

TITLE XIII- OFFENSESCHAPTER 130: GENERAL PROVISIONS

130-1: MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter, the words and phrases of the Criminal Code of 2012, 720 ILCS 5/2-1 through 2-11.1; 2-12.1 through 2-16; 2-19; and 2-20, as approved, adopted and amended, are hereby adopted by the City, as fully as if set out herein.

130-2: CRIMINAL CODE ADOPTED. The Criminal Code of 2012, 720 ILCS 5/1-1, et seq., as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the City, the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply.

130-3: ABUSING POLICE OFFICER. No person shall, by violent, tumultuous or obstreperous conduct or carriage, 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 the City owned or possessed by him or under his management and control.

130-4: IMPERSONATION OF 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.

130-5: DISTURBING THE PEACE. 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 vulgar or profane language, or by any disorderly or immoral conduct.

130-6: UNDERAGE SALE OF CIGARETTES OR TOBACCO. It shall be unlawful for any person to sell, buy for, or furnish any cigar or cigarette or tobacco in any of its forms to any person under twenty-one (21) years of age.

130-7: FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

130-8: POSTING BILLS. It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any

other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper City and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

130-9: INTOXICATION IN PUBLIC. 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.

130-10: DISCHARGE OF FIREARMS OR BOW AND ARROW. It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City or so that the bullet, arrow, missile or projectile therefrom enters the City, without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his personal property.

130-11: GAMES IN STREET. No person shall, on any city street, 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.

130-12: STORAGE OF EXPLOSIVES.

(A) Nitroglycerine; Dynamite, etc. 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.

(B) Blasting Powder, Etc. 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.

130-13: THROWING ROCKS, ETC. No person in the City shall 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.

130-14: DESTRUCTION OF PUBLIC PROPERTY. No person in the City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

130-15: FORTUNE TELLING, ETC. No person in the City shall pursue the calling of a fortune teller or practice fortune telling, soothsaying or the like, and receive payment in any manner therefor.

130-16: DISCARDED REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap-lock or other locking device which may not be

released from the inside without first removing the door or lid, snap-lock or other device from the ice box, refrigerator or container.

130-17: FIREWORKS REGULATIONS.

(A) 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 a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation and shall include blank cartridges and toy cannons, in which explosives are used; the type of balloons which require fire underneath to propel the same; firecrackers, torpedoes, sky rockets, Roman candles, bombs or other fireworks of like construction and any tablets or other devices containing any explosive substance, 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 or plastic caps containing twenty-five hundredths (.25) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and the toy pistol, paper or plastic caps which contain less than twenty-five hundredths (.25) grains of explosive mixture, excluding recoverage model rockets sold for the express use of modelers and/or exhibitions of rocketry, the sale and use of which shall be permitted at all times.

(B) Prohibition. Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to offer for sale, expose for sale, sell at retail or use or explode any fireworks within the City Limits.

(C) Permits. The City Council may authorize the City Clerk to grant permits for the supervised public display of fireworks. No permit granted hereunder shall be transferable. Permits may be granted hereunder to any group of three (3) or more adult individuals applying therefore. No permit shall be required for supervised public displays by State or County Fair Associations.

(D) Applications. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display and action shall be taken on such application at the next regular meeting of the City Council.

(E) Display. Every such display shall be handled by a competent individual designated by the Police Chief and shall be of such character and so located, discharged or fired as not to be hazardous to property or endanger any person or persons.

130-18: CURFEW.

(A) Established. It shall be unlawful for a person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least eighteen (18) years of age, approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than seventeen (17) years of age to perform:

(1) Between eleven o'clock (11:00) p.m. on Sunday to Thursday, inclusive and six o'clock (6:00) a.m. on the following day.

(2) Between twelve o'clock (12:00) Midnight on Friday and Saturday, inclusive and six o'clock (6:00) a.m. on the following day.

(B) Responsibility of Parents and Guardians. It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (A) of this Section.

130-19: HALLOWEEN. It shall be illegal for any person to engage in Halloween practice, commonly called "Trick or Treat," by calling at the homes or dwelling places within the City, either masked or unmasked, except on October 31 from five o'clock (5:00) pm to eight o'clock (8:00) pm or on another date or time established by the City Council.

130-20: ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.

(A) Drive-in Business. A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) Declared Public Places. For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For three (3) or more persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such

person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) Posting Sign. It shall be the responsibility of the business operator to post on the premises in a conspicuous location, one (1) or more signs bearing the following legend in letters at least two (2) inches or more in height and readable:

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

130-21: LITTER REGULATIONS.

(A) Defined. "Litter" shall mean and include garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(1) Garbage is "putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food".

(2) Refuse is all "putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes".

(3) Rubbish is "non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials".

(B) Litter in Public Places. No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City, except in public receptacles, in authorized private receptacles for collection or in official City Dumps.

(C) Litter Thrown by Persons in Vehicles. No person, while a driver or passenger in a vehicle shall throw or deposit litter upon any street or other public place within the City, or upon private property.

(D) Litter on Private Property. No person shall throw or deposit litter on any private property, occupied or unoccupied, open or vacant, within the City, whether owned by such person or not. (See Chapter 133)

130-22: HANDBILLS.

(A) Public Places. It shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it. It shall, however, be unlawful to deposit handbills and similar material in a public place if the material is not secured in such a manner so as to prevent it from being blown about and deposited by the elements upon public and private premises.

