

Chapter 43

**OFFENSES AGAINST PUBLIC PEACE, SAFETY and MORALS**

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43.01 **DISORDERLY CONDUCT** *Amended, 09-O-07, 94-O-41*

No person shall engage in disorderly conduct in the Village. A person commits disorderly conduct when such person knowingly:

1. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
2. Transmits in any manner to the fire department of any municipality or fire protection district a false alarm or fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;
3. 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;
4. 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;
5. 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;
6. With the purpose of causing public danger, alarm, disorder, nuisance, A person commits any of the following acts in a public place:
  - A. Commits an act in a violent manner toward another whereby that other is placed in danger of their life or health;
  - B. Commits an act in a violent manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
  - C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, health or property of another;
  - D. Interferes with another's pursuit of a lawful occupation by acts of violence;
  - E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by a peace officer or other lawful authority;

- F. Incites, attempts to incite or is involved in attempting to incite a riot or unlawful disturbance;
  - G. Uses abusive language or threats to any peace officer or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;
  - H. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
  - I. Fails to obey a lawful order to disperse by a peace officer where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is threatened;
  - J. Uses abusive or obscene language or makes an obscene gesture in public;
  - K. Assembles with three or more persons for the purpose of using force or violence to disturb the public peace;
  - L. Appears in any public place and is manifestly under the influence of alcohol or controlled substance, to the degree that such person may endanger themselves or other persons or property, or alarm or disturb other persons in the vicinity;
7. Permits any assembly of people for the purpose of committing any unlawful act or breach of the peace, or any riotous offense or disorderly conduct, in or upon any premises owned or occupied by themselves or under their control or interrupts or disturbs any lawful assembly of people by making any loud or unusual noise, or by rude or indecent behavior, or by profane, obscene or improper discourse or conduct;
8. Engages in Unlawful Assembly: Unlawful assembly consists of any of the following:
- A. The use of force or violence disturbing the public peace by two or more persons acting together and without authority of law;
  - B. The assembly of two or more persons to do an unlawful act; or
  - C. The assembly of two or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.
9. Illegal Substances:

- A. Except as allowed by law, no person in the Village shall sell, give away, use or possess for any purpose whatever cannabis or any controlled substance.
  - B. Seizure of Illegal Substances: Cannabis or any controlled substances in the possession of any person convicted of a violation of this Section shall be seized by, confiscated by and forfeited to the Chief of Police who shall make proper disposition thereof.
  - C. Seizure of Vehicle: Any vehicle from which seized drugs are removed, the vehicle being owned by the person convicted of a violation of this Section, shall be seized by, confiscated by and forfeited to the Chief of Police; disposition of said vehicle shall be in the manner provided by law.
10. Disturbs, tends to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned, possessed or under their control; or
  11. Loiters or strolls in, about or upon any street, alley or other public way or public place, or in any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any private property or place without lawful business or conduct himself in a lewd, wanton or lascivious manner in speech or behavior.
  12. Penalty: Any person, firm or corporation violating this any portion of this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

43.02 **RESISTING OR OBSTRUCTING A PEACE OFFICER** *Amended, 09-0-07*

No person shall resist or obstruct a police officer in the Village. A person who knowingly resists or obstructs the performance by one known to the person to be a police officer of any authorized act within that person's official capacity commits the offense of resisting or obstructing a police officer.

43.03 **BATTERY** *Amended, 13-O-20, 09-O-07*

No person shall commit a battery in the Village. A person commits battery if it is intentional 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.

43.04 **ASSAULT** *Amended, 09-O-07*

No person shall commit an assault in the Village. A person commits an assault when, without lawful authority, such person engages in conduct which places another in reasonable apprehension of receiving a battery.

43.05 **WEAPONS** *Amended, 13-O-63, 09-O-07, 96-O-36, 94-O-41*

A. Weapons: Unless authorized by law, no person shall wear under their clothing, or conceal about their person, or display in a threatening like manner, any dangerous or deadly weapon including, but not limited to any pistol, revolver, sling shot, knuckles, any bowie or similar knife, or any knife with a switch-blade or device whereby the blade or blades can be opened by a button, pressure on the handle or other mechanical contrivance.

B. Discharge of Firearms: No person shall discharge any firearms in the Village. In addition to those firearms defined by the State Statutes, for purposes of this Section, firearms shall include pump air rifles, CO<sub>2</sub> pellet guns and any other device capable of discharging a projectile if used with intent to inflict harm to person or property or to assault or threaten harm to a person or property or when used in a reckless manner.

C. Possession of Dangerous or Deadly Weapons: No person shall have in their possession, except within their own residence or transporting to and from their own residence or a bona fide commercial archery range, or on a bona fide commercial archery range, carry or use any bow made for the purpose of throwing or projecting arrows or missiles by any means whatsoever. While being transported, said bow shall be in an enclosed case or inoperable or inaccessible. Toy bows and blunt-tipped arrows intended for use by children are not prohibited under this Section.

D. Penalty: Whoever violates any provision of this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to the owner of any property damaged or destroyed. In the event a vehicle damages Village property, the driver of the vehicle shall be liable for the damage and shall pay restitution to the Village. If the driver is not the vehicle owner, then both the driver and vehicle owner shall be joint and severally liable for the damage and shall pay restitution to the Village.

43.06 **LOITERING** *Amended, 09-O-07, 94-O-41*

A. Loitering Prohibited. It shall be unlawful for any person to loiter in or near any thoroughfare, place open to the public or near any public or private place in a manner under circumstances manifesting the purpose to engage in drug related activity contrary to any of the provisions of this Code or the State of Illinois Criminal Code of 1961, as amended.

B. Among the circumstances which may be considered in determining whether such purpose is “manifested” shall include but not be limited to:

1. Such person is a known unlawful drug user, possessor or seller. For purposes of this provision, a “known unlawful drug user, possessor or seller” is a person who has, within the knowledge of the arresting officer, been convicted in any court within this state of any violation involving the use, possession or sale of any of the controlled substances referred to in the Illinois Criminal Code of 1961, as amended, or such person who has been convicted of any violation of the provisions of said Illinois Criminal Code of 1961, as amended, or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays the physical characteristics of drug intoxication or usage, such as “needle tracks” or a person who possesses drug paraphernalia as defined in the Illinois Municipal Code of 1961, as amended; or
2. Such person is currently subject to an order prohibiting their presence in a high drug activity geographic area; or
3. Such person behaves in a manner as to raise reasonable suspicion that such person is about to engage in or is then engaged in an unlawful drug related activity including, by way of example only, such person acting as a “look-out”; or
4. Such person is physically identified by the officer as a member of a “gang” or association which has, as its purpose, illegal drug activity; or
5. Such person transfers small objects or packages for currency in a furtive fashion; or
6. Such person takes flight upon the appearance of a police officer; or
7. Such person manifestly endeavors to conceal upon himself or herself any object which reasonably could be involved in an unlawful drug related activity; or
8. The area involved is by public repute known to be an area of unlawful drug use and trafficking; or
9. The premises involved have been reported to law enforcement as a place of suspected gang activity.

10. Such person possesses any instrument, article or thing whose customary or primary purpose is for the sale, administration or use of controlled substances such as, but not limited to, crack pipes, push wires, chore boys, hand scales, hypodermic needles, razor blades or other cutting tools.
11. Any vehicle involved is registered to a known unlawful drug user, possessor or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

C. Penalty: Any person, firm or corporation violating this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### 43.07 **FIREWORKS** *Amended, 09-0-07, 05-O-36, 97-O-33*

A. Sale of Fireworks: No person shall sell or offer for sale any fireworks, including aerial or ground displays, in the Village.

B. Use, Explosion of Fireworks: No person shall use or explode any fireworks, including aerial or ground displays, in the Village without a permit issued by the Village Board. The Village Board may issue a permit for the public display of fireworks only after the Village Board determines that the site for said display is safe and appropriate and only under such conditions as it may impose under the provisions of Section 2 of the Illinois Fireworks Act, 425 ILCS 35/2, proof of \$1,000,000 in product liability insurance, proof of \$1,000,000 in general liability insurance, proof of Illinois Worker's Compensation Insurance and other conditions deemed necessary or desirable by the Village Board for the safety and welfare of the public.

C. Penalty: Any person, firm or corporation violating this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### 43.08 **OPEN BURNING AND RECREATIONAL FIRES** *Amended, 10-O-17, 09-O-07, 08-O-45, 03-O-29, 93-O-51, 96-O-19*

A. Recreational fires, as defined in Appendix A, consisting of the burning of hard landscape waste or untreated wood, may be conducted from time to time without requiring an application for a burn permit and subject to all of the following requirements:

1. Recreational fires shall be at least 15 feet from any building, structure or combustible material or any property line when conducted within a Village-approved permanent fire pit or fireplace; and at least 25 feet from any building, structure or combustible material or any property line when conducted within a portable unit.

