

Chapter 13
OFFENSES AGAINST PUBLIC PEACE, SAFETY and MORALS

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13.01 ASSAULT

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

13.02 BARBED WIRE FENCES

No person shall maintain any fence containing barbed wire.

13.03 **BATTERY**

No person shall commit a battery in the Village. A person commits battery if he intentionally or knowingly, without legal justification and by any means:

1. Causes bodily harm to an individual;
2. Makes physical contact of an insulting or provoking nature with an individual.

13.04 **CABLE TELEVISION**

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

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

13.05 **CIVIL EMERGENCIES**

A. Whenever a civil emergency exists, the Chief of Police shall notify the President, Liquor Commissioner or his designee and the President, Liquor Commissioner or his designee may declare the existence by means of a written declaration setting forth the facts which constitute the emergency.

B. After proclamation of a civil emergency by the President, Liquor Commissioner or his designee he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of public safety and welfare.

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

1. Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
2. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

3. Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
4. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
5. Issue such other orders as are imminently necessary for the protection of life and property.

D. The proclamation herein authorized shall be effective for a period of 48 hours unless sooner terminated by a proclamation of the President, Liquor Commissioner or his designee indicating that the civil emergency no longer exists. The President, Liquor Commissioner or his designee shall have the power to reproclaim the existence of a civil emergency at the end of each 48 hour period during the time the civil emergency exists.

E. Upon issuing the proclamation herein authorized, the President, Liquor Commissioner or his designee shall notify the news media situated within the Village shall cause three copies of the proclamation declaring the existence of the emergency to be posted at the following places within the Village: Village Hall, police station and post office.

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

13.06 **CURFEW** *Amended, 2004-05, 1998-39, 1998-32*

A. Definitions: In addition to those terms defined in Appendix A of this Code, the following definitions are applicable to this Section 13.06:

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

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

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

Minor: A person less than 17 years of age.

Operator: Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

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

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

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

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

B. Curfew: Except as provided in Section 13.06-C herein, it shall be unlawful for any person less than 17 years of age to be present in or upon any public road, street, alley or park, or other lands used for public purposes or in any public place of business or amusement in the Village at the following times:

1. Between 12:01 a.m. and 6 a.m. Saturday;
2. Between 12:01 a.m. and 6 a.m. Sunday; and
3. Between 11 p.m. on Sunday to Thursday, inclusive, and 6 a.m. on the following day; and
4. Curfew hours for the day preceding a holiday shall be the same as for Saturday and Sunday.

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

1. At any time when accompanied by his or her parent, guardian or other adult person responsible for or having the legal care, custody and control of the individual, or an authorized adult;
2. If participating in, going to or returning from, without any detour or stop:
 - (a) an emergency as defined herein;

- (b) lawful employment;
 - (c) attending an official school, religious or other social or recreational activity supervised by adults and sponsored by a unit of government, civic organization or other similar entity that takes responsibility for the attendees;
 - (d) an errand at the direction of a parent or guardian;
 - (e) an activity involving the exercise of First Amendment rights protected by the United States Constitution (or those similar rights protected by the State of Illinois Constitution), such as free exercise of religion, freedom of speech and the right of assembly.
3. Is married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended (750 ILCS 30/1 *et seq.*).
 4. If in a motor vehicle when the travel begins and ends outside the corporate limits of the Village;

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

E. Enforcement: Before taking any enforcement action under this Section, 13.06 a police officer shall ask the suspected offender's age and reason for being in the public place or on the premises. The police officer shall not issue a citation or make an arrest under this Section 13.06 unless the police officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception in Section 13.06-C applies.

F. Penalty: Any person, firm or corporation violating this Section 13.06 shall be fined not more than \$500 for each offense and be responsible for the Village's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

13.07 **DAMAGING PROPERTY**

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

13.08 **DISORDERLY CONDUCT**

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

1. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
2. Transmits in any manner to the fire department of any municipality or fire protection district a false alarm or fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;
3. Transmits in any manner or another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place;
4. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;
5. Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

13.09 **DISPENSING OR CONSUMPTION OF ALCOHOLIC LIQUOR**

A. The dispensing or serving of alcoholic liquor by a person under 21 years of age but not under 18 years of age in connection with his or her employment as an employee of any retail licensee, as provided in Chapter 9, Liquor Control and Liquor Licensing, of this Code, is not prohibited by this Section.

