

**CHAPTER 42: GENERAL OFFENSE PROVISIONS**  
(Offenses against Public Peace, Safety and Morals)

Section

General Provisions

- 42.01 Ordinance violation citations
- 42.02 Settlement of certain ordinance violation charges
- 42.03 Weapons and Firearms
- 42.04 Fireworks
- 42.05 Noise Control

Ordinance Violations

- 42.10 Alcoholic liquor
- 42.11 Cannabis
- 42.12 Curfew
- 42.13 Disorderly conduct
- 42.14 Public Nudity
- 42.15 Tobacco
- 42.16 Other violations

**GENERAL PROVISIONS**

**SECTION 42.01 ORDINANCE VIOLATION CITATIONS.**

Citations shall be issued to any resident of the Village for any violation of any ordinance listed in this Chapter. Fines associated with such citations shall be determined by the Village in accordance with the general penalty provision, Section 1.06, of this Municipal Code.

**SECTION 42.02 SETTLEMENT OF CERTAIN ORDINANCE VIOLATION CHARGES.**

Any person who has received a citation for violation of any Ordinance listed in this Chapter may settle an offense and pay the required amount on or before the date specified in the Notice of Violation which date will be approximately fifteen (15) days from the date of which the Notice of Violation is given. The payment can be made by money order, cashiers check or cash, together with the violator's copy of the ticket, at the Village of Carlock, 300 S. Perry Street, Carlock, Illinois 61725, during regular business hours Monday through Friday. Money orders or Cashier's Checks should be made payable to the Village of Carlock. The amount of the payment that shall be required to settle and compromise an offense shall be as specified in Section 1.06 (B) through and including Section 1.06 (C).

## **SECTION 42.03 WEAPONS**

Section

### Deadly Weapons

- 42.03.01 Unlawful use of weapons
- 42.03.02 Exemptions
- 42.03.03 Unlawful possession of firearms and firearm ammunition

### Air Rifles

- 42.03.10 Definitions
- 42.03.11 Selling, renting, or transferring to children; Prohibition
- 42.03.12 Carrying or discharging on public streets
- 42.03.13 Permissive possession
- 42.03.14 Permissive sales
- 42.03.15 Seizure and removal
  
- 42.03.99 Penalty

Statutory Reference: Firearms and ammunition registration, 430 ILCS 65/1 through 430 ILCS 65/16-3.

## **DEADLY WEAPONS**

### **SECTION 42.03.01 UNLAWFUL USE OF WEAPONS.**

- (A) No person shall knowingly:
- (1) Sell, manufacture, purchase, possess, or carry any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife;
  - (2) Carry or possess with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle, or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character;
  - (3) Carry on or about his person or in vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;
  - (4) Carry or possess in any vehicle or concealed on or about his person, except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun, taser, or other firearm.
  - (5) Discharge any weapon in the Village of Carlock or into the Village of Carlock from outside the Village of Carlock;

- (6) Set a spring gun;
- (7) Carry or possess any firearm, stun gun, or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted;
- (8) Carry or possess on or about his person on any public street, alley, or other public lands within the Village, except when an invitee thereon or therein for the purpose of display of the weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any pistol, revolver, stun gun or taser, or other firearm;
- (9) Sell, manufacture, or purchase any explosive bullet. *Explosive Bullet* shall mean the projectile portion of an ammunition cartridge, which contains or carries an explosive charge, which will explode upon contact with the flesh of a human or an animal. *Cartridge* means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap.