2. The recreational fire shall occur solely on private property that is zoned for residential use.
3. The maximum area of the contained fire area shall not exceed 3 feet wide by 3 feet long, or 3 feet in diameter, and shall not exceed 2 feet in height.
4. Outdoor burning is not permitted when the wind is in excess of 10 miles per hour.
5. The recreational fire shall be wholly contained within a permanent fire pit, barbeque pit or outdoor fireplace approved by the Village through the building permit process or wholly within a portable fire pit or outdoor fireplace used in accordance with the manufacturer's recommendations and the requirements set forth in this Section, and shall be placed on a non-combustible surface with a surface area that is at least one and a half times larger than the size of the portable fire pit.
6. Only a small amount of kindling shall be used to start the fire.
7. Only 1 recreational fire, as defined in Appendix A and regulated in this Section, per property shall be allowed at any one time.
8. The burning of rubbish, trash, refuse, flammable liquids, construction material, grass, brush and leaves is prohibited.
9. All fires shall be consistently attended and supervised by a competent person of at least 18 years of age until all fire and coals are extinguished. This person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.
10. All fires shall not create smoke that causes a public nuisance as defined in Section 12.02 of this Code.
11. When weather or environmental conditions warrant, the Manager or the applicable fire protection district may declare a burning moratorium (burning ban) and temporarily suspend all outdoor burning.

B. Open burning, as defined in Appendix B of this Code, may be permitted by special permit if required by another unit of government, such as the fire protection district that serves the property, county health department, EPA or IEPA.

C. In addition to any requirements by another unit of government having jurisdiction over open burning on the property, the following requirements are applicable:

1. The location for open burning, not classified as a recreational burn, shall not be less than 100 feet from any building, o structure or combustible material.
2. The person attending to and supervising a fire, as required in Section 43.08-A9, shall be in possession of an open burn permit from the applicable unit of government, if required, when conducting the open burning.
3. Bonfires, as defined in Appendix A, are prohibited in their entirety.

#### **43.09 BARBED WIRE FENCES**

No person shall maintain any fence containing barbed wire.

#### **43.10 NOISE** *Amended, 09-O-07, 00-O-16, 96-O-60*

A. No person shall disturb peace and quiet of any other person by creating or permitting excessive noise on their or any other property. Examples of excessive noise shall include, but are not limited to:

1. Loud playing of musical instruments, stereo systems, radios, television sets, music machines, amplified sound systems or similar equipment;
2. Barking or howling dogs or cats;
3. Vehicles without mufflers, the unnecessary use of horns on vehicles or the unnecessary squealing of tires.

B. Construction activities shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, and between 8:30 a.m. and 8:00 p.m. on Sunday.

C. The use of any power lawn mower, snowmobile or other noisy machine shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, and between 8:30 a.m. and 8:00 p.m. on Sunday, and shall be prohibited at any time if not properly muffled. Anything to the contrary contained herein notwithstanding, power lawn mowers may be used on golf courses between the hours of 5:30 a.m. and 8:00 p.m. 7 days a week and noisy machinery may be operated at any time in order to protect the public health and safety, however, said machinery shall be properly muffled.

#### **43.11 DAMAGING PROPERTY** *94-O-41*

A. No person shall damage, befoul, disturb, destroy or deface any Village property or any public or private property without permission of the owner.

B. Prohibited: It shall be unlawful, and is hereby declared a nuisance to place graffiti, or permit graffiti to remain upon any public or private curb stone, flagstone, brick, sidewalk or any portion of any part of any sidewalk or street, or upon any tree, lamp post, telephone pole, utility box, utility pole, stanchion, postal mail receptacle, sign, hydrant, fence, door, wall, window, garage or enclosure, vehicle, bridge, pier or upon any other public or private structure or building.

C. Graffiti Defined: Graffiti is any permanent display of any name, identification, letter, numeral, figure, emblem, insignia, a picture, outline, character, spectacle, delineation, illustration, symbol or any combination thereof, which without authorization is marked, written, drawn, painted, scratched, inscribed or affixed, and which is a different color from the color of the exterior of those objects or structures described above and to which it is affixed.

D. Graffiti Removal: It shall be the duty of the Chief of Police to serve or cause to be served, a notice upon the owner or party in possession of any such object or structure upon which graffiti is present and to demand the abatement of the nuisance within five days. All exterior surfaces shall be kept clean and free of graffiti. Surfaces which have been exposed to graffiti shall be cleaned, painted or in some manner covered, so as to effect the complete removal or the graffiti from that surface and return the surface to its prior condition within 5 days of receipt of the violation notice to the owner unless extenuating circumstances prevent work from being done, in which case the Chief of Police may give an extension for the removal of graffiti.

E. Penalty: Whoever violates any provision of this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to the owner of any property damaged or destroyed. In the event a vehicle damages Village property, the driver of the vehicle shall be liable for the damage and shall pay restitution to the Village. If the driver is not the vehicle owner, then both the driver and vehicle owner shall be joint and severally liable for the damage and shall pay restitution to the Village.

#### 43.12 **LITTERING**

No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering.

#### 43.13 **POLLUTION**

No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter.

#### 43.14 **OBSCENE MATERIAL**

A. It shall be unlawful for any person to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, any obscene writing, picture, moving picture, record or other representation or embodiment of the obscene, or to present or to direct an obscene play or other performance or to perform an obscene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material.

B. A thing shall be deemed to be obscene if the average person would find that the work taken as a whole appeals to a prurient interest, and the work depicts or describes patently offensive representations or descriptions of nude persons, ultimate sexual acts, normal or perverted sexual conduct, whether actual or simulated, or patently offensive representations or descriptions of masturbation, excretory functions and lewd exhibition of the human genitals. The work, taken as a whole, must lack serious literary, artistic, political or scientific value.

C. Affirmative Defense: It shall be an affirmative defense to obscenity that the disseminations:

1. Was not for gain, and was made to personal associates other than children under 18 years of age;
2. Was to institutions or individuals having scientific or other special justification for possession of such material.

D. Penalty: Any person, firm or corporation violating the provisions of this Section shall be guilty of a misdemeanor and shall be fined in accordance with Appendix B.

#### 43.15 TRESPASSES

A. Prohibited: It shall be unlawful for any person to commit a trespass within this Village upon either public or private property.

B. Specifically Enumerated Trespasses; Suppression: Without constituting any limitation upon the provisions of this Section, any of the following acts by a person shall be deemed included among those that constitute trespasses in violation of the provisions of this Section, or from time to time, to prevent or suppress any violation or violations of this Section, the aforesaid enumerated acts so included, being as follows, to-wit:

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 such 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

2. The pursuit of a course of conduct or action incidental to the making of any entry upon the land of another in violation of a notice posted or exhibited at the main entrance to such 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 of 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.

**43.16 PARADES AND MEETINGS** *Amended, 09-O-07*

A. Permit Required: No person shall participate in a parade or open air meeting held on any public street which requires said street to be closed, obstructed or partially blocked unless a written permit therefore shall first be obtained from the Chief of Police after favorable action by the Village Board.

B. Definitions: Terms used in this Section are defined in Appendix A.

C. Application: An application to conduct a parade or open air meeting shall be made in writing to the Chief of Police or Village Board at least 72 hours prior to the event, by a representative of the group seeking the permit. Said application shall contain the following information:

1. The name, address and telephone number of the person seeking to conduct such parade or open air meeting;
2. If the parade or open air meeting is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters or president of the organization;
3. The name, address and telephone number of the person who will be the parade chairman or chairman of the open air meeting;
4. The date when the parade or open air meeting will be conducted;
5. The route to be traveled, the starting point, the termination point and the location of speakers' platforms;

6. The approximate number of persons who, and animals and vehicles which, will constitute such parade or open air meeting, the type of animals and description of the vehicles;
7. The hours when such parade or open air meeting will start and terminate;
8. A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
9. The location by streets of any assembly areas for such parade or open air meeting; and
10. The time at which units of the parade will begin to assemble at any such assembly area or areas.

D. Processing Permits: Following receipt of an application or reapplication, and after submission to an action by the Village Board on said application or reapplication, the Chief of Police shall, within 24 hours, either issue a permit for the holding of the parade or open air meeting or reject the application as directed by the Village Board.

