

## **Title 6**

### **POLICE AND PUBLIC SAFETY REGULATIONS**

#### **CHAPTER 1**

#### **POLICE DEPARTMENT**

##### **6-1-1 CREATION; MEMBERSHIP**

There is hereby created a police department of the Village which shall consist of a chief of police, one (1) deputy chief of police and such other members as the board of trustees may from time to time prescribe.

##### **6-1-2 APPOINTMENT OF MEMBERS**

Board of Fire and Police Commissioners shall appoint all officers and members of the police department in accordance with the Board of Fire and Police Commissioners Act, except for the chief of police of this village. The chief of police shall be appointed by the mayor with the advice and consent of the board of trustees and shall serve at the discretion of the mayor and board of trustees. Pursuant to 65 ILCS 5/10-2.1-4, the deputy chief of police shall be appointed by and serve at the discretion of the chief of police. In addition, and notwithstanding the powers of appointment in the board of fire and police commissioners, the mayor, with the advice and consent of the board of trustees, may appoint police crossing guards, radio operators, desk attendants and other clerical and police support personnel, who shall be considered employees of the Village and not police officers, regardless of whether they wear a badge or uniform in the performance of their duties. With respect to these nonsworn civilian personnel, the chief of police will make recommendations to the mayor and board of trustees for the hiring and termination of these employees. All police personnel other than officers appointed by the board of fire and police commissioners shall not be subject to the rules and regulations of the board of fire and police commissioners, and shall be subject only to the rules, regulations, ordinances and procedures that may be established by the mayor and board of trustees of the Village.

##### **6-1-3 CERTIFICATES OF APPOINTMENT**

Certificates of appointment executed by the board shall be evidence that an officer is a member of the classified service of the police department of the Village; provided, however, that all full time members of the regular police department of this municipality as of the date of the adoption of this chapter are qualified for such membership by physical and written examination equal to the requirements of the state statute and this chapter and shall be certified by the board of fire and police commissioners as permanent officers of the department in their rank as of the effective date hereof. The chief of police shall be given a certificate of appointment of the rank of captain.

##### **6-1-4 COMPENSATION AND SALARIES**

Compensation and salaries shall be paid to the officers in accordance with the salary schedules set up by the mayor and board of trustees. Increases or decreases in compensation and salaries, as well as the terms, hours and conditions of employment shall be as provided for by the mayor and the board of trustees of the Village except where state or federal law mandates otherwise.

##### **6-1-5 CHIEF OF POLICE, POWERS AND DUTIES**

A. Duties: The chief of police shall be keeper of the village jail, and shall have custody of all persons incarcerated therein. He shall keep such records and make such reports concerning the activities of his department as may be required by

statute or ordinance. The chief shall be responsible for the performance by the police department of all its functions, and all persons who are members of the department shall serve subject to the orders of the chief of police.

The chief of police shall report to the mayor and the board of trustees as directed and shall obey and follow the ordinances, resolutions, policies, directives and orders of the mayor and board of trustees, as well as being responsible for all persons who are members of the department obeying such ordinances, resolutions, policies, directives and orders.

- B. Stolen Property, Custody of: The chief of police shall be custodian of all lost, abandoned or stolen property in the Village.
- C. Serving Process: The chief of police shall be authorized to serve writs, summonses and other processes, but no police officer shall serve any such summonses or processes except on the order of the chief of police or the mayor.
- D. Promulgate Rules And Regulations: The chief of police may make or describe such rules and regulations for the guidance of the members of the police department as he shall see fit; with prior notification to the board of fire and police commission.

#### **6-1-6 POLICE OFFICERS, POWERS AND DUTIES**

- A. Generally: It shall be the duty of the members of the police department to see to the enforcement of all ordinances of the Village, and of all statutes effective in the Village, to preserve order and prevent infractions of the law and to arrest violators thereof. Every member of the police department is hereby declared to be a conservator of the peace, subject to certification as required by state statute.
- B. Conduct: It shall be the duty of every member of the police department to conduct himself in a proper and law abiding manner, and to avoid the use of unnecessary force.

#### **6-1-7 WITNESS FEES**

Every member of the police department shall appear as a witness whenever this is necessary in the prosecution for a violation of a village ordinance or of a state or federal law. But no such member shall receive any witness fee for such services in any action or suit to which the Village is a party. All fees due for such services shall, if paid, be turned over to the village treasurer.

*Revised 1/22/15*

#### **6-1-8 POLICE TRAINING PROGRAM**

- A. Participation: The Village hereby elects to participate in the Illinois Local Government Law Enforcement Training Program as set forth in 50 ILCS 705/1 et seq.
- B. Police Officer Certification: All police officers of this village hereafter commencing employment shall be certified by the Illinois Local Government Law Enforcement Training Board as having successfully completed an approved training course prior to commencing regular employment as a police officer in the Village; except that such basic training may be completed within six (6) months from the date of initial employment.
- C. Police Officer Training Reimbursement and Pre-Employment Agreement: Upon separation of the employment from the Village and subject to the terms of this

subsection, it shall be the contractual obligations and duty of every Village police officer ("Officer") to reimburse the Village for various expenses including the following

- (a) Administrative of written and physical agility examination;
- (b) Interviews;
- (c) Background investigation;
- (d) Medical, psychiatric, drug-screening and other employment related examinations
- (e) Uniforms and equipment issued by the Village;
- (f) Basic Law Enforcement Academy Training facility; and
- (g) Salary paid during field training sessions and Basic Law Enforcement Academy training

Should an Officer separate from employment of the Village prior to the expiration of eighteen (18) months from the date of hire, reimbursement shall be 100 percent. If separation from employment occurs between eighteen (18) and twenty four (24) months from the date of hire, reimbursement shall be 25 percent. No reimbursement will be due twenty-four months from date of hire.

To enforce the terms of this subsection, prior to and as a condition precedent to an Officer commencing employment with the Village, the Officer shall sign an Expense Pre-employment Reimbursement Agreement with the Village, the form and substance of which follows:

**Island Lake Police Department Expense  
Pre-employment Reimbursement Agreement**

*This Agreement is entered into on \_\_\_\_\_ between \_\_\_\_\_ ("Applicant") and the Village of Island Lake, Illinois ("Village")*

*WHEREAS, Applicant has expressed an interest in becoming a police officer in the Island Lake Police Department;*

*WHEREAS, Applicant understands that, should applicant be hired as a police officer in the Island Lake Police Department, the Village will incur various expenses, including but not limited to the following:*

- (a) Administration of written and physical agility examinations;*
- (b) Interviews;*
- (c) Background investigation*
- (d) Medical, psychiatric, drug-screening and other employment-related examinations;*
- (e) Uniforms and equipment issued by the Village;*
- (f) Basic Law Enforcement Academy Training Facility; and*
- (g) Salary paid during field training sessions and Basic Law Enforcement Academy training.*

*(collectively, "Village Incurred Expenses");*

*WHEREAS, the Village is willing to assume the Village Incurred Expenses but only if and provided that the Village receives a commitment from the Applicant that the Applicant will be expected to remain in the employment of the Village for a minimum period of twenty-four (24) months; and*

*WHEREAS; Applicant understands and acknowledges that, should applicant be hired as a police officer for the Island Lake Police Department, Applicant will be expected to remain in the employment of the Village for a minimum of twenty-four (24) months or else reimburse the Village for Village Incurred Expenses.*

