

Chapter 70 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross references:** Noise, § 42-71 et seq.; law enforcement, ch. 62.

Federal law reference--Crimes and criminal procedure, 18 U.S.C.A. § 2 et seq.

State law references: Power of Village to pass and enforce all necessary police ordinances, 65 ILCS 5/11-1-1; municipal public order regulations, 65 ILCS 5/11-5-1 et seq.; Criminal Code of 1961, 720 ILCS 5/1-1 et seq.

Article I. In General

Sec. 70-1. Penalties.

Sec. 70-2. Notice of violation.

Sec. 70-3. Stipulated settlements.

Secs. 70-4--70-30. Reserved.

Article II. Offenses Affecting Governmental Functions

Sec. 70-31. Obedience to police.

Sec. 70-32. Jailbreaking.

Sec. 70-33. False fire alarms.

Secs. 70-34--70-60. Reserved.

Article III. Offenses Directed Against Property

Division 1. Generally

Sec. 70-61. Possession of burglar's tools.

Sec. 70-62. Destroying, defacing or injuring property.

Sec. 70-63. Stealing, detaching or mutilating license plate or tag.

Sec. 70-64. Misuse of coin-operated telephones.

Sec. 70-65. Trespass.

Sec. 70-66. Tendering of payments to Village via means that proves to be uncollectible.

Secs. 70-67--70-90. Reserved.

Division 2. Vandalism

Sec. 70-91. Definitions.

Sec. 70-92. Penalties.

Sec. 70-93. Prohibited acts.

Sec. 70-94. Parental responsibility for violations by minors.

Secs. 70-95--70-120. Reserved.

Article IV. Offenses Affecting Public Peace

Sec. 70-121. Obstructing pedestrian or vehicular traffic; unlawful assemblages.

Sec. 70-122. Disorderly conduct.

Sec. 70-123. Disorderly houses or premises.

Sec. 70-124. Damaging house of worship; disturbing religious worship.

Sec. 70-125. Intoxication.

Sec. 70-126. Materials promoting or inciting group hatred, force and violence.

Sec. 70-127. Laser devices.

Secs. 70-128--70-150. Reserved.

Article V. Offenses Affecting Public Safety

Division 1. Generally

Sec. 70-151. Dangerous missiles.

Sec. 70-152. Killing or injuring birds.
Sec. 70-153. Abandoned refrigerators.
Sec. 70-154. Nauseous or offensive substances.
Sec. 70-155. Placing articles on windowsills or ledges.
Sec. 70-156. Scaffolds or ladders on streets.
Secs. 70-157--70-180. Reserved.

Division 2. Firearms

Sec. 70-181. Sale and possession generally.
Sec. 70-182. Carrying concealed firearm.
Sec. 70-183. Discharge of firearms.
Sec. 70-184. Register of sales by firearms dealers.
Sec. 70-185. Permit for purchase of firearm.
Sec. 70-186. Selling or furnishing firearms to person under 18 years of age.
Sec. 70-187. Sale of certain knives prohibited.
Secs. 70-188--70-210. Reserved.

Division 3. Fireworks

Sec. 70-211. Definition.
Sec. 70-212. Selling or furnishing fireworks to persons under 18 years of age.
Sec. 70-213. Unlawful possession or discharge; permit required.
Sec. 70-214. Issuance of permit.
Sec. 70-215. Exceptions.
Secs. 70-216--70-240. Reserved.

Article VI. Offenses Affecting Public Decency

Division 1. Generally

Sec. 70-241. Indecent exposure, dress or behavior.
Sec. 70-242. Obscene material.
Sec. 70-243. Indecent or lewd acts, language or gestures.
Sec. 70-244. Indecent or lewd writing in public places.
Secs. 70-245--70-270. Reserved.

Division 2. Gambling

Sec. 70-271. Maintaining gambling house.
Sec. 70-272. Gambling devices.
Sec. 70-273. Dealing or engaging in games of chance.
Sec. 70-274. Betting prohibited.
Sec. 70-275. Frequenting gambling place; doorkeepers, agents and runners.
Sec. 70-276. Advertisement of gambling place.
Sec. 70-277. Gambling places declared nuisance.
Sec. 70-278. Conditions of entertainment licenses.
Secs. 70-279--70-300. Reserved.

Article VII. Offenses Affecting Minors

Sec. 70-301. Cruelty to children.
Sec. 70-302. Curfew.

ARTICLE I. IN GENERAL

Sec. 70-1. Penalties.

Any person who violates any provision of this chapter shall be subject to the penalties provided in Section 1-6 in addition to any other penalty specifically provided for.

(Ord. No. 00-10-C-2947, § 8(55.38), 10-16-2000)

Sec. 70-2. Notice of violation.

Whenever any person violates any provision of this chapter, such person shall be served with a violation notice providing for an opportunity to appear in court to answer the charge of such violation.

(Ord. No. 00-10-C-2947, § 8(55.39), 10-16-2000)

Sec. 70-3. Stipulated settlements.

The Village Manager or designee is authorized to accept the amounts specified in Section 1-7 in settlement for violations of the specified Code sections and to establish settlement dates for each such violation. For violations where a showing of compliance is applicable, settlement as provided for in this section shall only be authorized upon a showing of compliance.

