

## Chapter 17 - OFFENSES—MISCELLANEOUS

### ARTICLE I. - IN GENERAL

#### Sec. 17-1. - Smoking ban.

- (a) *Background.* Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the risk of potential damage to property that may result from the combustible nature of such substance. It has been determined that breathing ambient smoke in an enclosed area is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health, including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68 percent of the total smoke produced by a cigarette) affects the health of the bystander by interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

The use of e-cigarettes, as an alternative to smoking traditional cigarettes, has proliferated in recent years. Although often marketed as safe, the United States Food and Drug Administration has issued a caution related to e-cigarettes because the safety and efficacy of e-cigarettes have not been fully researched and studied, and it is not known if the use of e-cigarettes may lead young people to try tobacco products, including conventional cigarettes, which are known to cause disease and lead to premature death.

Because the hazards of smoking and the use of e-cigarettes have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the village, it is, therefore, necessary and desirable to establish regulations that prohibit smoking and the use of e-cigarettes in all enclosed public places and in all places of employment, and certain unenclosed public places.

- (b) *Title and purpose.* This section may be cited as the "Village of Northbrook Smoking Ban Ordinance," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all public places and places of employment, and certain unenclosed public places, in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.
- (c) *Acknowledgment of Applicability of the Smoke Free Illinois Act.*
- (1) The Village hereby acknowledges that the Smoke Free Illinois Act is applicable, and is in full force and effect, within the Village of Northbrook. No person shall smoke, or use an e-cigarette, in any place in the Village within which smoking is prohibited pursuant to the Smoke Free Illinois Act.
  - (2) In the event of a conflict between the Smoke Free Illinois Act and the provisions of this section, the most restrictive provision shall control.
- (d) *Definitions.* For purposes of this article, the following terms shall have the following meanings, if a word or phrase is not specifically defined in this section, it shall have the meaning ascribed to it in the Smoke Free Illinois Act.
- (1) *E-cigarette* means an electronic device that typically includes a mouthpiece, a heating element or atomizer, a battery, and electronic circuits; provides a gas derived from a liquid that includes nicotine, propylene glycol, or similar substance and perhaps other substances; and is inhaled by a user in a manner that simulates or resembles smoking. The term "e-cigarette" includes all manner of these devices, regardless of the details of a device's appearance or marketed name, that are manufactured to resemble a cigarette, cigar, pipe, or other smoking device. The term "e-cigarette" includes the cartridges and component parts of an e-cigarette, individually or in any combination.
  - (2) *Employee* means any person who is employed by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

- (3) *Employer* means any business that employs one or more employees.
- (4) *Enclosed area* means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.
- (5) *Outdoor eating area* means a seating area open to the air that is accessory to an eating place, as that term is defined in section 12-206 of the Village of Northbrook Zoning Code.
- (6) *Outdoor event* means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which members of the general public are invited.
- (7) *Outdoor venue* means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.
- (8) *Park grounds* means all unenclosed areas of a park or playground owned or operated by the village, the Northbrook Park District, or a public school district; which areas shall include, without limitation, parking lots located on the same property as the park or playground.
- (9) *Place of employment* means any enclosed area of a business within the village where one or more employees are required or permitted by an employer to work in the course of their employment, and includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, stairs, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. A "place of employment" does not include a private dwelling unit, unless the dwelling is also used as a day care facility for children or adults.
- (10) *Public entrance* means:
  - a. The doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place; and
  - b. The doorway or other entrance to a place of employment that is open to, and intended for use by, the general public or business invitees for ingress and egress to a place of employment, or where employees are required or permitted to enter or exit.
- (11) *Public meeting* means all meetings open to the public pursuant to the Illinois Open Meetings Act [5 ILCS 120/1 et seq.].
- (12) *Public place* means any area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:
  - a. Vehicles of public conveyance, including their loading areas and platforms;
  - b. Common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, and elevators) of apartment buildings, condominiums, dormitory buildings, nursing and personal care facilities, and other multiple-family residential structures;
  - c. Common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, and elevators) of any building or structure that is accessible to the public, including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, eating places, polling places, government and village-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments;
  - d. Rooms, chambers, halls, outdoor venues, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is

permitted, including specifically, but without limitation, any enclosed area under the control of the Village of Northbrook where there is in progress any public meeting.

"Public place" shall not include a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults.

- (13) *Smoke* or *smoking* means inhaling, exhaling, burning, or carrying a lighted cigar, cigarette, pipe, or other combustible substance in any manner or in any form. *Smoke* or *smoking* does not include smoking that is associated with a recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.
  - (14) *Smoke Free Illinois Act* means the Smoke Free Illinois Act, 410 ILCS 82/1 et seq. , as may be amended.
  - (15) *School grounds* means all unenclosed areas of property on which a public or private school is located; which areas shall include, without limitation, parking lots located on the same property as the public or private school.
- (e) *Prohibition in enclosed areas of public places.* Smoking or using an e-cigarette is prohibited in any enclosed area of any public place. It is unlawful for the owner, occupant or lessee, as the case may be, in control of a public place to knowingly permit smoking or the use of e-cigarettes in any enclosed area of a public place.
- (f) *Prohibition in unenclosed public places.*
- (1) Smoking or using an e-cigarette is prohibited in the following unenclosed public places:
    - a. Seating areas of all outdoor venues;
    - b. Park grounds, as defined in this section;
    - c. Vehicle and railroad platforms;
    - d. Loading docks and areas;
    - e. Those portions of public golf courses that are located within 75 feet of the clubhouse building on the public golf course;
    - f. Public golf driving ranges;
    - g. Miniature golf courses;
    - h. School grounds, as defined in this section;
    - i. Outdoor eating areas;
    - j. Public sidewalks within 25 feet of a public entrance, provided, however, that this prohibition shall not apply to any person who is temporarily in such area for the sole purpose of walking or traversing through such area; and
    - k. Public sidewalks within 25 feet of an outdoor eating area, provided, however, that this prohibition shall not apply to any person who is temporarily in such area for the sole purpose of walking or traversing through such area.
  - (2) Smoking or using an e-cigarette is prohibited in, or within 25 feet of, an outdoor venue during the time that an outdoor event is taking place; provided, however, that this prohibition shall not apply to any person who is temporarily in such area for the sole purpose of walking or traversing through such area.
- (g) *Prohibition in places of employment.* Smoking or using an e-cigarette is prohibited in any place of employment. It is unlawful for any employer to knowingly permit smoking or the use of e-cigarettes in any place of employment.
- (h) *Prohibition at public entrances.*