Permits may be rejected on the basis of improper application and resubmit it to the Chief of Police, the original 72 hour required advance notification time being still valid if a corrected application is resubmitted within 24 hours prior to the time of the event. If a corrected application is not received by the Chief of Police within 24 hours prior to the time of the event, a new period of 48 hours will be imposed prior to which the event may not be held. Such 48 hour period shall commence upon receipt of the corrected application.

E. Multiple Permits: If the Chief of Police or Village Board shall receive more than 1 application for a parade or open air meeting at the same time and the same place, or on the same day, the applications filed first in time shall take precedence. An application shall be considered to be “at the same time” if the event is scheduled to commence within 2 hours before or after the holding of another event. An application shall be considered to be at the same place if the requested parade route comes at any point within 6 blocks or any equivalent distance from the route of another parade or if the open air meeting is conducted within one-half mile of another open air meeting. If the Chief of Police receives an application for more than 1 parade or open air meeting in a single day the Chief of Police may set a time for the duration of each parade or open air meeting, which time shall not, without the consent of the group seeking the period, be less than 3 hours.

F. Issuing Multiple Permits: The Chief of Police shall issue permits for more than a single parade during 1 day in accordance with the requirements of Sections 43.16-D and E provided, however, that the Chief of Police may not issue multiple permits beyond the point at which the issuance of an additional permit would require the continuing diversion of so great a

number of police officers and other municipal personnel so as to prevent normal police protection or other services to the Village.

G. Hours: All parades shall be held during daylight hours at times other than peak traffic periods (7:30 to 9:00 a.m. and 4:30 to 6:00 p.m.) Mondays through Saturdays, and not before noon on Sundays. All open air meetings shall conclude by midnight and shall not be held before noon on Sunday.

H. Limitations: Parades and open air meetings shall be limited to such numbers as will not obstruct traffic either vehicular or pedestrian, in an unreasonable manner, and in any event, no such parade or open air meeting shall consist of more than 500 persons.

#### 43.17 **CIVIL EMERGENCIES** *Amended, 09-0-07*

A. Definitions: Terms used in this Section are defined in Appendix A.

B. Whenever a civil emergency exists, the Chief of Police shall notify the President, who may declare the existence of a civil emergency by means of a written declaration setting forth the facts which constitute the emergency.

C. After proclamation of a civil emergency the President may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as deemed advisable, and applicable during such hours of the day or night as deemed necessary in the interest of public safety and welfare.

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

1. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
2. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
3. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
4. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
5. Issue such other orders as are imminently necessary for the protection of life and property.

E. The proclamation herein authorized shall be effective for a period of 48 hours unless sooner terminated by a proclamation of the President indicating that the civil emergency no longer exists. The President shall have the power to re proclaim the existence of a civil emergency at the end of each 48-hour period during the time the civil emergency exists.

F. Upon issuing the proclamation herein authorized, the President shall notify the news media situated within the Village shall cause 3 copies of the proclamation declaring the existence of the emergency to be posted at the following places within the Village: Village Hall, police station and post office.

G. Emergency Interim Succession: The President is authorized to designate a person or number of persons to act as emergency interim successors to the office in time of civil emergencies. In such cases where the President is unavailable the powers of the office shall be exercised and duties shall be discharged by the designated emergency interim successor or successors in the order so specified by the President. The emergency interim successor shall exercise the powers and discharge the duties of the Office of President until such time as a vacancy which may exist shall be filled in accordance with the Constitution or Illinois Compiled Statutes, or until the President again becomes available to exercise the powers and discharge the duties of the office.

43.18 **CURFEW** *Amended, 09-O-07, 04-O-15, 94-O-41*

A. Definitions: In addition to those terms defined in Appendix A of this Code, the following definitions are applicable to this Section 43.18:

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

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

**Guardian**: A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.

**Minor**: A person less than 17 years of age.

**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.

Parent: A person who is (1) a natural parent, adoptive parent or step-parent or another person; or (2) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

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

Remain: To linger or stay; or fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

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

B. Curfew: Except as provided in Section 43.18-C herein, it shall be unlawful for any person less than 17 years of age to be present in or upon any public road, street, alley or park, or other lands used for public purposes or in any public place of business or amusement in the Village at the following times:

1. Between 12:01 a.m. and 6 a.m. Saturday;
2. Between 12:01 a.m. and 6 a.m. Sunday; and
3. Between 11 p.m. on Sunday to Thursday, inclusive, and 6 a.m. on the following day.

C. Exceptions: The following shall constitute valid exceptions to the operation of the curfew:

1. At any time when accompanied by their parent, guardian or other adult person responsible for or having the legal care, custody and control of the individual, or an authorized adult;
2. If participating in, going to or returning from, without any detour or stop:
  - (a) an emergency as defined herein;
  - (b) lawful employment;
  - (c) attending an official school, religious or other social or recreational activity supervised by adults and sponsored by a unit of government, civic organization or other similar entity that takes responsibility for the attendees;

- (d) an errand at the direction of a parent or guardian;
  - (e) an activity involving the exercise of First Amendment rights protected by the United States Constitution (or those similar rights protected by the State of Illinois Constitution), such as free exercise of religion, freedom of speech and the right of assembly.
3. Is married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended (750 ILCS 30/1 *et seq.*).
  4. If in a motor vehicle when the travel begins and ends outside the corporate limits of the Village.

D. Establishments: The owner, operator or any employee of an establishment commits an offense if such person knowingly allows a minor to remain upon the premises of the establishment during curfew hours or fails to promptly notify the Police Department that a minor is present on the premises of the establishment during curfew hours and refuses to leave.

E. Enforcement: Before taking any enforcement action under this Section, a police officer shall ask the suspected offender's age and reason for being in the public place or on the premises. The police officer shall not issue a citation or make an arrest under this Section unless the police officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception in Section 43.18-C applies.

F. Penalty: Any person, firm or corporation violating this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### 43.19 **LANDING OF SEAPLANES**

- A. Definitions: Terms in this Section are defined in Appendix A.
- B. No person shall land or take off with any seaplane from the waters of the Fox River within the jurisdiction of the Village.
- C. The provisions of this Section shall apply to all portions of the Fox River and its tributaries lying within the State and lying within the corporate limits of the Village, and for a distance of 3 miles beyond such corporate limits.

#### 43.20 **ANIMAL LITTER** 97-O-20; Amended, 09-O-07

A. It shall be unlawful for any person owning, keeping or otherwise having possession or control of a domesticated animal to walk said domesticated animal in or upon any public way or other public place in the Village without having sufficient equipment to remove from the public way or other public place any excrement which may be deposited by said domesticated animal.

B. It shall be unlawful for any person owning, keeping or otherwise having possession or control of a domesticated animal to allow said domesticated animal to deposit any litter upon any public way or other public place in the Village or upon any private property not owned by that person unless that person has the permission of the owner of the property or immediately removes said excrement from the property.

C. Any person violating or failing to comply with any provision of this Section, upon conviction thereof, shall be fined in accordance with Appendix B. Each day that a violation continues shall be deemed a separate offense.

#### 43.21 **CABLE TELEVISION**

No person shall make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable television system existing in the Village for the purpose of enabling himself or others to receive television signals, radio signals, pictures, programs, sounds or any other information or intelligence transmitted over said cable television system without payment to the owner of the cable television system.

No person shall, without the consent of the owner of the cable television system, willfully tamper with, remove or injure any cable, wires or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds or any other information or intelligence transmitted over said cable television system.

#### 43.22 **PARENTAL RESPONSIBILITY** *Amended, 97-O-45*

A. Definitions: Terms used in this Section are defined in Appendix A.

B. It shall be unlawful for any parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian to fail to pay for actual damages for the willful or malicious acts of such minor which cause injury to a person or to property.

C. A parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for actual damages caused by said minor and shall be presumed to have failed to exercise proper parental responsibility and said minor shall be deemed to have acted with the knowledge and permission of the parent or guardian in violation of this Section whenever:

1. Said minor shall be adjudged to be in violation of any said ordinance, law or statute prohibiting willful and malicious acts which cause injury to a person or property.
2. Said parent or legal guardian shall have served upon them a notice in writing that said minor has received a non-judicial sanction from the Police Department or other governmental agency as a result of an admission of guilt by said minor of a violation of an ordinance, law or statute prohibiting willful and malicious acts which caused injury to a person or property and subsequent to receipt of said notice said minor is adjudicated to be in violation of an ordinance, law or statute or received a non-judicial sanction from any governmental agency as a result of an admission of guilt by said minor in violation of an ordinance, law or statute.