(Ord. No. 00-10-C-2947, § 8(55.40), 10-16-2000)

Secs. 70-4--70-30. Reserved.

ARTICLE II. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS*

*State law references: Offenses affecting governmental functions, 720 ILCS 5/30-1 et seq.

Sec. 70-31. Obedience to police.

All persons when at or about any public place in the Village shall obey the commands and directions of any police officer who may be stationed or on duty on or about such public places for the preservation of order and enforcing the provisions of this Code and other ordinances of the Village. It shall be unlawful for any person to refuse to obey the commands and directions of a police officer as required by this section.

(Code 1979, § 55.20)

State law references: Interference with public officer, 720 ILCS 5/31-1 et seq.

Sec. 70-32. Jailbreaking.

It shall be unlawful for any person to break open or out of any jail in the Village or to in any manner, directly or indirectly, aid or assist in or counsel or advise the breaking open or out of any jail in the Village. It shall be unlawful for any person to aid or assist any person confined

in jail in the Village to escape.

(Code 1979, § 55.16)

State law references: Escape, 720 ILCS 5/31-6.

Sec. 70-33. False fire alarms.

It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village.

(Code 1979, § 55.26)

State law references: False alarms, 720 ILCS 5/26-1 et seq.

Secs. 70-34--70-60. Reserved.

ARTICLE III. OFFENSES DIRECTED AGAINST PROPERTY*

***State law references:** Offenses directed against property, 720 ILCS 5/15-1 et seq.; offenses against property, 720 ILCS 205/0.01 et seq.

DIVISION 1. GENERALLY

Sec. 70-61. Possession of burglar's tools.

It shall be unlawful for any person to have in such person's possession any nippers of the description known as burglar's nippers, pick-lock or skeleton key to be used with a bit, jimmy or other burglar's instruments or tools, unless it is shown that such possession is innocent or for a lawful purpose.

(Code 1979, § 55.05)

State law references: Burglary, 720 ILCS 5/19-1 et seq.

Sec. 70-62. Destroying, defacing or injuring property.

- (a) It shall be unlawful for any person carelessly or maliciously to break, deface, carry away or in any way injure or destroy any electric light, telephone or telegraph wire, or any appurtenance thereto, parking meter, public lamp or lamppost, street sign or any other sign, gate, sidewalk, or fence in the Village, or to climb upon any public lamppost, or hang or place any signs or objects thereon.

- (b) No person shall cut, injure, mark or deface any building not such person's own or any tree, grass, or shrub in any parkway, street or public park, or any sewer, water pipe or hydrant laid or placed by the Village.
- (c) No person shall string wires in the Village in such a manner as to damage or injure any tree or shrub standing along any public way or in any parkway, alley or other Village property.
- (d) It shall be unlawful for any person to willfully injure, destroy or carry away any vegetable, plant, fruit, shrub, tree, flower or other thing which may be planted or seeded on the private premises of another, or willfully permit any dog or animal belonging to or under the control of such person to injure or destroy any such vegetable, plant, fruit, shrub, tree, flower or other thing.
- (e) It shall be unlawful for any person to injure in any way any property of any kind belonging to the Village.

(Code 1979, § 55.08)

State law references: Damage and trespass to property, 720 ILCS 5/21-1 et seq.

Sec. 70-63. Stealing, detaching or mutilating license plate or tag.

It shall be unlawful for any person, without the consent of the owner or licensee, to take, carry away, detach or mutilate any metal plate, tag, badge or license worn by or attached to any person, animal or vehicle, or attached to any article, substance or thing whatsoever as a mark of identification or otherwise in compliance with the requirements of this Code or any other ordinance.

(Code 1979, § 55.17)

State law references: Theft, 720 ILCS 5/16-1; criminal damage to property, 720 ILCS 5/21-1.

Sec. 70-64. Misuse of coin-operated telephones.

It shall be unlawful for any person to insert, or to attempt to insert, into the coin box or money receptacle of any telephone, any slug, button, device or other substance with the intent to obtain from such coin box or money receptacle a legal tender coin of the United States or to obtain telephone service without paying therefor.

(Code 1979, § 55.24)

State law references: Theft from coin-operated machines, 720 ILCS 5/16-5 et seq.

Sec. 70-65. Trespass.

- (a) *Prohibited.* It shall be unlawful for any person to commit a trespass within the Village

upon either public or private property.

- (b) *Specific violations.* Without constituting any limitation upon the provisions of subsection (a) of this section, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of subsection (a) of this section, and appropriate action may be taken under this section at any time to prevent or suppress any violation of this subsection:
- (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 of the 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, authorized representative of the owner, or occupant;
 - (2) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the 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, authorized representative of the owner, or occupant;
 - (3) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner, authorized representative of the owner, or occupant; or
 - (4) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to 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.

(Code 1979, § 55.25)

State law references: Damage and trespass to property, 720 ILCS 5/21-1 et seq.

Sec. 70-66. Tendering of payments to Village via means that proves to be uncollectible.

- (a) *Prohibited.* No person shall remit a check payable to the Village which is written on a closed account or an account which lacks sufficient funds.
- (b) *Fee.* Any person who remits a check to the Village which has been returned twice by the bank or which was written on a closed account shall be assessed the fee as provided for in Section 46-32.