(B) A *Stun Gun* or *Taser*, as used in division (A) preceding, means:

- (1) Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or
- (2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning. (720 ILCS 5/24-1)

#### **SECTION 42.03.02 EXEMPTIONS.**

(A) Section 42.03.01 (A)(3), (4), (5), and (8) do not apply to or affect any of the following:

- (1) Police officers or any person summoned by those officers to assist in making arrests or preserving the peace while he is actually engaged in assisting the officer.
- (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and place of employment.
- (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.
- (4) Special agents employed by a railroad or a public utility to perform police functions or guards of armored car companies while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment.
- (5) Persons licensed as private security contractors, private detectives, private alarm contractors or employed by an agency certified by the Department of Registration and Education, if their duties include the carrying of a weapon under the provisions of 225 ILCS 445/1 while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that the commuting is accomplished within one hour from

departure from home or place of employment, as the case may be. Persons exempted under this division shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Registration and Education as prescribed by 225 ILCS 445/28 prior to becoming eligible for this exemption. The State Department of Registration and Education shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

- (6) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry weapons specified in Section 42.03.01(A)(3) and (4) while on duty in the course of any investigation for the Commission.
  - (7) Persons employed by a financial institution for the protection of other employees and property related to that financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by the financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the State Department of Registration and Education, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be in compliance with this Section who has completed the required 20 hours of training for a security officer and the 20 hours of required firearm training and who has been issued a firearm authorization card by the State Department of Registration and Education. Conditions for renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those issued under the provisions of 225 ILCS 445/1. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For the purpose of this division, **Financial Institution** means a bank, savings and loan association, credit union, or company providing armored car services.
  - (8) Any person employed by an armored car company to drive an armored car while actually engaged in the performance of his duties.
  - (9) Persons who have been classified as police officers pursuant to 20 ILCS 2910/1.
  - (10) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the Board of Governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to 725 ILCS 210/7.06.
- (B) Section 42.03.01(A)(4) and (8) do not apply to or affect any of the following:
- (1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established targets upon established target ranges, whether public or private, or patrons of the ranges while members or patrons are using their firearms on those target ranges;
  - (2) Licensed hunters, trappers, or fishermen while engaged in hunting, trapping, or fishing;
  - (3) Duly authorized military or civil organizations while parading with the special permission of the Governor;
  - (4) Transportation of weapons broken down in a non-functioning state or not immediately accessible.
- (C) Section 42.03.01(A)(1) does not apply to the purchase, possession, or carrying of a black-jack or sling-shot by a police officer.
- (D) Section 42.03.01(A)(7) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer.

- (E) Section 42.03.01(A)(4) and (8) does not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.
- (F) Section 42.03.01(A)(8) and 42.03.02(A)(8) do not apply to:
  - (1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty;
  - (2) Bona fide collectors of antique or surplus military ordnance.
- (G) An information or indictment based upon a violation of any provisions of this subchapter need not negate any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.
- (H) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the State and federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by 720 ILCS 5/24-1 or 720 ILCS 5/24-2 which is unloaded and enclosed in a case, firearm carrying box, shipping box or other container by the possessor of a valid firearm owner's identification card. (720 ILCS 5/24-2)

#### **SECTION 42.03.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.**

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- (A) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;
- (B) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;
- (C) He has been convicted of a felony under the laws of this or any other jurisdiction and has any firearms or firearm ammunition in his possession;
- (D) He is a narcotic addict and has any firearms or firearm ammunition in his possession;
- (E) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or
- (F) He is mentally retarded and has any firearms or firearm ammunition in his possession.
- (G) He has in his possession any explosive bullet. For the purposes of this Section ***Explosive Bullet*** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. ***Cartridge*** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap. (720 ILCS 535)

## **AIR RIFLES**

### **SECTION 42.03.10 DEFINITIONS.**

For the purposes of Sections 42.03.10 through 42.03.15, the following words and phrases shall have the following meanings ascribed to them respectively:

***Air Rifle.*** Any air gun, air pistol, spring gun, spring pistol, B.B. gun, paintball gun, pellet gun, or any implement that is not a firearm, which impels a breakable paintball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead, or other hard material with a force that reasonably is expected to cause bodily harm.