- (1) Smoking or using an e-cigarette is prohibited within 25 feet of a public entrance to a public place (enclosed or unenclosed) within which smoking or the use of e-cigarettes is prohibited.
  - (2) Smoking or using an e-cigarette is prohibited within 25 feet of a public entrance to a place of employment.
- (i) *Prohibition at public meetings.* Smoking or using an e-cigarette is prohibited at all public meetings.
- (j) *Designation of other no smoking or using e-cigarette areas.* Nothing in this article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment from further prohibiting smoking or using an e-cigarette by designating outdoor areas not subject to the restrictions of this section as a place where smoking or using an e-cigarette is also prohibited, provided the owner, occupant or lessee conspicuously posts signs wherever smoking or using an e-cigarette is prohibited in the same manner set forth in this section.
- (k) *Signs.* Each owner, operator, manager, or other person in control of any place within which smoking or using e-cigarettes is prohibited pursuant to this section shall conspicuously post signs indicating that smoking and the use of e-cigarettes is prohibited in the same manner as is described in Sections 20(a) and 20(b) of the Smoke Free Illinois Act; provided, however, that in the event that there is no clearly defined entrance to a place within which smoking is prohibited pursuant to this Chapter, such signs shall be posted on or adjacent to an existing identification sign located on the property.
- (l) *Exemptions.* This section shall not apply to the following specific locations and circumstances:
- (1) That portion of the premises of a tobacco store or tobacco stand operated by a tobacco dealer, or that portion of the premises operated by a tobacco wholesaler, within which customers are allowed to sample tobacco products; provided, however, that any smoke generated by smoking on the premises of the tobacco store, tobacco stand, or tobacco wholesaler shall not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a "tobacco dealer" is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products, and a "tobacco wholesaler" is a wholesaler whose principal business is the sale of tobacco and tobacco-related products in quantity for resale.
  - (2) Individual rooms in a nursing and personal care facility (as defined in section 12-106 of the Zoning Code), where each resident occupant of the room has signed a written waiver authorizing smoking or the use of e-cigarettes in the room.
  - (3) Hotel or motel rooms designated as smoking, provided that no more than ten percent of the available rooms for rent in any single hotel or motel facility shall be designated as smoking rooms. Nothing in this section shall be deemed or interpreted as requiring, and no hotel or motel facility shall have, a minimum number of hotel or motel rooms in which smoking or the use of e-cigarettes is permitted.
- (m) *Penalties.*
- (1) Any person who violates this article shall be fined as set forth in the annual fee ordinance for each and every offense;
  - (2) Each day that any violation of this article continues shall constitute a separate offense;
  - (3) Violation notices for violations of this article may be issued, served, and resolved in accordance with a system of administrative adjudication for violations of the village Code.
- (n) *Severability.* If any provision or part of this article or the application thereof to any person or circumstance is held to be invalid, the remainder of the article and the application of the provision or part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.
- (o) *Effective date.* All premises affected by this article that are in existence on October 10, 2006, being the date of adoption of the ordinance amending this section, shall cause the signs required in subsection (j) of this section to be posted in a conspicuous location within the public place on or

before January 1, 2007. All premises affected by this article that are established subsequent to October 10, 2006, shall cause such signs to be so posted as a condition to obtaining applicable business licensing.

Sec. 17-2. - Distribution of handbills.

It is unlawful for any person to distribute printed advertisements, notices, or other similar material by hand except:

- (1) To persons willing to accept same; or
- (2) In a manner that will prevent same from being blown about or scattered by the elements.
- (3) In accordance with Article XXI of Chapter 15 of this Code regarding solicitation.

Sec. 17-3. - Posting bills.

It shall be unlawful for any person to post any bills, posters, or advertisements on any public property without the authority of the board of trustees and it shall be unlawful to post any bill, poster, or advertisement on any property without the written consent of the owner of the property and without complying with the sign regulations set forth in the Northbrook Zoning Code.

Sec. 17-4. - Advertisements on trees, streets, sidewalks.

- (a) It shall be unlawful for any person to use any street, sidewalk or other public way or place, as space for the display of goods or merchandise, or to write or make any signs or advertisements thereon.
- (b) It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any public place, street or parkway.

Sec. 17-5. - Trespasses prohibited.

It shall be unlawful for any person, firm or corporation to commit a trespass within the village upon either public or private property.

Sec. 17-6. - Specifically enumerated trespasses, suppression.

Without constituting any limitation upon the provisions of section 17-5 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 17-5, and appropriate action may be taken hereunder at any time, from time to time, to prevent and suppress any violation or violations of this article, 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;
- (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 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 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.

Secs. 17-7—17-9. - Reserved.

Sec. 17-10. - Possession of tobacco products and e-cigarettes by underage persons prohibited.

- (a) Tobacco products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and dipping tobacco.
- (b) E-cigarette means an electronic device that typically includes a mouthpiece, a heating element or atomizer, a battery, and electronic circuits; provides a gas derived from a liquid that includes nicotine, propylene glycol, or similar substance and perhaps other substances; and is inhaled by a user in a manner that simulates or resembles smoking. The term "e-cigarette" includes all manner of these devices, regardless of the details of a device's appearance or marketed name, that are manufactured to resemble a cigarette, cigar, pipe, or other smoking device. The term "e-cigarette" includes the cartridges and component parts of an e-cigarette, individually or in any combination.
- (c) It shall be unlawful for any person under the age of 21 years of age to possess any tobacco products or e-cigarettes; provided that the possession of tobacco products or e-cigarettes by a person under the age of 21 years who is under the direct supervision of his/her parent or guardian in the privacy of the parent's or guardian's home shall not be prohibited.
- (d) Penalties. Any person cited under this section shall be subject to the following:
  - (1) A fine for each offense in an amount as set forth in the annual fee ordinance; provided, however, that in the event of a first offense, the village manager may accept in lieu of payment of the fine, evidence of attendance at a smoking cessation class as authorized by the village manager;
  - (2) For all offenses after the first offense, an appearance at a hearing, as specified on the citation, accompanied by the minor's parent or guardian is required; and
  - (3) Such other fine or penalty deemed appropriate by the court upon a finding of guilty by the court.