(Code 1979, § 55.36)

State law references: Civil liability for deceptive practices, 720 ILCS 5/17-1a.

Secs. 70-67--70-90. Reserved.

DIVISION 2. VANDALISM*

***Cross references:** Public nuisances, § 42-31 et seq.; graffiti, § 42-41.

State law references: Damage and trespass to property, 720 ILCS 5/21-1 et seq.; Parental Responsibility Law, 720 ILCS 115/1 et seq.

Sec. 70-91. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Legal guardian means a person appointed guardian or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian or given custody of a minor under the Illinois Juvenile Court Act, 705 ILCS 405/1-1 et seq.

Library materials means books, periodicals, films, art objects, art reproductions, audio tapes or any other thing, equipment or property (or part thereof) whatsoever owned by or in the custody of the Skokie Public Library.

Minor means a person who has attained 11 years of age but who has not yet reached 18 years of age.

Person means any individual, firm, partnership, association, corporation, company or organization of any kind, the State, or any political subdivision.

Property means any real estate, including improvements thereon, and tangible personalty.

(Code 1979, § 55.351)

Cross references: Definitions generally, § 1-2.

Sec. 70-92. Penalties.

- (a) *Generally; court supervision; payment of restitution.*
- (1) Every person or minor found guilty of an offense under Section 70-93 shall be subject to either or both of the following penalties:
- a. Such person shall be subject to the penalties provided in Section 1-6.

- b. The court may, without entering a judgment of guilty, place such person under court supervision for any period not exceeding 1 year. Such supervision may include any of the conditions provided for in subsection (a)(2) of this section as the court determines appropriate. If the person completes the period of supervision without violating the conditions imposed by the court, the court shall discharge the defendant from supervision and dismiss the charge against the defendant. If the person, while under court supervision, is convicted of any criminal offense in any jurisdiction and the State's Attorney or municipal prosecutor, as the case may be, moves for termination of supervision, the court shall terminate the supervision and enter a judgment of guilty on the plea or finding.
- (2) The conditions of court supervision may, in addition, require that the defendant:
 - a. Work or pursue a course of study or vocational training.
 - b. Make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss, or \$1,000.00, whichever is less.
 - c. Undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism.
 - d. If a minor, reside with the minor's parent or in a foster home, attend school, attend a nonresidential program for youth, or contribute to the minor's own support at home or in a foster home.
 - (3) When a court orders restitution or reparation as a condition for court supervision, the court shall determine the amount and conditions of payment. When the conditions of payment have not been satisfied, the court, at any time prior to the expiration or termination of the period of court supervision, may impose an additional period of not more than 2 years. Only the conditions of payment shall continue to apply during such additional period. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the original conditions and to revoke the penalty of court supervision if the conditions of payment are violated during such additional period.
 - (4) When the petition is filed charging a violation of a condition imposed for court supervision, the court:
 - a. May order a summons to the offender to appear, or order a warrant for the offender's arrest where there is danger of the offender fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons. The issuance of such warrant or summons shall stay the sentence of court supervision until the final determination of the charge, and the term of court supervision shall not run so long as the

offender has not answered the summons or warrant.

- b. Shall conduct a hearing of the alleged violation. The court may admit the offender to bail pending the hearing.
 - c. Shall receive evidence in open court with the right of confrontation, cross examination and representation by counsel. The Village has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence.
 - d. Shall not revoke court supervision for failure to comply with conditions of a sentence which imposes financial obligations upon the offender unless such failure is due to the offender's willful refusal to pay.
 - e. May modify the conditions of court supervision on motion of the Village or on its own motion or at the request of the offender after notice to all parties and a hearing.
- (5) If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue the offender on the existing period, with or without modifying or enlarging the conditions, or may impose any other penalty that was available at the time of the initial penalty.
- (6) A judgment revoking a sentence of court supervision is a final appealable order.
- (b) *Violation of parental responsibility provisions; liability of parents for fine imposed on minor.*
- (1) Every person found guilty of any offense under Section 70-94 shall be subject to the penalties provided in Section 1-6 in addition to any other penalty specifically provided for.
 - (2) The parent or legal guardian of a minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of Section 70-93, provided that the minor has not paid the fine or made restitution or reparation within the time ordered by the court, and further provided that parent or legal guardian has been served with summons or notice to appear in the original cause against such minor and all proceedings thereafter.

(Code 1979, §§ 55.354, 55.355)

Sec. 70-93. Prohibited acts.

- (a) No person shall, within the Village, knowingly or recklessly damage or cause to be damaged any property of another person without such person's consent.
- (b) No person shall, within the Village, knowingly and without authority enter into or obtain

control over any motor vehicle, bicycle, aircraft or watercraft or any part thereof of another person without such person's consent.

- (c) No person shall, within the Village, wrongfully remove, possess, damage, destroy any library materials or property, or fail to return any library materials when due.

(Code 1979, § 55.352)

Cross references: Library, ch. 66.

Sec. 70-94. Parental responsibility for violations by minors.