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein below, the parties agree as follows:

1. The Village agrees to consider the Applicant for employment as a Village police officer; however, Applicant acknowledges that execution of this agreement in no way constitutes a guarantee of employment with the Island Lake Police Department. The Village also agreed to pay for various Village Incurred Expenses if Applicant is hired as an Officer of the Village.
2. Applicant agrees that should the Applicant be hired as a Village police officer, Applicant will remain in the employment of the Village as Officer for a minimum of twenty-four (24) months from the date of hire. If Applicant does not remain in the employment of the Village as a police officer for a minimum of Twenty-four (24) from the date of hire, Applicant hereby agrees to reimburse the Village for any and all Village Incurred Expenses at the following rate, regardless of the reason for the separation from employment; 100 per cent, if separation from employment occurs before expiration of eighteen(18) months from date of hire; and twenty-five (25) percent , if separation from employment occurs between eighteen (18) and twenty-four (24) from date of hire. No reimbursement will be due twenty-four (24) months after the date of hire.
3. The Village shall, subject to the reimbursement obligation of the Applicant herein, pay the Village Incurred Expenses.
4. Applicant further agrees that, should it become necessary for the Village to file suit in order to collect the Village Incurred Expenses, Applicant shall be obligated to pay all costs of said suit, including reasonable attorney's fees incurred by the Village.
5. Applicant acknowledges that Applicant has examined this Agreement, read and understands this Agreement, and that Applicant has the right and opportunity to consult an attorney prior to signing it.
6. This agreement is severable, and the invalidity of any portion of this Agreement will not and shall not affect the validity of any other provision. On the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed in full force and effect as if they had been executed by both parties subsequent to the removal of the invalid provision.

Applicant

\_\_\_\_\_ Date \_\_\_\_\_

Village

\_\_\_\_\_ Date \_\_\_\_\_

## CHAPTER 2

### PART TIME POLICE DEPARTMENT

#### 6-2-1 CREATION; MEMBERSHIP

There is hereby created and established a part time police department for the Village which shall consist of a number not to exceed fifteen (15) part time police officers as employees, who shall be selected and recommended by the chief of police, and appointed by the mayor, subject to the advice and consent of the board of trustees. A part time police officer will be considered to be an employee at will and as such will only be appointed for a one year period beginning with his or her original appointment date. A part time officer who wishes to be rehired after the first or any succeeding year of employment should file a request for reappointment with the chief of police at least thirty days prior to the expiration date of his or her appointment, which will allow time for the chief of police and the corporate authorities to act on the request. Upon the failure of a part time officer to file the request for reappointment in a timely manner, the corporate authorities will be authorized to review and make a determination as to whether the officer's employment is terminated or whether the time for filing a request should be extended. The chief of police will establish a protocol for this procedure within the department's rules and regulations.

#### 6-2-2 QUALIFICATIONS AND REQUIREMENTS

- A. Any person employed as a part-time police officer must meet the following hiring standards:
1. Be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et seq.) and the rules and requirements of the Illinois Law Enforcement Training and Standards Board. The chief of police shall enter documents demonstrating completion of said training in the part time officer's training records.
  2. Be at least twenty-one (21) years of age.
  3. Pass a medical examination.
  4. Possess a high school diploma or GED certificate.
  5. Possess a valid State of Illinois driver's license.
  6. Possess no prior felony convictions.
  7. Any individual who has served in the U.S. military must have been honorably discharged
- B. Prior to appointment, all proposed part time police officers shall be fingerprinted and their fingerprints shall be checked with the FBI for any possible criminal record. No person shall be appointed as a part time officer if he has been convicted of a felony or other crime involving moral turpitude. The appointment of any or all part time officers may be terminated by the mayor, subject to the advice and consent of the board of trustees. The chief of police, under emergency circumstances, will have the authority to suspend a part time officer prior to seeking approval by the corporate authorities. This authority includes the authority to secure any and all official credentials issued by the Village. This procedure allows for the chief of police to direct an adequate investigation concerning the facts and circumstances prior to seeking the action of the corporate authorities concerning the officer's status. The chief of police will notify the corporate authorities that such action is pending within three (3) days of the part time officer's suspension, and shall report to the corporate

authorities concerning the status of the investigation no less frequently than every fourteen (14) days thereafter, until the investigation is concluded.

- C. Such part time officers shall be members of the regular police department of the Village, but the number of hours a part time officer may work is restricted as prescribed in Title 20, Section 1770.102 of the Illinois Administrative Code. Part time officers need not be residents of the Village.
- D. Part time officers shall, at all times during the performance of their duties, be subject to the direction and control of the chief of police. The chief of police will establish internal rules & regulations governing the day to day operations of part time police officers.

### **6-2-3 POWERS AND DUTIES**

- A. Part time police officers shall have the powers and duties, properly assigned and on duty, to:
  - 1. Aid or direct traffic in the municipality
  - 2. Aid in control of natural or manmade disasters.
  - 3. Aid in case of civil disorders.
  - 4. Perform normal and regular police duties when assigned by the chief of police or his designee on occasions when it is impractical for members to perform normal and regular duties, provided in all cases that such assignments are in conformity with the requirements and limitations of collective bargaining agreements covering police personnel.
  - 5. If necessary, detain arrested persons in custody overnight or Sunday in any safe place, or until they can be brought before the proper court.
  - 6. Exercise all other powers as conservators of the peace that the corporate authorities may prescribe.
  - 7. Serve and execute all warrants for the violation of municipal ordinances or the state criminal law, within the limits of the Village, and for this purpose, to have all the common law and statutory power of sheriffs.
- B. Part time police officers shall not be assigned to supervise or direct full-time police officers.

### **6-2-4 COMPENSATION**

Part time police officers shall be paid at the current wage scale, as set from time to time by the board of trustees.

### **6-2-5 RULES AND REGULATIONS**

The provisions of this Ordinance shall be implemented by rules and regulations or general orders to be published by the Chief of Police and provided to the corporate authorities. *(Chapter 2 of Title 6 amended 12/13/12)*

## CHAPTER 3

### FIREWORKS

#### 6-3-1 DEFINITIONS

As used in this chapter, the following words and terms shall have the following definitions and meanings:

1.3G FIREWORKS means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

CONSUMER FIREWORKS means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R.172.101

CONSUMER FIREWORKS shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty- five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all time

CONSUMER FIREWORKS DISPLAY or CONSUMER DISPLAY means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

CONSUMER RETAILER means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit

DISPLAY FIREWORKS means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Distributor and Operator Licensing Act.

FLAME EFFECT means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

LEAD PYROTECHNIC OPERATOR means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display or pyrotechnic service and who is licensed pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

PERSON means an individual, firm, corporation, association, partnership, company, consortium, joint venture, commercial entity, state, municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities.

PYROTECHNIC DISPLAY means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of a exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act.

**PYROTECHNIC DISTRIBUTOR** means any person who distributes display fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services and is licensed by the Office pursuant to the Pyrotechnic Distributor and Operator Licensing Act.

