

CHAPTER 30

OFFENSES

30-1-1 UNLAWFUL ASSEMBLY. Two (2) or more persons shall not in the City assemble together with an intent, or being assembled, shall not mutually agree to do any unlawful act with force or violence against the peace, or to the terror of others or make any movement or preparation therefor. **(Sec. 61.01)**

30-1-2 DISORDERLY CONDUCT. A person commits disorderly conduct when he knowingly:

(A) **Harassment by Telephone.** Harassment by telephone is use of a telephone communication for any of the following purposes:

- (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or
- (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or
- (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
- (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
- (5) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(Ord. No. 3454; 09-19-77)

(B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

(C) Transmits in any manner to the Fire Department a false alarm of fire, knowing at the same time of such transmission that there is no reasonable ground for believing that such fire exists; or

(D) Transmits in any manner to any police officer, public officer, or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(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; or

(F) Does any act which will disturb the public peace and quiet or is likely to provoke a breach of the peace; or

(G) Refuses to comply with the reasonable and proper orders of a police officer in the discharge of his duties; or

- (H) Uses unseemly, profane, obscene or offensive language in a public place; or
- (I) Assaults, strikes or fights with another with or without his consent; or
- (J) Causes or makes any unnecessary loud noise; or
- (K) Permits conduct as defined in (A), (F), (G), (H), (I) or (J) in or upon premises in this City owned or possessed by him or under his management or control. **(2892) (Sec. 61.02)**

30-1-3 ABUSING A POLICE OFFICER. No person shall, in the City, by violent, tumultuous or obstreperous conduct or carriage, or by loud and unusual noises, disturb any police officer in the discharge of his duties and no person shall use unseemly, profane, obscene or offensive language in the presence of a police officer; nor shall any person assault, strike or fight with any police officer in the discharge of his duties or permit such conduct in or upon any house or premises in this City, owned or possessed by him or under his management and control. **(Sec. 61.025)**

30-1-4 DISTURBING RELIGIOUS ASSEMBLIES. No person shall, in this City, disturb or disquiet any congregation or assembly met for religious worship, by making any noise, or by rude and indecent behavior, or by profane or obscene discourse, or in any other manner, within or near their place of worship. **(Sec. 61.03)**

30-1-5 DISTURBING MEETING. No person shall, in the City, disturb any school or any other lawful assembly of people, or any funeral assembly or procession, by rude or indecent behavior, or otherwise. **(Sec. 61.04)**

30-1-6 DRUNKENNESS. No person shall, in the City, be found in a state of intoxication, or drunk, in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this City, or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof, by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. **(Sec. 61.05)**

30-1-7 DISTURBANCE ON SUNDAY. No person shall disturb the good order of society or the peace of any private family, or of any congregation within the City, by any noise or amusement, or by any vulgar or profane language, or by any disorderly or immoral conduct whatever, on Sunday. **(Sec. 61.06)**

30-1-8 NOTIFICATION OF HOMELESS SHELTER AVAILABILITY.

(A) It shall be unlawful for any person to camp, sleep in or occupy camp facilities or use camp paraphernalia in any public place. A public place shall mean a place to which the public or a substantial group of persons has access and includes, but is not limited to, any street, highway, sidewalk, parking lot, plaza, transportation facility, school, place of amusement, park, playground and any doorway, entrance, hallway, lobby, and other portion of any business establishment and apartment house or hotel not constituting a room or apartment designated for actual residence.

Provided, however, that no person shall be in violation of this Section unless:

- (1) The person is informed of the whereabouts of homeless shelters in the City;
- (2) Such shelter is actually available to such person; and
- (3) Such person willingly refuses to stay in such shelter.

(B) **Restrictions on Panhandling.**

(1) As used herein, panhandling means any solicitation made in person upon any street, public place, or park in the City in which a person requests an immediate donation of money or other gratuity from another person and includes, but is not limited to, seeking donations:

- (a) By vocal appeal or for music, singing or other street performance; and
- (b) Where the person being solicited receives an item of little or no monetary value in exchange for a donation under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

- (2) It shall be unlawful to engage in an act of panhandling on any day after sunset or before sunrise.
- (3) It shall be unlawful to engage in an act of panhandling at any City approved sanctioned or sponsored festival, parade, fair, concert, dance, memorial service, open air market activity, or any other event open to the public during the hours of operation.
- (4) It shall be unlawful to engage in an act of panhandling inside any commercial establishment, business, retail establishment, restaurant, public school, daycare center, hospital, medical building, health clinic, dental office, library, public housing complex or facility, public/private parking lots, senior activities center, or senior living center without the expressed consent of the owner, manager or other individual having authority to authorize entry.

- (5) It shall be unlawful to engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations: at a bus stop, in a public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk **café**; or within **twenty (20) feet** in any direction from an automatic teller machine or entrance to a bank, savings and loan association, or credit union.
- (6) It shall be unlawful to block any public street or sidewalk or impede the flow of vehicular or pedestrian traffic while engaged in an act of panhandling.
- (7) It shall be unlawful to engage in an act of panhandling in an aggressive manner including any of the following actions:
 - (a) Touching the solicited person without the solicited person's consent;
 - (b) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
 - (c) Blocking the path of a person being solicited or the entrance to any building or vehicle;
 - (d) Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;
 - (e) Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled; or
 - (f) Panhandling in a group of **two (2)** or more persons.
- (8) Each act of panhandling prohibited herein shall constitute a public nuisance and each act shall be a separate violation.