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

13.10 **FALSE ALARMS**

A. Any person owning or leasing an alarm system connected to the Police Department Emergency Alarm Panel shall be deemed to have transmitted a false alarm and be in violation of this section if that person's alarm system transmits more than four false alarms within any 12 month period. For purposes of determining guilt under this section, a person's knowledge and intent are not elements of this offense.

B. This section is not applicable to alarm systems which have been connected to the Police Department Emergency Alarm Panel for less than three months.

13.11 **FIREARMS AND WEAPONS** *Amended, 2013-19, 2013-18*

A. Firearms: No person shall discharge any firearm within the Village, provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty, nor a citizen from discharging a firearm when lawfully defending person or property.

- B. Air Rifles: No person shall discharge any air rifle within the Village.
- C. Hunting and trapping are prohibited on all Village owned or leased property.
- D. No person shall cast, throw or propel any arrow, projectile or other missile on any street, alley or other public place within the Village.
- E. No person under the age of 13 shall carry any air rifle on any public street, road, highway or public land within the Village, unless such person carries such rifle unloaded.
- F. Weapons:
 - 1. A person who is not explicitly authorized by law shall not carry about his or her person any concealed pistol, switchblade, slingshot, metal knuckles or any other weapon or thing of deadly character within the Village.
 - 2. No person shall sell, give or transfer any such weapon to any minor person within the Village.

13.12 FIREWORKS

- A. No person, firm or corporation shall store any fireworks anywhere in the Village except as necessary for the performance of a public exhibition to be held pursuant to a permit issued as hereinafter provided. Such storage shall be in a safe place, securely locked or guarded so that no child or unauthorized person shall have access thereto and shall be protected from fire hazards.
- B. No person, firm or corporation shall sell any fireworks anywhere in the Village.
- C. No person, firm or corporation shall discharge any fireworks anywhere in the Village, except at a supervised public display of fireworks held pursuant to a permit issued by the President and Board of Trustees. Said permit is conditioned on the following:
 - 1. Every such display must be handled by a competent individual designated by the Village.
 - 2. Every such display shall be located so as not to be hazardous to persons or property.
 - 3. All permit applications shall be in writing and received at least 30 days in advance of the scheduled event. The application must be approved or denied at the next regularly scheduled meeting of the Board of Trustees.
 - 4. Permits are non-transferable.

5. The applicant shall post a bond in an amount not less than \$1,000.00 conditioned on compliance with local ordinance, state statutes and regulations promulgated by the Office of the State Fire Marshal.
6. The Village shall designate an individual to inspect the location to determine its character in light of these regulations.
7. The State Fire Marshal shall provide forms for the applications and permits to be issued. One copy of the permit shall be retained by the Village and one copy of the permit shall be sent to the State Fire Marshal.

13.13 LITTERING

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

13.14 NOISE *Amended, 2012-31, 2005-30, 2004-12, 1997-30*

No person shall disturb the peace and quiet of any other person by creating excessive noise on his or any other property, including, but not limited to, the following acts, and the causing thereof which are declared to be a disturbance in violation of this Chapter:

- A. Radios, Television Sets, Musical Instruments and Similar Devices: Operating, playing or permitting the operation or playing of any radio, television, sound reproduction system or components (including, but not limited to stereos, phonographs, tape players, disc players and music machines), sound amplifier, drum, musical instrument or similar equipment or devices which produce, reproduce or amplify sound:
1. Between the hours of 11 p.m. and 7 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone; or
 2. In such a manner as to create a noise disturbance at 50 feet or 15 meters from such equipment or device, when operated in or on a motor vehicle in or on a public right-of-way or public space, or in or on a boat on public waters; or
 3. In such a manner as to create a noise disturbance to any person other than the operator of the equipment or device, when operated by any passenger on a vehicle or boat.

This Section 13.14-A shall not apply to non-commercial spoken language which is covered under Section 13.14-B herein.

