions, see 720 ILCS 5/26-1

Sec. 13-32. Assault.

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

State law reference--For similar provisions, see 720 ILCS 5/12-1

Sec. 13-33. Battery.

A person commits battery, which is a violation of this Code, if he intentionally or knowingly without legal justification and by any means:

- (1) Causes bodily harm to an individual; or
- (2) Makes physical contact of an insulting or provoking nature with an individual.

State law reference--For similar provisions, see 720 ILCS 5/12-3

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-34. Mob action.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-35. Obstructing stairways or exits.

It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office building, factory, hotel, school, church, assembly hall, lodge or other public hall, or any building used by two (2) or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit. (Code 1958, Sec. 28.324)

Secs. 13-36--13-46. Reserved.

ARTICLE III. OFFENSES AGAINST MORALS

Sec. 13-47. Public indecency.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-48. Prostitution.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-49. Soliciting for a prostitute.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-50. Pandering.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-51. Keeping a place of prostitution.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-52. Patronizing a prostitute.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-53. Distributing obscene materials.

MISCELLANEOUS OFFENSES AND PROVISIONS

- (a) A person commits the offense of distributing obscene materials, which is a violation of this Code, when he sells, lends, rents, leases, gives, advertises, publishes, exhibits or otherwise disseminates to any person any obscene material of any description, knowing the obscene nature thereof, or who offers to do so, or who possesses such material with the intent so to do; provided, that the word "knowing" as used herein shall be deemed to be either actual or constructive knowledge of the obscene contents of the subject matter; and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent man on notice as to the suspect nature of the material.
- (b) Material is obscene if considered as a whole, applying community standards, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, and utterly without redeeming social value and if, in addition, it goes substantially beyond customary limits of candor in describing or representing such matters. Undeveloped photographs, molds, printing plates and the like shall be deemed obscene notwithstanding that processing or other acts may be required to make the obscenity patent or to disseminate it.
- (c) Material, not otherwise obscene, may be obscene under this Section if the distribution thereof, deemed or the offer to do so, or the possession with the intent to do so is a commercial exploitation of erotica solely for the sake of their prurient appeal.

State law reference--For similar provisions, see 720 ILCS 5/11--20

Secs. 13-54--13-64. Reserved.

ARTICLE IV. OFFENSES PERTAINING TO PROPERTY

Sec. 13-65. Criminal damage to property.

Repealed per Ordinance 2005-16, Sec. 2, 7-21-05.

Sec. 13-66. Trespass.

- (a) *Prohibited.* It shall be unlawful for any person to commit a trespass within this Village upon either public or private property.
- (b) *Defined.* Without constituting any limitation upon the provisions of Subsection (a), any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of Subsection (a):
 - (1) An entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

MISCELLANEOUS OFFENSES AND PROVISIONS

- (2) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or
 - (3) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
 - (4) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.
- (c) *Action by Village.* Appropriate action may be taken by the Village at any time to prevent or suppress any violation of this Section.

Sec. 13-67. Throwing missiles and other objects on public property.

It shall be unlawful to cast, throw or propel any missile on any street, alley or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street, alley, sidewalk or other public place in the Village. (Code 1958, Sec. 28.311)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 13-68. Barbed wire and electrically charged fences.

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar materials designed to cause injury to person, or to maintain or construct any wire charged with electrical current, anywhere within the Village, except to protect industrial property in which case barbed wire must be at least six (6) feet above the sidewalk and extended inward towards the property. (Code 1958, Sec. 9.120)

Secs. 13-69--13--79. Reserved.

ARTICLE V. WEAPONS

Sec. 13-80. Unlawful use of weapons.

- (a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly:
 - (1) Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles or any knife, commonly referred to as a

MISCELLANEOUS OFFENSES AND PROVISIONS

switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

- (2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or
 - (3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or
 - (4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or
 - (5) Sets a spring gun; or
 - (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
 - (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or
 - (8) Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or
 - (9) Carries or possesses in a vehicle or on or about his person any pistol, revolver or firearm, when he is hooded, robed or masked in such manner as to conceal his identity.
- (b) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in Subsection (a) (7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:
- (1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

MISCELLANEOUS OFFENSES AND PROVISIONS

- (2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

State law reference--For similar provisions, see 720 ILCS 5/24-1

Sec. 13-81. Unlawful sale of firearms.

A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

- (1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or
- (2) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or
- (3) Sells or gives any firearm to any narcotic addict; or
- (4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or
- (5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or
- (6) Sells or gives any firearm to any person who is mentally retarded; or
- (7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this Subsection shall not apply to:
 - (a) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or
 - (b) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or
 - (c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

MISCELLANEOUS OFFENSES AND PROVISIONS

- (d) The sale of a firearm when another firearm is traded in for the firearm purchased, in whole or in part.

State law reference--For similar provisions, see 720 ILCS 5/24-3

Sec. 13-82. Unlawful possession of firearms and firearm ammunition.

A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

- (1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or
- (2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or
- (3) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or
- (4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or
- (5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or
- (6) He is mentally retarded and has any firearms or firearm ammunition in his possession.
- (7) He is not in possession of a valid State of Illinois Firearm Owners Identification Card.

State law reference--For similar provisions, see 720 ILCS 5/24-3.1

Sec. 13-83. Discharge of firearms.