(C) Violations of this Section shall be punishable by a fine of not less than **Seventy-Five Dollars (\$75.00)** and not more than **Two Hundred Fifty Dollars (\$250.00)** for each violation. **(Ord. No. 7302; 08-17-09)**

30-1-9 CONCEALED WEAPONS. No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal. **(Sec. 61.08)**

30-1-10 PLAYING BALL. No person shall, on any street or other public place in the City, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks. **(Sec. 61.09)**

30-1-11 DISCHARGE OF FIREARMS. No person shall, within the City, fire or discharge any firearms or air gun without written permission from the Mayor first obtained, which permission shall prescribe the limits within which such firing may be done, and may be revoked at any time after it has been granted. **(Sec. 61.10)**

30-1-12 BLASTING ROCK. No person shall, by himself or his agent, or employee, fire off any blast, unless the blast is properly guarded so as to prevent accident to person or property, or open any stone quarry within the City, without permission of the City Council. **(Sec. 61.11)**

30-1-13 NITROGLYCERINE. No person shall have, keep, possess or store, at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them. **(Sec. 61.12)**

30-1-14 GUNPOWDER. No person shall keep, possess or store any gun or blasting powder, or any gun or explosive cotton, at or in any one place in the City in any quantity exceeding **five (5) pounds**, except a dealer thereof or quarryman of rock, or miner, who may keep **twenty-five (25) pounds** at any one time. **(Sec. 61.13)**

30-1-15 FIREWORKS.
(A) Fireworks Defined. The term "fireworks" shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing an audible effect by the explosion, deflagration or deterioration, or for the purpose of producing visual effects, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or device containing any explosive substance, or compound, or containing any explosive substance, or compound, or containing combustible substances producing visual effects; provided, however, that the term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing **twenty-five hundredths (0.25) 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 caps which contain less than **twenty hundredths (0.20) grains** of explosive mixture, the sale and use of which shall be permitted at all times.

(B) **Fireworks Unlawful.** It shall be unlawful for any person to possess, use, display, ignite, sell or offer for sale any fireworks, firecrackers, torpedoes, Roman candles, sky rockets, or other pyrotechnics within the City.

(C) **Exception.** Public exhibitions or displays of fireworks or pyrotechnics shall be permitted when such display or exhibition is under expert supervision; provided, however, that no public exhibition or display of pyrotechnics shall be had without first obtaining the approval of the Fire Chief of the place of exhibition; and in no event, shall said place of exhibition be within **two hundred (200) feet** of any building, structure, street or alley; said approval must be obtained from the Fire Chief **twenty (20) days** before the exhibition. (Ord. No. 3493; 05-02-78) (Sec. 61.14)

30-1-16 **BURNING.**

(A) **Open Burning.** No person shall cause or allow open burning, except leaves and household yard waste in small amounts between **October 1st** to **December 15th**. Burning is only allowed on Wednesdays and Saturdays between the hours of **10:00 A.M.** and **4:00 P.M.** All fires are to be extinguished by **4:00 P.M.** Effective **December 16, 2011** the burning of leaves and small household yard wastes is hereby prohibited. No person shall leave any fire unattended. In addition, the burning of leaves is banned on all public streets and alleys. Anyone found in violation of this Section will be fined a minimum of **Two Hundred Fifty Dollars (\$250.00)** up to **Five Hundred Dollars (\$500.00)** per occurrence. (Ord. No. 7417; 07-19-10)

(B) **Recreational Fires.** Section (A) shall not apply to recreational fires that conform to the following guidelines:

- (1) recreational burning shall be allowed only by use of gas or wood stoves, gas or wood fire places, fire rings and other type of apparatuses constructed or manufactured for the purpose of recreational burning; however, these devices are only permitted to be fueled by dry seasoned firewood, charcoal or commercial fire logs. When using outdoor fireplaces you must follow the manufacturer's recommendations;
- (2) a permit is not required for recreational burning;
- (3) recreational fires must be extinguished by **1:00 A.M.**;
- (4) if a Police or Fire official is required to investigate a fire, they will determine if it is a recreational fire and that all rules and regulations are being followed. They will have the authority to have the fire extinguished, spectators dispersed and citations issued.

- (5) Bar B Que pits or grills do not fall under these regulations, as long as they are being used for its intended cooking purposes with approved fuels in accordance with the manufacturer's instructions.

(C) **Residential Bonfires.** Section (A) shall not apply to residential bonfires that have obtained a permit from the Fire Chief's office. A residential bonfire shall conform to the following guidelines:

- (1) residential bonfires shall be placed on the ground and all requirements per the bonfire permit are to be followed;
- (2) the residential bonfire permit must be on location and in possession of the applicant until the fire has been thoroughly extinguished;
- (3) the fire location must be at least **fifty (50) feet** from the closest structure;
- (4) the fire must be attended by an adult at all times with fire extinguishing equipment available for immediate use;
- (5) the **maximum** size of a residential bonfire shall be **four (4) feet** wide by **four (4) feet** long by **four (4) feet** high;
- (6) only seasoned dry wood will be permitted for burning;
- (7) sustained winds shall not exceed **ten (10) miles** per hour;
- (8) residential bonfires will be out by **11:00 P.M.** and will be completely extinguished;
- (9) if a Police or Fire official is required to investigate a fire, they will determine if all rules and regulations are being followed. They will have the authority to have the fire extinguished, spectators dispersed and citations issued;
- (10) residential bonfire permits must be obtained from the Fire Chief's Office and a fee of **Ten Dollars (\$10.00)** is required.