***Dealer.*** Any person, co-partnership, association, or corporation engaged in the business of selling at retail or renting any of the articles included on the definition of ***Air Rifle.*** (720 ILCS 535/1)

### **SECTION 42.03.11 SELLING, RENTING, OR TRANSFERRING TO CHILDREN; PROHIBITION.**

- (A) It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where the dealer has failed to make reasonable inquiry relative to the age of the person and the person is under 13 years of age.
- (B) It is unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between the person and person under 13 years of age, or where the person stands in loco parentis to the person under 13 years of age. (720 ILCS 535/2)

### **SECTION 42.03.12 CARRYING OR DISCHARGING ON PUBLIC STREETS.**

- (A) It is unlawful for any person under 13 years of age to carry any air rifle on the public streets, roads, highways, or public lands within the Village, unless the person under 13 years of age carries the rifle unloaded.
- (B) It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway, or public land or any public place, except on a safely constructed target range. (720 ILCS 535/2)

### **SECTION 42.03.13 PERMISSIVE POSSESSION.**

Notwithstanding any provision of this Chapter, it is lawful for any person under 13 years of age to have in his possession any air rifle if it is:

- (A) Kept within his house of residence or other private enclosure;
- (B) Used by the person under 13 years of age and he is a duly enrolled member of any club, team, or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance, and instruction of a responsible adult, and then only if the air rifle is actually being used in connection with the activities of the club, team, or society under the supervision of a responsible adult; or
- (C) Used in or on any private grounds or residence under circumstances when the air rifle is fired, discharged, or operated in a manner as not to endanger persons or property and then only if it is used in

a manner as to prevent the projectile from passing over any grounds or space outside the limits or such grounds or residence. (720 ILCS 535/4)

**SECTION 42.03.14 PERMISSIVE SALES.**

The provisions of Section 42.03.10 through 42.03.15 do not prohibit sales of air rifles:

- (A) By wholesale dealers or jobbers;
- (B) To be shipped out of the State;
- (C) To be used at a target range operated in accordance with 720 ILCS 535/4 or by members of the Armed Services of the United States or veteran's organizations.

**SECTION 42.03.15 SEIZURE AND REMOVAL.**

Any police officer shall seize, take, remove, or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this Chapter. (720 ILCS 535/6)

**SECTION 42.03.99 PENALTY.**

Any person who violates any provision in this Section shall be subject to the general penalty provision, Section 1.06, of this Municipal Code. Each day a violation occurs shall constitute a separate offense.

**SECTION 42.04 FIREWORKS; FIRE PREVENTION; OPEN BURNING**

Section

Fireworks

- 42.04.01 Definitions
- 42.04.02 Unlawful display of fireworks
- 42.04.03 Pyrotechnic displays
- 42.04.04 Consumer displays of fireworks
- 42.04.05 Adoption by reference

Fire Prevention

- 42.04.10 Fire Prevention Code adopted
- 42.04.11 Storage and use of volatile combustibles

Open Burning

- 42.04.20 Definitions
- 42.04.21 Open burning
- 42.04.22 Location and containment of open fires
- 42.04.23 Constant attention to open fires required
- 42.04.24 Exemptions
- 42.04.25 Authority to prohibit open fires

- 42.04.99 Penalty

## **FIREWORKS**

### **SECTION 42.04.01 DEFINITION.**

For the purpose of this subchapter, the following definitions words shall have the following meanings:

***1.3G fireworks.*** Fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

***Consumer fireworks.*** Fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. ***Consumer fireworks*** shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, trick matches”, “cigarette loads”, and “auto burglar alarms”; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

***Consumer fireworks display or consumer display.*** The detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

***Consumer operator.*** An adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in 425 ILCS 35/2.2.

***Display fireworks.*** 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act, 225 ILCS 227/1 et seq.

***Lead pyrotechnic operator.*** An individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act, 225 ILCS 227/1 et seq.