It shall be unlawful to discharge any firearms or airgun in the Village; however, this section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property. (Code 1958, Sec. 28.315)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Sec. 13-84. Hunting.

It shall be unlawful for any person to engage in killing or to hunt any animal other than as prescribed

MISCELLANEOUS OFFENSES AND PROVISIONS

by law, in the Village. (Code 1958, Sec. 28.309)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

Secs. 13-85--13-95. Reserved.

ARTICLE VI. COMPROMISE OF VIOLATIONS

Sec. 13-96. Settlement and compromise of certain offenses authorized; enumeration of sums.

(a) Any of the following offenses arising under this Code may be settled and compromised by the offender within fourteen (14) days after the date of the notice of violation by payment to the Village of the sum of money set forth opposite the offense:

<i>Section of Code</i>	<i>Offense</i>	<i>Sum</i>
3-5	Public intoxication -----	\$50.00
3-8	Intoxicating liquor prohibited in parking lots or drive-in restaurant -----	\$50.00
3-8	Consumption of alcohol, open containers in parks, sidewalks, etc. -----	\$50.00
3-48	Disobedience of tavern closing hours -----	\$75.00
3-72	Licensed premises to display warning to minor card -----	\$75.00
4-9	Smoking prohibitions in exhibition halls -----	\$75.00
4-68	Minors prohibited in pool halls -----	\$75.00
4-69	Violation of pool hall hours -----	\$75.00
4-83	Violation of bowling alley hours-----	\$75.00
4-111.1	License required for coin operated amusement-----	\$75.00
4-123	Failure to obtain jukebox license -----	\$75.00
4-125	Failure to display jukebox license -----	\$75.00
4-127	Failure to permit inspection of jukebox license during business hours -----	\$75.00
5-3	Animals running at large-----	\$75.00
5-4	Non-permitted hitching of animal -----	\$75.00
5-5	Allow dog/cat to run on property of another -----	\$75.00
5-9	Animal noises-----	\$75.00
5-13(c)	Removal of animal excrement required-----	\$75.00
5-23	Keeping/harboring too many dogs-----	\$75.00
5-28(a)	Dog running at large -----	\$75.00
5-47	Offering a dog, cat or rabbit for retail sale that retailer obtained from disallowed source -----	\$300.00
6-8(c)	House numbering, per day -----	\$5.00
6-32	Failure to have building permit.....	25% of permit fee

MISCELLANEOUS OFFENSES AND PROVISIONS

6-109	Failure to obtain permit for sign or canopy.....	\$75.00
6-128	Failure to have billboard permit -----	\$75.00
6-305 through 6-311	RV/boats/mobile home prohibitions -----	\$75.00
6-404	Vacant Commercial Building Care-----	\$100.00
8-1	Bonfire without permit -----	\$25.00
8-22	Possession, sale of fireworks -----	\$75.00
8-22	Setting off of fireworks without permit-----	\$75.00
9-2	Food sales without license -----	\$75.00
9-29	Failure to post restaurant license-----	\$75.00
9-35	Employees smoking/expectorating in food preparation areas-----	\$75.00
9-56	Unlawful storage/disposal of waste -----	\$75.00
9-63	Storage of soiled linens -----	\$75.00
9-101	Failure to obtain license to sell or distribute milk-----	\$75.00
9-109	Failure to obtain food/cigarette vending machine license-----	\$75.00
9-111	Failure to display Village license -----	\$75.00
10-3(d)	Garbage collection violations – 1 st offense only.....	\$50.00
10-3(d)	Garbage collection violations – 2 nd offense only	\$100.00
10-3(d)	Garbage collection violations – 3 rd offense only.....	\$250.00
10-10	Prohibited deposits; uncovered garbage -----	\$75.00
10-14	Burning leaves, refuse or garbage – 1 st offense only-----	\$75.00
10-14	Burning leaves, refuse or garbage – 2 nd offense only -----	\$100.00
10-14	Burning leaves, refuse or garbage –3 rd offense only -----	\$250.00
10-15	Unauthorized use of dumpster	\$75.00
10-16	Encroachment of dumpsters -----	\$75.00
10-19(d)	Dumpster enclosures required-----	\$300.00
11-2(b)	Failure to post signs prohibiting sale of tobacco products to minors -----	\$75.00
11-4	Purchase of tobacco by minors-----	\$150.00
11-5	Possession of tobacco by minors-----	\$150.00
12-18	Failure to obtain business license	\$75.00
12-23(b)	Failure to have tobacco license	\$75.00
12-40	Licensed premises to be clear of rubbish, snow, ice -----	\$75.00
12-41	License to be displayed in prominent location-----	\$75.00
12-54	Operate a motor court without a license -----	\$75.00
12-73	Operate a junk shop, store without a license -----	\$75.00
12-88	Violation of amplification permit requirements.....	\$175.00
12-91 & 92	Violation of amplification permit-----	\$75.00
12-93	Lewd, obscene or false representations using sound amplification-----	\$75.00
12-114	Failure to post address, phone number of	