Sec. 17-11. – Cyberbullying Prohibited.

(a) *Definitions.*

- (1) "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, or computer which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.
  - (2) "Family or household member" includes persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this section, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.
  - (3) "Harass" or "harassing" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances that would cause a reasonable person emotional distress and does cause emotional distress to another.
- (b) A person commits cyberbullying when that person uses electronic communication for any of the following purposes:
- (1) Making any comment, request, suggestion, or proposal which is obscene with an intent to offend;
  - (2) Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing a person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the person transmitting the electronic communication is at least 16 years of age at the time of the commission of the offense;

- (3) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of that person's family or household members; or
- (4) Knowingly permitting any electronic communications device to be used for any of the purposes set forth in this subsection (a).
- (c) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

Secs. 17-12—17-19. - Reserved.

## ARTICLE II. - OFFENSES AGAINST PROPERTY

Sec. 17-20. – Definitions.

- (a) *Account holder* means any person having a checking account or savings account in a financial institution.
- (b) *Conceal* means that merchandise is not visible through ordinary observation, although there may be some notice of its presence.
- (c) *Deception* means knowingly to:
  - (1) Create or confirm another's impression which is false and which the offender does not believe to be true; or
  - (2) Fail to correct a false impression which the offender previously has created or confirmed; or
  - (3) Prevent another from acquiring information pertinent to the disposition of the property involved; or
  - (4) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claims, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
  - (5) Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.
- (d) *Financial institution* means any bank, savings and loan association, credit union, or other depository of money, or medium of savings and collective investment.
- (e) *Full retail value* means the merchant's stated or advertised price of the merchandise.
- (f) *Graffiti* shall mean any sign, symbol, marking, name, initial, word, diagram, sketch, picture or letter that is inscribed, engraved, drawn, painted or otherwise placed on the surface of any building, structure, wall, or pavement (including, without limitation, driveways, sidewalks, and pathways) without the consent of the owner thereof.
- (g) *Legal guardian* includes a person appointed guardian, or given custody, of a minor by a circuit court of this state, but does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act [705 ILCS 405/1-2 et seq.].
- (h) *Intent to defraud* means to act willfully, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another or to bring some financial gain to oneself. It is not necessary to establish that any person was actually defrauded or deceived.
- (i) *Merchandise* means any item of tangible personal property.
- (j) *Merchant* means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.
- (k) *Minor* means a person who has attained 11 years of age but who has not yet reached 21 years of age.
- (l) *Obtain* means:

- (1) In relation to property, to bring about a transfer of interest or possession, whether to the offender or to another, and
  - (2) In relation to labor or service to secure the performance thereof.
- (m) *Obtains or exerts control* over property, includes but is not limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property.
- (n) *Owner* means a person, other than the offender, who has possession of or any other interest in the property involved, even though such interest or possession is unlawful, and without whose consent the offender has no authority to exert control over the property.
- (o) *Permanently deprive* means to:
- (1) Defeat all recovery of the property by the owner; or
  - (2) Deprive the owner permanently of the beneficial use of the property; or
  - (3) Retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
  - (4) Sell, give, pledge, or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.
- (p) *Premises of a retail mercantile establishment* includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.
- (q) *Property* means anything of a value. Property includes real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor or services, or otherwise of value to the owner; things growing on, affixed to, or found on land, or part of or affixed to any building, electricity, gas or water, birds, animals and fish, which ordinarily are kept in a state of confinement; food and drink; samples, cultures, micro-organisms, specimens, records, recordings, documents, blueprints, drawings, maps, and whole or partial copies, descriptions, photographs, prototypes or models thereof which constitute, represent, evidence or reflect or record a secret scientific, technical, merchandising, production or management, information, design, process, procedure, formula, invention or improvement.
- (r) *Retail mercantile establishment* means any place where merchandise is displayed, held, stored or offered for sale to the public.
- (s) *Shopping cart* means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.
- (t) *Stolen property* means property over which control has been obtained by theft.
- (u) *Threat* means a menace, however communicated, to:
- (1) Inflict physical harm on the person threatened or any other person or property; or
  - (2) Subject any person to physical confinement or restraint; or
  - (3) Commit any criminal offense; or
  - (4) Accuse any person of a criminal offense; or
  - (5) Expose any person to hatred, contempt or ridicule; or
  - (6) Harm the credit or business reputation of any person; or
  - (7) Reveal any information sought to be concealed by the person threatened; or
  - (8) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
  - (9) Bring about or continue a strike, boycott or other similar collective action if the property is not demanded or received for the benefit of the group which they purport to represent; or
  - (10) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
  - (11) Inflict any other harm which would not benefit the offender.
- (v) *Under-ring* means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.
- (w) *Value*, in relation to property consisting of any commercial instrument or any written instrument representing or embodying rights, concerning anything of value, labor or services or otherwise of value to the owner, means:



- (1) The market value of such instrument if such instrument is negotiable and has a market value; and
- (2) The actual value of such instrument if such instrument is not negotiable or is otherwise without a market value. For the purpose of establishing such "actual value," the interest of any owner or owners entitled to part or all of the property represented by such instrument may be shown, even if another "owner" may be named in the complaint, information, or indictment.

Sec.17-21. - Damage to or tampering with property.