***Person.*** Any individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

***Pyrotechnic display.*** The detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Operator Licensing Act, 225 ILCS 227/1 et seq.

### **SECTION 42.04.02 UNLAWFUL DISPLAY OF FIREWORKS.**

It shall be unlawful for any person to display or allow to be displayed consumer fireworks and/or display fireworks in the Village without a permit.

### **SECTION 42.04.03 PYROTECHNIC DISPLAYS.**

Pyrotechnic displays of display fireworks in the Village shall be permitted upon compliance with the following conditions:

- (1) All persons shall file an application for a pyrotechnic display permit at least 15 days in advance of the date of the pyrotechnic display.

- (2) The application for a pyrotechnic display shall contain identifying information for the person sponsoring the display, the exact location of the display, the date and time of the display, and identifying information for the individual who is the licensed lead pyrotechnic operator supervising the display.
- (3) The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$1,000,000 in liability coverage.
- (4) The application shall also be accompanied by a current and valid copy of the lead pyrotechnic operator's license.
- (5) The application shall also be accompanied by a written approval letter or permit issued by the Chief of the Carlock Fire Protection District providing fire protection coverage to the area of the display, or his or her designee, in accordance with State law.
- (6) After the permit has been granted, the possession, use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
- (7) Applicant shall pay a fee in the amount of \$25.00 to the Village Clerk. Not-for-Profit entities shall not be subject to this fee.
- (8) Provided that the application requirements have been met by the applicant, a Pyrotechnic Fireworks Display Permit shall be issued by the Village Clerk.

#### **SECTION 42.04.04 CONSUMER DISPLAYS OF FIREWORKS.**

Consumer displays of fireworks shall be permitted upon compliance with the following conditions:

- (1) All persons shall file an application for a consumer display permit at least 15 days in advance of the date of the consumer display.
- (2) The application for a consumer display permit shall contain identifying information for the person sponsoring the display, the exact location of the display, the exact date and time of the display, and identifying information for the consumer operator handling the display who shall have received training from a consumer fireworks training class approved by the Office of the State Fire Marshall.
- (3) The application shall be accompanied by a certificate of insurance from an insurance company licensed to do business in the State of Illinois evidencing a minimum of \$100,000 per occurrence for bodily injury and property damage.
- (4) The application shall also be accompanied by a current and valid copy of written proof that the consumer operator handling the display has received training from a consumer fireworks training class approved by the Office of the State Fire Marshall.
- (5) The application shall also be accompanied by a written approval letter or permit issued by the fire chief providing fire protection coverage to the area of the display, or his or her designee, in accordance with State law.
- (6) The applicant shall also be subject to a criminal background check as a condition of issuing a permit.
- (7) After the permit has been granted, the possession, use and display of display fireworks shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

- (8) Applicant shall pay the required fee to the Village Clerk.
- (9) Provided that the signed contract/application requirements have been met by the applicant, a Consumer Fireworks Display Permit shall be issued by the Village.

#### **SECTION 42.04.05 ADOPTION BY REFERENCE.**

The rules and regulations, as may from time to time be amended, for the administration of the Fireworks Use Act, 425 ILCS 35/0.01 et seq., by the State Fire Marshall, including, but not limited to, National Fire Protection Association (NFPA) 1123 guidelines for outdoor displays, NFPA 1126 guidelines for proximate audience displays, audience proximity distances for consumer display fireworks, and the list of approved consumer fireworks are adopted herein by reference.

### **FIRE PREVENTION**

#### **SECTION 42.04.10 FIRE PREVENTION CODE ADOPTED.**

All construction, operation, and maintenance of buildings and structures in the Village shall conform with the applicable provisions of the fire code or fire prevention code adopted from time to time by the Village. Statutory Reference: Adoption of codes by reference, 65 ILCS 5/1-3-1, 65 ILCS 5/1-3-2, and 50 ILCS 220/2.