MISCELLANEOUS OFFENSES AND PROVISIONS

	owner and service agency-----	\$75.00
12-117	Failure to have massage business license-----	\$75.00
12-123	Failure to display massage business license and massage therapist license -----	\$75.00
12-125(e)	Minors prohibited from massage business -----	\$75.00
13-3	Nuisances generally-----	\$75.00
13-4	Used appliances, junk stored on public property -----	\$75.00
13-5	Operation of snowmobiles, mini-bikes, etc. on property of others without permission-----	\$75.00
13-6	Making unusual noises; disturbing the peace -----	\$75.00
13-7	Causing or permitting emission of smoke-----	\$75.00
13-10	Posting of handbills on public property-----	\$75.00
13-11	Spit or expectorate on public place-----	\$75.00
13-15	Unlawful blowing of steam whistles -----	\$75.00
13-18	Curfew for minors -----	\$75.00
13-19	Parents permitting curfew-----	\$75.00
13-20	Skateboarding/motorized scooter violations -----	\$75.00
13-21	Bird feeding violations on Village property-----	\$75.00
13-22	Burglar, fire and security alarms-----	\$150.00
13-67	Throwing of missiles prohibited -----	\$75.00
13-68	Barbed wire/electrical fences prohibited-----	\$75.00
13-83	Unlawful discharge of air gun in Village limits -----	\$75.00
13-84	Unlawful hunting/killing of animals -----	\$75.00
13-101	Illegal fire in Village parks -----	\$75.00
13-102	Fishing prohibitions -----	\$75.00
13-103	Unlawful camping in Village parks -----	\$75.00
13-104	Motor vehicles in Village parks-----	\$75.00
13-105	Launching of motorized water craft in Village Parks-----	\$75.00
13-106	Uncontrolled pets in Village Parks -----	\$75.00
13-107	Swimming in Village Parks -----	\$75.00
13-108	Litter, deposits and dumping in parks -----	\$75.00
13-110	Park curfew -----	\$75.00
13-111	Alcoholic beverages in Village parks -----	\$75.00
13-112	Park Use Permit (sports team or groups of 10 or more -----	\$25.00
13-113	Hot air balloons prohibited in parks-----	\$75.00
13-114	Encroachments and obstructions in Village parks-----	\$75.00
13-115	Unauthorized plant materials and landscape waste in Village parks-----	\$75.00
13-116	Ice skating and entering onto ice prohibited on ponds, rivers and streams in Village parks-----	\$75.00

MISCELLANEOUS OFFENSES AND PROVISIONS

13-117	Snowboarding in Picnic Grove Park Violation -----	\$75.00
15-18	Unauthorized signs-----	\$25.00
15-21	Passengers on bicycles -----	\$25.00
15-23	Riding on outside of vehicle-----	\$25.00
15-24	Clinging to vehicles-----	\$25.00
15-42	Obstruction of traffic -----	\$75.00
15-43	Following; parking near fire apparatus-----	\$75.00
15-44	Crossing fire hose -----	\$75.00
15-45	Driving upon the sidewalk-----	\$75.00
15-46	Driving through safety zone -----	\$75.00
15-51	Wrong way on one-way street -----	\$75.00
15-54	Vehicle in excess of 8,000 pounds -----	State Fine Chart
15-57	Playing in street -----	\$25.00
15-58	Following too closely-----	\$75.00
15-67	Special speed limit when passing schools-----	\$75.00
15-127	Standing in roadways-----	\$75.00
15-128	Pedestrians interfering with traffic -----	\$25.00
15-129	Pedestrians interfering with sidewalk or other pedestrians -	\$75.00
15-130	Not using a crosswalk in Business District-----	\$25.00
15-134	Soliciting rides or business in roadway -----	\$50.00
15-136	Pedestrians walking on roadway instead of provided sidewalk -----	\$25.00
15-146	Parking in no parking zone -----	\$50.00
15-146	Parking in Right of Way -----	\$25.00
15-146	No Parking Village Streets 2 a.m. to 6 a.m -----	\$25.00
15-147 & 148	Parking prohibitions -----	\$25.00
15-149	Restricted parking winter months - snow-----	\$25.00
15-150	Exceeding parking time limits for certain streets-----	\$25.00
15-154	Displaying vehicle for sale on street -----	\$25.00
15-155	Loading zones -----	\$25.00
15-156	Illegal parking/blocking alley -----	\$50.00
15-159	Parking on street prohibitions -----	\$25.00
15-160	Unattended vehicle-----	\$50.00
15-163	Unauthorized use of parking space reserved for persons with disabilities and disabled veterans -----	\$250.00
15-164	Parking municipal lot violations -----	\$25.00
15-166	Parking without permit -----	\$50.00
15-173	Parking in resident-only parking zone without sticker -----	\$25.00
15-174	Driving unsafe, unequipped vehicles-----	\$75.00
15-175	Driving vehicle with obstructed view -----	\$75.00
15-176	Lights generally -----	\$75.00
15-178	Signal lamps and signal devices -----	\$75.00