D. Recovery of damages shall be pursuant and limited to an amount provided by 740 ILCS 115/5, as amended.

E. This Section shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis.

F. Any person violating any provision of this Section shall, upon conviction, be fined in accordance with Appendix B. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### 43.23 **SMOKE FREE VILLAGE** *Amended, 08-O-45*

A. Smoke Free Illinois Act: The Village does hereby concur with the findings of the Illinois General Assembly in the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), (“Act”) and adopts the Act as the Smoke Free Algonquin Act.

B. Violations: A person, corporation, partnership, association or other entity who violates the Act shall be fined as follows:

1. A person who smokes in an area where smoking is prohibited under Section 15 of the Act shall be fined in an amount that is not less than \$100 and not more than \$250.
2. A person who owns operates, or otherwise controls a public place or place of employment that violates Section 15 of the Act shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within 1 year after the first violation.

In the event such fine is not paid, the cost of collecting said fine shall be added to the fine. Col-

lection costs shall include, but not be limited to, prosecution and attorneys' fees. Each day that a violation occurs is a separate violation.

**43.24 POSSESSION OR CONSUMPTION OF ALCOHOLIC LIQUOR** *Amended, 09-0-07, 91-0-52*

A. Any person under the age of 21 years shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in their possession except as provided herein.

B. No person under 21 years of age shall consume alcoholic liquor except as provided herein.

C. The dispensing or serving of alcoholic liquor by a person under 21 years of age but not under 18 years of age in connection with their employment as an employee of any retail licensee, as provided in Section 33.17 of this Code, is not prohibited by this Section.

D. The possession and dispensing or consumption of alcoholic liquor by a person under 21 years of age in the performance of a religious service or ceremony or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent of such person in the privacy of a home is not prohibited by this Section.

E. No person shall consume alcoholic liquor on any street, sidewalk or other public way within the Village.

**43.25 BICYCLES, TRICYCLES, SKATEBOARDS OR SIMILAR MOTORIZED AND NON-MOTORIZED RECREATIONAL DEVICES** *91-0-58; Amended, 09-0-07, 05-0-26, 04-0-31, 98-0-56, 97-0-45, 92-0-4*

A. Definitions: In addition to the terms defined in Appendix A of this Code, the following words, when used in this Section, shall have the following meanings:

Electric personal assistive mobility device: As defined in 625 ILCS 5.1-117.7, as amended.

Motorized wheelchair: As defined in 625 ILCS 5/1-148.3, as amended.

Personal use vehicle and personal use device: Vehicles, devices or means of transportation or recreation which include, but are not limited to, the following: scooter, bicycle, tricycle, roller blade, roller skate, or other similar device, whether non-motorized or motorized (electric, gasoline engine or other form of external power), mini-bike, pedalcycle, recreational device or vehicle, snowmobile, go-kart, moped, all-terrain vehicles (ATV), golf cart or other such motorized or non-motorized devices or vehicles or modes of transportation.

Village property: Any sidewalk, street right-of-way, Village park, Village parking lot/area or any other public property owned by the Village.

B. Use of Personal Use Vehicles and Devices: Except as provided in Section 43.25-C herein, it shall be unlawful and is hereby declared a nuisance for any person to operate, ride on, be pushed on or traverse on a personal use vehicle or personal use device on any Village property or on any private property without the written permission of the property owner.

C. Exemptions:

1. Motorized wheelchairs and electric personal assistive mobility devices shall be permitted to operate on any Village property so long as they are operated in a safe and orderly manner.
2. Non-motorized bicycles, tricycles, skateboards and other non-motorized recreational devices or vehicles may be operated on sidewalks in residential zoning districts provided the operators remain in single file, yield the right-of-way to pedestrians, and, when approaching a pedestrian, reduce the speed of the device to a speed which is no greater than necessary to continue the safe operation of the device, and without impairing the right-of-way of the pedestrian or without causing alarm or danger and/or damage to the pedestrian and/or property.
3. Non-motorized tricycles, operated by children accompanied by an adult, shall be permitted in Village parks.
4. Bicycles shall be permitted on Village streets when operated pursuant to 625 ILCS 5/11-1501 *et seq.*
5. Special events that are conducted with a written permit issued by the Chief of Police.
6. Any personal use vehicle or device licensed and registered pursuant to the Illinois Vehicle Code shall be permitted on any Village street or parking lot/area.
7. Any employee of any unit of government may operate any personal use vehicle or device owned by a unit of government in the course of their duties on any Village property.

D. Skateboards:

1. No person shall ride a skateboard on any street or sidewalk in any Business District or Industrial District in the Village except as provided herein.

2. No person shall ride a skateboard in any public or private parking lot or private sidewalk that is posted to prohibit such activity. Said sign shall state:

### NO SKATEBOARDING

It shall be the responsibility of the property owner to post their property and maintain said posting. Enforcement of the prohibition on private property shall be provided by the Algonquin Police Department provided the property owner has entered into an Agreement for Parking Lot Traffic Control, as provided by 625 ILCS 5/11-209, with the Village.

3. Special Events: Special events that are conducted with permission from the Village Board are specifically exempt from this Section.
4. Hill Climb Park: Skateboard and inline skating activities are prohibited in that part of Hill Climb Park that is situated north of Huntington Drive.

E. Penalty: Any person, firm or corporation violating any provision of this Section shall be fined in accordance with Appendix B of this Code for each offense and be responsible for the Village's cost of prosecution. A separate offense shall be deemed committed on each day during which the violation occurs or continues. Provided further that the Village's municipal court or the Circuit Court may, in addition to assessing a fine, impose a requirement that the defendant perform some reasonable public service work.

F. Impoundment and Redemption: Any person violating this Section shall be subject to a citation and imposition of a fine as set forth in Section 43.25-E. Additionally, any person who has been issued a citation for the same offense and found guilty or pled guilty within the previous 12 months, shall be required to surrender, at the time of issuance of the second citation, the personal use vehicle or personal use device to the police officer or other authorized official who issues the citation. The surrendered personal use vehicle or personal use device shall be impounded and held by the Village Police Department and shall be returned to the owner only after one of the following conditions has been met:

1. The person against whom the citation was issued shall have paid all outstanding fines related to the citation as well as the fees and costs of the Village in the amount of \$100; and any cost of transportation, towing and/or storage.
2. The person against whom the citation was issued shall have presented to the Village proof that a determination of not guilty (this shall not include verdicts of supervision or conditional discharge) was made for the cited offense.

43.26 SOCIAL HOSTING 12-0-17

A. **Definitions:** In addition to those terms defined in Appendix A, the terms as used in this Section, unless the context otherwise requires, have the meanings ascribed to them:

**Alcohol:** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

**Alcoholic beverage:** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

**Conveyance:** Any vehicle, trailer, watercraft, or container operated for the transportation of persons or property.

**Event or gathering:** Any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

**Host:** To overtly aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

**Illicit drugs:** Any drug, substance, or compound prohibited by law, as defined in the Illinois Controlled Substance Act, 720 ILCS 570/100 *et seq.*, or the Illinois Cannabis Control Act, 720 ILCS 550/1, *et seq.*, including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

**Parent:** Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or stepparent; or
2. As a legal guardian; or
3. As a person to whom legal custody has been given by order of the court.

**Public place:** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses, or parking lots.

**Religious ceremony:** The possession, consumption, and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

**Residence or premises:** Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

**Response costs:** The costs associated with responses by law enforcement, fire, and other emergency response providers to an event or gathering, including but not limited to:

1. Salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with an event or gathering, and the administrative costs attributable to such response(s);
2. The cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of an event or gathering;
3. The cost of repairing any Village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of an event or gathering.

**Underage person:** Any individual under 21 years of age.

B. Violations; Exceptions: Except as permitted by state law, it is unlawful for any person to permit, allow, or host an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance where illicit drugs, alcohol, or alcoholic beverages have been consumed by an underage person, if such person either knows or reasonably should know that an underage person has consumed any illicit drugs, alcohol, or alcoholic beverages.

A person who permits, allows, or hosts an event or gathering shall be deemed to have known or should have known that an underage person has consumed illicit drugs, alcohol, or alcoholic beverages if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by underage persons.

A person who permits, allows, or hosts an event or gathering shall be rebuttably presumed to have known or reasonably should have known that underage persons have consumed illicit drugs, alcohol, or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage person consumes illicit drugs, alcohol, or an alcoholic beverage.

This Section shall not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or exclusively between an underage person and his or her parent or legal guardian, as permitted by state law.

It is the duty of any person who permits, allows, or hosts an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance, where underage persons will be present, to take all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by any underage person at the event or gathering.