#### **SECTION 42.04.11 STORAGE AND USE OF VOLATILE COMBUSTIBLES.**

It shall be unlawful for any person, firm, association, or corporation to keep, store, transport, sell, or use any crude petroleum, benzene, benzol, gasoline, naphtha, ether, or other like volatile combustibles, or other compounds, in such manner or under such circumstances as will jeopardize life or property. This Section shall not apply to the storage of such material in gas cans, kerosene cans, or storage containers of a similar nature, so long as the material is used for ordinary household purposes and ordinary care is taken to safeguard others from any such hazards. (430 ILCS 15/1) Statutory Reference: Power of Village to regulate storage of combustible or explosive material, 65 ILCS 5/11-8-4.

### **OPEN BURNING**

#### **SECTION 42.04.20 DEFINITIONS.**

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

***Agricultural Wastes.*** Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and landscape wastes.

***Garbage.*** Refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

***Landscape Waste.*** Any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

***Open Burning.*** The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Illinois Environmental Protection Act.

***Restricted Areas.*** The area within the boundaries of the Village, unless said area is 1,000 feet from residential or other populated areas.

**SECTION 42.04.21 OPEN BURNING.**

No person shall engage in any open burning except of open burning of landscape waste or as authorized by Section 42.04.24 following. Landscape waste may only be burnt from 8:00 a.m. until 30 minutes after sundown. If landscape waste is burned, a person must stand by and monitor the burning of such landscape waste at all times and reasonable precautions shall be taken to prevent the spread of the fire, such as having a garden hose nearby to fight the fire if necessary. No open burning, even of landscape waste, shall be allowed if a person occupying or residing upon said adjoining or nearby property has heart disease, emphysema, or other physical illness or ailment or ailments that could be aggravated by such burning and if such physical condition is known or should reasonably have been known by the person conducting the burning. Landscape waste may only be burned if:

- (A) It is burned on the premises on which such waste is generated;
- (B) When atmospheric conditions readily dissipate contaminants; and
- (C) If such burning does not create a visibility hazard on roadways, railroad tracks, or airfields.

**SECTION 42.04.22 LOCATION AND CONTAINMENT OF OPEN FIRES.**

No person, firm, corporation, or agent thereof may kindle or maintain any open fire or authorize any such fire to be kindled unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading closer than 50 feet to any structure; or the fire is contained in an adequate and approved waste burner located safely not less than 25 feet from any structure.

**SECTION 42.04.23 CONSTANT ATTENTION TO OPEN FIRES REQUIRED.**

Open fires shall be constantly attended by a competent person not less than 18 years of age.

**SECTION 42.04.24 EXEMPTIONS.**

The following activities are not in violation of the restrictions contained in Section 42.04.21 preceding, with respect to open burning unless they cause air pollution as defined in State statutes or regulations of the State Environmental Protection Agency.

- (A) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official;
- (B) The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned;
- (C) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution;

- (D) The use of small open flames for heating tar, for welding, and the operation of acetylene torches, highway safety flares, and the like.
- (E) The burning of leaves, dry sticks and branches, but only on the conditions hereinafter enumerated:
  - (1) Outdoor leaf, dry sticks and branches burning shall be allowed only at locations not less than 25 feet from any building or structure on private property only, except that the Village may conduct such outdoor leaf burning on publicly owned property, which burning shall be supervised by an officer or employee of the Village and in compliance with the requirements set forth herein.
  - (2) Outdoor leaf, dry sticks and branches burning shall include only leaves, dry sticks and branches fallen from trees, plants, and shrubs and shall not include burning of any trash, garbage, or other disposables or any other materials of any nature whatsoever.
  - (3) Outdoor leaf, dry sticks and branches burning which is permitted under this Section may be prohibited any time when, in the opinion of the appropriate and proper official of the Village or of the State Environmental Protection Agency, atmospheric conditions are such that open leaf, dry sticks and branches burning would prove harmful to the health of the citizens of the Village.

