

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

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Chapter 9.04

Offenses Against Public Peace and Decency

Sections:

9.04.010	False Alarm Unlawful
9.04.020	Disorderly Conduct
9.04.030	Assault, Battery or Fighting
9.04.040	Unlawful Assemblies
9.04.050	Disturbing Assemblages
9.04.060	Obscene Publications
9.04.070	Consumption and Possession of Alcoholic Liquor
9.04.080	Loitering
9.04.090	Nuisance and Noise

§9.04.010 False Alarm Unlawful. It is unlawful for any person to knowingly start or spread any false alarm in the Village.

§9.04.020 Disorderly Conduct. It is unlawful to knowingly do any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

§9.04.030 Assault, Battery or Fighting. It is unlawful for any person to commit any assault or battery or to fight in any public place in the Village.

§9.04.040 Unlawful Assemblies. The following conduct is unlawful:

- A. The assembly of two (2) or more persons to do an unlawful act; or
- B. The assembly of two (2) 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.

§9.04.050 Disturbing Assemblages. It is unlawful for any person to disturb any lawful assemblage or gathering in the Village.

§9.04.060 Obscene Publications.

- A. It is unlawful to sell or offer for sale, or to circulate, pass from one person to another or expose in any public place or anywhere in view of a store or

place frequented by the public, any obscene publications, printed or written matter or picture or other representation.

- B. It is unlawful to keep any such publication, printed or written matter, picture or other representation in any place frequented by, or where it may come into the possession of minors, or to disclose or expose any such material to a minor.

§9.04.070 Consumption and Possession of Alcoholic Liquor. It is unlawful to consume alcoholic liquor or to possess alcoholic liquor in an unsealed or previously opened container within or on any municipal building, municipality owned real estate, public park or any public right-of-way within the Village.

§9.04.080 Loitering. It is unlawful for any person to obstruct or encumber any sidewalk, street or other public place or any vacant area within the municipality by loitering or lounging in or about the same after being requested to move on by a Village officer or official.

§9.04.090 Nuisance and Noise. The creating of any unreasonably loud, disturbing, and unnecessary noise within the limits of the Village is unlawful. The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- A. **Musical Instruments Generally.** The use or performance with any hand organ or other musical instrument or device for pay or in expectation of payment in any of the streets or public places in the Village.
- B. **Sound Amplification Devices.** The use or operation of any radio receiving unit, musical instrument, phonograph, compact disc player, loudspeaker, sound amplification device, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants at any time with louder volume than necessary for convenient hearing for a person who is in the room, vehicle, or chamber in which such machine or device is operated, and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, loud speaker, machine, or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located.
- C. **Sound Advertising Devices.**
 - 1. The making or causing, or the permitting or allowing to be made, any noise of any kind, by means of radio, musical instrument, phonograph, compact disc player, loud speaker, sound amplifier, or other machine or device for the producing or reproducing of sound,

for the purpose of commercial advertising or attracting the attention of the public to any building or structure.

2. The operation of any motor vehicle having mounted thereon or attached thereto any machine or device for the amplification of the human voice, music, or any other sound for commercial sound advertising purposes in the Village with such sound-amplifying equipment in operation.
- D. In-Air Sound Amplifying Equipment, Devices. The operation of any contrivance now known or hereafter invented, used, or designated for navigation or for flight in the air, having attached thereto or emitted therefrom any machine or device for the amplification of music, the human voice, or any other noise or sound, with such machine or device in operation.
- E. Horns or Signaling Devices on Vehicles. The blowing of any horn or signaling device on any automobile, motorcycle, bus, truck, or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; the sounding of any such signaling device for an unnecessary and unreasonable period of time; the use of any such signaling device except one operated by hand or electricity; the use of any such signaling device when traffic is for any reason held up; or the use of any horn, whistle, or other device operated by engine exhaust.
- F. Engine Exhaust, Discharge/Operation of a Motor Vehicle.
1. The discharge into the open air of the exhaust of any stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 2. The operation of any motor vehicle within the Village in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants, unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, or annoying smoke. The operation of any motor vehicle in such a manner as to be plainly audible at a distance from one hundred fifty (150) feet or more from such motor vehicle. Evidence that a vehicle was emanating sound of less than the sound limit shall be relevant evidence, in determining whether or not such vehicle was emanating excessive or unusual noises.