(a) *Offenses.* Within the corporate limits of the village no person shall:

- (1) Knowingly damage any property of another without the owner's consent;
- (2) Knowingly start a fire on the land of another without the owner's consent;
- (3) Recklessly by means of fire or explosive damages property of another;
- (4) Knowingly injures a domestic animal of another without the owner's consent;
- (5) Knowingly deposits on the land or in the building of another, without the owner's consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or
- (6) Knowingly causes any graffiti to be placed on the surface of any building, structure, wall, or pavement (including, without limitation, driveways, sidewalks, and pathways) except upon the permission of the owner thereof; provided, however, that this Section 17-21(c)(6) shall not apply to government officials and employees, or to employees or official representatives of any public or private utilities, with respect to the posting or labeling of tags, notices or other markings on buildings or other property in the performance of their official duties.

(b) *Penalty.* In addition to all other fines and penalties imposed by this Code, any person found guilty of an offense under this section may be subject to either or both of the following penalties as applicable:

- (1) A fine as set forth in the annual fee ordinance.
- (2) For a person found guilty of an offense under this section in the Circuit Court of Cook County, a period of conditional discharge not to exceed one year.
  - a. The conditions of a conditional discharge shall include that the defendant:
    1. Not violate any criminal statute or quasi-criminal ordinance of any jurisdiction; and
    2. Report to and appear in person before such person or agency as directed by the court.
  - b. The conditions of conditional discharge may, in addition, require that the defendant:
    1. Work or pursue a course of study or vocational training;
    2. Undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
    3. Make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss; and
    4. If a minor, to reside with their parent or in a foster home, attend school, attend a nonresidential program for youth, or contribute to their own support at home or in a foster home.
  - c. When a court orders restitution or reparation as a condition for a conditional discharge, the court shall determine the amount and conditions of payment. When the conditions of payment have not been satisfied, the court, at any time prior to the expiration or termination of the period of conditional discharge may impose an additional period of not

more than two years. Only the conditions of payment shall continue to apply during such additional period. The court shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the original conditions and to revoke the penalty of conditional discharge if the conditions of payment are violated during such additional period.

- d. When a petition is filed charging a violation of a condition imposed for conditional discharge, the court:
    - 1. May order a summons to the offender to appear; or order a warrant for the offender's arrest where there is danger of the offender fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons. The issuance of such warrant or summons shall stay the sentence of conditional discharge until the final determination of the charge, and the term of conditional discharge shall not run so long as the offender has not answered the summons or warrant.
    - 2. Shall conduct a hearing of the alleged violation. The court may admit the offender to bail pending the hearing.
    - 3. Shall receive evidence in open court with the right of confrontation, cross-examination and representation by counsel. The village has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence.
    - 4. Shall not revoke a conditional discharge for failure to comply with conditions of a sentence which imposes financial obligations upon the offender unless such failure is due to the offender's willful refusal to pay.
    - 5. May modify the conditions of a conditional discharge on motion of the village or on its own motion or at the request of the offender after notice to all parties and a hearing.
  - e. If the court finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue the offender on the existing period, with or without modifying or enlarging the conditions, or may impose any other penalty that was available at the time of the initial penalty.
  - f. A judgment revoking probation or conditional discharge is a final appealable order.
- (c) *Prompt removal of graffiti by property owner.* The owner of the real property on which is located any building, structure, improvement or object on which any graffiti is placed shall remove, cover or otherwise eradicate such graffiti within 15 days from either its placement on the property or, if the date of placement cannot be determined, the date the graffiti is reported to the village.
- (1) In the event the owner fails to remove, cover, or otherwise eradicate the graffiti within such time, the village manager shall cause notice to be served, either by personal service on the owner or the owner's agent, or mailed by certified mail to the person to whom was sent the most recent bill for general real estate taxes, which notice shall state a date, no more than 15 days later than the date of personal service or mailing, after which the village will invoke the remedies provided in this section.
  - (2) If the owner fails to remove, cover or otherwise eradicate the graffiti by the date required above, or such later date as the village manager may allow in the reasonable exercise of their discretion, the village manager shall, where necessary or appropriate, order the issuance of citations and taking of such other actions necessary to enforce this section and to recover fines and penalties for the violation of this section, as authorized by state law and this Code.
  - (3) The village's exercise of the remedies provided in this section shall not prevent the owner from recovering, through civil suit or otherwise, the cost of removal or reparation from the person or persons responsible for placing the graffiti on the owner's property.

Sec. 17-22. - Damage to public property.

It shall be unlawful for any person to injure, destroy, deface or assist in injuring, destroying or otherwise rendering inoperable, or defacing any public property within the village including, but not limited to buildings; traffic signs and devices; street lighting; street and sidewalk surfaces and appurtenances; fire hydrants and appurtenances; sanitary and storm sewer manholes, ditches and appurtenances; parkways; trees; fences; and all other forms of property established by any governmental agency or body whatsoever.

Sec. 17-23. - Damage and nonreturn of library property.

It shall be unlawful for any person to commit injury upon or to the Northbrook Public Library or the grounds or other property thereof. It shall be unlawful for any person to injure or fail to return within ten days following the date of registered or certified mail notice to such person at the address shown on library records, library material including, but not limited to, any book, pamphlet, periodical, paper or other property belonging to the Northbrook Public Library.

Sec. 17-24. - Theft.

- (a) *Offense.* A person commits a theft when a person knowingly:
- (1) Obtains or exerts unauthorized control over property of the owner; or
  - (2) Obtains by deception control over property of the owner; or
  - (3) Obtains by threat control over property of the owner; or
  - (4) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce the person to believe that the property was stolen; and:
    - a. Intends to deprive the owner permanently of the use or benefit of the property; or
    - b. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
    - c. Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
- (b) *Theft by lessee; prima facie evidence.* It shall be prima facie evidence that a person "knowingly obtains or exerts unauthorized control over property of the owner" when a lessee of the personal property of another fails to return it to the owner within 30 days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed by registered mail to the lessee at the address given by the lessee and shown on the leasing agreement, shall constitute a proper demand.
- (c) *Theft of lost or mislaid property.* A person who obtains control over lost or mislaid property commits theft when a person:
- (1) Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner; and
  - (2) Fails to take reasonable measures to restore the property to the owner; and
  - (3) Intends to deprive the owner permanently of the use or benefit of the property.
- (d) *Use of property; theft of labor or services.* A person commits theft when a person obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services.
- (e) *Interest in property.*
- (1) It is no defense to a charge of theft of property that the offender has an interest therein, when the owner also has an interest to which the offender is entitled.