**SECTION 42.04.25 AUTHORITY TO PROHIBIT OPEN FIRES.**

An authorized Village official may prohibit any or all open fires when natural conditions, the materials being burned, or local circumstances make these fires potentially hazardous or harmful.

**SECTION 42.04.99 PENALTY.**

Whoever violates any provision of this Chapter shall be subject to the general penalty provision, Section 1.06, of this Municipal Code. Each day a violation occurs shall constitute a separate offense.

**SECTION 42.05 NOISE CONTROL.**

Section

- 42.05.01 Loud and unnecessary noises prohibited; Enumeration
- 42.05.02 Blowing horns
- 42.05.03 Drums and loudspeakers
- 42.05.04 Radios, phonographs, and Dee-jay equipment; Exceptions
- 42.05.05 Vehicle noise
- 42.05.06 Devices using compressed air
- 42.05.07 Exhaust discharge
- 42.05.08 Building operations
- 42.05.09 Animal Noise
  
- 42.05.99 Penalty

**SECTION 42.05.01 LOUD AND UNNECESSARY NOISES PROHIBITED; ENUMERATION.**

The creation of an unreasonably loud, disturbing, and unnecessary noise in the Village is prohibited unless specifically authorized by the Village. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual is prohibited. The acts provided in this Chapter, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Chapter, but this enumeration shall not be deemed to be exclusive.

**SECTION 42.05.02 BLOWING HORNS.**

The sounding or blowing of any horn or any signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a signal if another vehicle is approaching apparently out of control, if in motion only as a danger signal; the creation by means of any signal of any reasonably loud or harsh sound; and the sounding of the device for any unnecessary or unreasonable period of time shall be prohibited.

**SECTION 42.05.03 DRUMS AND LOUDSPEAKERS.**

The use of any drum, loudspeaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, sale, display, or advertisement of merchandise shall be prohibited.

**SECTION 42.05.04 RADIOS, PHONOGRAPHS, AND DEE-JAY EQUIPMENT; EXCEPTIONS.**

(A) The outdoor use of radios, phonographs, Dee-jay equipment and the like shall be prohibited in the following incidents:

- (1) The operation of a juke box, radio, phonograph, television, or other instrument of like nature or Dee-jay equipment, with or without a transmitter or amplifier, so that the music or information produced by the instrument shall be discharged into the open or outside of any building;
- (2) The use of any out-of-door amplifier;
- (3) The playing of any radio, phonograph, television, or any musical instrument in such a manner as to annoy or disturb the quiet, comfort, or repose of any persons in any dwelling, hotel, or other type of residence.

(B) The following instances shall be exceptions to the foregoing designations:

- (1) The broadcasting of events occurring in any athletic contest of the Village, the broadcasting of a band concert produced by live participants in the Village authorized by the Village by permit, or the broadcasting of any music, chimes, or bells by any church.
- (2) The use of Dee-jay equipment at any private social gathering, party, or similar instance shall be authorized by the Village by permit. However, in the instance the Village or Village Police Department receives three (3) or more complaints relative to the use of such Dee-jay equipment at any one (1) private social gathering, party, or similar instance, the Village or Village Police Department shall inform the permit holder of such complaints and suspend the use of such Dee-jay equipment.

**SECTION 42.05.05 VEHICLE NOISE.**

The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in any condition that creates loud or unnecessary grating, grinding, rattling, screeching of tires, or other noise shall be prohibited.

**SECTION 42.05.06 DEVICES USING COMPRESSED AIR.**

The use of any mechanical device operated by compressed air shall be prohibited, unless the noise created thereby is effectively muffled or reduced.

**SECTION 42.05.07 EXHAUST DISCHARGE.**

The discharge in the open air of the exhaust of a steam engine, stationary internal combustion engine, or motor vehicle shall be prohibited, except through a muffler or other device, which will effectively prevent noises therefrom.