MISCELLANEOUS OFFENSES AND PROVISIONS

15-179	Operating a vehicle making unusually loud or unnecessary noise -----	\$75.00
15-180	Operating a vehicle which emits dense smoke/fumes -----	\$75.00
15-181	Mufflers, prevention of noise-----	\$75.00
15-182(c)	Illegal siren or horn on bicycle -----	\$75.00
15-185 to 15-187	Brakes, tires, nonskid devices -----	\$75.00
15-190	Operating a motorcycle without protective wear -----	\$75.00
15-191	Bicycle prohibitions -----	\$75.00
15-192	Vehicle with expired Illinois registration-----	\$75.00
15-199	Abandoned vehicle-----	\$25.00
15-219	Nuisance – inoperable motor vehicle -----	\$25.00
15-235	Failure to obtain vehicle sticker-----	\$100.00
15-237	Failure to display vehicle sticker-----	\$25.00
15-244	Failure to replace vehicle sticker-----	\$25.00
15-261	Operation of vehicles in excess of 10,000 lbs.-----	See February 15 through May 15 ----- 15-270
15-280 to 283	Exceeds maximum width and length, axle -----	See loads, height----- 15-286
16-2	Commercial soliciting, peddling without a license-----	\$50.00
16-6	Non-commercial soliciting without a license -----	\$50.00
16-9	Restrictions applicable to soliciting and peddling-----	\$50.00
16-20	Location for solicitation-----	\$75.00
16-27	Indiscriminate distribution of handbills, etc. public places -----	\$25.00
16-28	Distribution of handbills, etc. without a license -----	\$25.00
17.5-50	Driveways, parking lots, per day.....	\$25.00
17.5-51	Driveways, parking areas, per day.....	\$25.00
18-5	Obstructions to street, alley, sidewalk, public property -----	\$25.00
18-8	Placing articles on windows, ledges abutting public property -----	\$25.00
18-9	Sidewalk sales -----	\$75.00
18-14	Harmful deposits on sidewalks-----	\$25.00
18-15	Harmful deposits on streets-----	\$25.00
18-16	Depositing gravel on parkway/public property without Village permission -----	\$25.00
18-17	Mud and debris on streets -----	\$75.00
18-18	Snow removal prohibitions-----	\$75.00
18-88	Abandoned or junk vehicles -----	\$75.00
19-132	Tree removal prior to subdivision -----	\$100.00

MISCELLANEOUS OFFENSES AND PROVISIONS

21-1	Weed nuisance-----	\$50.00
21-2	High weeds or grass -----	\$50.00
22-17	Operating a taxicab without State license -----	\$75.00
22-18	Operating a taxicab without required equipment -----	\$75.00
22-30	Operating a taxicab in Village without a business license-----	\$75.00

(Ord. No. 2000-29, Sec. 1, 5-18-2000, Ord. No. 2003-03, Sec. 1, 2-20-2003; Ord. No. 2005-16, Sec. 1, 7-21-05, Ord. No. 07-10, Sec. 11 and 12, 4-19-07, Ord. No. 09-05, Sec. 1, 1-15-09, Ord. No. 09-14, Sec. 1, 5-14-09, Ord. No. 12-16, Sec. 1, 6-21-12-repealed by Ord. No. 12-22, Sec. 2, 9-20-12; Ord. No. 12-36, Sec. 1, 12-20-12; Ord. No. 15-15, Sec 1, 8-20-15; Ord. No. 15-16, Sec. 2, 9-3-15; Ord. No. 16-04, Sec. 2, 2-18-16; Ord. No. 2016-21, Sec. 2, 9-15-16)

- (b) Any of the following offenses arising under this Code may be settled and compromised by the offender within ten (10) days after the date of the notice of violation by payment to the Village of the sum of money set forth opposite the offense:

<i>Section of Code</i>	<i>Offense</i>	<i>Sum</i>
15-160	Unattended vehicle -----	\$50.00
15-235	Failure to have vehicle sticker -----	100.00
15-237	Display of vehicle sticker -----	25.00

(Ord. No. 07-10, Sec. 13, 4-19-07)

- (c) Any of the following offenses arising under this Code may be settled and compromised by the offender within ten (10) days after the date of the notice of violation by payment to the Village of fifty (\$50.00) dollars:

<i>Section of Code</i>	<i>Offense</i>
15-146	Parking in no parking zone
15-156	Parking in alley
15-159	Illegal parking (wrong way)
15-164	Restrictions on parking and operation of vehicles in municipal parking lots
15-166	Parking without required permit

(Ord. No. 01-17, Sec. 1, 3-15-2001, 04-09, Sec. 1, 3-18-04, Ord. No. 07-10, Sec. 14, 4-19-07)

- (d) Any of the following offenses arising under this Code may be settled and compromised by the offender within thirty (30) days after the date of notice of violation by payment to the Village of the sum of money set forth opposite the offense for each separate offense:

<i>Section of Code</i>	<i>Offense</i>	<i>Sum</i>
13-22	Burglar, Fire and Security Alarms -----	\$150.00

(Ord. No. 07-11, Sec. 2, 4-19-2007)

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-97. Where payments are to be made; issuance of receipt.

Settlement payments shall be made to the Police Department, who shall provide the alleged offender with a receipt in the amount of such payment. (Ord. of 4-13-70, Sec. 2)

Sec. 13-98. Disposition of money collected in settlement of violations.

Money paid to the Police Department in settlement of the claims shall be promptly deposited by the Police Department with the Village Treasurer and shall be credited by the Treasurer to the General Fund. (Ord. of 4-13-70, Sec. 3)

Sec. 13-99. Offenders not to be prosecuted upon settlement of offense.