A person who hosts an event or gathering shall not be in violation of this Section if he or she seeks assistance from the police department or other law enforcement agency to remove any person who refuses to abide by the person's performance of the duties imposed by this Section, or terminate the event or gathering because the person has been unable to prevent underage persons from consuming illicit drugs, alcohol, or alcoholic beverages despite having taken all reasonable steps to do so, as long as such request is made before any other person makes a complaint about the event or gathering.

A person who hosts, as defined heretofore, an event or gathering does not have to be present at the event or gathering to be liable under this Section.

Any person found to be in violation of this Section shall be responsible for any and all response costs incurred to investigate the event or gathering.

C. Penalties: Any person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined pursuant to Appendix B of this Code. Each day on which, or during which, a violation occurs shall constitute a separate offense.

#### 43.27 **FALSE ALARMS** 93-O-37

A. Definitions: Terms used in this Section are defined in Appendix A.

B. Automatic Voice Dialing Alarm Equipment: No person, firm or corporation shall use, cause or permit to be used, or engage in the business of providing any telephone device and telephone attachment that automatically activates trunk lines connected to any police department or fire district telephone, and then reproduce any voice message to report any robbery, burglary, fire or other emergency.

Any person, firm or corporation presently connected or engaged in the business of providing telephone devices or telephone attachments that automatically activate the aforementioned trunk lines, shall have 60 days to cease such practice upon notice given by the Alarm Administrator.

Nothing in this Section shall apply to automatic dialing services for persons who are disabled or persons requiring special medical systems authorized by the Alarm Administrator.

C. Notification Required: It shall be unlawful for any person, firm or corporation to lease or own an alarm system, or be in control of any premises, including single-family and multi-family dwellings and business places, wherein an alarm system is operated or maintained without first having notified the Police Department of such system. No notification shall be required for alarm systems contained in or on vehicles.

D. Permit Required: Any person who desires to install or continue use of an emergency alarm system, including on-premises alarm systems, shall first apply for a permit from the Police Department for each alarm system installed. Each application, which shall be provided by the Police Department, shall be signed by the applicant and shall include, among other things, the following:

1. Name, address and telephone number of the establishment where the alarm is located;
2. Name, address and telephone number of the owner or manager;
3. Business hours of the establishment;
4. List of persons authorized access to the establishment during non-business hours;
5. Procedure to be followed in the event of an alarm;
6. Emergency call list of personnel to notify in the event of an alarm;
7. Description and location of the alarm on the premises; and
8. The name and address of the Alarm Business monitoring or maintaining the alarm.

E. Annual Notification Information: On an annual basis, or more frequently if necessary, every Alarm User shall provide to the Alarm Administrator current information about the alarm system and alarm system environment. Each Alarm User shall provide current information as required by the emergency alarm installation permit. Failure to provide current information shall be considered a violation of this Section and subject to fines as specified in this Section.

F. False Alarms; Additional Charges; Registration; and Alarm User Revocation:

1. Commencing 30 days from the date the security alarm system is installed and placed in service at the premises, if the Police Department responds to

more than three false alarms in a calendar year, the Alarm User or agency shall pay the Village the sum(s) found in Appendix B. The fine shall be paid to the Village within 30 days after the Alarm User or agency is notified of the violation.

2. Commencing 30 days from the date the fire alarm system is installed and placed in service at the premises, the Alarm User or agency shall pay the Village the sum found in Appendix B for each false alarm after the third false alarm that the Algonquin-Lake in the Hills Fire Protection District receives in a calendar year. The fine shall be paid to the Village within 30 days after the Alarm User or agency is notified of the violation.
3. If the Police Department responds to a false alarm and it is determined that the cause of the false alarm was the negligence of the Alarm Business for failing to contact the APSAP of work being done on the alarm, the Alarm Business will pay the Village the sum found in Appendix B for its negligence.
4. After 20 false alarms the Alarm Administrator may revoke the permit provided herein. Should the Alarm Administrator determine that the nature of the Alarm User's or agency's business or the complexity of the alarm system causes continued false alarms which are not the result of any substantial negligence or disregard on the part of the Alarm User or agency, the Alarm Administrator may permit the Alarm User or agency to retain the registration without processing a revocation thereof. Alarm User or agency shall be assessed the sum found in Appendix B for each false alarm thereafter, and the Alarm User or agency shall be responsible for paying the sum according to the provisions of this Section.

G. Audible Alarms: Any alarm that emits an audible alarm, including alarm systems contained in or on motor vehicles, is required to have a cut-off timer that will reset the alarm after 10 minutes.

H. Limitation on Village Liability: The Village shall take every reasonable precaution to assure that alarm signals and prerecorded alarm messages received by the Village are given appropriate attention and are acted upon with dispatch. Nevertheless, the Village shall not be liable for:

1. Any defects in the operation of the automatic signaling devices;
2. Any failure or neglect to respond appropriately upon receipt of an alarm from such source;

3. For failure or neglect of any person in connection with the installation and operation of equipment, the transmission of alarm signals and prerecorded alarm messages or the relaying of such signals and messages.

In the event the Village finds it necessary to disconnect a defective alarm detection system, the Village shall incur no liability by such action.

I. Penalty: Unless otherwise provided, any violation of this Section by any person, firm or corporation shall be subject to a fine found in Appendix B.

**43.28 SUSPICIOUS ACTIVITY** *94-O-41; Amended, 09-O-07*

A. Temporary Questioning Without Arrest: Police officers, after having identified themselves as police officers, may stop any person in a public place for a reasonable period of time when the person is wearing known gang colors, emblems or other gang insignia, or appears to be engaged in communicating gang-related messages through the use of hand signals or other means of communication, or as otherwise provided by law, and the police officers reasonably infer from the circumstances that the person is committing, is about to commit or has committed any offense set forth in the ordinances of the Village. Once stopped, the police officers may demand the name and address of the person and an explanation of their actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.

B. Search for Weapons: When a police officer has stopped a person for temporary questioning pursuant to Section 43.28-A and the police officer reasonably suspects there is danger of attack, the police officer may search the person for weapons. If a weapon is discovered, it may be seized until the completion of the questioning, at which time the weapon, if lawfully possessed, shall be returned or arrest the person so questioned.

C. Penalty: Any person, firm or corporation violating this Section shall be fined in accordance with Appendix B for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

**43.29 FOX RIVER NO-WAKE ZONE** *95-O-16*

A. No Wake Area: A Fox River No-Wake Zone is hereby established in the Fox River from the Algonquin dam to 2,900 feet north, as measured from the dam spillway.

B. Buoy Installation and Maintenance: The Public Works Department shall cause the installation and maintenance of buoys within the Fox River No-Wake Zone in accordance with standards promulgated by the U.S. Coast Guard for the display and use of buoys and navigational aids. The buoys shall be removed from the Fox River during winter and periods of non-boating use.

C. No-Wake Zone Compliance: All persons shall observe the Fox River No-Wake Zone and shall not tamper with the buoys within the Fox River No-Wake Zone.

D. Penalty: Any person, firm or corporation violating any provision of this Section shall be fined in accordance with Appendix B. A separate offense shall be deemed committed on each day during which the violation occurs or continues. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### 43.30 **SALE OF TOBACCO** *96-O-29; Amended, 15-O-21, 10-O-21, 96-O-58*

A. Definitions: In addition to those terms defined in Appendix A of this Code, the terms used in this Section 43.30 are defined as follows:

Bidi cigarette: a product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Illinois Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

Smoking herbs: all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

Smokeless tobacco: any finely cut, ground, powdered or leaf tobacco that is intended to be placed in the oral cavity; any tobacco product that is suitable for dipping or chewing.

Tobacco accessories: cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is unlawful.

Tobacco products: cigars, cigarettes, smokeless tobacco or tobacco.

B. Purchase of Tobacco Products Prohibited:

1. Except for remote orders outside the Village, the sale of tobacco products by remote orders and curbside pick-ups are prohibited.
2. No person under 18 years of age shall purchase any tobacco product. No person shall sell, purchase for, distribute samples of or furnish tobacco products to any person under 18 years of age. Tobacco products may be sold through a vending machine only when such tobacco products are not sold along with non-tobacco products in the vending machine and only in the following locations:

- a. Factories, businesses, offices, private clubs and other places not open to the general public.
  - b. Places to which persons under 18 years of age are not permitted access.
  - c. Places where alcoholic beverages are sold and consumed on the premises.
  - d. Places where the vending machine is under the direct supervision (which means that the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person.
  - e. Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.
3. Penalty: Any person violating any provision of this Section 43.30-B shall be fined pursuant to Appendix B of this Code and be responsible for the Village's cost of prosecution, including reasonable attorney fees.