**SECTION 42.05.08 BUILDING OPERATIONS.**

The erection (including excavations), demolition, alteration, or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 10:00 p.m. shall be prohibited, except in case of urgent necessity in the interest of public safety.

**SECTION 42.05.09 ANIMAL NOISE.**

All residents are responsible to control noise made by their pets. There shall be no barking or howling allowed from dogs or cats. See section 13, Animals for further description.

**SECTION 42.05.99 PENALTY.**

Whoever violates any provision of this Chapter shall be subject to the general penalty provision, Section 1.06, of this Municipal Code. Each day a violation occurs shall constitute a separate offense.

**ORDINANCE VIOLATIONS**

**SECTION 42.10 ALCOHOLIC LIQUOR.**

- (A) It shall be unlawful for any person to consume or have in his possession in other than the original package with the seal unbroken, any alcoholic liquor on any public right-of-way, street, or sidewalk, or in any public place. No person shall possess alcoholic liquor, whether open or sealed, in any public park.
- (B) It shall be unlawful for any person under the age of 21 years to purchase, or accept as a gift of alcoholic liquor or have alcoholic liquor in his possession.
- (C) It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor.
- (D) It shall be unlawful for any person under the age of 21 years to represent that he is 21 years of age or over for the purpose of buying, accepting, or receiving alcoholic liquor.

- (E) It shall be unlawful for any person under the age of 21 years to present or offer to any licensee, agent, or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage.
- (F) It shall be unlawful for any person under the age of 21 years to have in his possession, any false or fraudulent written, printed, or photostatic evidence of age and identity.
- (G) No person, after purchasing or otherwise obtaining alcoholic liquor, shall give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.
- (H) The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Section.

#### **SECTION 42.11 CANNABIS.**

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

Any person possessing any substance containing cannabis resin up to the amount of two and five-tenths (2.5) grams shall, upon conviction, be assessed a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00).

Any person possessing any substance containing cannabis resin in the amount of two and five-tenths (2.5) grams or more but less than ten (10) grams shall, upon conviction, be fined not less than three hundred dollars (\$300.00) and not more than seven hundred fifty dollars (\$750.00).

Any person possessing any substance containing cannabis resin in an amount of ten (10) grams or more but less than thirty (30) grams shall, upon conviction, be fined not less than four hundred dollars (\$400.00) and not more than seven hundred fifty dollars (\$750.00).

Any person possessing any substance containing cannabis resin in the amount of thirty (30) grams or more shall, upon conviction, be fined seven hundred fifty dollars (\$750.00).

Where any person has been convicted of any of the provisions of the offense at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction.

A qualifying patient who has a registry identification card or a registered caregiver who does not possess an amount in excess of what it allowed under The Compassionate Use of Medical Cannabis Pilot Program Act is exempt from the above provisions. A qualifying patient and registry identification card are defined in the Act. (Ordinance 2016-07)

**SECTION 42.12 CURFEW.**

- (A) It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street, or highway at the following times:
- (1) Between 12:01 a.m. and 6:00 a.m. Saturday;
  - (2) Between 12:01 a.m. and 6:00 a.m. Sunday;
  - (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
- (B) It is a defense to a violation of this Section that the child engaged in the prohibited conduct while:
- (1) engaged in a business or occupation which the laws of Illinois authorize a person less than 17 years of age to perform;
  - (2) accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother, or stepsister at least 18 years of age;
  - (3) accompanied by an adult at least 18 years of age approved by the child's parent, guardian, or custodian;
  - (4) participating in, going to, or returning from:
    - (a) employment which the laws of Illinois authorize a person less than 17 years of age to perform;
    - (b) a school recreational activity;
    - (c) a religious event;
    - (d) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
    - (e) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3-5 of the Constitution of the State of Illinois, or both;
    - (f) an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.
- (C) It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his custody or control to violate Subsection (A) of this Section.