The Police Department shall not prosecute any alleged offender of the offenses enumerated in Section 13-96 after receipt of the settlement payment. (Ord. of 4-13-70, Sec. 4)

ARTICLE VII. PARKS

Sec. 13-100. Application of article.

The provisions of this Article shall be applicable to all parks owned or operated by the Village of Fox River Grove, and shall control the use and enjoyment of said parks by the public in conjunction with all other Ordinances of the Village. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-101. Fires in parks.

It shall be unlawful to light, maintain or use any fire within Village parks unless such fire is to be used only for cooking purposes and is confined to a container designated for outdoor cooking such as a camp stove or barbecue pit. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-102. Fishing in parks.

It shall be unlawful to fish within or from any area within the Village parks which the corporate authorities have designated and have caused to be posted as a "No Fishing" area. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-103. Camping in parks.

- (a) It shall be unlawful to camp in the Village parks, except in accordance with this Article and unless all campers have previously registered with the Fox River Grove Police Department, which registration shall include the full name, permanent residence address, automobile license number, and proof of identity of all persons who intend to camp in the Village parks.

MISCELLANEOUS OFFENSES AND PROVISIONS

- (b) Motorized or vehicular campers shall not be used or brought into the Village parks.
- (c) Campers shall comply with all rules and regulations established for campers by the Corporate Authorities, which rule and regulations shall be provided to campers at the time of registration. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-104. Motor vehicles in parks.

It shall be unlawful to bring any motorized vehicle, including, but not limited to, automobiles, snowmobiles, campers, buses, motor boats, motorcycles, motor-driven cycles and mini-bikes, within the Village parks, except where parking lots and driveways have been designated for specific types of motor vehicles. Furthermore, it shall be unlawful to operate or park any such motor vehicle within the Village parks in a manner contrary to posted instructions or signs including, but not limited to, directional signs, one-way signs, speed limits, no parking or limited parking signs. The provisions of this Section shall not apply to emergency vehicles and Village vehicles used for park maintenance. (Ord. No. 77-11, Sec. 1, 4-27-77; Ord. No. 79-14, Sec. 1, 6-20-79)

Sec. 13-105. Water craft launching in parks.

It shall be unlawful to launch or retrieve any motorized water craft from any area within the Village parks. Non-motorized water crafts shall be launched only from areas which the Corporate Authorities have designated and have caused to be posted as boat launching areas. (Ord. No. 98-26, Sec. 1, 7-16-98, Ord. No. 2000-47, Sec. 1, 9-21-2000)

Sec. 13-106. Pets in parks.

It shall be unlawful for the owner of any pet to allow such pet to be within the Village parks unless the pet is on a leash and is controlled by a responsible person. All pet excrement shall be removed from the Village parks by the pet's owner or person in control of the pet. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-107. Swimming in parks.

It shall be unlawful for any person to enter the Fox River from any area within the Village parks for the purpose of swimming. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-108. Litter, deposits and dumping in parks.

It shall be unlawful to litter, to deposit any material, glass or other article which might cause injury to persons, animals, or property, or to dump any garbage or refuse, within the Village parks. (Ord. No. 77-11, Sec. 1, 4-27-77)

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-109. Special events and activities in parks.

Special events and activities shall be held within the Village parks only with the permission and approval of the Corporate Authorities. Sponsors of special events and activities shall agree to pay such costs and comply with such regulations, including the posting of financial surety, as may be required by the Corporate Authorities. (Ord. No. 77-11, Sec. 1, 4-27-77)

Sec. 13-110. Park curfew.

It shall be unlawful to enter upon or remain upon any park of the Village after sunset and before sunrise. Except that sledding hill use in Picnic Grove Park and informal athletic activities at Kids Care Court are permitted until 10:00 p.m. when the lights at these locations have been turned on and are operating. (Ord. No. 78-12, Sec. 1, 8-16-78, Ord. No. 2003-35, 10-16-03)

Sec. 13-111. Alcoholic beverages in parks.

It shall be unlawful to bring any alcoholic beverage, other than beer and wine, into any park of the Village or to consume any alcoholic beverage other than beer or wine within any park of the Village. It shall be unlawful for any person to bring beer or wine into any park of the Village or to consume beer or wine within any park of the Village unless the person bringing or consuming the beer or wine is part of a group for which a park use permit has been issued pursuant to Section 13-112 by the Chief of the Fox River Grove Police Department that allows beer and wine consumption in the park. (Ord. No. 91-22, Sec. 1, 6-19-91)

Sec. 13-112. Park Use Permit.

- (a) **Park Use Permit Required.** It shall be unlawful for (i) any organized sports team or (ii) any group which consists of ten (10) or more persons age eighteen (18) or older to use or occupy any portion of a park of the Village unless the group has been issued a park use permit. (Ord. No. 2006-45, Sec. 1, 10-19-06)
- (b) **Issuance of Park Use Permits.**
 - (1) All park use permits shall be issued by the Chief of Police.
 - (2) No permit shall be issued unless the application for the permit is submitted to the Village's Police Department at least one business day prior to the date for which the permit is requested. No permit shall be issued unless the fee provided for in Section 13-112(c) is paid.
 - (3) Each park use permit shall specify:
 - (i) the group for which the permit is issued,