(D) **Special Event Bonfires.** Section (A) shall not apply to special event bonfires that have obtained a permit from the Fire Chief's office. A special event bonfire shall conform to the following guidelines:

- (1) special event bonfires shall be placed on the ground and all requirements per the special event bonfire permit are to be followed;
- (2) the special event bonfire permit must be on location and in possession of the applicant until the fire has been thoroughly extinguished;
- (3) the fire location must be at least **two hundred (200) feet** from the closest structure;
- (4) the fire must be attended by **two (2)** Belleville Firefighter Personnel, **one (1)** Belleville Fire Department apparatus and adult members at all times with fire extinguishing equipment available for immediate use;

- (5) the **maximum** size of a special event bonfire shall be **ten (10) feet** wide by **ten (10) feet** long by **ten (10) feet** high;
- (6) only seasoned dry wood will be permitted for burning;
- (7) sustained winds shall not exceed **ten (10) miles** per hour;
- (8) bonfires will be out by **11:00 P.M.** and will be completely extinguished;
- (9) if a Police or Fire official is required to investigate a fire, they will determine if it is a recreational fire and that all rules and regulations are being followed. They will have the authority to have the fire extinguished, spectators dispersed and citations issued;
- (10) permits must be obtained from the Fire Chief's Office and a fee of **Two Hundred Dollars (\$200.00)** is required.

(Ord. No. 7409; 07-06-10)

30-1-17 **ABANDONED REFRIGERATORS.** No person shall, within the City, leave or permit to remain outside of any dwelling or other building, or within any unoccupied or abandoned dwelling or other structure under his control, or in any place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid which cannot be opened easily by pushing from the inside. **(2201) (Sec. 61.16)**

30-1-18 STORING COMBUSTIBLE MATERIALS. No person shall, within the City, stack or cause to be stacked any hay, straw, corn fodder, or other combustible material, (wood or coal excepted), nor keep the same within sheds, stables, barns or other buildings, not complete closed in, within **fifty (50) feet** of any building where fire may be kept. **(Sec. 61.17)**

30-1-19 WATER METER LOCATION. Any person or corporation in the City maintaining water meters in the streets, sidewalks, alleys, or public places of the City shall place such water meters in a position level with the surface of the street, sidewalk, alley or public place. Water meters placed or maintained in any other position or condition than prescribed in this Section shall be deemed a nuisance and as such, abated in a manner provided by this Code. **(Sec. 61.18)**

30-1-20 BREAKING WINDOWS, SIGNS. No person shall, in the City, willfully break any window in any house of another, or cut, break or otherwise injure any lamppost, awning post, sign, ornamental or shade tree, railing, fence or other enclosure or any property belonging to the City. **(Sec. 61.19)**

30-1-21 THROWING STONES. No person shall, in the City, throw or cast any stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place. **(Sec. 61.20)**

30-1-22 STEALING FROM ORCHARDS. No person shall rob any orchard, garden, yard or other premises in the City of any fruit, flowers, shrubbery or other thing.

30-1-23 IMPERSONATING OFFICER. No person in the City shall falsely represent himself to be an officer of the City, or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any person in his custody, or impersonate any of the members of the Police Force of this City, or maliciously or with the intention of deceiving any person, wear the uniform of, or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department. **(Sec. 61.22)**

30-1-24 **REFUSING TO JOIN POSSE.** No male person in the City, above the age of **eighteen (18) years**, shall refuse to join the posse of the Chief of Police, or any other officer or person constituted by law a peace officer or conservator of the peace of the City, to assist in arresting any person against whom there may have been issued any civil or criminal process for the arrest of such person, or to assist in arresting any person who may have escaped after having been arrested; or neglect or refuse to aid and assist in preventing any breach of the peace, or the commission of any criminal offense, or in preventing or suppressing any riot, rout, affray, or disturbance of the peace, after having been lawfully requested by such peace officer or conservator of the peace to join in such posse, or to assist in any such arrest, or in preventing or suppressing any such riot, rout, affray or disturbance of the peace. **(Sec. 61.23)**

30-1-25 **INJURY TO POLICE OR FIRE ALARM SYSTEM.** No person shall deface, destroy, or in any way injure any of the boxes, poles, wires, or any other apparatus of the combined police and fire alarm telephone system in the City. **(Sec. 61.24)**

30-1-26 **FALSE ALARM.** No person shall, in the City, willfully make or give any false police or fire alarm, or willfully and falsely call, send for, or cause to be called or sent for, any police officer or fire equipment. **(Sec. 61.25)**

30-1-27 **HOTEL REGISTERS.** Hotel, motel, and boardinghouse keepers shall keep a register, and shall require all persons temporarily stopping at such hotel, motel, or boardinghouse to register their names and places of residence. Such register shall be at all times open to the inspection of any City officer. **(Sec. 61.26) (Ord. No. 6604; 12-15-03)**

30-1-28 **(Repealed by Ord. No. 6457; 08-19-02)**

30-1-29 **INDECENT EXPOSURE OF PERSON.** No person shall, in the City, appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any indecent or lewd act, or behavior. **(Sec. 61.28)**

30-1-30 **OBSCENE LITERATURE.** No person shall exhibit, sell or offer to sell, any indecent or lewd book, print, picture or other thing, or shall exhibit or perform any indecent, immoral or lewd play, or other representation. **(Sec. 61.29)**

30-1-31 BAWDY HOUSES. No person shall, in the City, or within the jurisdiction of the City, keep any bawdy house, house of ill fame or of assignation, or be an inmate of, or in any way connected with, or contribute to the support of any disorderly house or place, for the practice of fornication or adultery, or shall in any manner, or by any means, induce or try to induce any person to become an inmate of, or attend or frequent any bawdy house, house of ill fame or of assignation, or to be in any way connected with any such house, or any house for the practice of fornication or adultery, or permit any tenement or premises in his possession or under his control to be used for any of the purposes mentioned in this Section. **(Sec. 61.30)**