(B) Private Premises. If posted on private property that no handbill or literature is wanted, no person shall deposit or distribute any handbill in or upon private premises. In case of

private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by the federal postal law or regulations.

(C) Placing Handbills on Vehicles. No person shall deposit any handbill in or upon any vehicle within or on which notice is posted that handbills and similar literature or material is not wanted and/or is not to be deposited on the vehicle.

130-23: POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property, without the permission of the owner or tenant.

130-24: CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

130-25: TRESPASSES.

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

(B) Public Trespass. All persons have a right to use public property, but if any person, firm, or corporation violates any lawful rule, ordinance, law, statute, regulation, or directive of the City, state, or federal government while on public property, then said person, firm, or corporation may be ordered to leave the public property by a City official in charge of the property and issued a written trespass exclusion notice by a city police officer excluding them from the public property. Before issuing a trespass exclusion notice, the police officer shall investigate the alleged conduct and determine if a violation is more likely than not to have occurred. Further, the officer shall consider if any other action, such as a verbal warning or citation without removal from public property, is sufficient to correct the alleged conduct.

(1) Any person, firm, or corporation returning to the public property from which they were excluded during the time of their exclusion, shall be considered a trespass against public property which could result in the City taking all available legal action, including a further trespass warning and/or arrest.

(2) Any trespass exclusion notice must be issued in writing, signed by the police officer that issued the notice, state the length of exclusion, and state what public property the notice covers. The trespass exclusion notice shall also state the process by which the violator may contest the trespass exclusion.

(3) Written trespass exclusion notices should usually be progressive in duration depending upon the severity of the alleged conduct and frequency of

violation. A first time violation for conduct which would result in an ordinance violation or misdemeanor infraction, shall result in a trespass notice excluding the violator for 1-30 days. A second violation for conduct which would result in an ordinance violation or misdemeanor infraction within the past twelve (12) months, shall result in a trespass notice excluding the violator for up to one (1) year. Additional violations for conduct which would result in an ordinance violation or misdemeanor infraction within the past twelve (12) months, shall result in a trespass notice excluding the violator for up to two (2) years. A first time or repeated violation for conduct which would result in a felony infraction, shall result in a trespass notice excluding the violator for up to two (2) years.

(4) Any person, firm, or corporation who has been excluded from public property and disagrees with said exclusion or the length of the exclusion, may file a written appeal to the Mayor within ten (10) days of receiving their written trespass exclusion notice. The City shall then set the time and place for a hearing on such appeal which shall not be longer than ten (10) days after receiving the appeal. The City shall send written notice of such hearing to the last known address of the appealing party through certified mail, return receipt requested, at least five (5) days before the date of the hearing. At the end of the hearing the Mayor shall decide to uphold, modify, or rescind the written trespass exclusion notice.

(5) At any time the Mayor may modify or rescind a written trespass exclusion notice.

130-26: SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of Section 130-25 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 Section 130-25 and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article, the aforesaid enumerated acts so included, being as follows, to-wit:

(A) 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 the premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or

(D) An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

130-27: PARENTAL RESPONSIBILITY REGULATIONS.

(A) Definitions. For the purpose of this Section, the following definitions shall apply: "Acts of Vandalism and Similar Offenses" shall include any of the following acts:

(1) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the City, whether such property is owned by the State, County, or Governmental Body or owned by any private person, firm, partnership, or association; or

(2) Maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person, or

(3) Maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or

(4) Maliciously, recklessly or knowingly depositing on the land or in the building of another person, without his consent, any stink bomb, or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or

(5) Maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof, of another person without his consent.

"**LEGAL GUARDIAN**" shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act.

"**MINOR**" shall include a person who is above the age of eleven (11) years but not yet eighteen (18) years of age.

"**PARENT**" shall include the lawful father and mother of a minor child whether by birth or adoption.

"**PROPERTY**" shall include any real estate including improvements thereon, and tangible personal property.

(B) Parents and Guardians Responsible for Acts. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described above with the knowledge and permission of the parent or guardian, in violation of this Section, upon the occurrence of the events described in (1), (2), and (3) below:

(1) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred nonjudicial sanctions from another official agency resulting

from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(2) Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Police Department of the City, following said adjudication or nonjudicial sanctions; and

(3) If, at any time within one (1) year following receipt of notice set forth in (2) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (1) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (1) above.

130-28: UNLAWFUL POSSESSION OF A REGULATED MATERIAL.

(A) It shall be unlawful for any person to possess, within the corporate limited of the City, any Regulated Material as defined in Section 130-28(C).

(B) Any person convicted of a violation of Section 130-28(A) shall be guilty of a petty offense and shall be fined:

(1) One Hundred Dollars (\$100.00) for the first offense;

(2) Two Hundred Dollars (\$200.00) for the second offense, and

(3) Five Hundred Dollars (\$500.00) for a third or subsequent offense.

(C) A Regulated Material for the purpose of Section 130-28(A) shall be defined as:

(1) Possession of Cannabis in violation of the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq.,

(2) Possession of Drug Paraphernalia in violation of the Drug Paraphernalia Act, 720 ILCS 600/1, et seq.,

(3) An alcoholic liquor possessed by any person under twenty-one (21) years of age, or

(4) A tobacco product as defined in the Tobacco Accessories and Smoking Herbs Control Act, possessed by any person under twenty-one (21) years of age.

(D) Any fine revenue generated by Section 130-28 shall be deposited in the Red Bud, Illinois, Police Department's Drug Forfeiture Account.

130-29 to 130-30: RESERVED.