MISCELLANEOUS OFFENSES AND PROVISIONS

- (ii) the date and hours during which the group may use the park,
 - (iii) the maximum number of persons over the age of 18 who are entitled to use the park as part of the group,
 - (iv) the name, address and telephone number of a contact person for the group, and
 - (v) whether the group is permitted to have beer and wine in the park.
- (4) Each application for a park use permit shall specify:
- (i) The name of the group applying for the permit;
 - (ii) The name, address and telephone number of a person the Village may contact on behalf of the group;
 - (iii) The maximum number of persons over the age of 18 who will be part of the group using the park under the permit; and
 - (iv) The number of persons who will be part of the group using the park who are not residents of the Village of Fox River Grove.
 - (v) The purpose for which the group wants to use the park.
- (5) The Chief of Police may refuse to issue a permit if:
- (i) The use of the park by the group applying for the permit will conflict with the use of the park by another group to which a permit has previously been issued;
 - (ii) The use of the park by the group will exceed the capacity of the park.
 - (iii) The group's proposed use of the park would be unlawful or would require the issuance of a license or permit which has not been obtained by the group.
- (c) Fees for Park Use Permit.
- (1) The following fees shall be paid for a park use permit:

Fee for Village Residents

Fee for Non-Residents

MISCELLANEOUS OFFENSES AND PROVISIONS

<u>No. of Persons in Group</u> <u>18 years of older</u>	<u>Fee</u>	<u>No. of Persons in Group</u> <u>18 years or older</u>	<u>Fee</u>
Up to 25.....	\$ 0	Up to 25.....	\$ 50.00
26-50	70.00	26-50	100.00
51-75	100.00	51-75	150.00
76-100	150.00	76-100	200.00
101-125.....	200.00	101-125.....	250.00

There shall be an additional fee of \$65.00 for a park use permit which allows the consumption of beer and wine. The \$65.00 fee shall be paid by both residents and non-residents of the Village and shall be paid in addition to any other applicable fee. (Ord. No. 07-10, Sec. 15, 4-19-07)

- (2) The resident fee applies to those groups where more than fifty (50%) percent of the persons 18 years or older, who will be using the park as part of the group, are residents of the Village or if the group using the park is sponsored by a business or religious organization, located in the Village or any other organization which is based in the Village.

- (d) Miscellaneous.
 - (1) It shall be unlawful for any group which is required to have a park use permit to be within a park of the Village unless the park use permit is in the immediate personal possession of a member of the group who is within the park. The park use permit must be produced upon the request of a Village Police Officer.
 - (2) It shall be unlawful for any group which has been issued a park use permit to exceed the maximum number of persons specified in the permit.
 - (3) It shall be unlawful to make a false statement on an application for a park use permit.
 - (4) It shall be unlawful for any person to be within a park of the Village as part of a group which is required to have a park use permit unless the group has been issued the required permit. (Ord. No. 91-22, Sec. 2, 6-19-91)
 - (5) Organized sports teams must provide proof of general liability insurance coverage under an insurance policy with coverage limits of not less than one million dollars (\$1,000,000) per occurrence. Such insurance policy must include athletic participants' liability coverage. The insurance policy must also name the Village, its employees and its agents as additional insureds. (Ord. No. 06-45, Sec. 2, 10-19-06)

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-113. Hot air balloons prohibited in parks.

It shall be unlawful either to launch a hot air balloon from within any Village park, or to land a hot air balloon in any Village park. (Ord. No. 80-19, Sec. 1, 7-24-80)

Editor's note--Ord. No. 80-19, Sec. 1, amended Ch. 13 by adding provisions designated as Sec. 13-112 which provisions were re-designated Sec. 13-113 by the editors since the Code already contained a Sec. 13-112.

Sec. 13-114. Encroachments and obstructions prohibited in Village parks.

It shall be unlawful for any person to erect, place or maintain any fence, building, structure, swimming pool or other type of pool, sandbox, jungle gym, swing set, or similar item or object in such a manner that it encroaches upon, obstructs or is otherwise located on property that is part of a park owned or operated by the Village of Fox River Grove, without the prior approval of the Village's Board of Trustees. (Ord. 95-18, Sec. 1, 8-17-95)

Sec. 13-115. Unauthorized placing and maintaining of plant materials and landscape waste prohibited in Village parks.

It shall be unlawful for any person to place, plant or maintain any tree, shrub, flowers, grass, or other plant material on property that is part of a park owned or operated by the Village of fox River Grove, without the prior approval of the Village's Board of Trustees. It shall be unlawful for any person to place or maintain any grass clippings, tree leaves, tree or shrub branches or any other form of landscape waste as defined in the Illinois Environmental Protection Act on property that is part of a park owned or operated by the Village of Fox River Grove, without the prior approval of the Village's Board of Trustees. (Ord. No. 95-18, Sec. 2, 8-17-95)

Sec. 13-116. Ice skating and entering onto ice prohibited on ponds, rivers and streams in Village parks.

It shall be unlawful for any person to ice skate on any pond, river or stream within any Village Park. It shall be unlawful for any person to go onto any ice which is formed on a pond or stream located within a Village Park or to go onto any ice which has formed on the Fox River from any area within a Village Park. It shall be unlawful for the parent or guardian of a child under the age of eighteen (18) years to allow the child to go onto ice which has formed on a pond or stream located within a Village Park or to enter onto ice which has formed on the Fox River from an area within a Village Park. (Ord. 95-35, Sec. 1, 12-21-95)

Sec. 13-117. Prohibiting Snowboarding in Picnic Grove Park.