30-1-32 GAMBLING PROHIBITED. No person shall, in the City, set up any gaming table or gambling device, at which any game of chance shall be played for money, or property, or anything of value, or anything representing money or property, or anything of value; or at any such table or device, or at any game of chance, bet, win or lose any money, or property, or anything of value, either in specie, or in anything representing the same; or suffer any such table or device, at which any game of chance is played, to be set up or used in any tenement, or on any premises in his possession or under his control; or let any tenement or premises owned by him or under his control to any person to be used for any purpose of gaming or gambling therein or thereon; or being a landlord permit any tenant to employee, or use any premises or tenement leased by such landlord to such tenant, for any purpose of gaming or gambling. This shall not apply to charitable games licensed under **230 ILCS 30/1 et seq.** or to video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act, **230 ILCS 40/1 et seq.** **(Ord. No. 7649; 11-19-12) (Sec. 61.31)**

30-1-33 CURFEW ESTABLISHED. The City of Belleville’s curfew ordinance is applicable to children under **seventeen (17)**. The City’s objectives are to reduce and protect juveniles from violence, gang activity, and crime. To further strengthen parental responsibility for children without unduly infringing upon the constitutional rights of parents to direct their children’s upbringing.

(A) **Definitions.**

- (1) **Curfew Hours** for person(s) less than **fifteen (15)** means:
 - (a) Between 10:00 P.M. Friday and 6:00 A.M. Saturday;
 - (b) Between 10:00 P.M. Saturday and 6:00 A.M. Sunday;
 - (c) Between 9:00 P.M. on Sunday through Thursday, inclusive and 6:00 A.M. on the following day.
- (2) **Curfew Hours** for person(s) less than **seventeen (17)** means:
 - (a) Between 11:00 P.M. Friday and 6:00 A.M. Saturday;
 - (b) Between 11:00 P.M. Saturday and 6:00 A.M. Sunday;
 - (c) Between 10:00 P.M. on Sunday through Thursday, inclusive and 6:00 A.M. on the following day.
- (3) **Abutting** means adjoining, be next to or share a common boundary.
- (4) **Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

- (5) **Establishment** means any privately-owned place of business operated for a profit to which the public is invited including but, not limited to, any place of amusement or entertainment.
- (6) **Guardian** means a person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by a court.
- (7) **Knowingly** means deliberately, purposely, consciously, intentionally, on purpose, willfully, or wittingly; any person possessing full knowledge and deliberation.
- (8) **Minor** means any person less than **seventeen (17) years** of age.
- (9) **Parent** means a person who is a natural parent, adoptive parent, or step-parent of another person; or at least **eighteen (18) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (10) **Public Place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (11) **Remain** means to: linger or stay; or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (12) **Serious Bodily Injury** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B)

Offenses.

- (1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.
- (2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.
- (3) The penalty for a violation of this Section is **Two Hundred Fifty Dollars (\$250.00)**. The penalty for any subsequent violation of this Section is **Five Hundred Dollars (\$500.00)**.

(C)

that the minor was:

Defenses. It is a defense to prosecution under **Section 30-1-33(B)**

- (1) Accompanied by the minor's parent or guardian or other person in custody or control of the minor.
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop.
- (3) In a motor vehicle involved in interstate travel.
- (4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop.
- (5) Involved in an emergency.

- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence.
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home, without any detour or stop, from an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor.
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.
- (9) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(D) **Enforcement.** Before taking any enforcement action under this Chapter, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Chapter unless the officer reasonably believes that an offense of **Section 30-1-33(B)** has occurred and that, based on any response and other circumstances, no defense in **Section 30-1-33(C)** is present.

(E) **Enforcement Alternatives.** If an officer reasonably believes a curfew violation has occurred, the officer may take the following actions:

- (1) Issue a "Written Warning" notice; send or take the minor home
- (2) Complete a Field Interview Report (FIR); send or take the minor home
- (3) Send the minor home depending on the following factors; age, time, location from residence; is the minor under the influence of alcohol or drugs or recidivism rate (previous curfew violations, or criminal history)
- (4) Issue the minor a "Non-Traffic" citation
- (5) Take the minor into custody
- (6) Issue a "Written Warning" notice, or "Non-Traffic" citation to the minor's parent(s) or legal guardian under **Section 30-1-33(B)(2)**

(Ord. No. 7505; 07-05-11)

30-1-34 LITTERING. It shall be unlawful for any person, firm or corporation to cast, throw, deposit or leave any trash, waste, article, glass, weeds, garbage or refuse material of any kind in or upon any alley, street, sidewalk, or in any public place within the City. Nor shall any person, firm or corporation cast, throw, deposit or leave any of the aforementioned articles anywhere within the City in such manner that they may be carried or deposited in whole or in part by the action of the wind, in any of the aforementioned places. Any person in violation of this Section shall be fined a minimum of **Two Hundred Fifty Dollars (\$250.00)** and a maximum fine not to exceed **Five Hundred Dollars (\$500.00)**. (Ord. No. 7100; 04-08-08) (Sec. 61.33)

30-1-35 THEFT. A person commits theft when he knowingly:

(A) Obtains or exerts unauthorized control over property of the owner, having a value of not exceeding **One Hundred Fifty Dollars (\$150.00)**; or

(B) Obtains by deception control over property of the owner, having a value of not exceeding **One Hundred Fifty Dollars (\$150.00)**; or

(C) Obtains by threat control over property of the owner, having a value of not exceeding **One Hundred Fifty Dollars (\$150.00)**; or

(D) Obtains control over stolen property having a value of not exceeding **One Hundred Dollars (\$150.00)**, knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(1) Intends to deprive the owner permanently of the use or benefit of the property; or

(2) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

(3) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) Any person violating the provisions of **Section 30-1-35** shall, upon conviction thereof, be subject to a fine of not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)**. (Ord. No. 2846) (Sec. 61.34)

30-1-36 OBSCENE LITERATURE.