C. Tobacco Accessories and Smoking Herbs:

1. Sale to Minors Prohibited: No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under 18 years of age.
2. Sale of Bidi Cigarettes: No person shall knowingly sell, barter, exchange, deliver or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered or given away to another person.
3. Sale of Cigarette Paper: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away except from premises or an establishment where other tobacco products are sold.
4. Sale of Cigarette Paper from Vending Machines: No person shall know-

ingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this Section 43.30-C4, cigarette paper shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 *et seq.*) or the Cigarette Use Tax Act (35 ILCS 135/1 *et seq.*).

5. Use of Identification Cards: No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.
6. Warning to Minors: Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign which there shall be imprinted the following statement: SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 18 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW. The sign shall be printed on a white card in red letters at least one-half inch in height.
7. Penalty:
  - a. Except for Section 43.30-C2, any person who knowingly violates or shall knowingly cause the violation of any provision of this Section 43.30-C shall be guilty of a petty offense for which the offender shall be fined pursuant to Appendix B of this Code. In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.
  - b. Any person who knowingly violates or shall knowingly cause the violation of Section 43.30-C2 shall be guilty of a Class C misdemeanor and shall be fined pursuant to 730 ILCS 5/5-4.5-65(e). The violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.
  - c. These fines are in addition to the administrative provisions for suspension, revocation or forfeiture of a license issued pursuant to Chapter 42 of this Code. Payment of such fine shall not constitute an admission of guilt or innocence for purposes of such administrative proceedings for suspension, revocation or forfeiture.

D. Accountability: All business owners of the location where a prohibited sale takes place, including individual owners and/or partners of any partnership or officers of any corporation, are accountable for their own individual violations of this Section and for the actions of their employees or agents in violation of this Section that take place while conducting business on behalf of the owner(s) and shall be subject to the penalties provided for in this Section.

**43.31 PUBLIC INDECENCY** *96-O-35; Amended, 09-O-07, 98-O-56*

A. It shall be unlawful to defecate or urinate in or on any public sidewalk, street, alley, park, right-of-way or any other publicly owned property, or in public view.

B. Penalty: Any person violating any provision of this Section shall be fined pursuant to Appendix B of this Code for each offense and be responsible for the Village's cost of prosecution, including reasonable attorneys' fees. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.

**43.32 PUBLIC NUDITY** *98-O-32; Amended, 09-O-07, 98-O-56*

A. Intent: It is the intent of this Section to protect and preserve the health, safety, welfare and morals of the citizens of the Village by prohibiting a person from intentionally or recklessly appearing or being nude, or causing another person to appear to be nude, in a Public Place and in other places which may reasonably be expected to be observed by the public within the Village except as herein provided.

B. Definitions: Terms used in this Section are defined in Appendix A.

C. Legislative Findings: In addition and supplemental to the findings and determinations contained in this Section, which are incorporated by reference into this Section, it is hereby found by the Village Board, acting in its legislative capacity for the purpose of regulating the conduct of appearing nude in Public Places that the acts prohibited herein encourage or create the potential for criminal activity, that actual and simulated nudity and sexual conduct, begets and has the potential for begetting undesirable and unlawful behavior; that sexual, lewd, lascivious and salacious conduct among patrons and employees within establishments results in violation of law and creates dangers to the health, safety, welfare and morals of the public and those who engage in such conduct.

D. Nudity Prohibited in Public Places: It shall be unlawful for any person to knowingly, intentionally or recklessly appear, or cause another person to appear, nude in a Public Place or in any other place which is readily visible to the public, except as provided in Section 43.32-E. It shall also be unlawful for any person or entity maintaining, owning or operating any Public Place establishment to encourage, suffer or allow any person to appear nude in such Public Place, except as provided in Section 43.32-E.

E. Exemptions: The prohibitions in Section 43.32-D shall not apply:

1. When a person appears nude in a Place Provided or Set Apart for Nudity provided (i) such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such Place Provided or Set Apart for Nudity and (ii) such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity, or;
2. When the conduct of being nude cannot legally be prohibited by this Section because it constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a mere guise or pretense utilized to exploit the conduct of being nude for profit or commercial gain and as such is protected by the United States or Illinois Constitution or (ii) because it is otherwise protected by the United States or Illinois Constitution.
3. A mother breast feeding her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

F. Enforcement and Penalties: Any person or entity violating any of the provisions of this Section shall be fined pursuant to Appendix B of this Code for each offense plus the cost of prosecution incurred by the Village including reasonable attorneys' fees. Each incident or separate occurrence of an act that violates this Section shall be deemed a separate offense. Continual or repeated violations of this Section shall constitute a public nuisance and the Village may initiate proceedings to abate any such nuisance.

**43.33 THEFT** 05-O-68; Amended, 11-O-19, 09-O-07, 08-O-20

A. Retail Theft: It shall be unlawful to commit the offense of retail theft of property not exceeding \$300. A person commits the offense of retail theft when such person knowingly:

1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
2. Alters, transfers or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile

establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

3. Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
4. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
5. Removes a shopping cart from the premises of a retail merchandise establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or
6. Represents to a merchant that such person or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
7. Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or
8. If any person:
  - a. Conceals upon their person or among their belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
  - b. Removes that merchandise beyond the last known station for receiving payment for that merchandise in that retail mercantile establishment.
9. Any person who violates any provision of this Section shall be guilty of a Class A misdemeanor and will be fined pursuant to Appendix B of this Code.

10. Village police officers shall be permitted to photograph and fingerprint individuals suspected of violating this Section at the retail mercantile establishment.
11. The merchandise shall be photographed for evidence purposes and returned to the merchant. These photographs shall be deemed primary evidence in the prosecution of individuals who violate this Section.

B. General Theft: It shall be unlawful to commit the offense of theft of property not exceeding \$500. A person commits the offense of theft when such person knowingly:

1. Obtains or exerts unauthorized control over property of the owner; or
2. Obtains by deception control over property of the owner; or
3. Obtains by threat control over property of the owner; or
4. Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen; or
5. Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen, and
  - a. Intends to deprive the owner permanently of the use or benefit of the property; or
  - b. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
  - c. Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
6. Any person who violates any provision of this Section shall be guilty of a Class A misdemeanor and will be fined pursuant to Appendix B of this Code.

43.34 **DECEPTIVE PRACTICES** *Amended, 11-O-6, 09-O-07, 07-O-39*

A person commits a deceptive practice when such person willfully and with specific intent to deceive or cheat, for the purpose of financial loss to another, or to bring some financial gain to

oneself, intends to obtain control over property or to pay for property, labor or services of another, or in satisfaction of an obligation for payment of tax under the Retailers' Occupation Tax Act or any other tax due to the State, and issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depositor when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of two occasions at least 7 days apart, is prima facie evidence that the offender knows that it will not be paid by the depositor, and the offender has the intent to defraud. Any person, firm, or corporation who violates this Section shall be subject to a fine found in Appendix B of this Code for each offense and be responsible for the Village's cost of prosecution, including reasonable attorney fees. Each day that a violation continues shall constitute a separate and distinct offense.

#### 43.35 SYNTHETIC ALTERNATIVE DRUGS 11-0-43

A. Definitions: In addition to those terms defined in Appendix A of this Code, for purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires different meaning:

1. A product containing a synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant, or psychedelic/hallucinogens, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit A of this Chapter.
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 salts of isomers) containing a cannabinoid receptor agonist, such as:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)  
JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1 naphthalenylmethanone  
JWH-018 (1-pentyl-3-(1-naphthoyl)indole)  
JWH-019 (1-hexyl-3-(naphthalene-1-oyl)indole)  
JWH-073 (naphthalene-1-yl-(1-butyldiol-3-yl)methanone)  
JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)  
JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2methyldiol-3-yl)methanone)  
JWH-122 (1-Pentyl-3-(4 methyl-1-naphthoyl)indole)  
JWH-164 (7-methoxynaphthalen-1yl-(1-pentylindol-3-yl)methanone  
JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone  
JWH-203 (2-(chlorophenyl)-1-(1-pentylindol-3-yl)ethanone  
JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone  
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-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) cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione)  
CP 55,940 (2-[1R,2R,5R]-5-hydroxy-2-(3-hydroxypropyl) (cyclohexyl[-5-(2-methyloctan-2-yl)phenol)  
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-1-H-indol-3-yl)methanone)  
RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)enanone)

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 quality of a natural or synthetic materials, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the nervous system, such as:

3-Fluoromethcathinone  
4-Fluoromethcathinone (other name, fledphedrone)  
3,4-Methylenedioxy-methcathinone (other name, methyldone, MDMC)  
3,4-Methylenedioxypropylvalerone (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, alkylendioxy, haloalkyl, or halide substitutes, whether or not further substituted in the phenyl ring by one or more other univalent substituents;  
at a 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 quality of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers of 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).