**PYROTECHNIC SERVICE** means the detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect.

**SPECIAL EFFECTS FIREWORKS** means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

### **6-3-2 PYROTECHNIC DISPLAY**

A pyrotechnic display permit is required for any and all pyrotechnic displays and shall be issued by the village board upon compliance with the provisions of section 2.1 of the Pyrotechnic Use Act, 425 ILCS 35/2.1, and the following conditions:

- A. The applicant for a permit shall submit a written application for a permit at least fifteen (15) days in advance of the date of the pyrotechnic display. All applicants must be at least 18 years of age or older and must verify that all pyrotechnic assistants will be 18 years of age or older at the time of the display.
- B. The pyrotechnic display services shall be provided by a licensed pyrotechnic distributor and the display shall be conducted by a licensed lead pyrotechnic operator.
- C. The applicant shall provide proof of liability insurance in a sum not less than one million dollars (\$1,000,000.00) with an insurance company authorized to do business in Illinois and shall provide a certificate of insurance naming the Village as an additional insured in the amount determined by the Village.
- D. The fire chief of the Wauconda fire protection district or his/her designee shall inspect the display site and ensure the display can be performed in full compliance with the NFPA standards adopted and amended by the OSFM rules, part 235, for the type of pyrotechnic display to be performed. The fire chief shall sign the display permit or it shall not be valid.
- E. Any permit issued under this chapter is not transferable.
- F. Any permit issued under this chapter shall only be valid for the purposes and date provided in the permit.

### **6-3-3 UNLAWFUL DISPLAY AND SALE OF FIREWORKS**

Except as provided in this chapter, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or use or explode any display fireworks, flame effects, or consumer fireworks.

### **6-3-4 PERMITTED USE AND SALE OF CERTAIN NON-CONSUMER FIREWORKS**

Nothing herein shall prohibit the use or sale of snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the

explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture.

**6-3-5 PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

## CHAPTER 4

### ANIMAL CONTROL REGULATIONS

#### 6-4-1 TITLE

This chapter shall be known and cited as the *ANIMAL CONTROL REGULATIONS* of the Village.

#### 6-4-2 POLICY AND PURPOSE

The village board of trustees has made the following findings:

- A. Animals that are not controlled by responsible owners become a hazard to public health and safety.
- B. Rabies is epidemic in wildlife and Lake and McHenry Counties, and rabies vaccination of dog and cat pets is an important barrier to preventing an epidemic of the disease in pets and thereby preventing a potential disease problem in the Village.
- C. Registration provides an important means of identifying owners of biting animals and thereby establishes responsibilities for fourteen (14) day quarantines.
- D. Overcrowding of animals on a premise in the Village creates nuisance and sanitation problems as well as safety hazards to residents.
- E. Regulating the control of animals in the Village is essential for the protecting of public health and safety.

#### 6-4-3 DEFINITIONS

**ANIMAL:** Any vertebrate creature, domestic or wild.

**ANIMAL, CONTROLLED OR RESTRAINED:** Any owned animal that is either controlled by a leash, cord, chain, lead or within the premises of its owner or confined within a crate or cage or confined within a vehicle or on the premises of another person with the consent of that person.

**ANIMAL, DOMESTIC:** Any animal which has been domesticated by man so as to live and breed in a tame condition.

**ANIMALS, EXOTIC:** The following species of animals: poisonous reptiles, lions, tigers, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, lynx, bobcats, jaguarundis, hyenas, coyotes and similar animals not native to the area.

**ANIMALS, FARM:** Animals of the species fowl, ovine, caprine, bovine, porcine and equine.

**ANIMALS, STRAY:** Any animal that is not controlled.

**AT LARGE:** Off the premises of the owner and not under control or restraint of the owner or a member of the owner's immediate family.

**BITTEN:** Seizure of a person with the jaws or teeth of an animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of such animal with any break or abrasion of the skin.

**CIRCUS:** Any commercial variety show featuring animal acts for public entertainment.

**COMMERCIAL CATTERY:** A structure and/or land in or on which domestic cats are raised, bred and kept for sale and which operation is the primary source of owner's income.

**CONFINED:** Restriction of an animal at all times by the owner in a manner that will isolate the animal from the public and other animals.

**GUARD DOG:** A dog used in a commercial business or by a municipal or police department.

**GUIDE DOG:** A dog trained by a recognized organization to lead the handicapped.

**KENNEL, COMMERCIAL:** Any buildings, structures or enclosures used or intended to be used for the housing of any number of dogs or cats. Commercial activities may include, but not be limited to: public boarding, sale of dogs and sale of items or products related to dog or cat care.

**KENNEL, PRIVATE:** Any building, structure or enclosure used or intended to be used for housing of more than three (3) dogs older than sixteen (16) weeks or more than three (3) cats. Such private kennels will be subject to inspection every six (6) months by the Village or appropriate county or state regulatory agency.

**MIGRATORY WATERFOWL:** Swimming game birds distinguished from upland game birds and shore birds including those species of birds known as swans, geese, brants, river and sea ducks.

**MUZZLE:** A fastening or covering for the mouth of an animal used to prevent eating and/or biting.

**OWNER:** Head of household and/or person or persons, firm, association or corporation owning, keeping or harboring an animal.

#### **6-4-4 RABIES VACCINATION**

- A. Every owner of a dog or cat four (4) months or more of age, except animal shelters, animal impounding facilities and laboratory animal facilities, shall cause such dog or cat to be inoculated with rabies vaccine by a licensed veterinarian at such intervals as approved by the Illinois Department of Agriculture. The rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture.
- B. No license for a dog or cat shall be issued unless the application for said license is accompanied by a certificate by a veterinarian that said dog or cat has received inoculations for rabies prevention within the preceding year as required by this section.

#### **6-4-5 RABIES SUSPECTED**

If a dog or cat is believed to have rabies or has been in contact with an animal suspected of having rabies, the owner shall notify the Police Department of the fact that this dog or cat has been exposed to rabies and the Police Chief is empowered to have such dog or cat removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two (2) weeks at the expense of the owner; or in the alternative, the Police Chief may order such dog or cat to be confined by a leash or chain on the owner's premises and to be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks.

#### **6-4-6 ANIMAL BITE**

- A. Whenever any dog or other animal has bitten or scratched a human, the owner of said dog or other animal shall immediately notify the authorized village official, Police Department or County Health Department, who shall order the animal held on the

owner's premises for observation or shall have it impounded for a period of ten (10) days commencing from twenty four (24) hours of the biting incident.

- B. If the authorized village official determines that the owner of a dog or cat currently vaccinated against rabies is able to keep the animal at home under strict confinement and away from the public, he may allow such. However, the owner must take his animal to a licensed veterinarian to be examined on the first day, fifth day and tenth day of a ten (10) day observation period. If the dog or cat bites again during the confinement period, it will be impounded for the full ten (10) day period commencing from the date of the second bite; or, if the owner fails to take the animal to a licensed veterinarian for examination on the appropriate dates, the animal shall be impounded and the owner will be liable for all costs and expenses and will also be subject to penalties as provided herein.
- C. If any dog or cat over four (4) months old is not currently vaccinated against rabies, the animal will be impounded in accordance with the State statutes and County health regulations. The owner will then be liable for payment of an inoculation fee, plus the cost of the animal's stay at the pound, and the owner will be subject to further penalty.