It shall be unlawful for any parent or guardian of any minor living with the minor's parents or guardian to neglect to restrain such minor from committing any act prohibited in this Code. The commission of any such act by a minor who is living with the minor's parents or guardian shall raise the presumption that the parent or guardian has neglected to restrain such minor from committing such act. It shall be an affirmative defense for the parent or guardian to prove that such parent or guardian exercised the parent's or guardian's duty to restrain the minor from committing such act complained of in the pending action, but that such action on the part of the parent or guardian to attempt to restrain the minor, although exercised with due care, was unsuccessful.

(Code 1979, § 55.353)

Secs. 70-95--70-120. Reserved.

ARTICLE IV. OFFENSES AFFECTING PUBLIC PEACE

Sec. 70-121. Obstructing pedestrian or vehicular traffic; unlawful assemblages.

It shall be unlawful for any person, at any time, to congregate or assemble with 1 or more other persons in or upon any public street, alley or sidewalk in such a manner as to obstruct or interfere with the free and unobstructed passage of vehicular or pedestrian traffic or in such a manner as to disturb or threaten the public peace. No person shall stop, stand or park in an alley so as to leave less than 10 feet of width for the free movement of vehicular traffic. Any person in such assembly who fails or refuses upon the order of any police of the Village to move on or away from such assembly shall be subject to the penalties provided in Section 1-6 in addition to any other penalty specifically provided for.

(Code 1979, § 8.20)

Cross references: Parades and public assemblies, ch. 74; streets, sidewalks and other public places, ch. 90; motor vehicles and traffic, ch. 106; obstructing traffic, § 106-102; stopping, standing or parking prohibited in specified places, § 106-103.

Sec. 70-122. Disorderly conduct.

No person shall engage in disorderly conduct in the Village. Any of the following acts constitute disorderly conduct:

- (1) Making, aiding or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace.
- (2) Engaging in or aiding or abetting any fight, quarrel or other disturbance.
- (3) Disturbing any religious service, funeral, public or private meeting, place of amusement, or assembly of persons.
- (4) Collecting in crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of other persons.
- (5) Loitering continuously in public places or being idle or dissolute and going about begging.
- (6) Assembling with 2 or more other persons for the purpose of using force or violence to disturb the public peace.
- (7) Failing to obey a lawful order of dispersal by a person known to be a peace officer, where 3 or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.
- (8) Lodging in or being in outhouses, sheds, barns, stables or occupied buildings, on private or public property, without permission.
- (9) Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing, or practicing fortunetelling, palmistry, card reading, astrology, clairvoyancy or other scheme to obtain money or other value.
- (10) Giving any false alarm of fire, danger or disturbance to any person, or false information to any peace officer, firefighter or any Village officer.
- (11) Making a telephone call with intent to annoy another, whether or not conversation ensues.
- (12) Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in public in a state of nudity.
- (13) Using any obscene, profane, threatening or inciting language in any public place.
- (14) Throwing stones or missiles in public places or at any person or property, or using brandishing or threatening to use any missile, or dangerous weapon or object.

- (15) Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, monuments, or vehicles or engaging in any acts of vandalism.
- (16) Consuming alcoholic beverages in or on a public way or place.

(Code 1979, § 55.01)

Cross references: Alcoholic liquor, ch. 10.

State law references: Disorderly conduct, 720 ILCS 5/26-1 et seq.

Sec. 70-123. Disorderly houses or premises.

- (a) It shall be unlawful for any person to keep or maintain, or knowingly lease or rent, any bawdy or disorderly house, or any house, structure, or property where any person is permitted or suffered to make any improper noise or disturbance, where any minor is permitted to consume alcohol, where articles or objects for the purpose of gambling including but not limited to dice or cards are used, or any house, store, garage, shop or other place for the encouragement of idleness, gambling, intoxication, adultery, fornication, lewdness or other immoral practices. There shall be a presumption that the owner or person in control of any such premise has permitted or knowingly permitted the aforesaid activity to occur.
- (b) It shall be unlawful for any person to be a frequenter, visitor, guest, inmate or patron of a disorderly house as defined in this section.

(Code 1979, § 55.09)

State law references: Maintaining a public nuisance, 720 ILCS 5/37-1 et seq.

Sec. 70-124. Damaging house of worship; disturbing religious worship.

It shall be unlawful for any person to carelessly or maliciously deface, damage, or destroy any building or house of religious worship, or to disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior or profane discourse, within their place of worship, or so near the place of worship as to disturb the order and solemnity of the meeting.

(Code 1979, § 55.10)

Sec. 70-125. Intoxication.

It shall be unlawful for any person to be in a state of intoxication on any highway, street, alley or thoroughfare or other public place in the Village. It shall be unlawful for any person to be in a state of intoxication in any private house or place within the Village to the annoyance of any other person.

(Code 1979, § 55.15)

Cross references: Alcoholic liquor, ch. 10.

Sec. 70-126. Materials promoting or inciting group hatred, force and violence.

- (a) The dissemination of any material which promotes or incites hatred against persons by reason of their race, national or ethnic origin, religion, or sexual preference and:
 - (1) Is intended to advocate and likely to produce the use of force or violence against such persons; or
 - (2) Is intended to threaten such persons or at least intended to cause such persons to reasonably fear the imminent use of force or violence;

is hereby prohibited within the Village.