- B. Loudspeakers and Public Address Systems: Using or operating for any purpose any loudspeaker, public address system or similar equipment or device:

1. Such that the sound therefrom creates a noise disturbance across a real property boundary or within a noise sensitive zone; or
 2. Between the hours of 10 p.m. and 7 a.m. the following day in, on or adjacent to a public right-of-way or public space.
- C. Animals or Birds: Owning, possessing or harboring any animal or bird which frequently or for continued duration, barks, howls, meows, squawks or makes other sounds which create noise disturbance across a real property boundary or within a noise sensitive zone.
- D. Vehicle and Recreational Equipment Operation: Operating any vehicle or recreational equipment without mufflers or proper muffling, the unnecessary use of horns, and the unnecessary squealing of tires.
- E. Vehicle and Recreational Equipment Repairs and Testing: Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or recreational vehicle, including but not limited to motorboats and snowmobiles, in such a manner as to cause a noise disturbance across a real property boundary or within a noise sensitive zone.
- F. Powered Model Vehicles: Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a real property boundary, or in or on a public space, or within a noise sensitive zone between the hours of 9 p.m. and 7 a.m. the following day.
- G. Construction Activities: Operating or permitting the operation of any tools, vehicles or equipment used in construction, excavation, drilling, demolition or similar work if such is audible outdoors beyond any real property boundary, except between the hours of 7 a.m. and 8 p.m. Monday through Saturday and 9 a.m. and 8 p.m. on Sunday, and not at any time on holidays if within a residential zoning district or within 1,000 feet of any residence.
- This Section 13.14-G shall not apply to the use of domestic power tools which are covered in Section 13.14-H herein.
- H. Domestic Power Tools: Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar equipment or device (excepting snowblowers as required for snow removal) used outdoors in residential zoning districts except between the hours of 7 a.m. and 8 p.m. Monday through Saturday and 9 a.m. and 8 p.m. on Sundays and holidays, or at any time if not properly muffled, so as to create a noise disturbance across a real property boundary. Anything to the contrary contained herein notwithstanding, power lawn mowers and similar equipment used for golf course maintenance are exempt from this requirement.
- I. Earth Extraction and Processing, Ready-Mix and Concrete Production and Concrete Recycling Facilities: No earth extraction and processing operations, ready-mix and concrete production operations, or concrete recycling operations shall take place at any time on Sundays, or holidays recognized by both state and federal governments, or on Saturday prior

to 6:00 a.m. and after 4:00 p.m. or between 6:01 p.m. and 5:59 a.m. on all other days. In any 12-month period violations of this Section 13.14-I shall be subject to the following fines:

First Violation	\$100.00
Second Violation	\$250.00
Additional Violations	\$500.00

- J. Emergency Back-up Generators: Emergency back-up generators shall be operated only during power outages and for testing and maintenance purposes. Testing and maintenance of emergency back-up generators shall occur only on weekdays between the hours of 8 a.m. and 5 p.m.

13.15 **OBSCENE MATERIAL**

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

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

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

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

13.16 **OPEN BURNING** *Amended, 2002-34, 2002-31, 2002-1*

A. Prohibition: The open burning of any materials or substances is hereby prohibited within the Village limits, other than the preparation of food on a temporary or permanent fireplace grill or barbecue pit, the recreational burning of hard landscape waste and the Village directed burning of wetlands and golf course hard landscape waste subject to the conditions and limitations contained herein.

B. Definitions: In addition to the definitions found in Appendix A of this Code, terms used in this Section 13.16, whether capitalized or not, have the following meanings:

Hard landscape waste: Brown (i.e., seasoned/dry) stemmed branches and shrub prunings with large stems or trunks individually exceeding two inches in diameter.

Recreational burning: A small outdoor fire, such as a campfire, conducted as an ancillary feature of a social event, such as a picnic or outdoor conversation. The burning of hard landscape waste that is produced on the premises for the purpose of disposing of such waste is expressly not defined as recreational burning.

C. Recreational Burning: Recreational burning of hard landscape waste may be conducted from time to time provided that the maximum diameter of the fire circle is three feet; that the wood is burned in a permanent or portable fireplace grill designed for outdoor use or upon an incombustible surface, such as stone; that only a small amount of paper and/or brush may be used to start the fire as kindling; and that the burn occurs solely on private property. The use of gas-fired ceramic or artificial logs shall also be permitted. Only one recreational burning per property shall be permitted at any one time.

D. Permitted Burning:

1. The Village Board may issue burning permits for the burning of federally protected wetland areas. The time and location of these wetland burning permits shall be determined by the Village Board. As a condition of the wetland burning permits, the Village Board may impose limitations as it deems appropriate to protect the health, safety and welfare of Village residents.
2. Until December 31, 2004, the Village Board may issue burning permits to RedTail Golf Club and Turnberry Country Club for the burning of hard landscape waste. No more than two permits shall be issued in any calendar year to each golf course. The time and location of these permitted burns shall be determined by the Village Board. As a condition of the permitted burns, the Village Board may impose limitations as it deems appropriate to protect the public health, safety and welfare of Village residents. Effective January 1, 2005, this Section 13.18-D-2 shall be automatically repealed.