B. Sale or Delivery: It shall be unlawful for any person to sell, offer for sale, or deliver any product containing a synthetic cannabinoid, stimulant, or psychedelic/hallucinogen.

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

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

E. Penalties: Whoever violates any provision of this Section shall be fined pursuant to Exhibit B of this Code for each offense and be responsible for the Village's cost of prosecution including attorneys' fees incurred by the Village. Each day that a violation continues shall be considered a separate offense. Upon a finding or plea of guilty or liable, the violator shall be responsible for the cost of lab testing the substance.

#### 43.36 **DRUG PARAPHERNALIA** 11-O-43

A. Definitions: In addition to those terms defined in Appendix A of this Code, the following words and phrases when used in this Section shall, for the purposes of this Section, have the meaning respectively ascribed to them in this Section except where the context clearly indicates a different meaning:

1. Cocaine Spoon: A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine or other powdered substances, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine spoon" or "coke spoon."
2. Controlled Substance: Any drug, substance, or immediate precursor enumerated in the schedules of Article II of 720 ILCS 570/101 *et seq.*, as amended (commonly known as the Illinois Controlled Substances Act).
3. Cannabis: As defined in 720 ILCS 550/3(a), as amended.

4. Marijuana or Hashish Pipe: A pipe characterized by a bowl which is so small that the primary use for which it is reasonable adapted or designed is the smoking of marijuana or hashish, rather than the smoking of lawful smoking tobacco, and which may or may not be equipped with a screen.
5. 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, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in 720 ILCS 600/2(d) and 720 ILCS 570/202, 204, 206, 208, 210 and 212, as amended, or a synthetic alternative drug as defined in Section 43.35. 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 a controlled substance or cannabis or from which a controlled substance or cannabis or a synthetic alternative drug can be derived;
  - b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substance or cannabis or a synthetic alternative drug;
  - c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or cannabis or a synthetic alternative drug;
  - d. Testing equipment used, intended for use or signed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances or cannabis or a synthetic alternative drug;
  - e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or cannabis or a synthetic alternative drug;
  - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances or cannabis or a synthetic alternative drug;

- 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, marijuana or a synthetic alternative drug;
- h. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances or cannabis or a synthetic alternative drug;
- i. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or cannabis or a synthetic alternative drug;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or cannabis or a synthetic alternative drug;
- k. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish oil, or any controlled substance or synthetic alternative drug into the human body, such as:
  - i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - ii. Water pipes;
  - iii. Carburization tubes and devices;
  - iv. Smoking and carburization masks;
  - v. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - vi. Chamber pipes;
  - vii. Carburetor pipes;
  - viii. Electric pipes;
  - ix. Air-driven pipes;
  - x. Chillums;

- xi. Bongs; and
- xii. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- i. Statements by an owner or by anyone in control of the object concerning its use;
- ii. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances;
- iii. The proximity of the object, in time and space, to a direct violation of this Section;
- iv. The proximity of the object to controlled substances;
- v. The existence of any residue of controlled substances on the object;
- vi. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intent to use the object to facilitate a violation of this Section; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Section, shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia;
- vii. Instructions, oral or written, provided with the object concerning its use;
- viii. Descriptive materials accompanying the object which explain or depict its use;
- ix. National and local advertising concerning its use;
- x. The manner in which the object is displayed for sale;

- xi. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- xii. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- xiii. The existence and scope of legitimate uses for the object in the community; and
- xiv. Expert testimony concerning its “use.”

6. Person: An individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association.

B. It shall be unlawful for any person to possess, sell, offer for sale, display, furnish, supply, or give away any cocaine spoon, marijuana pipe, hashish pipe, or any drug paraphernalia.

C. The prohibition contained in this Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors and podiatrists, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehouses or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma or any other medical condition requiring self injection.

D. Penalty: Whoever violates any provision of this Section shall be fined pursuant to Exhibit B of this Code for each offense and be responsible for the Village’s cost of prosecution, including attorneys’ fees incurred by the Village and the cost of lab testing the substance. Each day that a violation continues shall be considered a separate offense. Each day any violation or any provision of this Section shall continue shall constitute a separate violation.

#### 43.37 **TRUANCY** 12-O-27

A. For purposes of this Section, the term “truant” is (1) any person between the ages of 7 and 17 who is subject to compulsory school attendance and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program established pursuant to 105 ILCS 5/10-22.33B; and (2) any person who is 16, 17 or 18 years of age and enrolled in a public school and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program.

The following children are not considered truant:

1. Any child attending a private or parochial school where children are taught the branches of education taught to children of corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;
2. Any child who is not enrolled in a public school and is instructed by a legal guardian in a manner equal or superior to that obtainable in the public schools;
3. Any child who is physically or mentally unable to attend school, such disability being certified to the appropriate school district truancy officer or the County Regional Office of Education truancy officer, by a licensed physician or by a Christian Science practitioner residing in Illinois and listed with the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends. The exemptions in this Section do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the school district truancy officer or County Regional Office of Education truancy officer by a competent physician;
4. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the school district Superintendent of Schools or by the Regional Superintendent of Schools, on certification of the facts by and the recommendation of the school district Board of Education. If a part-time continuation school is run in the school district, children so excused shall attend the continuation school at least 8 hours each week;
5. Any child over 12 and under 14 years of age while in attendance at confirmation classes;
6. Any child absent from school on a particular day or days or at a particular time of day for the reason that s/he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his/her religion forbid secular activity on a particular day or days or at a particular time of day; and
7. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school with-

out parental or legal guardian permission shall not constitute truancy if permission for such absence has been obtained from the parent or legal guardian and such permission is submitted to the proper school authorities within 24 hours of such absence.

B. Truancy Prohibited: Upon a complaint signed by an authorized school district official, it shall be unlawful for any person to be truant. Any person who is truant shall be guilty of the offense of truancy and be subject to the penalties hereinafter set forth in this Section.

C. Permitting Minor to be Truant Prohibited: It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody or control to violate this Section.

D. Penalty: Upon a complaint being signed by an authorized school district official, any person, firm or corporation violating any provision of this Section shall be fined pursuant to Appendix B of this Code. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues. For a second or subsequent offense, a parent or legal guardian shall be subject to a fine pursuant to Appendix B of this Code.

#### 43.38 **VIDEO GAMING TERMINALS** *13-O-18, amended 16-O-35*

A. Video Gaming License Required: Video Gaming License Required: No person shall have or keep a video gaming terminal (“terminal”) or video gaming device (“device”), as defined in Appendix A of this Code, in any place of public resort unless the Village license fee is paid and a valid license is issued and maintained in force by the State of Illinois. Video gaming cafés, as defined in Appendix A of this Code, are prohibited in the Village.

B. Annual Fee: An annual fee, found in Appendix B of this Code, is payable to the Village for each video gaming terminal or device. The annual fee shall be due and payable on the first day of January of each year. All issued licenses shall expire on the 31<sup>st</sup> day of December of that year. This fee is not in lieu of any fee or payment payable to the State or the Illinois Gaming Board.

C. Issuance: The applicant must obtain proper state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Section. Upon approval of the application and payment of the license fee, the Village shall issue a certificate bearing the notation “Village of Algonquin Video Gaming License for 20\_\_.” One license shall be issued for each establishment and list the number of video gaming terminals licensed for said establishment and it shall be affixed in a conspicuous place.

D. Operation of Video Gaming Terminals: All such video gaming devices or terminals shall at all times be kept, placed, operated and monitored pursuant to State laws and applicable regulations including, but not limited to:

1. Prohibiting the gaming area to persons over 21 years of age and to restrict access to individuals who are visibly intoxicated;

2. Video gaming terminals shall be placed in an area restricted to individuals over the age of 21. If individuals under the age of 21 are allowed in any portion of the licensed premises, the establishment shall limit visibility of video gaming terminals from outside the room in which they are located;
3. The operation of video gaming devices or terminals shall only be allowed during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment. Upon the suspension or revocation of a licensee's liquor license, the licensee's video gaming license shall automatically be suspended (or revoked in the event of a liquor license revocation) without the requirement of any further action by the Village. Licensee's gaming license shall be suspended for the same period of time as the suspension or revocation of the licensee's liquor license;
4. The video gaming area shall be physically monitored by an employee over 21 years of age at all times during the legal hours of operation; and
5. Providing for camera surveillance of the video gaming area that meets the specifications of the Village as specified in license application, with equipment that has the ability to record and may be accessed by the Police Department upon request to investigate a suspected violation of this Section, any law or administrative code, or any unlawful activity.