It shall be unlawful for any person to snowboard within those areas of Picnic Grove Park which have been designated by the Village's Corporate Authorities as an area where snowboarding is not allowed and which have been posted with signs stating that no snowboarding is allowed in this area.

MISCELLANEOUS OFFENSES AND PROVISIONS

(Ord. No. 05-04, Sec. 2, 2-17-05)

Sec. 13-118. Park Improvements.

All park facility improvements, except those by the Village of Fox River Grove or its agents, require a Village permit. Application for such permit shall be made to the Public Works Superintendent and shall be referred to the Parks Commission, Public Works Committee and Village Board of Trustees for approval, modification or rejection. (Ord. 09-01, Sec. 1, 1-15-09)

ARTICLE VIII – NUISANCE AND LIEN PROCEDURES

Sec. 13-119. Definitions.

For the purposes of this Article, the following terms shall be defined as follows:

1. "Abandoned residential property" means any type of permanent residential dwelling unit, including detached single family structures, and townhouses, condominium units and multifamily rental apartments covering the entire property, and manufactured homes treated under Illinois law as real estate and not as personal property, that has been unoccupied by any lawful occupant or occupants for at least ninety (90) days, and for which after such ninety (90) day period, the municipality has made good faith efforts to contact the legal owner or owners of the property identified on the recorded mortgage, or, if known, any agent of the owner or owners, and no contact has been made. A property for which the municipality has been given notice of the order of confirmation of sale pursuant to subsection (b-10) of Section 15-1508 of the Code of Civil Procedure shall not be deemed to be an abandoned residential property for the purposes of this Article.
2. "Enclose" or "enclosing" means surrounding part or all of the abandoned residential property's underlying parcel with a fence or wall or otherwise making part or all of the abandoned residential property's underlying parcel inaccessible to the general public.
3. "MERS program" means the nationwide Mortgage Electronic Registration System approved by Fannie Mae, Freddie Mac, and Ginnie Mae that has been created by the mortgage banking industry with the mission of registering every mortgage loan in the United States to lawfully make information concerning each residential mortgage loan and the property securing it available by Internet access to mortgage originators, servicers, warehouse lenders, wholesale lenders, retail lenders, document custodians, settlement agents, title companies, insurers, investors, county recorders, units of local government, and consumers.
4. "Secure" or "securing" means boarding up, closing off, or locking windows or entrances or otherwise making the interior of a building inaccessible to the general public;

MISCELLANEOUS OFFENSES AND PROVISIONS

Sec. 13-120. Nuisance Abatement.

The Village is authorized to perform or provide for property maintenance activities to abate the following nuisances on private property, each of which are herein declared to be a public nuisance:

1. Nuisance vegetation and weeds as defined in Section 21-1 of the Village Code;
2. Allowing a residential structure to deteriorate to the point that pests, as defined in 65 ILCS 5/11-20-8, can have ingress to the interior of the structure;
3. Allowing a structure to be used as a harborage for pests, as defined in 65 ILCS 5/11-20-8 and/or failing to exterminate such pests;
4. Trees infected with Dutch elm disease and ash trees infected with the emerald ash borer (*Agrilus planipennis* Fairmaire);
5. Allowing or causing garbage, debris, and graffiti on a parcel of property or structure;
6. Failing to secure and enclose an abandoned residential property.

Sec. 13-121. Notice and Abatement.

1. In the case of nuisance vegetation and weeds as defined in Section 21-1 of the Village Code, a notice to abate the nuisance shall be served pursuant to Section 21-2 of the Village Code.
2. In the case of a nuisance described in Section 13-120 (2) through and including 13-120(6) of the above Section 13-120 of this Article, a notice describing the nuisance and demanding that it be abated within at a minimum of thirty (30) calendar days of the date of the notice shall be served by United States Mail or personal service upon the owner and occupant and the last taxpayer of record for the premises upon which the nuisance exists.
3. Village Abatement. If after sending the required notice, the nuisance described in the notice is not abated within the time set forth in the notice, then the Village may proceed to abate said nuisance.

Sec. 13-122. Charges for Nuisance Abatement.

Upon the Village's abatement of a nuisance pursuant to this Article, the Village shall have the authority to collect from the property owner its reasonable costs for the abatement of the nuisance. The Village shall send a bill for the cost to the property owner, his agent, legal representative, or occupant in legal possession or control of the premises.

Sec. 13-123. Traditional Lien Procedure.

If a bill sent pursuant to this Section is not paid in full within thirty (30) days of the date of the bill,

MISCELLANEOUS OFFENSES AND PROVISIONS

either the Village or the person performing the service by authority of the Village, in its, his or her own name, shall have a lien against the property upon which the nuisance abatement work was performed for the amount of such work and may, within one (1) year after the nuisance abatement cost was incurred, record a notice of lien in the office of the recorder for the County in which the lien property is located, pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15. If, for any one property, the nuisance abatement activity described in subsection 13-120 occurred on more than one (1) occasion during the course of one (1) year, then all of the costs of those activities may be combined into a single notice of lien. The notice of lien shall consist of a sworn statement setting forth:

- a. A description of the real estate that sufficiently describes the parcel;
- b. The amount of the cost and expense incurred or payable for the nuisance abatement activities; and
- c. The date or dates when such cost and expense was incurred by the Village or someone working on behalf of the Village.