E. Penalties: Any person violating the provisions of this Section 13.16 shall be fined not less than \$100 for the first offense. The fine for a second offense shall be not less than \$300 and the fine for a third and any other subsequent offenses shall be not less than \$500. The violation of the Section 13.16 is hereby declared to be a public nuisance, to be abated in the manner provided by law.

13.17 PARENTAL RESPONSIBILITY

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

B. A parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for actual damages caused by said minor and shall be presumed to have failed to exercise proper parental responsibility and said minor shall be deemed to have acted with the knowledge and permission of the parent or guardian in violation of this Section 13.17 whenever:

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

C. Recovery of damages shall be pursuant and limited to an amount provided by 740 ILCS 115/5, Parental Responsibility Law, Limitation of Damages -- Damages Allowable, as amended.

D. This Section 13.17 shall not affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis.

13.18 **PIERS** *Amended, 2001-58, 2000-31*

A. Pier Regulations: It shall be unlawful for any owner or occupant of property abutting the waters of Crystal Lake or any other lake or body of water in the Village to erect, construct or maintain more than one pier or dock or similar obstruction per platted lot. If contiguous platted lots are held in one ownership, for purposes of this Section 13.18-A, they shall be considered to be one lot. However, not for profit property owner associations may have up to three piers at any one beach that they own. No such pier, dock or similar obstruction from the water's edge of Crystal Lake shall exceed 175 feet in length, and no such pier, dock or similar obstruction from the water's edge of any other lake or body of water in the Village shall exceed 24 feet in length.

B. Raft and Float Regulations: It shall be unlawful for any person or persons to maintain or permit more than one raft or float to be anchored in the waters of Crystal Lake or any other lake or body of water in the Village adjoining any residence whether said residence shall be on one or more lots, plots or tracts of land.

C. Rafts and Floats, Vacant Lots: It shall be unlawful for any person to maintain more than one raft or float and more than one pier or dock in the waters of Crystal Lake for any vacant lot.

If shall be unlawful for any person to erect or maintain a pier, dock, raft or float in the waters of any other lake or body of water in the Village in or adjoining a vacant lot.

D. Rafts and Floats Beyond Water Edges: It shall be unlawful for any raft or float to be anchored or fixed in the waters of Crystal Lake in excess of 150 feet away from the water's edge or 25 feet beyond the end of the pier in any other lake or body of water in the Village.

E. Hindrances to Navigation Prohibited: It shall be unlawful for any owner or occupant to maintain, permit, erect, construct or suffer to exist any obstruction whatsoever in the waters of Crystal Lake or any other lake or body of water in the Hills except piers, docks, rafts or floats herein referred, which endangers the navigation and free use of said lake.

F. Buoys: The Village shall have the right to place and maintain buoys in the waters of Crystal Lake. Unless authorized by the Village, the placement of any other buoy is prohibited. Only Village authorized personnel shall be permitted to move any Village placed buoy. For purposes of this Section 13.18-F, a boat anchor marker shall not be deemed a buoy, provided that only one such marker shall be permitted per docked boat. The Crystal Lake Park District, the Lakewood Manor Homeowners Association and the Country Club Additions Property Owners Association are hereby authorized to outline the perimeter of their swimming areas with buoys and interconnected ropes, provided that said buoys remain closer to shore than Village-placed buoys pursuant to the provisions of Section 12.02 of this Code.

G. Seasonal Removal of Piers: All piers shall be removed prior to the formation of ice on Crystal Lake but in no event later than November 1st of each year.

H. Aerators: The use of aerators to prevent the natural formation of ice in any lake or body of water in the Village is hereby prohibited. The waterfall at the Georgetown of Turnberry Subdivision shall not be deemed an aerator under this provision.

I. Penalty: Any person, firm or corporation violating any provision of this Section 13.18 shall be fined not less than \$50 nor more than \$100 plus reasonable attorney fees incurred by the Village. Each day that a violation continues shall be considered a separate offense.

13.19 **POLLUTION**

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

13.20 **RESISTING OR OBSTRUCTING A PEACE OFFICER**

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

13.21 SMOKING AREAS

Pursuant to the requirements of the Illinois Clean Indoor Air Act, no person shall smoke in a public place on premises owned and controlled by the Village, except in established and posted smoking areas.