- (b) The phrase "dissemination of materials" includes but is not limited to publication or display or distribution of posters, signs, handbills, or writings and public display of markings and clothing of symbolic significance.
- (c) The Corporation Counsel is empowered to seek an injunction in the Circuit Court of Cook County to restrain any person, group or organization from violating this section.

(Code 1979, § 55.34)

State law references: Hate crime, 720 ILCS 5/12-7.1.

Sec. 70-127. Laser devices.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Laser device means any gadget, object or other such device that emits light amplified by the stimulated emission of radiation that is visible to the human eye, including, but not limited to, such devices which are integrated into or capable of being attached to a firearm.

School property means any buildings, grounds or facilities, or portion thereof, owned, occupied by, or under the custody or control of public or private institutions for the primary purpose of providing education or recreational instruction to students, and any vehicles owned, operated or leased by or on behalf of such institutions that are used to transport such students or personnel of such institutions.

- (b) *Unlawful use.* It shall be unlawful for any person to use a laser device in the following manner:

- (1) To focus, point or shine a laser device on another person or animal, or in the immediate vicinity of another person or animal, or in such a manner as to alarm or disturb such person or animal; or
 - (2) To utilize a laser device in any place of assembly, including but not limited to school property, concert halls, theaters, or any other structure or location at which the public gathers for educational purposes, lectures, public meetings, entertainment, sporting events, concerts, plays, dances or other similar events, productions and performances, when a person does not have permission of the owner or operator of the place of public assembly to use a laser pointer in such place.
- (c) *Prohibitions regarding minors.*
- (1) *Sales to minors.* It shall be unlawful for any person to sell, offer to sell, give or deliver a laser device to any person under the age of 17 years. If the use of the laser device is for legitimate educational purposes, the provisions of this subsection shall not apply to a parent, guardian or schoolteacher's delivery of a laser device to a person under the age of 17 years for the use of such laser under adult supervision on school property or in their residence under adult supervision.
 - (2) *Responsibility of parent or guardian.* It shall be unlawful for any parent or guardian of a person under the age of 17 years to permit such person under the age of 17 years to violate any provisions of this section.
 - (3) *Possession by minor.* It shall be unlawful for any person under the age of 17 to possess a laser device except in their residence. Nothing contained in this subsection shall be deemed to prohibit possession by a person under the age of 17 whose possession of a laser device is for a legitimate educational purpose and is on school property, or in another's residence and under the supervision of an adult residing therein.
- (d) *Exemptions.* The provisions of this section shall not apply to the officers or members of the Village Police Department when on duty, or to persons authorized under the State statutes or the statutes of the United States to carry weapons that have laser devices.
- (e) *Penalty.* Any person who violates any provision of this section shall be subject to the penalties provided in Section 1-6 in addition to any other penalty specifically provided for.

(Ord. No. 99-11-C-2854, 11-15-1999)

Secs. 70-128--70-150. Reserved.

ARTICLE V. OFFENSES AFFECTING PUBLIC SAFETY*

***Cross references:** Public nuisances, § 42-31 et seq.

State law references: Offenses affecting public health, safety and decency, 720 ILCS 5/24-1 et seq.

DIVISION 1. GENERALLY

Sec. 70-151. Dangerous missiles.

It shall be unlawful for any persons to willfully throw or cast any stone or other missile upon or at any building, railroad car, motor vehicle, tree or other public or private property or upon or at any person in any street, alley, lane, public place or at enclosed or unenclosed grounds in the Village, or aid or abet in such acts.

(Code 1979, § 55.04)

State law references: Reckless conduct, 720 ILCS 5/12-5.

Sec. 70-152. Killing or injuring birds.

It shall be unlawful for any person to kill or wound, or attempt to kill or wound, by the use of firearms, slingshot, bow and arrow, pelting with stones or otherwise, any quail, pheasant, robin, blue jay, or any other song, plumage or game bird within any private ground or upon any public park, square, street or grounds, or for any person to take the eggs or young or any quail, pheasant, robin, blue jay or other song, plumage or game bird within any private enclosure or upon any public ground belonging to the Village.

(Code 1979, § 55.06)

Cross references: Animals, ch. 18.

Sec. 70-153. Abandoned refrigerators.

It shall be unlawful for any person to permit or allow a discarded refrigerator or deep freezer or one not in use to remain in any place accessible to children unless the latching or locking mechanism on the door of the refrigerator or freezer has been removed, or unless the doors of the refrigerator or freezer are bolted and locked in such manner that it is impossible to open the refrigerator or freezer by the use of the hands.

(Code 1979, § 55.22)

State law references: Abandoned Refrigerator Act, 720 ILCS 505/0.01 et seq.

Sec. 70-154. Nauseous or offensive substances.