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

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

(C) **Affirmative Defense.** It shall be an affirmative defense to obscenity that the dissemination:

- (1) was not for gain, and was made to personal associates other than children under **eighteen (18) years** of age;
- (2) was to institutions or individuals having scientific or other special justification for possession of such material. **(Ord. No. 3209; 03-18-74) (See 30-3-30) (Sec. 61.36)**

30-1-37 TRAPPING ANIMALS. It shall be unlawful for anyone to trap game or fur-bearing animals in the City of Belleville, Illinois, with any kind of trap other than a cage or live trap. Provided, however, it shall not be unlawful for anyone to place a waterset trap. A waterset trap is a trap permitted by the Wild Life Code of Illinois, if it is placed under the surface of water such as a stream or pond. **(Ord. No. 3689; 02-18-80) (Sec. 61.40)**

30-1-38 DRUG PARAPHERNALIA PROHIBITED.

(A) **Definitions.**

- (1) The term **"Drug Paraphernalia"** means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this Act (meaning the Controlled Substances Act of this State). It includes, but is not limited to:
 - (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

- (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (h) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, hashish heads, or punctured metal bowls;
 - (ii) Water pipes;
 - (iii) Carburetion tubes and devices;
 - (iv) Smoking and carburetion masks;
 - (v) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (vi) Miniature cocaine spoons, and cocaine vials;
 - (vii) Chamber pipes;
 - (viii) Carburetor pipes;

- (ix) Electric pipes;
 - (x) Air-driven pipes;
 - (xi) Chilams;
 - (xii) Bongos;
 - (xiii) Ice pipes or chillers;
- (2) In determining whether an object is Drug Paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- (a) Statements by an owner or by anyone in control of the object concerning its use;
 - (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
 - (c) The proximity of the object, in time and space, to a direct violation of this Act;
 - (d) The proximity of the object to controlled substances;
 - (e) The existence of any residue of controlled substances on the object;
 - (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Act shall not prevent a finding that the object is intended for use, or designed for use as Drug Paraphernalia;
 - (g) Instructions, oral or written, provided with the object concerning its use;
 - (h) Descriptive materials accompanying the object which explain or depict its use;
 - (i) National and local advertising concerning its use;
 - (j) The manner in which the object is displayed for sale;
 - (k) Whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - (l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - (m) The existence and scope of legitimate uses for the object in the community;
 - (n) Expert testimony concerning its use.

(B) **Offenses and Penalties.**

- (1) **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or to possess, with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest,

manufacture, compound, convert, product, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Act. Any person who violates this Section is guilty of a crime and upon conviction may be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(2) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Act. Any person who violates this Section is guilty of a crime and upon conviction may be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(3) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or over who violates Section (A), by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least **three (3) years** his junior is guilty of a special offense and upon conviction may be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(4) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this Section is guilty of a crime and upon conviction may be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(C) **Forfeiture of Property.**

(1) All articles defined in Section (A) shall be subject to forfeiture.

(2) Property subject to forfeiture under this Chapter may be seized by any Peace Officer upon process issued by any court having jurisdiction over the property. Seizure by any Police Officer without process may be made:

(a) If the property subject to seizure has been the subject of a prior judgment in favor of the City in an ordinance violation proceeding.

- (b) If there is probable cause to believe that the property is directly or indirectly dangerous to health or safety.
- (3) In the event of seizure pursuant to Subsection (2), proceedings under Subsection (4) shall be instituted promptly.
- (4) Property taken or detained under this Chapter shall not be subject to replevin, but is deemed to be in the custody of the Chief of Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings. When property is seized under this Chapter, the Chief of Police may:
 - (a) Place the property under seal; or
 - (b) Remove the property to a place designated by him; or
 - (c) Take custody of the property and remove it to an appropriate location for destruction.

(Ord. No. 3759; 12-29-82) (Sec. 61.41)

30-1-39 LOITERING AND DRUG ACTIVITY PROHIBITED.

(A) No person shall loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of **720 ILCS Sec. 570/100 et seq. (Ord. No. 5948; 01-19-99)**

(B) Among the circumstances which may be considered in determining whether such purpose is manifested are:

- (1) Such person is a known unlawful drug user, possessor, or seller. For purposes of this Chapter, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this State of any violation involving the use, possession, or sale of any controlled substance as defined in **410 ILCS Sec. 615/1 et seq. (1994)**, or such person has been convicted of any violation of any of the provisions of said Chapter or substantially similar laws of any political subdivision of this State or of any other State; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks", burned or calloused thumb or index fingers, underweight, nervous and excited behavior.
- (2) Such person is currently subject to a court order prohibiting his presence in a high drug activity geographic area.
- (3) Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including, by way of example only, such person acting as a "lookout" or hailing or stopping cars.