13.22 TRESPASSES

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

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

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

C. A person has received notice from the owner or occupant within the meaning of Section 13.22-B if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

13.23 DOG LITTER *Amended, 1998-39, 1998-32*

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

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

C. Any person violating or failing to comply with any provision of this Section 13.23, upon conviction thereof, shall be fined not less than \$50 nor more than \$1,000. Each day that a violation continues shall be deemed a separate offense.

13.24 INDIVIDUAL LOT STORMWATER DRAINAGE *1999-5*

It shall be unlawful to construct, alter, maintain, or in any way provide for the discharge of stormwater from gutters and drain pipes of a building, or the discharge of groundwater from sump pumps, or make other alterations to lot topography or landscaping in such a manner so as to direct stormwater and groundwater into or across adjacent property. Discharge hoses and similar piping for stormwater and groundwater shall be directed to drainage swales along lot lines designed for stormwater management or out to ditches adjacent to streets, and shall be buried to the greatest extent possible. Discharge piping shall not be installed in such a manner so as to damage any swales or ditches or interfere with the proper flow of stormwater.

13.25 SNOW REMOVAL *1999-5*

It shall be unlawful to deposit snow which accumulated upon and is removed from an adjacent property onto public sidewalks or within the driving lanes of public rights-of-way, or onto or against any fire hydrant, or to conduct snow removal in such a fashion as to block the driveway access of adjacent properties.

Snow removal from improved streets under a developer's or subdivider's ownership or control, that have not been accepted by the Village as a public improvement, shall be the responsibility of the developer or subdivider. It shall be unlawful for any developer or subdivider to fail to reasonably clear snow and ice from any street that has not been accepted by the Village within eight hours after a snowfall of two or more inches has occurred.

13.26 POSSESSION OF CANNABIS *2019-40*

A. Definitions: For purposes of this Section, cannabis is defined as in 720 ILCS 550/3(a), as amended.

B. Possession Prohibited: It shall be unlawful for any person who is under the age of 21 to possess any substance containing cannabis within the corporate limits of the Village. Further, it shall be unlawful for any person to possess any substance containing cannabis within the corporate limits of the Village in the following circumstances:

1. in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
2. on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
3. in any correctional facility;
4. in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
5. in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
6. in any part of a building owned in whole or in part, or leased, by the Village; or
7. in any other manner prohibited by state statutes, as they may be amended from time to time.

C. Possession Limited:

1. Other than as set forth in Section 13.26 B, it shall be unlawful for any person who is 21 years of age or older and a resident of the State of Illinois to cumulatively possess within the corporate limits of the Village:
 - (i) more than 30 grams of cannabis flower;
 - (ii) more than 500 milligrams of THC contained in a cannabis-infused product; or,
 - (iii) more than 5 grams of cannabis concentrate.

Notwithstanding the foregoing, it shall not be unlawful for registered qualifying patients under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) to possess more than 30 grams of any cannabis produced by cannabis plants grown under 10-5(b) of the Cannabis Regulation and Tax Act, provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

2. Other than as set forth in Section 13.26 B, it shall be unlawful for any person who is 21 years of age or older and not a resident of the State of Illinois to cumulatively possess within the corporate limits of the Village:
 - (i) more than 15 grams of cannabis flower;
 - (ii) more than 250 milligrams of THC contained in a cannabis-infused product; or,
 - (iii) more than 2.5 grams of cannabis concentrate.

D. Cultivation Prohibited: It shall be unlawful for i) any person who is under the age of 21, or ii) any person who is 21 years of age or older and not a registered qualifying patient under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*), to cultivate cannabis plants within the corporate limits of the Village. Further, it shall be unlawful for any person to cultivate cannabis plants within the corporate limits of the Village in any other manner prohibited by state statutes, as they may be amended from time to time.