- (a) It shall be unlawful for any person to sell or offer to sell, give away or offer to give away, or to have in such person's possession, or for any person to carry about, any stink ball or fire ball, or any bomb, ball, tube, vial or bottle made of glass or other easily breakable material containing any solution or corrosive or caustic acid, phosphorus or other explosive or inflammable fluid or substance, or any hydrogen sulphide, valerianic acid, ammonium valerianate, valerinate of zinc, or any solution or mixture thereof, or any other stinking, nauseous, offensive or filthy substance.
- (b) It shall be unlawful for any person to sell or give away any corrosive or caustic acid, or any phosphorus or solution thereof or any hydrogen sulphide, valerianic acid, ammonium valerianate, valerinate of zinc, or any solution or mixture of the substance, or any stinking, nauseous, offensive or filthy substances of like or similar nature, except upon the written prescription of a physician, licensed under the laws of the State, which prescription shall be filled only once and shall have written upon it the name and address of the patient; provided that this subsection shall not apply to sale at wholesale by manufacturing or wholesale druggists to retail druggists, physicians or chemists.
- (c) It shall be unlawful for any person to cast, throw, deposit or place any stink ball, fire ball or bomb, or place any substance described in this section, from, upon or to any street or public place in the Village, or at, upon or within any public conveyance, or upon the floor or within any restaurant, house of worship, home, apartment building, private dwelling, theater, hall, assembly room, public building, public park or vehicle within the Village.

(Code 1979, § 55.23)

Sec. 70-155. Placing articles on windowsills or ledges.

It shall be unlawful to place any movable article on any windowsill or ledge or other place abutting on a public street, alley or other place at a height above 4 feet from the ground in such a manner that the article can be, or is, in danger of falling onto any such street, sidewalk, alley or other public place.

(Code 1979, § 55.28)

Sec. 70-156. Scaffolds or ladders on streets.

It shall be unlawful to erect or construct any scaffold or ladder upon any public street, alley or roadway unless the scaffold or ladder is securely anchored or firmly constructed and safeguarded so as to prevent harm or injury to any person or property.

(Code 1979, § 55.29)

Cross references: Streets, sidewalks and other public places, ch. 90.

Secs. 70-157--70-180. Reserved.

DIVISION 2. FIREARMS*

***State law references:** Deadly weapons, 720 ILCS 5/24-1 et seq.

Sec. 70-181. Sale and possession generally.

- (a) It shall be unlawful for any person to carry or possess or sell, loan or give to any person any blackjack, slingshot, metal knuckles, billy, bludgeon, or similar object.
- (b) It shall be unlawful for any person to carry or possess, with intent to use any of the objects in subsection (a) of this section, a weapon or instrument unlawfully against another. "Weapon" shall include but not be limited to a dagger, dirk, dangerous or switchblade knife, razor, stiletto or any other dangerous or deadly weapon or instrument of like character.

(Code 1979, § 55.021)

Sec. 70-182. Carrying concealed firearm.

No person shall carry concealed on or about their person a pistol, revolver or other firearm. This provision does not apply, however, to the following officers of their official duties: sheriffs, constables, police officers or other duly constituted peace officers and wardens, superintendents and keepers of jails and other institutions for the detention of persons accused or convicted of crime; or to the following employees or agents while in the discharge of the duties of their employment: watchmen, special agents and police officers employed by railroads or express companies; or to persons lawfully summoned by an officer to assist in making arrests or preserving the peace while so engaged in assisting such officer.

(Code 1979, § 55.022)

Sec. 70-183. Discharge of firearms.

It shall be unlawful for any person to fire or discharge any gun, pistol or other firearms, or any airgun or toy pistol on which percussion caps are used, within the corporate limits of the Village, unless within a licensed shooting gallery.

(Code 1979, § 55.023)

Sec. 70-184. Register of sales by firearms dealers.

- (a) All persons dealing at retail within the Village in one or more of the following firearms: (i) firearms of a size which may be concealed upon the person, (ii) shotguns, (iii) rifles, or (iv) firearms of any description not enumerated in this section, shall keep a register of all such firearms sold or given away by them.
- (b) The register shall contain the following:
 - (1) The date of purchase of the firearm.
 - (2) The name, address and age of the purchaser or donee.
 - (3) The occupation of the purchaser or donee.
 - (4) The kind, description and number of the firearm.
 - (5) The purpose for which the firearm was purchased or obtained.
 - (6) The price of the firearm.

(Code 1979, § 55.024)

Sec. 70-185. Permit for purchase of firearm.

It shall be unlawful for any person dealing in firearms without proper statutory licensing by the State and federal licensing, which may be amended from time to time, to sell, barter, loan or give away to any person within the Village any pistol, revolver, or other firearm of like character which can be concealed upon the person unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm from the Chief of Police, and it shall be the duty of the person dealing in firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person dealing in firearms shall, on demand, allow any police officer; Sheriff or Deputy Sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept. It shall be the duty of the Chief of Police to refuse such permits to all persons having been convicted of any crime, all minors, and all persons not in possession of a firearms owner's card issued by the State. In case the Chief of Police shall be satisfied that the applicant is of good moral character, it shall be the duty of the Chief of Police to grant such permit.

(Code 1979, § 55.025)

Sec. 70-186. Selling or furnishing firearms to person under 18 years of age.

- (a) It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the Village.
- (b) It shall be unlawful for any person to sell, loan or furnish to any person under the age of

18 years, within the corporate limits of the Village, any airgun, air rifle, air pistol, or slingshot, or any toy pistol that may be used with metal or paper caps.