- (2) Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as husband and wife and were living in separate abodes at the time of the alleged theft.
- (f) *Theft from coin-operated machines.*
- (1) A person commits theft from a coin-operated machine when a person knowingly and without authority and with intent to commit a theft from or operate or use such machine, opens, breaks into, tampers with, or damages a coin-operated machine.
  - (2) As used in this section, the term "coin-operated machine" shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin dry-cleaning machine, amusement machine, music machine, vending machine dispensing goods or services or money changer.
- (g) *Coin-operated machines; possession of a key or device.* Whoever possesses a key, tool, instrument, explosive or device or a drawing, print or mold of a key, tool, instrument, explosive or device designed to open, break into, tamper with or damage a coin-operated machine as defined in paragraph (g)(2) above, with intent to commit a theft from such machine, shall be guilty of an offense.

Sec.17-25. - Retail theft.

- (a) *Offense.* A person commits the offense of retail theft when a person knowingly:
- (1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
  - (2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full value with the intention of depriving the merchant of the full retail value of such merchandise; or
  - (3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
  - (4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
  - (5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.
- (b) *Presumptions.* If any person:
- (1) Conceals upon their person or among their belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
  - (2) Removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.

- (c) *Detention.* Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
- (1) To request identification;
  - (2) To verify such identification;
  - (3) To make reasonable inquiry as to whether such person has in their possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;
  - (4) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer; or
  - (5) In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.
  - (6) A merchant may make a detention as permitted in this Subsection (c) off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.
  - (7) A detention as permitted in this section does not constitute an arrest or an unlawful restraint, as defined in section 10-3 of the Criminal Code of 2012, 720 ILCS 5/10-3, nor shall it render the merchant liable to the person so detained.

Sec. 17-26. - Library theft.

- (a) *Definitions.* As used in this section:

- (1) *Library facility* includes any public library or museum, or any library or museum of an educational, historical or eleemosynary institution, organization or society.
- (2) *Library material* includes any book, plate, picture, photograph, engraving, painting, sculpture, statue, artifact, drawing, map, newspaper, pamphlets, broadside, magazine, manuscript, document, letter, microfilm, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, or on loan to or otherwise in the custody of a library facility.
- (3) *Premises of a library facility* means the interior of a building, structure or other enclosure in which a library facility is located and in which the library facility keeps, displays and makes available for inspection or borrowing library material, but for the purposes of this section, such premises do not include the exterior appurtenances to such building, structure or enclosure nor the land on which such building, structure, or other enclosure is located.
- (4) *Library card* means a card or plate issued by a library facility for purposes of identifying the person to whom the library card was issued as authorized to borrow, subject to all limitations and conditions imposed on such borrowing by the library facility issuing such card.

- (b) *Offense.* A person commits the offense of library theft when they:

- (1) Knowingly and intentionally removes any library material from the premises of a library facility without authority to do so; or
- (2) Knowingly and intentionally conceals any library material upon their person or among their belongings, while still in the premises of a library facility and in such manner that the library material is not visible through ordinary observation although there may be some notice of its presence, and removes such library material beyond the last point in the premises of that library facility at which library material may be borrowed in accordance with procedures established by that library facility for the borrowing of library material; or

- (3) With the intent to deceive, borrows or attempts to borrow any library material from a library facility by use of a library card, issued to another, without the other's consent, or use of a library card knowing that it is revoked, cancelled, or expired, or use of a library card knowing that it is falsely made, counterfeited or materially altered.

Sec. 17-27. - Deceptive practices.

- (a) A person commits a deceptive practice when, with intent to defraud, that person obtains control over property or, to pay for property, labor or services of another, that person issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of two occasions at least seven days apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that the person had the intent to defraud.
- (b) A person shall be deemed in violation of this section when the value of the property involved in a single transaction or in separate transactions within a ninety-day period, does not exceed \$150.00.

Sec. 17-28. – Penalties.

Any person found guilty of an offense under this Article II shall be subject to the following penalties:

- (1) A fine shall be imposed for each offense in an amount as set forth in the annual fee ordinance.
- (2) The parent or legal guardian of an unemancipated minor shall be liable for any and all penalties imposed pursuant to this Article II to the fullest extent allowed by law but only if said parent or legal guardian shall have received a written notice of the violations either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned from the police department, prior to the institution of any such penalties.

Secs. 17-29—17-39. - Reserved.

ARTICLE III. - OFFENSES AGAINST PUBLIC SAFETY

Sec. 17-40. - Possession of weapons by persons under eighteen years of age.

It shall be unlawful for any person under 18 years of age, within the village limits, to possess any:

- (1) Airgun, BB guns, paint ball gun, gas operated gun, spring gun; or
- (2) Bowie, switchblade, ballistic knives, throwing stars, other edged weapon, as listed and described in 720 ILCS 5/24-1(a)(1), as amended; or
- (3) Metal knuckles or other knuckle weapon regardless of its composition, numchucks, slingshot, ice pick; or
- (4) Stun gun, taser; or
- (5) Firearms or ammunition, as each is defined in the Federal Firearms Act, 18 U.S.C. Section 92, as the same may, from time to time, be amended, except when such person is under the direct supervision of an adult that is (a) that person's parent, guardian, or other individual having charge of that person and (b) a holder of a valid and current firearm owner's identification card issued by the State of Illinois; or
- (6) Fireworks, as defined by 425 ILCS 30/2.

Sec. 17-41. - Hunting.

It shall be unlawful for any person to hunt or to engage in killing any animal other than as prescribed by law or ordinance in the village.

Sec. 17-42. – Reserved.

Sec. 17-43. - Scaffolds.

Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place or way in the village, shall be firmly and properly constructed and safeguarded. It shall be unlawful for any person to place or leave any tool or article on any such place in such a manner that the same can fall onto such street, sidewalk or other public way from a greater height than four feet.