- (4) Such person is physically identified by the officer as a member of a "gang" or association which has its purpose of illegal drug activity.
- (5) Such person transfer small objects or packages in a furtive fashion.
- (6) Such person takes flight or manifestly endeavors to conceal himself upon the appearance of a police officer.
- (7) Such person manifestly endeavors to conceal any object which reasonably could be involved in an unlawful drug-related activity.
- (8) Such person possesses any instrument, article or thing whose customary or primary purpose is for the sale, administration or use of controlled substances such as, but not limited to crack pipes, push wires, chore boys, hand scales, hypodermic needles, razor blades or other cutting tools.
- (9) The area involved is by public repute known to be an area of unlawful drug use and trafficking.
- (10) The premises involved are known to the defendant to have been reported to law enforcement as a place of drug activity pursuant to **410 ILCS Sec. 615/1 et seq. (1994)**.
- (11) Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(C) **Occupying Drug Premises.** No person shall occupy, loiter or remain in any building, apartment, store, automobile, boat, boat-house, airplane or other place of any description whatsoever where controlled substance, hypodermic syringes, needles, or other instruments or implements are sold, dispensed, furnished, given away, stored or kept illegally, with the intent to unlawfully use or possess such substance, implements or instruments. **(Ord. No. 5452; 08-25-95)**

30-1-40 **GRAFFITI.**

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

Graffiti means and includes any unauthorized inscription, word, figure, or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

(B) **Declaration of Nuisance.** The existence of graffiti on buildings, or on structures, including, but not limited to, fences or walls, located upon any property in the City is declared a nuisance.

(C) **Notice to Abate.** Any inspector of the City of Belleville, upon observing any nuisance under this Article, shall issue a notice directed to the owner of record of the property on which the nuisance occurs. The notice shall describe the nuisance and shall establish a reasonable time limit for the abatement thereof by such owner, which time shall be not less than **five (5) days** nor more than **fourteen (14) days** after service of such notice. The notice shall also specify clearly that graffiti established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or structure, and that graffiti established on any unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.

(D) **Complaints by Citizens, Inspection, Issuance of Notice.** Any citizen of the City who observes a nuisance under this Article may file a complaint with the City of Belleville. Such complaints shall be investigated, and, if a nuisance exists, notice as provided in this Article shall be issued.

(E) **Service, Return of Notice, Certified Mail.** The inspector issuing the notice to abate a nuisance under this Article or his designee shall, by personal service or certified mail, serve the notice upon the owner of the property where such nuisance exists, and shall make his return upon a copy of such notice showing the date of service and the person upon whom it was served.

(F) **Investigation to Determine Compliance with Notice.** Immediately upon the termination of the time allowed in any notice of the abatement of the nuisance under this Article, the inspector shall investigate to determine whether or not the nuisance has been abated.

(G) **Failure to Comply with Notice.** In the event the owner of the property where such nuisance exists has failed within the prescribed time to abate such nuisance, then the director of the division of inspection and permits shall have the authority to make arrangements for the removal of the graffiti through any available public agency or by contract with any applicable private entity. The cost of such removal shall be billed to the City and shall be a lien upon the affected property if not paid within **sixty (60) days** after billing thereof. **(Ord. No. 5590; 06-17-96)**

30-1-41 MANHOLE SAFETY REGULATION.

(A) **Rule Imposed.** Any person who enters a manhole for any reason must have the applicable safety equipment as required pursuant to the U.S. Department of Labor, Occupational Safety and Health Administration, OSHA 3138, concerning rules and regulations regarding Permit - Required Confined Space Entry.

(B) **Penalty.** Any person found to be in violation of said ordinance by entering a manhole without the applicable safety equipment shall be fined up to **Five Hundred Dollars (\$500.00)**.

(C) **Permit.** Any person other than a City employee or third party agent of the City who enters a manhole is required to obtain a permit, at a cost of **Fifty Dollars (\$50.00)**, and show proof of confined space entry training and insurance. **(Ord. No. 5470; 10-16-95)**

30-1-42 CIVIL EMERGENCIES.

(A) **Definitions.** A civil emergency is hereby defined to be:

- (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or
- (2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Belleville, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City of Belleville, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

(B) Whenever any emergency as defined in Subsection (A) exists, the Mayor shall declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

(C) After the proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interests of the public safety and welfare.

(D) After the proclamation of a civil emergency the Mayor of the City of Belleville may also in the interest of the public safety and welfare make any or all of the following orders:

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

(E) The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to re proclaim the

existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time said civil emergency exists.

(F) Upon issuing the proclamation herein authorized, the Chief of Police shall notify the news media situated within the City of Belleville and shall cause three (3) copies of the proclamation declaring the existence of an emergency be posted at the following places within the City of Belleville: the City Hall, the Police Station, and the Post Office.

(G) Any person violating the provision of this Section or executive order issued pursuant thereto shall be guilty of an offense against the City of Belleville, and shall be punishable by a fine of not to exceed **Five Hundred Dollars (\$500.00)**.

(H) If any part, article, section or subdivision of this Section shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Section which shall continue in full force and effect notwithstanding such holding.

(I) That nothing contained in this Section shall be construed to impair the powers contained in the Municipal Code of the City of Belleville, Illinois giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the City of Belleville. **(Ord. No. 2861) (Sec. 61.35)**

30-1-43 BILLPOSTING REGULATIONS.

(A) **Prohibited Places.** No person shall post or paint any handbill, sign, poster, advertisement or notice except legal publications and notices, or cause the same to be done upon any curb, sidewalk, street, tree, lamppost, utility pole, hydrant or bridge within the City or upon any private wall, window, door, fence, gate, advertising board or other private structure or building, unless he is the owner thereof.

(B) **Littering.** No person owning, leasing or operating any billboard shall tear or remove from the same, or permit to be torn or removed from the same, any advertising sheets, or other papers, without immediately removing the same from the sidewalks and streets, or permit the same to be torn or taken therefrom and thrown, blown or dropped upon any sidewalk or street. No person shall post advertising sheets or other papers in such a manner as to be insecure or probable that the same will be torn, washed or blown from the billboard.