(Code 1979, § 55.026)

Sec. 70-187. Sale of certain knives prohibited.

It shall be unlawful for any person to sell, offer for sale or possess for the purpose of selling any knife, the blade of which shall open or be exposed by any pushbutton, spring or mechanical device.

(Code 1979, § 55.027)

Secs. 70-188--70-210. Reserved.

DIVISION 3. FIREWORKS*

***Cross references:** Use or display of fireworks declared nuisance, § 42-35(d)(5); fire prevention and protection, ch. 50.

State law references: Fireworks Regulation Act of Illinois, 425 ILCS 30/1 et seq.; Fireworks Use Act, 425 ILCS 35/0.01 et seq.

Sec. 70-211. Definition.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the balloon, firecrackers, torpedoes, skyrockets, Roman candles, sparklers or other devices of like construction and any device containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include auto flares, paper caps containing not in excess of an average of 0.25 grain (16.2 mg) of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(Code 1979, § 55.031)

Cross references: Definitions generally, § 1-2.

Sec. 70-212. Selling or furnishing fireworks to persons under 18 years of age.

It shall be unlawful for any person to sell, keep, expose for sale, loan or give away to any person under the age of 18 years any toy pistol, toy gun, toy cannon, blank cartridge, or any fireworks or ammunition therefor, or any substance or articles of any explosive designed or intended to be used as fireworks.

(Code 1979, § 55.032)

Sec. 70-213. Unlawful possession or discharge; permit required.

It shall be unlawful for any person to be possessed of or to discharge anywhere in the Village any of the articles enumerated in Section 70-211. The Village Manager or designee may issue a permit for the discharge of fireworks or for pyrotechnical displays for wildlife control.

(Code 1979, § 55.033)

Sec. 70-214. Issuance of permit.

- (a) Application for permits for the discharge of fireworks or for pyrotechnical displays shall be made to the Village Manager or designee on forms prescribed and furnished by the Village Manager or designee. The Village Manager or designee may request additional information from the applicant.
- (b) The Village Manager or designee shall, upon receipt of such applicant's statement, refer the statement to the Chief of Police and the Fire Chief, each of whom shall have an inspection made of the premises at the location given in the application where it is proposed to give such public display of fireworks. If in the judgment of the Chief of Police and Fire Chief it would not be hazardous to surrounding property or dangerous to any person or persons to permit such public display of fireworks at such location, they shall approve such application and return the application to the Village Manager or designee, whereupon the Village Manager or designee shall issue a permit upon payment of a fee as set forth in Section 46-39. Any permit issued in accordance with this division shall designate the kinds and quantities of fireworks to be used, and no other kinds and no greater quantities of fireworks than therein specified shall be used.

(Code 1979, § 55.034)

Sec. 70-215. Exceptions.

Nothing in this division shall be construed to prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not prohibited by this division, or the sale of any

kind of fireworks provided the fireworks are to be shipped directly out of the State, or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletic or sports, or for use by military organizations.

(Code 1979, § 55.035)

Secs. 70-216--70-240. Reserved.

ARTICLE VI. OFFENSES AFFECTING PUBLIC DECENCY*

***State law references:** Offenses affecting public health, safety and decency, 720 ILCS 5/24-1 et seq.

DIVISION 1. GENERALLY

Sec. 70-241. Indecent exposure, dress or behavior.

It shall be unlawful for any person to appear in a public place in a state of nudity, or in an indecent or lewd manner of dress, to make any indecent exposure of their person, or to be guilty of any lewd or lascivious behavior.

(Code 1979, § 55.11)

State law references: Public indecency, 720 ILCS 5/11-9.

Sec. 70-242. Obscene material.

- (a) *Prohibited.* It shall be unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statue, drawing or other article which is obscene.
- (b) *Definition.* Material shall be deemed obscene for the purpose of this section when to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interests.
- (c) *Audience.* Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audience if it appears from the character of the material or the circumstance of its dissemination to be specially designed for or directed to such an audience.

- (d) *Presumption of knowledge.* Any person shall be presumed to have knowingly engaged in the exhibition, sale, printing, offering to sell, giving away, circulating, publishing, or distribution of material if, not less than 10 days prior to the service of a summons or arrest for violation of this section, the Village Manager or designee shall have notified such person in writing that certain named material in the person's possession or control is obscene, and that the person will be prosecuted if the such person persists in such activity, and such person thereafter persists in such activity. Such notification shall, however, not be a condition precedent for prosecution under the terms of this section.

(Code 1979, § 55.12)

State law references: Obscenity, 720 ILCS 5/11-20; child pornography, 720 ILCS 5/11-20.1.

Sec. 70-243. Indecent or lewd acts, language or gestures.

It shall be unlawful for any person to commit any indecent, lewd or filthy act in any place in the Village, or to utter any lewd or filthy words, or use any threatening language toward any other person tending to a breach of the peace, or to make any obscene gesture to or about any other person publicly.

(Code 1979, § 55.13)

Sec. 70-244. Indecent or lewd writing in public places.

It shall be unlawful for any person in any public place, or place open to public view, within the Village, to write or draw, cut, make or exhibit any lewd or indecent word, sentence, design or figure.