#### **6-4-7 PROHIBITED ACTS**

It shall be unlawful to:

- A. Permit any dog, cat or other animal to soil, defile, defecate on or commit any nuisance on any thoroughfare, sidewalk, passageway, bypath, play area or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property. It shall also be unlawful to permit any dog, cat or other animal on any public playground area or sports playing surface or field.
- B. Permit any animal to enter any place where food is stored, prepared, served or sold to the public or any other public building or hall; provided, however, that this subsection shall not apply to any disabled person using a trained guide dog, to veterinary offices or hospitals or to animal shows or exhibitions where a permit has been approved by the village board.
- C. Permit any animal to trespass on private property without the consent of the property owners.
- D. Permit any animal to chase, run after or jump at vehicles using the public thoroughfares.
- E. Permit any animal to habitually snap, growl, snarl, jump upon or otherwise threaten persons lawfully using any public thoroughfares, sidewalks, passageways, bypaths, play areas, parks or any other public place where people congregate or walk.
- F. Vicious Animals: It shall be unlawful to:
  - 1. Keep, harbor or maintain any vicious animal or animals with vicious propensities in a manner which may or does endanger the safety of persons or property off his premises or lawfully on his premises.
  - 2. Own, harbor, keep or be in charge of any dog, cat or other animal, which has been declared vicious by the local health or police authorities or to permit such animal to be upon a public street or highway, or upon any premises other than those of the person owning such animal or those of a person who has given permission to said owner to keep or harbor such animal on his premises, unless such animal wears a muzzle securely fastened about its mouth in such a manner that it cannot bite and is on a leash, tether, chain, rope or the like, the overall length of which, including the handgrip, shall not exceed six feet (6')

held by its owner or other person able to control such animal. While on the premises of the owner, said animal shall not be allowed to come in contact with any person who is not a member of the immediate household.

- G. Exhibit animals that are *ferae naturae* without securing a permit from the Chief of Police, or authorized village official.
- H. Permit any dog, cat or other animal to howl, yelp, whine, meow or bark or make noise in such a manner, and at such times so as to unreasonably disturb the peace and quiet of the neighborhood.
- I. Cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads, abandons or fails to provide proper shelter for any animal, shall be deemed guilty of a violation of this subsection.
- J. No person shall cause or allow any place or stable, public or private, where any animal is or may be kept to become unclean, unwholesome or create any annoying or noxious odors, or do any act which endangers the public health or results in annoyance or discomfort to the public. It shall be unlawful to keep any live goats, swine, pigs, poultry, horses or cattle anywhere in the Village, except on properly zoned farms.
- K. Cause or permit any animal to be present on any premises except residentially zoned premises owned by the animal's owner, unless the animal is accompanied by and under the immediate and direct control of the owner of the animal, or his agent; excepting commercial premises dealing primarily in the sale of animals, such as pet shops.
- L. Migratory Waterfowl: It shall be unlawful to:
  - 1. Feed any migratory waterfowl; or
  - 2. Create any condition or allow any condition to exist which results in a congregation or congestion of migratory waterfowl which:
    - a. Results in an accumulation of waterfowl feces or droppings; or
    - b. Results in damage to flora, fauna, or private or public property; or
    - c. Results in a threat or nuisance to the public health, safety or welfare; or
    - d. Results in a threat to the health, safety, or welfare of said migratory waterfowl.

#### **6-4-8 RUNNING AT LARGE**

It shall be unlawful to permit any dog or cat, whether licensed or not, to run at large within the Village. A dog or cat shall be deemed to be running at large when off the premises of its owner and not controlled or restrained by a leash, cord, chain, or lead or within the premises of its owner or confined within a crate or cage or confined within a vehicle or on the premises of another person with the consent of that person.

#### **6-4-9 IMPOUNDING**

It shall be the duty of every police officer or authorized village official, to apprehend any dog or cat found running at large contrary to the provisions of this chapter and to impound such dog or cat in a pound or other suitable place. Upon impounding any such animal, he shall make a complete registry, entering the breed, color and sex of such animal and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs and cats shall be separated from those unlicensed dogs and cats.

#### **6-4-10 NOTICE TO OWNER; REDEMPTION**

- A. It shall be the duty of the authorized village official to immediately attempt to make contact with the owner of any animal to be impounded. The owner of any animal so impounded may reclaim such animal upon complying with the provisions of this chapter, and the payment of all costs and charges incurred by the Village for impounding and maintenance of said animal.
- B. The charge for impounding and keeping an animal shall be in the amount set forth in the Annual Fee Ordinance schedule contained in section 1-16-3 of this code.

#### **6-4-11 DISPOSITION OF UNCLAIMED OR INFECTED ANIMALS:**

- A. If the owner of any impounded animal cannot be immediately located it shall be the duty of the authorized village official to turn the animal over to the county animal control department. The owner of any impounded animal that has been transferred to the county facility shall be liable for any and all fees incurred by the Village.
- B. Any unlicensed animal required by law to be licensed, or any animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released, but shall be taken to the county animal control facility.

#### **6-4-12 MUZZLING**

- A. Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his premises unless such dog or cat shall have a muzzle of sufficient strength to prevent its biting any person.
- B. Any unmuzzled dog or cat running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs or cats so noticeably infected with rabies and displaying vicious propensities shall be humanely destroyed by a veterinarian or county animal warden without notice to the owner.
- C. Dogs or cats impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days, be released to the owner, unless infected with rabies, upon payment of the impounding fees and related costs provided for in subsection 6-4-10B of this chapter. If unclaimed after that period, such dog, cat or animal may be summarily destroyed.

#### **6-4-13 DESTROYING DANGEROUS ANIMALS**

The members of the police department or any other authorized village official are authorized to kill or have killed any dangerous animal of any kind when it is necessary for the protection of any person or property.

#### **6-4-14 POISONOUS, WILD ANIMALS**

It shall be unlawful for any person to keep or have any poisonous or wild animal unless express authority is given by the Village after due investigation and a finding that such activity will not endanger the health and welfare of residents of the Village. For purposes of this section, wild animals shall include all poisonous mammals, fish, reptiles and birds.

#### **6-4-15 DISEASED ANIMALS**

- A. Running At Large: No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the

supervision of a veterinarian or of the state veterinarian. No such diseased animals shall be brought into the Village.

- B. Spread of Disease: It is hereby made the duty of the police department to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

#### **6-4-16 BEEKEEPING**

It shall be unlawful to keep or harbor bees in the Village.

#### **6-4-17 PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

## CHAPTER 5

### CRIMINAL OFFENSES

#### **6-5-1 STATE CRIMINAL CODE ADOPTED**

There is hereby adopted that certain code known as the Illinois Criminal Code, as amended, which code has been and now is filed in the office of the village clerk, and the same is hereby adopted and represented as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the Village. A copy of the Illinois Criminal Code shall be and remain on file in the office of the village clerk for inspection by the public.

### OFFENSES AGAINST PUBLIC PEACE AND THE PERSON

#### **6-5-2 ASSAULT**

A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

#### **6-5-3 BATTERY**

A person commits battery if he intentionally or knowingly, without legal justification and by any means:

- A. Causes bodily harm to an individual; or
- B. Makes physical contact of an insulting or provoking nature with an individual.

#### **6-5-4 RECKLESS CONDUCT**

A person who causes bodily harm to or endangers the bodily safety of an individual by any means commits reckless conduct if he performs recklessly the acts which cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

#### **6-5-5 FIGHTING**

It shall be unlawful for any person to fight another person except in exhibitions duly authorized and licensed under law.

#### **6-5-6 DISTURBANCE OF RELIGIOUS WORSHIP**

It shall be unlawful for any person to disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior or profane discourse within a place of worship, or so near the same as to disturb the order or solemnity of the meeting.