Sec. 17-44. - Articles on windows.

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

Sec. 17-45. - Throwing missiles.

It shall be unlawful to cast, throw, or propel any missile on any street, alley or public place in the village.

Sec. 17-46. - Gas pipes.

Any person maintaining any gas pipe in the village shall keep such pipe free from leaks so that no injury shall be done thereby to any person, animal, property or the environment.

Sec. 17-47. - Barbed wire or electric fences.

It shall be unlawful for any person to construct or maintain any fence composed in whole or in part of barbed wire, or with any similar material likely to cause injury, or any wire charged with electric current, unless expressly approved and authorized by the board of trustees pursuant to a duly adopted resolution. The construction and maintenance of such fence shall be subject to such conditions or restrictions that may be imposed by the board of trustees and set forth in such resolution.

Sec. 17-48. - Bow and arrow use prohibited.

- (a) No person shall shoot or use out-of-doors, within the village limits, a bow, crossbow, or other device, having a "pull" of ten pounds or more, for the purpose of throwing or projecting arrows or missiles of any kind. Nothing in this section shall prohibit the use of such devices having a "pull" of less than ten pounds, provided such devices are not used in a manner as may endanger any person or animal or damage the property of another.
- (b) No person shall use, within the village limits, any arrow with a tip or point of rigid construction, made of wood, metal or other hard substance.

Sec. 17-49 – Reserved.

Sec. 17-50. - Penalties.

Any person who violates any section of this article shall be fined in an amount as set forth in the annual fee ordinance.

Sec. 17-51. - Cannabis possession.

(a) *Definitions.* As used in this section:

- (1) Cannabis includes marijuana, hashish and other substances that are identified as including any parts of the plant *Cannabis Sativa* including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however "cannabis" does not include the mature stalks of such plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Illinois Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

(b) *Offenses.*

- (1) It shall be unlawful for any person knowingly to possess, consume, use, purchase, obtain, transport, or sell any quantity of any substance containing cannabis, except in compliance with the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* or the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 *et seq.*, as each may be amended.
- (2) It shall be a violation of this section for any person knowingly to use or consume, or allow someone else to use or consume, cannabis on the premises of any privately owned commercial facility that is open to members of the general public, including, without limitation, retail stores, restaurants, taverns, theatres, and other recreational facilities, except as otherwise specifically permitted pursuant to the Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act and the provisions of this Code.
- (3) It shall be a violation of this section for any person to smoke cannabis in any place where smoking is prohibited pursuant to the Smoke Free Illinois Act, 410 ILCS 82/1 *et seq.* or Section 17-1 of this Code."

Sec. 17-52. - Drug paraphernalia control.

(a) For purposes of this section on, the following terms are defined as follows unless the context otherwise requires:

- (1) Cannabis shall have the meaning ascribed to it in section 17-51 of this Code.
- (2) Controlled substance shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, 720 ILCS 570/102.
- (3) Deliver or delivery means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- (4) Drug paraphernalia means all equipment, products and materials of any kind which are intended to be used unlawfully 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 cannabis or a controlled substance in violation of the Cannabis Control Act, 720 ILCS 550/1 *et seq.* or the Illinois Controlled Substances Act, 720 ILCS 570/102. It includes, but is not limited to:
  - a. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
  - b. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;



- c. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
  - d. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
  - e. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
    - (i) Water pipes;
    - (ii) Carburetion tubes and devices;
    - (iii) Smoking and carburetion masks;
    - (iv) Miniature cocaine spoons and cocaine vials;
    - (v) Carburetor pipes;
    - (vi) Electric pipes;
    - (vii) Air-driven pipes;
    - (viii) Chillums;
    - (ix) Bongs;
    - (x) Ice pipes or chillers;
  - f. Any item whose purpose, as announced or described by the seller, is for use in violation of this section.
- (b) *Sale or delivery; public nuisance.*
- (1) It shall be unlawful for any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia.
  - (2) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance subject to the abatement procedures contained in section 16-1 of this Code.
- (c) *Possession of drug paraphernalia.*
- (1) It shall be unlawful for any person to possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.
  - (2) In determining intent under this subsection (c), the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia, may be considered.
- (d) *Exemptions.* This section does not apply to:
- (1) Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
  - (2) Items historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.
  - (3) Items defined in subsection (a) of this section which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit

purpose prohibited by this section. In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- a. The general, usual, customary, and historical use to which the item involved has been put;
- b. Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- c. Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- d. Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- e. Any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;
- f. The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- g. 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;
- h. The existence and scope of legitimate uses for the object in the community.

(4) Items used solely for the authorized consumption of cannabis pursuant to the Cannabis Regulation and Tax Act, 410 ILCS 705/1 or the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 *et seq.*

(e) *Intent.* It is the intent of this Code that the provisions of this section shall be substantially in accordance with the requirements of the Drug Paraphernalia Control Act, 720 ILCS 600/1 *et seq.*

Sec. 17-53. - Manufacture, transfer, sale, or possession of bump-fire stocks and trigger cranks.

It shall be unlawful to import, sell, manufacture, transfer, or possess any bump-fire stock or trigger crank, as defined in chapter 15 of article XXII of this Code. Violations of this section shall result in the penalties set forth in section 15-50 as well as confiscation of the prohibited accessory.

Sec. 17-54. - Replica firearm mobile phone cases prohibited.

- (a) *Definition.* For purposes of this section, "replica firearm mobile phone case" shall mean any device manufactured, designed and/or marketed to encase a mobile telephone, that includes one or more components replicating the design of a firearm, including, without limitation a barrel, slide, hammer, sight, trigger, grip, or magazine, which, taken together, may reasonably be mistaken for a firearm, but is incapable of discharging a projectile.
- (b) *Replica firearm mobile cases prohibited.* It shall be unlawful for any person to purchase, possess, use, sell, give away or otherwise transfer, or to engage in the business of selling or to exhibit for sale, a replica firearm mobile phone case, in the village.
- (c) *Exception.* Nothing contained within this article shall prohibit a sworn law enforcement officer from purchasing, possessing, concealing or using a replica firearm mobile phone case in the village at the direction of and in connection with lawful employment, including but not limited to sanctioned training activities.