(C) **Obscene Advertising.** No person owning, leasing or operating any billboard shall post or cause to be posted, so that the same can be seen from any public place in this City, any pictures or illustrations of nude or semi-nude figures, or any material of an obscene or immoral character. **(Sec. 61.42)**

30-1-44 TRUANCY.

(A) **Truancy Defined.** A "truant" is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

"Valid cause" for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other

circumstances which cause reasonable concern to the parent for the safety or health of the student.

"Chronic or habitual truant" shall be defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for **ten percent (10%)** or more of the previous **one hundred eighty (180)** regular attendance days.

"Truant minor" is defined as a chronic truant to whom supportive services, including prevention, diagnostic intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused.

A **"dropout"** is defined as any child enrolled in grades 1 through 12 whose name has been removed from the district enrollment roster for any reason other than his death, extended illness, graduation or completion of a program of studies and who has not transferred to another public or private school.

"Religion" for the purposes of this Article, includes all aspects of religious observance and practice, as well as belief.

(B) **Truancy Prohibited.** It shall be unlawful for any person under the age of **eighteen (18)** enrolled in a public, private or parochial school, to absent himself or herself from attendance at school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to a fine not to exceed **One Hundred Dollars (\$100.00)** for each offense. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission is submitted in writing to the proper school authorities within **twenty-four (24) hours** after such absence.

It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, by insufficient control, to allow the minor to be present in any public places or on the premises of any establishment within the City during which the minor is absent himself or herself from attendance of school without parental permission and shall be subject to a fine not to exceed **One Hundred Dollars (\$100.00)** for each offense. **(Ord. No. 7504; 07-05-11)**

(C) **False Excuse Prohibited.** It shall be an offense under this Section for a parent or person in loco parentis to knowingly submit to the proper school authorities a written excuse under paragraph (B) that contains false information. A person convicted of an offense under this Section shall be subject to a fine of not more than **Five Hundred Dollars (\$500.00)** for each offense.

(D) **Permission Parameters.** Parental permission shall include permission from a person in loco parentis, and shall be given for reasons only of personal illness, serious family illness, death in the family, serious home emergencies, necessary and lawful family support employment, religious convocation classes, Principal's permission and compelling family reasons. **(Ord. No. 5427; 05-15-95) (Sec. 61.43)**

30-1-45 TRESPASSING.

(A) It shall be unlawful for any person, firm or corporation to commit a trespass within this Municipality upon either public or private property.

(B) Without constituting any limitation upon the provisions of subsection (A) hereof, any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said section (A) and appropriate action may be taken hereunder at any time or from time to time to prevent or punish any violation or violations of this Section.

The aforesaid enumerated acts shall include:

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

(C) If any section, paragraph, clause, or provision of this Chapter shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Chapter. **(Ord. No. 3333; 01-19-76)**

30-1-46 SCHOOL TRESPASSING.

(A) No person shall willfully or maliciously make or assist in making any noise, disturbance or other improper diversion by which the peace, quietude or good order of any public, private or parochial school is disturbed.

(B) No person shall use profane, indecent or immoral language or indulge in indecent or immoral conduct in any building or on any property adjacent to any building in the City occupied as a public, private or parochial school.

(C) Any person found to be creating a disturbance in any private, public or parochial school, or on the surrounding school grounds or on the fields or grounds lawfully used for school activities while such recreational areas or other activities are in progress shall leave immediately when so directed by the principal or by any other person designated by the principal.

(D) No person shall enter or remain in any public, private, or parochial school building or school grounds between the hours of **eight o'clock (8:00) A.M.** and **four-thirty (4:30) P.M.** on days such school is in session, who is not a regularly enrolled student, teacher, or other employee at such school, unless he shall have first and immediately proceeded to the administrative offices and identified himself to the principal or the principal's designee and received permission to so enter or remain.

It shall be unlawful for any person to enter or remain in any public, private or parochial school or school grounds or on any public way within **two hundred fifty (250) feet** of such public, private, or parochial school or school grounds after being requested to leave by the principal or his designee. **(Ord. No. 3803; 06-29-81)**

(E) It shall be unlawful for any person to borrow or attempt to borrow any money or thing of value from any student in any public, private or parochial school property in the City or during any time when such student is going to or returning from any regularly scheduled session of any such school without first obtaining the written approval of the principal of such school or other person designated by the principal to issue such written approval.

(F) It shall be unlawful for any person to be on any school grounds after official sunset unless he is actively engaged in school sponsored functions, supervised recreational activities or is participating in an athletic event or is a spectator at such event.

(G) No unauthorized person shall enter upon the premises of any elementary, intermediate or secondary school. **(Ord. No. 3380; 08-31-76)**

(H) It should be unlawful to conduct any activity on public, private, or parochial school grounds if the school has posted signs prohibiting the activity. **(Ord. No. 6660; 07-06-04)**

30-1-47 HALLOWEEN SOLICITATION.

(A) **Definition.** Halloween solicitation shall mean seeking or obtaining gifts, food, candy or contributions of money, as is customarily and commonly known as "trick or treat", in the celebration of Halloween day.

(B) **Masks or Disguises, Trick or Treat Visitations and Halloween Curfew.**

(1) It shall be unlawful for any person over **twelve (12) years** of age to appear in or upon any of the streets, highways, alleys, public parks or other places of the City in any mask or disguise whereby the identity of such person is concealed, without permission of the Mayor or Chief of Police on days other than Halloween.

(2) It shall be unlawful for any person to appear on the streets, highways, public homes, private homes or public places in the City to make trick or treat visitations; except, that this Section shall not apply to children who attend any public, private, parochial school, or equivalent to include home

schooled student(s) in the eighth grade and under on Halloween night. Special needs students are exempted from the restrictions of this provision when accompanied by a parent, guardian or other responsible person.