#### **6-5-7 TUMULTUOUS CONDUCT**

Tumultuous conduct shall be such conduct as follows:

- A. Disturbing, tending to disturb, or aiding in the disturbing of the peace of others by violent, tumultuous, offensive, or obstreperous conduct; and no person shall knowingly permit such conduct on any premises owned or possessed by him or under his control.
- B. The making of obscene statements or obscene gestures to any police officer or village official acting in his official capacity and the making of obscene statements or gestures at any public place so as to alarm or disturb others or to provoke a breach of the peace.

### **6-5-8 DISORDERLY CONDUCT**

A person commits disorderly conduct when he knowingly:

- A. Does any act in such unreasonable manner as to alarm or disturb another and to provide a breach of the peace; or
- B. With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or
- C. Transmits, turns in, gives aid or abets in giving any false alarm of fire or of need for police assistance, by any means, or aids, or abets in the commission of such act, shall be deemed as committing an offense against the public safety, health and/or welfare of the Village and its citizens; or
- D. 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 a 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 an offense has been committed; or
- E. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
- F. Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- G. Engages in fighting with another person except in boxing and wrestling exhibitions duly authorized and licensed under law; or
- H. Tampers with, interferes with or impairs any public fire alarm apparatus, wire, vehicles or associated equipment, or any public police alarm apparatus, wire, vehicles or associated equipment, shall be deemed as committing an offense against the public safety, health and/or welfare of the Village and its citizens.

### **6-5-9 MOB ACTION**

Mob action consists of any of the following:

- A. The use of force or violence disturbing the public peace by two (2) or more persons acting together and without authority of law; or
- B. The assembly of two (2) or more persons to do an unlawful act; or
- C. The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.
- D. The failure to disperse after a request to do so by a police officer or duly authorized law enforcement officer.

### **6-5-10 UNLAWFUL RESTRAINT**

A person commits the offense of unlawful restraint when he knowingly without legal authority detains another.

## **6-5-11 PUBLIC INTOXICATION**

Whoever shall be in or about any public place or places wherein the public is allowed access while under the influence of intoxicating liquor shall be guilty of this offense.

- A. Included in this offense will be all public roads and roadways, commercial stores, gas stations, parking lots, schools, beaches, parks and any other areas available to public access.
- B. Under the influence of intoxicating liquor shall be defined as that condition which would prevent a person from driving a motor vehicle as provided in the Illinois Motor Vehicle Code.

## **6-5-12 UNLAWFUL USE OF WEAPONS**

A person commits the offense of unlawful use of weapons when he knowingly:

- A. Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sandbag, metal knuckles or any knife commonly referred to as a switch-blade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or
- B. Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or
- C. Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid, gas or substance; or
- D. Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or
- E. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
- F. Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or
- G. Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or
- H. Carries or possesses in a vehicle or on or about his person any pistol, revolver or firearm, when he is hooded, robed or masked in such manner as to conceal his identity.

## **6-5-13 UNLAWFUL DISCHARGE OF FIREARMS**

- A. It shall be unlawful to discharge any pistol, revolver or firearm in the Village; 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.
- B. It shall be unlawful to discharge any air gun, air rifle, BB gun, pellet gun, paint ball gun or bow and arrow from or across any street, sidewalk, road, highway or public land or any public place except on a safely constructed target area.

## **6-5-14 HUNTING**

It is unlawful for any person to engage in killing of any animal or hunt with gun, dog or bow and arrow in the Village limits.

## **OFFENSES CONCERNING PUBLIC AND PRIVATE PROPERTY**

### **6-5-15 ABANDONED AIRTIGHT CONTAINERS**

It shall be unlawful for any firm or individual to abandon refrigerators, iceboxes, gas or electric ovens, freezers, trunks or any other airtight containers which could, in the remotest possibility, contain the body of any adult or child without first removing the doors or covers from such refrigerator, icebox, oven, freezer, trunk or other airtight container.

### **6-5-16 INJURY TO PUBLIC PROPERTY**

It shall be unlawful for anyone to injure, deface or interfere with any property belonging to the Village without proper authority from the village board.

### **6-5-17 CRIMINAL DAMAGE TO PROPERTY**

A person commits criminal damage to property when he commits any of the following acts:

- A. Knowingly damages any property of another without his consent.
- B. Recklessly by any means damages property of another.
- C. Knowingly injures a domestic animal of another without his consent.

### **6-5-18 TRESPASSING**

- A. Trespass to Vehicles: Whoever knowingly and without authority enters any vehicle, aircraft, watercraft, or any part thereof of another without his consent shall be guilty of criminal trespass to vehicles.
- B. Trespass to Land: Whoever enters upon the land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, commits the offense of criminal trespass to land.
- C. Trespass And Unlawful Use of Village Property:
  - 1. No person shall use or occupy any village-owned property unless such use or occupancy is specifically authorized by the Village. Any person who persists in such use or occupancy of village property after receiving written or oral notice from the mayor, board of trustees, Building Department Official or police officers of the Village that such use or occupancy is prohibited shall be deemed in violation.
  - 2. No person shall place or allow to remain any personal property, thing or object on village property without the express consent of the Village.
  - 3. No person shall damage, alter or modify any village property without the express consent of the Village.
  - 4. No person shall use any Village pier, dock, bridge or seawall for anything other than its intended uses. For purposes of this section, intended uses of Village piers, docks, bridges and seawalls do not include platforms upon which persons may jump or dive from into water.

## THEFT AND RELATED OFFENSES

### **6-5-19 RETAIL THEFT**

A person commits the offense of retail theft when he or she knowingly:

- A. 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 permanently depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.
- B. 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 retail value with the intention of depriving the merchant of the full retail value of such merchandise.
- C. 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.
- D. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise.
- E. 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 permanently depriving the merchant of the possession, use or benefit of such cart.
- F. Presumptions: If any person conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and removes that merchandise beyond the last known station for receiving payment 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 permanently depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.

### **6-5-20 THEFT**

A person commits theft when he knowingly:

- A. Obtains or exerts unauthorized control over property of the owner; or
- B. Obtains by deception, control over property of the owner; or
- C. Obtains by threat, control over property of the owner; or
- D. Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen, and
  - 1. Intends to deprive the owner permanently of the use or benefit of the property; or
  - 2. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

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

#### **6-5-21 DECEPTIVE PRACTICES**

A person commits a deceptive practice when, with intent to obtain control over property or to pay for property, labor or services of another, he 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 is prima facie evidence that the offender knows that it will not be paid by the depository.

### **OFFENSES CONCERNING POLICE AND PUBLIC OFFICIALS**

#### **6-5-22 RESISTING OR OBSTRUCTING A PEACE OFFICER**

A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his official capacity shall be guilty of the offense of resisting or obstructing a peace officer.

#### **6-5-23 REFUSING TO AID AN OFFICER**

Whoever upon command refuses or knowingly fails reasonably to aid a person known by him to be a peace officer in:

- A. Apprehending a person whom the officer is authorized to apprehend; or
- B. Preventing the commission by another of any offense, shall be guilty of the offense of refusing to aid an officer.

#### **6-5-24 POSSESSION OF CANNABIS**

- A. Definition: Cannabis includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and, any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. It shall not include the mature stocks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, cake or the sterilized seed of such plant which is incapable of germination.
- B. Prohibition: It shall be a violation of this section for any person knowingly to possess any substance containing cannabis.