E. Signage: Signage for video gaming terminals shall be approved and shall conform to the requirements of Chapter 29 of this Code. Required signage pursuant to State laws and regulations shall be posted at all times in the establishment's video gaming terminal area and should further include signage prohibiting the video gaming terminal area to persons under 21 years of age.

F. Responsible Gaming Policy: Licensees are required to submit their establishment's Responsible Gaming Policy, which outlines all employee education and training programs, self-exclusion policies, and procedures to promote responsible gaming with their license application. If standardized training for responsible gaming becomes available at the future date, it shall be required as part of the video gaming license application.

G. Inspection: The Village reserves the right to inspect the premises for compliance with this Section and all other applicable ordinances and statutes.

H. Terminal Operators: It shall be unlawful for any person, firm or corporation or other entity to engage in the business of video gaming terminal operation, pursuant to the Illinois Video Gaming Act, without first having secured a license from the Village as provided in this Section.

1. Application: Terminal operator licenses shall be effective from January 1 to December 31 of the same year. The annual fee for a terminal operator

license shall be pursuant to Appendix B. The fee is nonrefundable and shall be applicable irrespective of when an applicant submits an application for a terminal operator license.

There is no limit on the number of terminal licenses that may be issued by the Village. Applications for such licenses shall be made to the Clerk on forms and in a manner prescribed by the Clerk and include an executed Illinois Department of Revenue Authorization to Release Sales Tax Information to Local Governments (PTAX-1002-21). Terminal operator licenses shall be issued only upon the order of the Manager.

The Manager shall have the right to deny a terminal operator license to an applicant in the absence of reasonable proof necessary to evidence the applicant's ability to comply with, or past compliance with, the provisions of this Chapter or any other code provision or ordinance of the Village.

A terminal operator licensee shall provide the Village, within 14 business days of the Village's request, with copies of records pertaining to their accounts within the corporate limits of the Village

2. Insurance Prerequisites: No license which has been otherwise approved shall be issued until the terminal operator has filed with the Manager a certificate or other evidence that the terminal operator carries insurance of the following types of at least the limits specified below:
  - i. Workers' Compensation Insurance as prescribed by the laws of the State.
  - ii. Employers' Liability Insurance, with limits of not less than \$1,000,000.00 per occurrence.
  - iii. Comprehensive General Liability Insurance, with limits of not less than \$1,000,000.00 for property damages; \$1,000,000.00 for bodily injury or death of any one person, and \$2,000,000.00 coverage per occurrence.

The licensee shall include the Village, its officers, employees, and agents as additional named insured on any of the foregoing policies.

3. Assignment: Any license issued under this Code shall not be assignable or transferable by the licensee or by operation of law or otherwise. Nor may the licensee sublet or contract out any part of the work to be performed by the terminal operator.

I. Penalty; Revocation: In addition to the penalty imposed in Appendix B of this Code, the President and Board of Trustees may revoke license for any violation of this Chapter or of any ordinance pertaining to the conduct of such business.

## EXHIBIT A

2010	Gold Spirit Spice	K3 Legal – Earth (Silver)
8-Ball	Greenies Strawberry	K3 Legal – Original (Black)
Aztec Gold	Green Monkey Chronic Salvia	K3 Legal – Sea (Silver)
Aztec Midnight Wind	Heaven Improved	K3 Legal – Sun (Black)
Tezcatlipoca	Heavenscent Suave	K3 Mango
Back Draft	Humboldt Gold	K3 Original
Bad 2 the Bone	Jamaican Gold	K3 Original Improved
Banana Cream Nuke	K1 Gravity	K3 Strawberry
Bayou Blaster	K1 Orbit	K3 Sun
Black Diamond	K2	K3 Sun Improved
Black Mamba	K2 Amazonian Shelter	K3 Sun Legal
Black Magic Salvia	K2 Blonde	K3 XXX
Blueberry Hayze	K2 Blue	K4 Bubble Bubble
Bombay Blue	K2 Blueberry	K4 Gold
Buzz	K2 Citron	K4 Purple Haze
C3	K2 Cloud 9	K4 Silver
C4	K2 Kryptonite	K4 Summit Remix
C4 Herbal Incense	K2 Latte	K Royal
Caneff	K2 Mellon	Kind Spice
Cherry Bomb	K2 Mint	Legal Eagle
Chronic Spice	K2 Orisha Max	Legal Eagle Apple Pie
Chill X	K2 Orisha Regular	Love Potion 69
Cill Out	K2 Orisha Super	Love Strawberry
Citrus	K2 Orisha Black Magic Max	Magic Dragon Platinum
Colorado Chronic	K2 Orisha White Magic Super	Magic Gold
D-Rail	K2 Peach	Magic Silver
Da Block	K2 Pina Colada	Magic Spice
Dark Night II	K2 Pineapple	Mega Bomb
Demon	K2 Pineapple Express	Mid-Atlantic Exemplar (K2 Summit)
Diamond Spirit	K2 Pink	Midnight Chill
Dragon Spice	K2 Pink Panties	MNGB Almond/Vanilla
Dream	K2 Sex	MNGB Peppermint
Earthquake	K2 Silver	MNGB Pinata Colada
Eruption Spice	K2 Solid Sex on the Mountain	MNGB Spear Mint
Euphoria	K2 Standard	MNGB Tropical Thunder
exSES	K2 Strawberry	Mojo
Ex-SES Planinum	K2 Summit	Moe Joe Fire
EX-SES Platinum Blueberry	K2 Summit Coffee Wonk	Mr. Smiley's
EX-SES Platinum Cherry	K2 Thai Dream	MTN-787
EX-SES Platinum Strawberry	K2 Ultra	Mystery
EX-SES Platinum Vanilla	K2 (unknown variety)	Naught Nights
Fire Bird Ultimate Strength	K2 Watermelon	New Improved K3 Cosmic Blend
Cinnamon	K3	New Improved K3 Dynamite
Forest Humus	K3 Blueberry	New Improved K3 Kryptonite
Freedom	K3 Cosmic Blend	New K3 Earth
Fully Loaded	K3 Dusk	New K3 Heaven
Funky Monkey	K3 Grape	New K3 Improved
Funky Monkey XXXX	K3 Heaven Improved	New K3 Sea Improved
G Four	K3 Heaven Legal	New-Kron Bomb
G Greenies Caramel Crunch	K3 Kryptonite	
Genie	K3 Legal	

Nitro	SYN Incense Spearmint
Ocean Blue	SYN Incense LimonLime
Paradise	SYN Lemon Lime
p.e.p. pourri Love Strawberry	SYN Lemon Lime #2
p.e.p. pourri Original Spearmint	SYN Smooth
p.e.p. pourri Twisted Vanilla	SYN Spearmint
p.e.p. pourri X Blueberry	SYN Spearmint #2
Pink Tiger	SYN Suave
Potpourri	SYN Swagg
Potpourri Gold	SYN Vanilla
POW	SYN Vanilla #2
Pulse	Texas Gold
Rasta Citrus Spice	Time Warp
Rebel Spice	Tribal Warrior
Red Bird	Unknown cigarette
S1. S Werve	Ultra Cloud 10
Samurai Spirit	Utopia
Sativah	Utopia-Blue Berry
Scope Vanilla	Voodoo Child
Scope Wilberry	Voodoo Magic
Sence	Voodoo Remix
Shanti Spice	Voo Doo Remix (black pack- age)
Shanti Spice Blueberry	Voo Doo Remix (orange package)
Silent Black	Winter Boost
Skunk	Who Dat
Smoke	Who Dat Herbal Incense
Smoke Plus	Wicked X
Space	Wood Stock
Spice Artic Synergy	XTREME Spice
Spice Diamond	Yucatan Fire
Spice Gold	Zombie World
Spice Silver	
Spice Tropical Synergy	
Spicy Regular XXX Blueberry	
Spicy Regular XXX Strawberry	
Spicy Regular XXX Vanilla	
Spicylicious	
Spicy Ultra Strong XXX Strawberry	
Spicy Ultra Strong XXX Vanilla	
Spicy XXX	
Spike 99	
Spike 99 Ultra	
Spike 99 Ultra Blueberry	
Spike 99 Ultra Cherry	
Spke 99 Ultra Strawberry	
Spike Diamond	
Spike Gold	
Spike Maxx	
Spike Silver	
Spike Warrior	
Stinger	
Summer Skyy	
Super Kush	
Super Summit	
Swagger Grape	
SYN Chill	
SYN Incense Smooth	