- (3) A special time limit "Curfew" for all Halloween solicitation "trick or treat" activities is hereby established to limit such solicitations between **5:00 P.M.** and **8:30 P.M.**

Nothing herein shall be construed as prohibiting any parent, guardian or other responsible person, having lawfully in his or her custody a child who attends any public, private, parochial school, or equivalent to include home schooled student(s) in the eighth grade and under from accompanying such child who is participating in Halloween solicitation "trick or treat" for the purpose of caring for, looking after or protecting such child.

Nothing herein shall be deemed to prohibit the gathering and participation of children in a Halloween parade or costume contest, or other Halloween celebrations or activities sponsored by the City, schools or other civic, social, religious, or service clubs.

(C) **Sex Offender Prohibition.**

- (1) **Sex Offender.** An individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under **seventeen (17) years** of age for which the individual is required to register as a sex offender under the Illinois Sex Offender Registered Act, as amended, **(730 ILCS 150/1 et seq.)**.

It shall be unlawful for any designated sex offender, under the Illinois Sex Offender Registered Act, as amended, **(730 ILCS 150/1 et seq.)**, to participate in any Halloween events involving a person under **seventeen (17) years** of age, such as distributing candy or other items to children on Halloween. No candy or treats shall be distributed at the sex offender's place of residence and all outside residential lighting shall be turned off between **4:00 P.M.** and **11:00 P.M.**

- (2) Halloween events in which the designated sex offender is the parent or guardian of the children involved, and no non-familiar children are present, are exempt from this prohibition.

(Ord. No. 7199; 10-20-08)

30-1-48 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. The use or attempt to use as a potable water supply groundwater from within the areas depicted on Exhibit "A" and Exhibit "B", as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition does not include the City. **[NOTE: Exhibits available at City Hall.]**

(A) **Penalties.** Any person violating the provisions of this Section shall be subject to a fine of up to **Five Hundred Dollars (\$500.00)** for each violation.

(B) **Definitions.**

(1) **"Person"** is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

(2) **"Potable water"** is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

(C) **Memorandum of Understanding.** The Mayor is hereby authorized and directed to enter into a Memorandum of Understanding with the Illinois Environmental Protection Agency ("Illinois EPA") in which the City assumes responsibility for tracking all sites that have received no further remediation determinations from the Illinois EPA, notifying the Illinois EPA of changes to this Section, and taking certain precautions when siting public potable water supply wells.

(Ord. No. 7311; 09-21-09)

30-1-49 REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS.

(A) **Definitions.** The following definitions apply to this Section:

(1) A "child sex offender" includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A "child sex offender" includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A "child sex offender" further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (a) Sexual exploitation of a child (**720 ILCS 5/11-9.1**);
- (b) Predatory criminal sexual assault of a child (**720 ILCS 5/12-14.1**);

- (c) Indecent solicitation of a child **(720 ILCS 5/11-6)**;
 - (d) Public indecency committed on school property **(720 ILCS 5/11-9)**;
 - (e) Child luring **(720 ILCS 5/10-5(b)(10))**;
 - (f) Aiding and abetting child abduction **(720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10))**;
 - (g) Soliciting for a juvenile prostitute **(720 ILCS 5/11-15.1)**;
 - (h) Patronizing a juvenile prostitute **(720 ILCS 5/11-18.1)**;
 - (i) Exploitation of a child **(720 ILCS 5/11-19.2)**;
 - (j) Child pornography **(720 ILCS 5/11-20.1)**;
 - (k) Criminal sexual assault **(720 ILCS 5/12-13)**;
 - (l) Aggravated criminal sexual assault **(720 ILCS 5/12-14)**;
 - (m) Aggravated criminal sexual abuse **(720 ILCS 5/12-16)**;
 - (n) Kidnapping or aggravated kidnapping **(720 ILCS 5/10-1 or 5/10-2)**;
 - (o) Unlawful restraint or aggravated unlawful restraint **(720 ILCS 5/10-3 or 5/10-3.1)**.
- (2) "School" means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.
- (3) "Loiter" means: standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time-to-time frequented by persons under the age of **eighteen (18) years**.
- (4) "Park" includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "park" includes ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.
- (5) "Public Pool" includes any parcel of real estate containing any natatorium or other improved real estate, designated or intended for swimming, water recreation, or water sports, whether operated or owned by a public entity, or to which memberships are sold to the public.

(B) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**;
- (2) The real property comprising any park; or
- (3) Any public pool.

(C) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of **eighteen (18) years** and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**;
- (2) The real property comprising any park; or
- (3) Any public pool.

(D) It is unlawful for any person, corporation, business, partnership, Trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park; or
- (3) Any public pool.

(E) Any person found guilty of violating paragraphs (B), (C) or (D) of this Section shall be subject to a fine of between **One Hundred Dollars (\$100.00)** and **One Thousand Dollars (\$1,000.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, Trust, manager, or other entity guilty of violating paragraph (D) of this Section shall be subject to a fine of between **One Hundred Dollars (\$100.00)** and **One Thousand Dollars (\$1,000.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, Trust, manager, or other entity violating paragraph (D) of this Section shall be presumed to have had knowledge of the tenant's status as a child sex offender, where that tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

(F) In the event a court of competent jurisdiction should declare the terms of any portion of this Section invalid or unenforceable, the remainder of this Section shall remain in full force and effect.

(G) All distances designated in this Section shall be measured from the lot line of the park property, public pool property, or school property, and from the lot line of the subject residence.

(H) Nothing in this Section prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Section. This Section is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Section.

(Ord. No. 7211; 12-15-08)