#### **6-5-25 BRIBERY**

A person commits bribery when:

- A. With intent to influence the performance of any act related to the employment or function of any public officer or public employee, he promises or tenders to that person any property or personal advantage which he is not authorized by law to accept; or

- B. With intent to cause any person to influence the performance of any act related to the employment or function of any public officer or public employee, he promises or tenders to that person any property or personal advantage which he is not authorized by law to accept; or
- C. He receives, retains or agrees to accept any property or personal advantage which he is not authorized by law to accept knowing that such property or personal advantage was promised or tendered with intent to cause him to influence the performance of any act related to the employment or function of any public officer or public employee; or
- D. He solicits any property or personal advantage which he is not authorized by law to accept pursuant to an understanding that he shall influence the performance of any act related to the employment or function of any public officer or public employee.

#### **6-5-26 COMPOUNDING A CRIME**

A person compounds a crime when he receives or offers to another any consideration for a promise not to prosecute or aid in the prosecution of an offender.

#### **6-5-27 ACCOUNTABILITY FOR CONDUCT OF ANOTHER**

A person is responsible for conduct which is an element of an offense if the conduct is either that of the person himself, or that of another and he is legally accountable for such conduct as provided in subsection A of this section, or both.

- A. When Accountability Exists: A person is legally accountable for the conduct of another when:
  - 1. Having a mental state described by the ordinance defining the offense, he causes another to perform the conduct, and the other person in fact or by reason of legal incapacity lacks such a mental state; or
  - 2. The ordinance defining the offense makes him so accountable; or
  - 3. Either before or during the commission of an offense, and with the intent to promote or facilitate such commission, he solicits, aids, abets, agrees or attempts to aid, such other person in the planning or commission of the offense. However, a person is not so accountable, unless the ordinance defining the offense provides otherwise, if:
    - a. He is a victim of the offense committed; or
    - b. The offense is so defined that his conduct was inevitably incident to its commission; or
    - c. Before the commission of the offense, he terminates his effort to promote or facilitate such commission, and does one of the following: wholly deprives his prior efforts or effectiveness in such commission, or gives timely warning to the proper law enforcement authorities, or otherwise makes proper effort to prevent the commission of the offense.
- B. Separate Conviction Of Person Accountable: A person who is legally accountable for the conduct of another which is an element of an offense may be convicted upon proof that the offense was committed and that he was so accountable, although the other person claimed to have committed the offense has not been prosecuted or convicted, or has been convicted of a different offense or degree of offense, or is not amenable to justice, or has been acquitted.

**6-5-28****PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in the amount set forth in the Annual Fee Ordinance schedule contained in section 1-16-3 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues. (*Section 6-5-28 amended 12/13/12*)

## CHAPTER 6

### MINORS

#### 6-6-1 CURFEW

- A. It is 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:
  1. Between one minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M., Saturday;
  2. Between one minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M., Sunday;
  3. 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.
- B. It shall not be a violation under this chapter if the child engaged in the prohibited conduct was:
  1. Engaged in a business or occupation which the laws of the state of Illinois authorize a person less than seventeen (17) years of age to perform;
  2. Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least eighteen (18) years of age;
  3. Accompanied by an adult at least eighteen (18) years of age who has been approved by the child's parent, guardian or custodian;
  4. Participating in, going to or returning from:
    - a. Employment which the laws of this state authorize a person less than seventeen (17) years of age to perform;
    - b. A school recreational activity;
    - c. A religious event;
    - d. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
    - e. An activity involving the exercise of the child's rights protected under the first amendment to the United States constitution or article 1, sections 3, 4 and 5 of the constitution of the state of Illinois, or both;
    - f. An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- C. A citation for violation of subsection A of this section may be issued by a police officer only if he reasonably believes that a violation has occurred and none of the factors enumerated in subsection B of this section apply.
- D. A person convicted of a violation of this section shall be fined in the amount set forth in the Annual Fee Ordinance schedule contained in section 1-16-3 of this code.

## 6-6-2 PARENTAL RESPONSIBILITY

### A. Definitions.

**LEGAL GUARDIAN:** A person appointed guardian or given custody of a minor by a circuit court of this state, or an appropriate court of any other jurisdiction, but does not include a person appointed guardian or given custody of a minor under the Illinois juvenile court act.

**MINOR:** A person who is above the age of eleven (11) years, but not yet nineteen (19) years of age.

**PERSON:** Any individual, firm, partnership, association, corporation, company or organization of any kind, including governmental entities.

**PROPERTY:** Any real estate, including improvements thereon, tangible and intangible personalty.

### B. Liability. The parent or legal guardian of an unemancipated "minor" as defined in section [6-6-2A](#) of this chapter, who resides 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 child shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian, in violation of this section, upon the occurrence of the events described in subsections A and B of this section:

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 other official agency resulting from an admission of guilt of 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 Village or the county sheriff or any individual authorized to serve summonses by the statutes of the state, following said adjudication of nonjudicial sanction.

### C. Damages.

1. Recovery of damages by any person shall be limited to actual damages to a maximum of one thousand dollars (\$1,000.00). Damages shall be cumulative for each occurrence and when damages result to the person or property of more than one person, each such person shall be entitled to recover the same as provided for herein; provided, that joint owners shall have their own individual rights to the recovery as provided for herein. Each occurrence shall give rise to a separate cause of action. Damages allowable hereunder for personal injuries shall be only for medical, dental and hospital expenses.
2. Nothing contained herein shall affect the recovery of damages where liability is predicated upon a common law basis, nor to recovery of damages, or proceedings against any such minor.

### D. Payment of Damages. The parent or guardian responsible for the willful or malicious acts of the minor child shall make full payment in the amounts as provided for herein, to the injured or damaged party or parties within ten (10) days after notification of liability as provided for herein. Parents and guardians shall be responsible individually and jointly.

- E. Penalty. Any person who fails or refuses to make payment in full of any amounts found due from them to an injured or damaged party as provided for herein, or who violates any of these provisions, shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

### **6-6-3 SALE AND/OR POSSESSION OF TOBACCO BY MINORS PROHIBITED**

- A. Possession By Minors Prohibited: No minor under eighteen (18) years of age shall buy and/or possess any cigar, cigarette, pipe, smokeless tobacco or tobacco in any of its forms.
- B. Distribution To Minors, Prohibited: No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, pipe, smokeless tobacco or tobacco in any of its forms, to any minor under eighteen (18) years of age.
- C. Definition: For the purpose of this section, "smokeless tobacco" means any finely cut, ground, powdered, or leaf products that are intended to be placed in the oral cavity and suitable for chewing or dipping.

### **6-6-4 SALE AND/OR POSSESSION OF TOBACCO ACCESSORIES AND SMOKING HERBS BY MINORS PROHIBITED**

- A. Sale to Minors: No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under eighteen (18) years of age.
- B. Sale of Cigarette Paper: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away to any person under eighteen (18) years of age.
- C. Sale of Cigarette Paper From Vending Machines: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away to any person under eighteen (18) years of age.
- D. Use of Identification Cards: No person under the age of eighteen (18) years of age in furtherance of facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.
- E. Warning to Minors: Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement.

*SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER EIGHTEEN YEARS OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW.*

The sign shall be printed on a white card in red letters at least one-half inch ( $\frac{1}{2}$ " ) in height.