**SECTION 42.13 DISORDERLY CONDUCT.**

A person commits disorderly conduct when he knowingly does any of the following:

- (A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- (B) Transmits in any manner to the fire department of the Village or any city, town, village, or fire protection district a false alarm of fire, knowing at the time of such transmission that there are no reasonable grounds for believing that such fire exists;

- (C) Transmits in any manner to another a false alarm in 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 for such transmission that there are no reasonable grounds for believing that such bomb or explosive is concealed in such place;
- (D) 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 are no reasonable grounds for believing that such offense has been committed;
- (E) 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;
- (F) Urinates or defecates on any public street, alley, sidewalk, or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where such act could be observed by any member of the public, except in such place that has been designated as a restroom;
- (G) Starts a fight or engages in a fight in the Village. A *fight* means any physical altercation between two or more individuals. Self-defense as allowed pursuant to the laws of Illinois shall be an affirmative defense to the charge.

#### **SECTION 42.14 PUBLIC NUDITY.**

It is unlawful for any person to appear in any public place or in any place exposed to public view in a state of nudity. A *state of nudity* means exposing to public view male or female genitalia, pubic hair, perinaeum, anal region, pubic hair region, or any portion of the female breast at or below the areola thereof.

#### **SECTION 42.15 TOBACCO.**

- (A) It shall be unlawful for any person, firm, or corporation to sell, buy for, furnish, exchange, or give away any cigarettes, cigars, or tobacco in any form to children under the age of 18 years.
- (B) No minor under the age of 18 years shall have in his possession any cigar, cigarette, or tobacco in any form. It shall not be a violation of this Section for any person under the age of 18 years to possess tobacco while in the presence of his parents or guardian, or in the performance of a religious ceremony, or while participating in a theatrical performance, or in the incidental and temporary possession of tobacco in the performance of retail clerk duties for businesses registered with the Village.

#### **SECTION 42.16 OTHER ORDINANCE VIOLATIONS.**

Citations shall also be issued for any violation of any ordinance contained within this Municipal Code in accordance with the procedures of this Chapter.

**SECTION 42.17 DRUG PARAPHERNALIA-DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

- (A) The term “cannabis” shall have the meaning ascribed to it in Section 3 of the “Cannabis Control Act”, as if that definition were incorporated herein.
- (B) The term “controlled substance” shall have the meaning ascribed to it in Section 102 of the “Illinois Controlled Substances Act”, as if that definition were incorporated herein.

- (C) “Deliver” or “delivery” means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- (D) “Drug paraphernalia” means all equipment, products, and materials of any kind which are intended to be used unlawfully 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 cannabis or a controlled substance in violation of the “Cannabis Control Act” or the “Illinois Controlled Substance Act”. It includes, but is not limited to:
1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;
  2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
  3. Testing equipment intended to be used unlawfully for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
  4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
  5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
    - (a) Water pipes;
    - (b) Carburetion tubes and devices;
    - (c) Smoking and carburetion masks;
    - (d) Miniature cocaine spoons and cocaine vials;
    - (e) Carburetor pipes;
    - (f) Electric pipes;
    - (g) Air-driven pipes;
    - (h) Chillums;
    - (i) Bongs;
    - (j) Ice pipes or chillers;
  6. Objects which are used or intended to be used to ingest, inhale, or otherwise introduce cannabis or a controlled substance into the human body.
  7. Any item whose purpose, as announced or described by the seller, is for use in violation of this Chapter. (Ordinance 2016-07)

**SECTION 42.18 SALE OF DELIVERY-PENALTY-PUBLIC NUSIANCE:**

- (A) Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits an offense. For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.
- (B) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance. (Ordinance 2016-07)

**SECTION 42.19 POSSESSION OF DRUG PARAPHERNALIA:**

- (A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, commits an offense.
- (B) In determining intent under subsection (A) of this Section, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.
- (C) For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed. (Ordinance 2016-07)