3. For purposes of this subsection F, the term “muffler” shall have the following meaning: Any device used upon a motor vehicle, whose purpose is the deadening of combustion noises of any engine thereon or the deadening of any other motor noises, including but not limited to the noise of exhaust gases or any other mechanical device for the deadening of the noise and intake of gases upon a motor vehicle.
- G. Blowers, Power Fans, Electric Motors, or Internal Combustion Engines. The operation of any noise created by a blower, power fan, electric motor, or internal combustion engine in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants in such a manner as to be plainly audible at a distance of fifty (50) feet or more from such blower, power fan, electric motor, or internal combustion engine.
- H. Yelling, Shouting, Singing on Streets. Yelling, shouting, hooting, whistling, or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.
- I. Noise on Streets in Vicinity of Schools, Hospitals. Causing or creating any excessive noise on any street adjacent to any school, institution of learning, or church while the same are in use, or adjacent to any hospitals, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital.
- J. Noise on Property Adjacent to School. The willful making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof while on public or private grounds adjacent to any building in which a school or any class thereof is in session or in any building owned, occupied, or otherwise used by a school; and the making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of such school session or class thereof.
- K. Disturbing a School Gathering or Function. The willful making of any noise or diversion which disturbs or tends to disturb the peace, quiet, or good order of a school gathering or function while on public or private grounds adjacent to any building or land owned, occupied, or otherwise used by a school, or in any building owned, occupied, or otherwise used by a school in progress, whether in the daytime or nighttime.
- L. Transportation of Rails, Pillars, Columns of Iron, Steel. All rails, pillars, and columns of iron, steel, or other metal, which are being transported over and along the Village streets upon carts, drays, cars, trucks, or other vehicles, or in any other manner, shall be so loaded to avoid loud noises, and to avoid disturbing the peace and quiet of such streets.

- M. Race Track or Other Driving Facility. The operation of a race track or other driving facility which permits or otherwise allows the use of vehicles or loud speaker systems to be operated in such a manner as to disturb the peace, quiet, and comfort of Village residents or neighboring inhabitants. The operation of any vehicles or loud speakers in such a manner as to be plainly audible at a distance of fifty (50) feet from the property line.

- N. Exclusions.
 - 1. None of the above provisions shall prohibit operation of a fire department warning siren or civil defense warning sirens.
 - 2. None of the above provisions shall prohibit civic functions and parades.
 - 3. None of the above provisions shall prohibit any emergency situation necessitating removal of fallen limbs, trees, snow, and maintenance equipment operation.

- O. Any person who violates Section 9.04.090 of this Code shall be subject to the provisions of Chapter 1.20 of the Code entitled "General Penalty."

Chapter 9.08

Gambling

Sections:

9.08.010	Prohibited
9.08.020	Devices
9.08.030	Gambling Houses
9.08.040	Advertising
9.08.050	Exempt Activities

§9.08.010 Prohibited. It is unlawful to gamble or attend any gambling resort or to make any bet, lottery or gambling hazard, or to buy or sell any chances or tickets in any gambling game, arrangement or device.

§9.08.020 Devices. It is unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose. Any such device or paraphernalia kept with such intent may be confiscated by any member of the Police Department.

§9.08.030 Gambling Houses. It is unlawful to maintain or patronize any establishment maintained for a gambling house or resort.

§9.08.040 Advertising. It is unlawful to advertise any gambling house in any street, alley or other public place within the Village.

§9.08.050 Exempt Activities. The following activities are exempt from the prohibitions set forth in Section 9.08.010 through 9.08.040 of this Chapter:

- A. Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;
- B. Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest;
- C. Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside the State of Illinois when such transportation is not prohibited by any applicable federal law;

- D. The game commonly known as “bingo”, when conducted in accordance with the Illinois Bingo Lottery Law;
- E. Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law;
- F. Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this Section, an antique slot machine is one manufactured twenty-five (25) years ago or earlier;
- G. Raffles when conducted in accordance with the Illinois Raffles Act;
- H. Charitable games when conducted in accordance with the Illinois Charitable Games Act; or
- I. Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act.
- J. Video gaming if properly registered and otherwise in compliance with Chapter 5.70 of this Village Code.