- F. Definitions: For the purpose of this section:

**CIGARETTE PAPER:** Shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the cigarette tax act or the cigarette use tax act.

**SMOKING HERBS:** All substances of plant origin and their derivatives, including, but not limited to, broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

**TOBACCO ACCESSORIES:** Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products or of substances whose sale, gift, barter, or exchange is made unlawful by the Illinois Compiled Statutes.

**6-6-5            PENALTIES**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

## CHAPTER 7

### EMERGENCY ALARM SYSTEMS

#### 6-7-1 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**ALARM HOLDER:** The owner, lessor or person responsible for the existence of an alarm system within or on the premises.

**ALARM SYSTEM:** An assembly of equipment, components or devices arranged to signal the presence of a hazard requiring urgent attention and to which personnel of the Village police department are expected to respond. Such system shall be construed to include burglar alarm systems, manual holdup alarm systems and local alarm systems.

**AUTOMATIC DIALERS:** An alarm system that, when activated, automatically relays over regular telephone lines (as distinguished from dedicated telephone lines) a prerecorded voice message or coded signal indicating the existence of an emergency situation.

**BURGLAR ALARM:** An alarm system activated by signaling an entry or attempted entry into the area protected by the alarm system.

**CENTRAL ANSWERING POINT:** An office or place to which alarm systems are relayed and where operators monitor and investigate such alarm signals prior to notifying the appropriate agency of an emergency situation.

**DEDICATED TELEPHONE LINE:** A telephone line which has as its sole use the transmission of an alarm signal.

**DIRECT CONNECTION:** A method of using a telephone line which has as its sole use the transmission of an alarm signal to a central receiving facility provided by the Village.

**FALSE ALARM:** An alarm signal resulting from a malfunction, improper installation or human error, hurricanes, tornadoes, earthquakes, other acts of God or an interruption of service supplied by a carrier of the signal.

**FIRE ALARM:** An alarm system designed to detect heat or smoke.

**HOLDUP ALARM:** An alarm system which is activated manually to signal a robbery or an attempted robbery.

**LOCAL ALARM:** An alarm system which, when activated, causes an audible or visual signal in or on the premises that the system is designed to protect. Such alarm may or may not be a part of a system to notify an answering point.

**SERVICE CHARGE:** An assessment by the Village against an alarm holder.

**TROUBLE INDICATION:** A transmitted signal different from the alarm signal which indicates a mechanical or electrical problem in the system.

**VILLAGE:** The Village of Island Lake, Lake and McHenry Counties, state of Illinois.

#### 6-7-2 ALARM HOLDER PERMITS

- A. No person shall, within ninety (90) days from the effective date of this chapter, be authorized to operate an alarm system, other than local alarms as defined herein, without first obtaining an alarm user's permit.

- B. Known existing alarm holders shall have until the end of the year in which this chapter is adopted to obtain the required permit.
- C. All applications for a permit shall be made upon forms prescribed by the Village, which may be obtained at the village police department.
- D. All applications for new permits must contain the updated names of the agent, or key holder.
- E. All alarm holders, by the act of obtaining a permit hereunder, shall be deemed to have agreed to all of the provisions of subsections E1, E2 and E3 of this section.
  - 1. All applicants, and all manufacturers and companies under contract to maintain receiving alarm equipment within facilities of the Village by their several acts in applying for and in receiving permits to use the facilities, shall be deemed to have agreed that the Village shall not be held liable for any alarm failure of service, and shall not be held liable for any consequential damages resulting from such failure. Further, said permit holders, upon receiving their permits, also agree thereby that the Village shall not be held liable for any damage that may result from the installation, maintenance or operation of the alarm system, such installation, maintenance and operation being the sole responsibility of the alarm holder.
  - 2. All applicants, by receiving a permit, agree to indemnify, defend and save harmless the Village, its agents, servants and employees, and the manufacturers and companies, if any, under contract or agreement to maintain the receiving alarm equipment in the Village facilities, from all claims, demands, judgments, liability, costs and expenses that may arise, in any way, as a result of utilization of the alarm connection to village facilities.
  - 3. All permit holders agree that the Village and the equipment manufacturers and companies under contract to maintain receiving alarm equipment within the Village facilities shall not be liable for any costs or expenses of installation, maintenance of leased services, or any other charge or fees for any alarm equipment leased or owned by the applicant.
- F. All applicants at the time of making application for a permit hereunder must certify that they currently have and will at all times in the future have, a contract for alarm maintenance available to them on a twenty four (24) hour basis, and that an alternative power source is available to prevent false alarms due to any failure of power supplied by a utility company.
- G. The alarm holder's permit application form will be reviewed by the officer to determine whether the form complies with this chapter. If the officer approves the form, the officer shall issue a permit.

### **6-7-3 CENTRAL ANSWERING SERVICE**

Upon approval of an application for permit, an alarm holder may utilize an alarm system connected to a central answering point other than the Village's facility. The operator of such answering point shall first attempt to determine the validity of an alarm signal and, if unable to do so, shall notify the police department whether the signal is believed to be a valid or a genuine alarm.

### **6-7-4 LOCAL ALARMS**

Local alarms shall have an automatic shutoff which will deactivate the sound within ten (10) minutes after activation of the alarm. In the event that such alarm shall not respond to the automatic shutoff, neither the Village nor its employees shall be liable for damages by reason of failure of such shutoff device.

#### **6-7-5 FALSE ALARMS**

- A. One false alarms shall be without charge in any twelve (12) month period. A service charge in the amount set forth in the Annual Fee Ordinance schedule contained in section 1-16-3 of this code shall be billed to the company reporting the second and third false alarms, and a service charge in the amount set forth in the Annual Fee Ordinance schedule contained in section 1-16-3 of this code shall be billed for each false alarm thereafter in any twelve (12) month period, except as provided in subsection A1 of this section.
  - 1. Should a false alarm be transmitted by a piece of electronic equipment under service by an alarm company, there shall be no charge for a false alarm provided the alarm holder gives the police proof that the defect has been corrected.
  - 2. In the event false alarms or trouble alarms continue beyond the third time during any twelve (12) month period, the police may direct the company maintaining the village monitoring equipment to disconnect the premises from which such false, or trouble, alarms originate, from such equipment. Reconnection of such premises to the monitoring equipment shall not be made until all false alarm fees, and a reconnection charge in the amount set forth in the Annual Fee Ordinance schedule contained in section 1-16-3 of this code, have been paid to the Village.
- B. Failure, or refusal, of any alarm holder to pay any service charge or service charges for false alarms may result in discontinuance of the alarm service.

#### **6-7-6 DISCONNECTION AND RECONNECTION TO VILLAGE FACILITIES**

- A. Disconnection:
  - 1. Failure of an alarm holder to pay any service charges required to be paid by this chapter shall be cause for the police department to disconnect an alarm system.
  - 2. Any disconnecting shall not be at the cost of the Village.
- B. Reconnection: If an alarm system has been disconnected because of excessive false alarms or trouble indicators, the alarm holder affected must submit to the police department a written statement showing all reasons, if any, for the trouble indications and false alarms, and setting forth what measures have been taken to prevent or to minimize future similar problems. The police department shall review such statements and if the police department recommends reconnection of the alarm system in question the alarm holder shall apply for a permit as in the instance of an initial application.