Sec. 17-55 - Firearm storage responsibility.

- (a) It shall be unlawful for the owner of a firearm, as defined in Article XXII of Chapter 15 of this Code, to allow any person under the age of 18 to gain access to a firearm without the lawful permission and supervision of that person's parent, guardian, or other individual having charge of the person.
- (b) Subsection (a) shall not apply where the person under 18 years of age:
  - (1) Gains access to the firearm and uses it in a lawful act of self-defense or defense of another; or
  - (2) Gains access to the firearm after that person unlawfully enters the premises or vehicle within which the firearm is stored.

Sec. 17-56. - Discharge of firearms.

It shall be unlawful for any person to discharge any firearm, air rifle or airgun in the village except inside a properly licensed and operated firearms shooting range. This section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of the officer's duty, nor any person to discharge a firearm when lawfully defending their person or property.

Secs. 17-57—17-60. - Reserved.

ARTICLE IV. - OFFENSES AGAINST PUBLIC ORDER

Sec. 17-61. - Curfew for minors.

- (a) It shall be unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, vehicle, street or highway within the village at the following times unless one of the exceptions listed in subsection (b) applies:
  - (1) Between 12:01 a.m. and 6:00 a.m. on Saturday.
  - (2) Between 12:01 a.m. and 6:00 a.m. on Sunday.
  - (3) Between 11:01 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day.
- (b) This section shall not apply to any person less than 17 years of age who is:
  - (1) Accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age and approved by a parent or legal guardian;
  - (2) Engaged in, or traveling directly to or from, a business or occupation which the laws of this state authorize a person less than 17 years of age to perform;
  - (3) Attending or traveling directly to or from an official school, religious, or civic activity;
  - (4) Attending or traveling directly to or from any assembly activity for which a permit has been lawfully issued;
  - (5) Involved in an emergency; or
  - (6) Traveling between states or internationally from a location outside of Illinois to another location outside of Illinois.
- (c) The police officer shall not take any enforcement action under this section unless the police officer reasonably believes that a violation of this section has occurred and that no exception listed in subsection (b) is applicable.
- (d) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in their custody or control to violate this section.
- (e) It shall be unlawful for any parent or legal guardian, upon being notified by a police officer that a person under the parent or legal guardian's custody or control is presently in police custody charged with a violation of this section, to fail or refuse to appear at any reasonably convenient place within the village within a reasonable period of time and to take physical custody of the person charged.

- (f) Any person who operates a motor vehicle while in violation of this section also commits the offense of operating a motor vehicle without a valid driver's license, as provided in section 6-110 of the Illinois Vehicle Code [625 ILCS 5/6-110].

Sec. 17-62. - Notice of parties, meetings and other gatherings.

- (a) Any person who owns or exercises actual control over any premises located within the village shall give notice to the police department, as provided in subsection (c) below, of the following described functions to be held in or on such premises:
  - (1) Any party, meeting or gathering at which 75 or more people are expected to be in attendance.
  - (2) Any outdoor party, meeting or gathering, regardless of the number of people expected to be in attendance, at which a musical performance by a group consisting of three or more people is expected to be given.
- (b) Any band, orchestra or musical group consisting of three or more people shall give notice to the police department, as provided in subsection (c) below, of any performance to be given at a function of which notice is required to be given by subsection (a) above. Every member of such band, orchestra or musical group and any manager or booking agent acting on behalf of such band, orchestra or musical group shall be liable for any violation of the provisions of this section.
- (c) The notices required by subsections (a) and (b) of this section shall be given on a form to be provided by the police department and shall include at least the following information:
  - (1) Name and address of the person filing notice.
  - (2) Address of premises at which the party, meeting or gathering is to be held or any musical performance is given.
  - (3) Scheduled hours of the party, meeting or gathering or of any musical performance.
  - (4) Type of parking control planned.
  - (5) Number of people expected to be in attendance.
  - (6) Name of any musical group expected to perform at the party, meeting or gathering.
  - (7) The name and address of the manager or booking agent acting in behalf of the musical group involved.
  - (8) Whether any sum of money or other valuable consideration is required as a prerequisite to attendance.
- (d) Such notice shall be delivered at least five days prior to the scheduled date of any such party, meeting or gathering or musical performance. If the person required to give such notice does not become aware of any such party, meeting or gathering or musical performance five or more days prior to the scheduled date, notice shall be delivered no later than 24 hours following the time at which the person required to give notice becomes aware of such party, meeting or gathering or musical performance but in no event later than 24 hours prior to such party, meeting or gathering or musical performance.
- (e) The notice required by this section is for informational purposes only and to enable the police department to better serve people attending the party, meeting or gathering or musical performance and to better enforce applicable laws protecting the rights and property of persons in the vicinity. It does not authorize any representative of the police department or the village to preclude any person from participating in any party, meeting or gathering or musical performance not otherwise prohibited by any other provision of this Code.
- (f) Functions and performances held or given at premises properly licensed to offer musical entertainment and to lease facilities for meetings, parties and gatherings, all public premises and all religious premises are exempt from the provisions of this section.

Sec. 17-63. - Disorderly conduct.

- (a) *Offense.* A person commits the offense of disorderly conduct when they knowingly:
- (1) Does any act in such unreasonable manner as to alarm or disturb another and to aid in or provoke a breach of the peace; or
  - (2) Transmits in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
  - (3) Transmits in any manner to 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; or
  - (4) 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
  - (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.
  - (6) Makes a telephone call, whether or not conversation ensues, with intent to abuse, threaten, or harass any person at the called number; or
  - (7) Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that they may endanger oneself or other persons or property, or annoy persons in their vicinity.
- (b) *Penalties.* In addition to all other fines and penalties imposed by this Code, any person found guilty of an offense under this section shall be subject to the following penalties:
- (1) A fine shall be imposed for each offense in an amount as set forth in the annual fee ordinance.
  - (2) The parent or legal guardian of an unemancipated minor shall be liable for any and all penalties imposed pursuant to this section to the fullest extent allowed by law but only if said parent or legal guardian shall have received a written notice of the violations either by certified or registered mail, return receipt requested, or by personal service with a certificate of personal service returned from the police department prior to the institution of any such penalties.