Chapter 9.12

Prostitution

Sections:

- 9.12.010 Practice
- 9.12.020 Soliciting
- 9.12.030 House of Ill Fame

§9.12.010 Practice. It is unlawful for any person to practice prostitution in the Village.

§9.12.020 Soliciting. It is unlawful for any person to solicit in any street, alley or other public place in the Village for the purpose of inducing any person to be engaged in prostitution or any unlawful sexual intercourse of any kind.

§9.12.030 House of Ill Fame. It is unlawful to maintain, frequent or patronize any house of ill fame or house of prostitution in the Village.

Chapter 9.16

Offenses Pertaining to Property

Sections:

9.16.010	Scaffolds and Ladders
9.16.020	Articles on Windows
9.16.030	Obstructing Stairways or Exits
9.16.040	Open Burning and Bonfires
9.16.050	Combustible Refuse
9.16.060	Missiles – Throwing Glass or Nails on Street
9.16.070	Property Interference Unlawful
9.16.080	Posting Bills – Consent Required
9.16.090	Medical Advertisements – Distribution
9.16.100	Cheating Unlawful

§9.16.010 Scaffolds and Ladders. Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place or way in the Village, shall be firmly and properly constructed and safeguarded. It is unlawful to place scaffolds or ladders in such a manner that the scaffolds or ladders can fall onto any such street, sidewalk, alley or other public place from a height greater than four (4) feet.

§9.16.020 Articles on Windows. It is unlawful to place any movable article on any window ledge, or other place abutting on a public street, alley or other place at a height above four (4) feet from the ground, in such a manner that the same can be or is in danger of falling onto such street, alley, sidewalk or other public place.

§9.16.030 Obstructing Stairways or Exits. It is unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office, building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall or any building used by two (2) or more tenants or families in such manner that it interferes with the free use of such stairway, aisle, corridor or exit.

§9.16.040 Open Burning and Bonfires.

- A. Definition. “Landscape waste” as used in this Section means all accumulations of grass or shrubbery cuttings, leaves, tree branches, and other materials accumulated as the result of the care of the lawn, shrubbery, vines, and trees.

- B. Duty of Owner. It shall be the duty of the owner of the premises on which open burning or a bonfire occurs to comply with or cause compliance with the provisions set forth in this Section, as such provisions now exist or may from time to time be amended.
- C. Open Burning Generally Prohibited. Open burning within the Village is prohibited, except as permitted in this Section.
- D. Permissible Open Burning. Open burning is permitted within the Village when there is compliance with all of the following:
 - 1. Landscape waste may be burned from sunrise until five p.m. on Tuesdays, Thursdays, Saturdays, and Sundays, except that such burning is prohibited at all times on Halloween.
 - 2. All fires must be completed extinguished by five p.m.
 - 3. Open burning of landscape waste is permissible only for landscape waste which is dry, and which was generated on the premises where the fire is located.
 - 4. A fire must be attended at all times by a competent person over the age of sixteen (16). A water supply adequate for extinguishing the fire always must be present.
 - 5. Open burning is prohibited on all public streets, rights-of-way, and sidewalks; and further is prohibited at any location sufficiently close to any building or structure that the fire would place the building or structure at risk.
- E. Bonfires. It is unlawful to build or light any bonfire so close to any building or other structure as to endanger such building or structure, or on any public street, rights-of-way, or sidewalk. Only dry wood, and no garbage or other refuse, may be burned in a bonfire.
- F. Recreational Fires. Nothing in this Section shall be construed to prohibit fires used for cookouts or in patio fire pits.
- G. Violations. Any person who violates or fails to comply with any provision of this Section shall be fined Fifty Dollars (\$50.00) per occurrence, plus the Village's costs.

§9.16.050 Combustible Refuse. It is unlawful to permit or store any combustible refuse in such a way as to create a fire hazard, or to store or throw any refuse of any kind on any street, alley or other public place.

§9.16.060 Missiles – Throwing Glass or Nails on Street. It is unlawful to cast, throw, or propel any missile on any street, alley or public place; and it is also unlawful to throw or deposit any glass, nails, tacks, or other similar articles, on any street, sidewalk or alley in the Village.

§9.16.070 Property Interference Unlawful. It is unlawful to injure, deface, or interfere with any property belonging to the Village without proper authority from the Village Board.