(Code 1979, § 55.14)

Cross references: Streets, sidewalks and other public places, ch. 90.

State law references: Removal of graffiti from private property, 65 ILCS 5/11-20-13.

Secs. 70-245--70-270. Reserved.

DIVISION 2. GAMBLING*

***Cross references:** Amusement machines used as gambling devices prohibited, § 14-63; gambling prohibited at carnivals, circuses, fairs and other amusements, § 14-273.

State law references: Gambling and related offenses, 720 ILCS 5/28-1 et seq.

Sec. 70-271. Maintaining gambling house.

No person or persons shall set up, keep or maintain, or permit to be set up, kept or maintained, in any house or structure within the corporate limits of the Village occupied or controlled by them, any instrument, device or thing for the purpose of gambling, or with which money, property or anything representing money or property, or anything of value, shall in any manner be played for.

(Code 1979, § 55.321)

Sec. 70-272. Gambling devices.

- (a) *Prohibited.* No person shall bring into the Village or have in such person's possession in the Village, for the purpose of gambling, any table, thing or device of any kind or nature, whereon or with which money or any other thing of value may be in any manner be played for.
- (b) *Seizure and destruction.* It is hereby made the duty of the Village Manager or designee and every member of the Police Department to seize any table, instrument, device or thing used for the purpose of gambling, and all such tables, instruments, devices or things shall be destroyed upon order of the Circuit Court of Cook County.

(Code 1979, § 55.322)

Sec. 70-273. Dealing or engaging in games of chance.

No person shall deal, play or engage in any device or game of chance or hazard, either as a banker, dealer or otherwise, nor shall any person bet on any game others may be playing for the purpose of gambling.

(Code 1979, § 55.323)

Sec. 70-274. Betting prohibited.

All betting, wagering, speculating, pool selling or book making upon any race or contest or the result thereof, and all gambling and every game of chance of any nature, in any building or elsewhere within the Village is hereby prohibited.

(Code 1979, § 55.324)

Sec. 70-275. Frequenting gambling place; doorkeepers, agents and runners.

No person shall be a frequenter, visitor, inmate, doorkeeper, solicitor, runner, or agent for any house, hall, room or any other place where any instrument, device or thing for gambling is kept therein or with which money or property or anything representing money or property shall

be played for.

(Code 1979, § 55.325)

Sec. 70-276. Advertisement of gambling place.

No person shall insert or cause to be inserted, or print or publish or cause to be printed or published, in any newspaper or other publication, circular or notice printed, published or circulated in the Village, any notice, advertisement or mention giving or purporting to give information of where or with whom bets or wagers may be made or placed.

(Code 1979, § 55.326)

Cross references: Advertising, ch. 6.

Sec. 70-277. Gambling places declared nuisance.

Every house, room, yard, boat, vessel or other structure or premises kept or used for the purpose of permitting persons to gamble for any valuable thing within the Village is hereby declared to be a common nuisance.

(Code 1979, § 55.327)

Cross references: Public nuisances, § 42-31 et seq.

Sec. 70-278. Conditions of entertainment licenses.

All licenses for entertainments, where a license is required, shall contain a proviso that no gambling, raffle, lottery or chance, gift, distribution of money or articles of value shall be connected therewith or be allowed by the person obtaining such license or in any way permitted or held out as an inducement of patrons.

(Code 1979, § 55.328)

Secs. 70-279--70-300. Reserved.

ARTICLE VII. OFFENSES AFFECTING MINORS*

***State law references:** Contributing to the delinquency of a juvenile, 720 ILCS 5/330.

Sec. 70-301. Cruelty to children.

No person shall be guilty of cruelty to any child in any of the following ways:

- (1) By cruelly beating, overworking, mutilating or injuring any child.
- (2) By unnecessarily failing to provide any child in such person's charge or custody with proper care and sustenance.
- (3) By abandoning any child.

(Code 1979, § 55.07)

State law references: Abused and Neglected Child Reporting Act, 325 ILCS 5/1 et seq.; minors requiring authoritative intervention, 705 ILCS 405/3-1 et seq.

Sec. 70-302. Curfew.

- (a) *Established.* 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 unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 21 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than 17 years of age to perform: (i) between 12:01 a.m. and 6:00 a.m. Saturday and Sunday, and (ii) between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day, except on the evening preceding legal holidays as established under 205 ILCS 630/17, when the time shall be between 12:01 a.m. and 6:00 a.m. of the holiday.
- (b) *Responsibility of parent or guardian.* It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in such person's custody or control to violate this section.
- (c) *Notice of violation.* Any police officer finding a child violating the provisions of this section shall warn the child to desist immediately from such violation and shall promptly report the violation to the police officer's superior officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such child, setting forth the manner in which this section has been violated. Any parent, guardian, or person in charge of such child who shall knowingly permit such child again to violate the provisions of this section after receiving notice of the first violation shall be fined an amount not to exceed the maximum penalty provided in Section 1-6.
- (d) *Penalty.* Any person who violates subsection (a) or (b) of this section shall be subject to the penalties provided in Section 1-6 in addition to any other penalty specifically provided for.

(Code 1979, § 55.33)

State law references: Child Curfew Act, 720 ILCS 555/0.01 et seq.