E. Cultivation Limited: It shall be unlawful for any person who is 21 years of age or older and a registered qualifying patient under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*) to cultivate cannabis plants within the corporate limits of the Village:

1. unless the person has been a resident of the State of Illinois for more than 30 days before cultivation;
2. in excess of 5 plants that are more than 5 inches tall per household without a cultivation center or craft grower license;
3. outside of an enclosed, locked space;
4. using cannabis seeds purchased from somewhere other than a dispensary for the purpose of home cultivation and seeds may not be given or sold to any other person;
5. in a location where they are subject to ordinary public view (within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property);
6. without reasonable precautions to ensure the cannabis plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age;
7. on non-residential property and property that is not lawfully in possession of the cultivator or without the consent of the person in lawful possession of the property.
8. in a dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property which has not been divided into multiple dwelling units and contains in excess of 5 plants at any one time; or,
9. unless residing at the residence where the cannabis plants are located, except that a registered qualifying patient's authorized agent may tend to the cannabis plants if attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

A registered qualifying patient who cultivates more than the allowable number of cannabis plants, or who sells or gives away cannabis plants, cannabis, or cannabis-infused products produced under this Section, is liable for penalties as provided by law, including the Cannabis Control Act, in addition to loss of home cultivation privileges as established by rule.

F. Medical Use of Cannabis: Notwithstanding the foregoing, it shall not be unlawful for any registered qualifying patients to possess cannabis consistent with the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/1 *et seq.*), as amended, the terms of which are incorporated herein.

G. Public Use of Cannabis: It shall be unlawful for any person to use cannabis:

1. in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
2. on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
3. in any correctional facility;
4. in any motor vehicle;
5. in a private residence that is used at any time to provide licensed childcare or other similar social service care on the premises;
6. in any public place or privately owned parking lot or walkway where retail business is conducted (as used in this Section, “public place” means any part of a building or property owned in whole or in part, or leased, by the Village, parks, and sidewalks);
7. knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act.
8. in any other manner prohibited by state statutes, as they may be amended from time to time.

H. Public Display Of Cannabis: It shall be unlawful for any person to display cannabis in any public place (as used in this Section, “public place” means any part of a building or property owned in whole or in part, or leased, by the Village, parks, and sidewalks).

I. Violation; Penalty: Whoever violates any provision of this Section 13.26 shall be fined as follows: not less than \$200 and not more than \$300 for a first offense; not less than \$400 and not more than \$600 for a subsequent offense. Each day that a violation continues shall be considered a separate offense.

13.27 DRUG PARAPHERNALIA; DEFINITIONS *Amended, 2017-04, 2019-40*

A. In addition to those terms defined in Appendix A of this Code, the following words and phrases when used in this Section 13.27 shall, for the purposes of this Section 13.27 have the meaning respectively ascribed to them in this Section 13.27 except where the context clearly indicates a different meaning:

1. Cocaine Spoon: A spoon with a bowl so small that the primary use for which is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine

spoon may or may not be merchandised on a chain and may or may not be labeled as a “cocaine spoon” or “coke spoon.”

2. **Controlled Substance:** Any drug, substance, or immediate precursor enumerated in the schedules of Article II of 720 ILCS 570/101 *et seq.*, as amended (commonly known as the Illinois Controlled Substances Act).
3. **Cannabis:** As defined in 720 ILCS 550/3(a), as amended.
4. **Drug paraphernalia:** All equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined in 720 ILCS 600/2(d) and 720 ILCS 570/202, 204, 206, 208, 210 and 212, as amended. 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 substance;
 - 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 signed 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. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances;

- h. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- i. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- j. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing cocaine into the human body.

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

- i. Statements by an owner or by anyone in control of the object concerning its use;
- ii. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substances;
- iii. The proximity of the object, in time and space, to a direct violation of this Section 13.27;
- iv. The proximity of the object to controlled substances;
- v. The existence of any residue of controlled substances on the object;
- vi. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Section 13.27; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Section 13.27, shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- vii. Instructions, oral or written, provided with the object concerning its use;
- viii. Descriptive materials accompanying the object which explain or depict its use;
- ix. National and local advertising concerning its use;

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

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

B. It shall be unlawful for any person to possess, sell, offer for sale, display, furnish, supply or give away any cocaine spoon or any drug paraphernalia except as permitted in the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Pilot Program Act.

C. Exceptions: The prohibition contained in this Section 13.27 shall not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act (720 ILCS 635/0.01), manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors and podiatrists, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehouses or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma or any other medical condition requiring self injection.

D. Penalty: Whoever violates any provision of this Section 13.27 shall be fined not less than \$100 for each offense and be responsible for the Village’s cost of prosecution including attorney fees incurred by the Village. Each day that a violation continues shall be considered a separate offense. Each day any violation or any provision of this Section 13.27 shall continue shall constitute a separate violation.

13.28 NO PUBLIC URINATION 2019-36

It shall be unlawful for any person to urinate or defecate, in or upon any public street, sidewalk, park or other public place, or on any outdoor private property.