§9.16.080 Posting Bills – Consent Required. It is unlawful to post any bills or advertisements on any public property without the authority of the Village President; and it is unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

§9.16.090 Medical Advertisements – Distribution. It is unlawful for any person, firm or corporation by himself/herself or his/her or its agents, or servants, to distribute, cast, throw or place or cause to be distributed, cast, thrown or placed in, or upon or along any of the streets, alleys or other public places of the Village, or upon the porches or yards of private residences therein or within any dwelling or building in the Village any samples of merchandise or medicinal preparations for the purpose or with the intent of advertising or making known in a general or promiscuous manner any business, occupation, proposition, medical treatment, medicine, or any other article whatsoever.

§9.16.100 Cheating Unlawful. It is unlawful for any person, firm or corporation to obtain possession of any goods, property or thing of value by any false proceeding or by cheating or by fraud of any kind.

Chapter 9.20

Curfew

Sections:

9.20.010	Hours
9.20.020	Parent Responsibility
9.20.030	Penalty

§9.20.010 Hours.

- A. It is unlawful for any person less than seventeen (17) years of age to be present, loiter, wander, stroll or play in or upon any street, alley, sidewalk, parkway, park, playground or public place within the Village limits, or in or on any public building, place of amusement or entertainment, or any vacant lot, at any time during the set curfew hours set by the Village.
- B. The hours are as follows:
1. Between eleven o'clock (11:00) P.M. Friday and six o'clock (6:00) A.M. Saturday.
 2. Between eleven o'clock (11:00) P.M. Saturday and six o'clock (6:00) A.M. Sunday.
 3. Between eleven o'clock (11:00) P.M. Sunday and six o'clock (6:00) A.M. Monday.
 4. Between eleven o'clock (11:00) P.M. Monday and six o'clock (6:00) A.M. Tuesday.
 5. Between eleven o'clock (11:00) P.M. Tuesday and six o'clock (6:00) A.M. Wednesday.
 6. Between eleven o'clock (11:00) P.M. Wednesday and six o'clock (6:00) A.M. Thursday.
 7. Between eleven o'clock (11:00) P.M. Thursday and six o'clock (6:00) A.M. Friday.
- C. It is a defense to a violation under this Chapter that a child engaged in the prohibited conduct while:

1. Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother, or stepsister at least eighteen (18) years of age.
2. Accompanied by an adult at least twenty-one (21) years of age approved by the child's parent, guardian, or custodian.
3. Participating in, going to, or returning from:
 - a. Employment which the laws of this State authorize a person less than seventeen (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, 4 and 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 supervision of one (1) or more adults.

§9.20.020 Parent Responsibility. It is unlawful for the parent or other person having lawful custody of persons less than seventeen (17) years of age to permit such minor to loiter, wander, stroll or play in or upon any street, alley, sidewalk, parkway, park, playground or other public place within the Village limits, or in or on any public building, place of amusement or entertainment, or any vacant lot, at any time in which violates Village curfew hours stated in the above Section; provided that this Section shall not apply when such minor is in or on such place in the performance of a lawful errand or business with the consent of the parent or other person having lawful custody of such minor. Parents are subject to fines for violations of this Chapter.

§9.20.030 Penalty. A citation for violation of subsections A and B of this Chapter may be issued by a law enforcement officer only if he reasonably believes that a violation has occurred and none of the defenses enumerated in subsection C apply. No citation shall be issued without first investigating the possibility that such defense exists. Any person violating the provisions of this Chapter shall be subject to a fine as follows:

First offense fine will be \$50.00 for any violation issued.

Second offense fine will be \$100.00 for any violation issued.
Third offense fine will be \$175.00 for any violation issued.
Any further offense shall increase by \$100.00 for any violation issued.

Chapter 9.24

Weapons

Sections:

- 9.24.010 Discharge
- 9.24.020 Concealed Weapons – License Required

§9.24.010 Discharge. It is unlawful to discharge any firearm, B-B gun, pellet gun, or air gun in the Village; provided that this Section shall not be construed to prohibit any law enforcement officer to discharge a firearm in the performance of the officer's duty; nor for any citizen to discharge a firearm when lawfully defending his/her person or property.

§9.24.020 Concealed Weapons – License Required. It is unlawful to carry any concealed weapon in the Village without having first secured a license to carry such concealed weapon issued under the laws of this state.