In addition to recording the notice of lien, an additional notice shall be personally served on, or sent certified mail, to the person to whom was sent the tax bill for the general taxes on the lien property for the taxable year immediately preceding the abatement activities. This additional notice must be delivered or sent after the removal activities have been performed, and must: (1) state the substance of 65 ILCS 5/11-20-15 and the substance of this Article; (2) identify the underlying parcel by common description; and (3) describe the removal activity. After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

Sec. 13-124. Priority Lien Procedure.

The priority lien procedure described in this subsection 13-124 shall apply only to costs incurred for activities performed on abandoned residential properties, as permitted by State Law, and is an alternative to the traditional lien authorized in this Article. If a bill sent pursuant to Section 13-122 of this Article is not paid in full within thirty (30) days of the date of the bill, the Village shall have a lien against the property upon which the nuisance abatement work was performed for the amount of such work and the authority to file and record a priority lien against the abandoned residential property, pursuant to Section 11-20-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-20-15.1, in the following manner:

- (1). Notice of Lien. The Village or the person performing the nuisance abatement work by authority of the Village, in its, his or her own name, may file a notice of a lien in the office of the recorder of deeds in the County in which the lien real estate is located. The notice of lien shall be filed within one (1) year after the cost and expense is incurred. If, for any one

MISCELLANEOUS OFFENSES AND PROVISIONS

(1) property, nuisance abatement work occurred on more than one (1) occasion during the course of one (1) year, then the Village may combine any or all of the costs of those activities into a single notice of lien.

The notice of lien shall consist of a sworn statement setting forth:

- a. A description of the abandoned residential property that sufficiently describes the parcel;
- b. The amount of the cost incurred or payable for the activities;
- c. The date or dates when such cost was incurred by the Village or someone working on behalf of the Village; and
- d. A statement that the lien has been filed pursuant to one (1) or more of the property maintenance activities described in Section 13-120 of this Article and authorized by 65 ILCS 5/11-20-7(d), 65 ILCS 5/11-20-8(d), 65 ILCS 5/11-20-12(d), 65 ILCS 5/11-20-13(e), 65 ILCS 5/11-31-1.01, as applicable.

After recording, the notice of lien shall be sent by certified mail to the property owner, his agent or legal representative or occupant in legal possession or control of the premises and, if different, to the person who received the tax bill for the preceding year.

The Village may not file a lien if (i) the mortgagee or servicer of the abandoned residential property has provided notice to the Village that it has performed, or will perform, remedial actions; provided, however, that the remedial actions must be performed or initiated in good faith within thirty (30) days of the lender's notice to the Village; or (ii) the Village has provided the mortgagee or servicer of the abandoned residential property with the notice of abatement and the mortgagee or servicer has performed, performs or originates in good faith the remedial actions specified in the notice within thirty (30) days of the notice. The lien under this Section 13-124 shall be enforceable as provided in 65 ILCS 5/11-20-15.1.

The provisions of this Section 13-124 shall become inoperative upon certification by the Secretary of the Illinois Department of Financial and Professional Regulation, after consultation with the United States Department of Housing and Urban Development, that the Mortgage Electronic Registration System program is effectively registering substantially all mortgaged residential properties located in the State of Illinois, is available for access by all municipalities located in the State of Illinois without charge to them, and such registration includes the telephone number for the mortgage servicer. Any notice of lien recorded prior to this Section 13-124 becoming inoperative shall remain in full force and effect after this Section 13-124 has become inoperative.

MISCELLANEOUS OFFENSES AND PROVISIONS

- (2) Recordkeeping. To enforce a lien, the Village must maintain contemporaneous records that include, at a minimum:
- a. a dated statement of a finding by the Village that the property has become abandoned residential property which includes: (1) the date when the property was first observed to be unoccupied by any lawful occupants; (2) a description of all the actions taken by the Village to contact the legal owner(s) of the property on the recorded mortgage, or if known, any agent of the owner; and (3) a statement that no contacts were made with the legal owner(s) or, if known, any agent of the owner as a result of the Village's actions;
 - b. a dated certification by an authorized Village official of the necessity and specific nature of the work performed;
 - c. a copy of the agreement with the person or company performing the work and the rates and estimated cost of the work, if applicable;
 - d. detailed invoices and payment vouchers for the work;
 - e. a statement whether the work was competitively bid, and if so, a copy of all proposals submitted by the bidders.

Sec. 13-125. Release of Lien.

Upon payment of the cost of the abatement work after the notice of lien has been filed as provided in this Article, the Village shall provide a release of lien which may be recorded by the person making the payment at their sole expense.

Sec. 13.126 Foreclosure of Lien.

Subsequent to the filing of the above-described lien, the Village may cause to be filed a complaint for foreclosure of such lien, or upon becoming a defendant in a pending lawsuit affecting the premises or real estate, by answer to the complaint or in the nature of an intervening petition or cross-complaint the Village may proceed in its corporate name to foreclose such lien. The property subject to a lien arising under this Article shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the monies owing the Village. (Ord. No. 13-02, Sec. 2, 1-17-13)