Sec. 17-64. - Street games.

It shall be unlawful for any person to play any games upon any street, alley or sidewalk, where such games cause unnecessary noise or interfere with traffic or pedestrians.

Sec. 17-65. - Use of street for parade, block party, etc.

- (a) Notwithstanding section 17-64 or any other contrary provision of this Code, the village manager or the village manager's designee may, subject to the provisions of all other applicable codes and ordinances of the village, authorize the temporary blocking off of any street for the purpose of holding a parade, a block party, a carnival or other such social event or gathering held in compliance with this section may be authorized as follows:
- (1) Blocking off of any street for 24 hours or less may be authorized by the village manager or the village manager's designee.
  - (2) Blocking off any street for more than 24 hours may be authorized by the village board; provided, however, that the village manager or the village manager's designee may authorize the temporary blocking off of any street for emergency purposes for longer than 24 hours
- (b) To apply for such authorization, a village resident must file an application containing the information required by sections 17-62, paragraphs (c)(1) through (8), plus such other information as the village manager shall deem necessary. In reviewing the application, the

village manager or the village board, as applicable, may confer with the officers and employees of the village, the residents of the general area in which the event or gathering is to be held, and such other persons as they shall deem appropriate. In determining whether to grant such authorization, the village manager or the village board, as applicable, shall consider the reasonably foreseeable effects on vehicular and pedestrian traffic, the reasonably foreseeable effects on public and private property, the probability and degree of any created nuisance, and the potential for violations of any federal or state law, or village ordinance. The authorization may be conditioned on the applicant obtaining of insurance, the assumption of an obligation to provide cleanup or maintenance, the payment of costs for additional public safety services, and any other measure designed to further the considerations described in the preceding sentence.

- (c) This section 17-65 is not intended to modify, reduce, or otherwise abrogate the authorities granted in Sections 24-32 or 24-4 of this Code.

Sec. 17-66. - Whistles.

- (a) It shall be unlawful for any person to blow or cause to be sounded any steam whistle of any stationary engine or steam engine in the village except as a signal for starting or stopping work or in emergencies to avoid or prevent injury to persons or property.
- (b) It shall be unlawful for any person owning, operating or in charge or control of any locomotive to cause or permit the operation of a whistle in connection therewith, except upon such occasions and to such an extent as is necessary for the safety of the public.

Sec. 17-67. - Climbing Structures in the Public Right of Way.

No person shall climb upon any telephone pole, electric light pole, sign pole, or other pole or structure in the public right-of-way unless a person is engaged in the performance of their duties in the course of their employment by any person holding a legal interest in such pole or structure.

Sec. 17-68. - Distribution of materials harmful to minors.

For the purposes of this section, the terms *knowingly*, *distribute*, *minor*, *harmful to minors*, and *materials* shall have the meanings set forth in Section 720 ILCS 5/11-21 of the Illinois Criminal Code.

- (a) It shall be unlawful for a person to knowingly distribute harmful materials to a minor in violation.
- (b) No person shall knowingly sell, rent, lease or loan for monetary consideration to a minor:
- (1) Any material harmful to minors.
  - (2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1), or which contains explicit and detailed verbal descriptions or narrative accounts of obscenity harmful to minors.
- (c) No person shall knowingly exhibit for a monetary consideration to a minor or knowingly sell to a minor an admission ticket or pass or knowingly admit a minor for a monetary consideration to a premises whereon there is exhibited, a motion picture show or other presentation which, in whole or in part, contains material harmful to minors.
- (d) No person shall knowingly exhibit, display, sell, offer to sell, rent, lease, loan, give away, circulate, distribute, or attempt to distribute any material harmful to minors in any place where minors are or may be present or allowed to be present and where minors are able to view such material unless such material is:
- (1) At all times kept in a sealed wrapper and is blocked from view by an opaque cover.
  - (2) Located in a restricted area of the premises where the access to and view of the material by minors is prohibited. A sign stating "Adults Only—you must be 18 or older to enter" shall be prominently posted at the entrance(s) to such restricted area.

- (e) It shall be an affirmative defense to any proceedings brought under this section that the dissemination was to institutions or individuals having scientific or other special justification for possession of such material.

Sec. 17-69. - Sleeping in a public place.

It shall be unlawful for any person to sleep in or upon any street, avenue, alley, or other public place in the village, or in or upon any private lot or premises without the consent of the owner or occupant of such lot or premises.

Secs. 17-70—17-80. - Reserved.

#### ARTICLE V. - OFFENSES AGAINST GOVERNMENT

Sec. 17-81. – Obedience to firefighters; interference with firefighters; defacing fire equipment.

- (a) Every person who shall be present at a fire shall be subject and obedient to the orders of the fire chief and every member of the fire department in extinguishing the fire and in the removal and the protection of property.
- (b) No person shall willfully offer any hindrance to any firefighter in the performance of the firefighter's duties at a fire.
- (c) No person shall willfully destroy, injure, or deface any of the hoses, trucks, reels, engines, pumpers or other fire apparatus or equipment belonging to the village.

Sec. 17-82. -Reserved.

Sec. 17-83. - Duty of citizens to assist police officer.

It shall be the duty of every person when called upon by a police officer to promptly aid and assist the police officer in the execution of the officer's police duties.

Sec. 17-84. -Reserved.

Sec. 17-85. - Impersonating police, firefighters, or village employee.

It shall be unlawful for any person:

- (1) Falsely to represent themselves to be a police officer, firefighter, or village employee;
- (2) Maliciously, or with intent to deceive, to use or imitate any of the signs or signals of the police department, fire department, or village government;
- (3) With intent to deceive, to wear the uniform accepted as the police uniform or the fire uniform or village employee uniform or clothing;
- (4) To use or wear a star or other similar device like that of a police officer except as otherwise provided by this Code.
- (5) To use or wear an identification badge or card like that of a village employee.