#### **6-7-7 RESERVATION OF RIGHTS**

- A. The Village reserves the right to disconnect the services connected with monitoring of any alarm system after giving written notice of intention to disconnect.
- B. The Village is under no obligation to provide this special type of monitoring service to any person, and the Village expressly reserves the right to deny to any person the privilege of connecting an alarm system to facilities of the Village.

#### **6-7-8 ENFORCEMENT**

- A. The police department shall have the responsibility for enforcement of this chapter.
- B. In connection with enforcement of this chapter, the police department may prescribe and publish minimum standards and regulations for the construction and maintenance of all alarm systems.

**6-7-9 PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

## CHAPTER 8

### **BICYCLE REGULATIONS**

#### **6-8-1 BICYCLES IN BUSINESS DISTRICTS RESTRICTED**

The following regulations shall apply to any zoned business district (B-1, B-2 or B-3) within the Village:

- A. Riding bicycles on sidewalks is prohibited;
- B. Acrobatic stunt bicycling and riding a bicycle on one wheel is prohibited;
- C. Except on public streets and roads, riding bicycles is prohibited, although bicycles may be walked.

#### **6-8-2 SPECIAL EVENTS PERMIT**

The Village may issue a permit upon good cause shown to persons or groups for the purpose of special events involving bicycles, roller skating or skateboarding which exempt those persons or groups from the foregoing regulations.

#### **6-8-3 PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

## CHAPTER 9

### **SKATEBOARD, ROLLER SKATES/BLADES PIPES AND RAMPS REGULATIONS<sup>1</sup>**

#### **6-9-1 DEFINITIONS**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively prescribed to them by this section:

**HEIGHT:** The vertical height of a skateboard pipe or ramp measured from the established natural grade to the highest point on the pipe or ramp.

**SETBACK:** The minimum distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of any skateboard pipe or ramp.

**SKATEBOARD PIPE OR RAMP:** Any outdoor structure, whether or not permanently affixed to the ground, that has a semicircular or semi-oval shape and that is intended or used to permit persons or skateboards or roller skates/blades to move continuously from one side to the other or any other outdoor structure, whether or not permanently affixed to the ground, that has one or more surfaces designed, intended or used to permit persons on skateboards or roller skates/blades to jump, accelerate, decelerate or change directions.

#### **6-9-2 APPLICABILITY; COMPLIANCE**

The provisions of this chapter shall apply to all skateboard pipes and ramps located in the Village, whether constructed, erected, placed or maintained before or after the effective date hereof.

#### **6-9-3 RESTRICTIONS ON PUBLIC PROPERTY**

It shall be unlawful for any person to erect, place or use a skateboard pipe or ramp on any public street, sidewalk, right of way, park or other public property or to skate onto any public property by means of momentum obtained by the use of any skateboard pipe or ramp.

#### **6-9-4 RESTRICTIONS AND REQUIREMENTS, PRIVATE PROPERTY**

- A. It shall be unlawful to charge, receive or give any consideration for the use of any skateboard pipe or ramp.
- B. No more than one person shall use any skateboard pipe or ramp at any one time.
- C. No skateboard pipe or ramp shall be used before twelve o'clock (12:00) noon on any Sunday or before nine o'clock (9:00) A.M. on any other day. No skateboard pipe or ramp shall be used after nine o'clock (9:00) P.M. or sunset, whichever comes first, on any day.
- D. No skateboard pipe or ramp shall be located in any nonresidential zoning district. No more than one skateboard pipe or ramp shall be permitted on any residential zoning lot.
- E. Skateboard pipes and ramps having a maximum height of three feet (3') or less shall be permitted in all residential zoning districts and shall not require a building permit. Every such skateboard pipe or ramp shall be set back at least fifteen feet (15') from every lot line.

- F. Skateboard pipes and ramps in excess of three feet (3') in height shall require a building permit and shall be considered on a case by case basis and is subject to the approval of the building, zoning and ordinance committee. The maximum allowable height is six feet (6').
- G. No skateboard pipe or ramp shall be located in any front yard, in any exterior side yard on a corner lot, in the front half of any lot, in any easement, or in violation of any building line.
- H. The area or land covered by a skateboard pipe or ramp shall be counted as lot coverage as required in each residential zoning district.
- I. The widest or longest dimension of every skateboard pipe or ramp shall face the dwelling unit on the zoning lot where such skateboard pipe or ramp is located and every portion of every skateboard pipe or ramp shall be closer to the dwelling unit on the zoning lot where such skateboard pipe or ramp is located than to any lot line of such zoning lot. There shall be a fire separation of at least ten feet (10') between every skateboard pipe or ramp and every dwelling unit.
- J. No skateboard pipe or ramp shall be wider than two (2) times the height of such skateboard pipe or ramp, measured by outside dimensions.
- K. No skateboard pipe or ramp shall be longer than three (3) times the height of such skateboard pipe or ramp, measured by outside dimensions.
- L. No materials or equipment of any kind shall be placed, kept or stored under the framework or structure of any skateboard pipe or ramp.
- M. Every skateboard pipe or ramp that exceeds three feet (3') in height shall be constructed in accordance with recognized engineering standards, including, but not limited to, materials, connectors, dead loads, live loads and impact loads.
- N. All structural members of every skateboard pipe or ramp that exceeds three feet (3') in height shall be enclosed with solid exterior walls made of the same material as the rolling deck of such skateboard pipe or ramp and such walls shall be insulated with sound deafening insulation, type R-13, to reduce noise generated by the use of any such skateboard pipe or ramp.
- O. Any skateboard pipe or ramp in excess of three feet (3') shall have a minimum setback of five (5) times the height.

#### **6-9-5 PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.

## CHAPTER 10

### **SKATEBOARDS AND ROLLER SKATES/BLADES REGULATIONS<sup>1</sup>**

#### **6-10-1 REGULATIONS**

No person shall ride upon a skateboard or roller skate/blade in the Village in violation of the following regulations:

- A. Any person on a skateboard or roller skates/blades on a roadway shall obey the instruction of official traffic signals and signs unless otherwise directed by a police officer or community service officer.
- B. No person on a skateboard or roller skates/blades on the roadway shall operate in a reckless manner.
- C. Every person on skateboards or roller skates/blades on a roadway shall ride as near as possible to the right hand side of the roadway and exercise due care when passing a standing or parked vehicle.
- D. A person on a skateboard or roller skates/blades shall yield the right of way to any pedestrian.
- E. No person on a skateboard or roller skates/blades shall attach himself to any moving motor vehicle.

#### **6-10-2 PROHIBITION**

No person shall operate skateboards or roller skates/blades upon any private street, parking lot or other area open to the public within any area zoned as a business district under the zoning ordinance of the Village. Skateboarding or roller skating/blading is prohibited in any open area, excluding streets and sidewalks, owned by the Village unless otherwise posted as an approved area for some activities. The village board may designate or rescind such areas according to public interest or nuisance level.

#### **6-10-3 PARENTAL RESPONSIBILITY**

The parent or guardian of any child shall not authorize or knowingly permit any such child to violate any of the provisions of this chapter and [Chapter 9](#) of this title.

#### **6-10-4 SAFETY EDUCATION**

The chief of police shall direct police officers to periodically conduct educational programs and offer incentives to youths found to be wearing appropriate safety equipment while skateboarding or roller skating/blading.

#### **6-10-5 PENALTY**

Any person who violates any provision of this chapter shall be guilty of an offense and shall be fined in accordance with the general penalty provisions contained in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed for each day on which a violation occurs or continues.