

CODIFIED ORDINANCES OF ELBURN  
PART SIX - GENERAL OFFENSES CODE

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CODIFIED ORDINANCES OF ELBURN

PART SIX - GENERAL OFFENSES CODE

CHAPTER 604

Administration, Enforcement and Penalty

- 604.01 Impersonating Village officers.
- 604.02 Interfering with Village officer or employee.
- 604.99 Penalty.

CROSS REFERENCES

- Maximum authorized penalties - see Ill. R.S. Ch. 24, Secs. 1-2-1, 1-2-1.1
- Prosecution of ordinance violations - see Ill. R.S. Ch. 24, Secs. 1-2-1.1, 1-2-7
- Conservators of the peace - see Ill. R.S. Ch. 24, Sec. 3-9-4
- Impersonating member of police organizations - see Ill. R.S. Ch. 38, Sec. 17-2
- Interference with public officers - see Ill. R.S. Ch. 38, Secs. 31-1 et seq.

604.01 IMPERSONATING VILLAGE OFFICERS.

No person shall falsely represent himself or herself to be an officer of the Village, or without due authority, exercise or attempt to exercise any of the powers or functions of any officer, or, without due authority, wear any star, badge or mark purporting to be that of a policeman, fireman, officer or employee of the Village. (Ord. 77-8. Passed 5-16-77.)

604.02 INTERFERING WITH VILLAGE OFFICER OR EMPLOYEE.

It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his or her office.

(Ord. 77-6. Passed 4-18-77.)

604.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 608  
Animals

608.01	Definitions.	608.07	Removal of animal deposits required.
608.02	Cruelty to animals; poisoning; keeping animals in unsanitary conditions.	608.08	Animal bites.
608.03	Rabies vaccination of dogs and cats required.	608.09	Killing dangerous animals.
608.04	Animals running at large; keeping of dangerous and vicious dogs.	608.10	Diseased animals.
608.05	Barking or howling dogs, cats, etc.	608.11	Horses or draft animals on sidewalks.
608.06	Keeping certain animals prohibited.	608.12	Interference prohibited; nuisance declared; impounding.
		608.13	Notice of seizure of animal running at large; citations.
		608.14	Abatement of animals constituting public nuisances.
		608.99	Penalty.

CROSS REFERENCES

Cruelty to animals - see Ill. R.S. Ch. 8, Secs. 704 et seq.

Power to prohibit cruelty to animals - see Ill. R.S. Ch. 24, Sec. 11-5-6

Power to regulate and prohibit animals from running at large - see Ill. R.S. Ch. 24, Sec. 11-20-9

Power to tax dogs - see Ill. R.S. Ch. 24, Sec. 11-20-9

Unattended animals - see TRAF. 440.01

Kennels, pet shops and animal shelters, pounds and hospitals - see B.R. & T. Ch. 846

**608.01 DEFINITIONS.**

As used in this chapter:

- (a) "Biting" means seizing with teeth or jaws, scratching with teeth or nails or wounding or piercing skin, and includes the contact of saliva with any break or abrasion of skin.
- (b) "Cat" means any member of the feline family. "Cat of licensing age" means any cat which has attained the age of four months.

- (c) “Dog” means any member of the canine family. “Dog of licensing age” means any dog which has attained the age of four months.
- (d) “Health Officer” means the Health Officer of the Village.
- (e) “Hospital” means any establishment under the supervision of a licensed veterinarian where animals are taken for the treatment of disease or for boarding, surgery, shots, treatment of injury, cremations, baths, grooming, haircuts, pedicure or training.
- (f) “Kennel” means any establishment or premises where more than three dogs or three cats, or any combination thereof, over four months of age are boarded or kept for any purpose whatsoever, with the exception of regularly established veterinary hospitals, pet shops, pounds or shelters.
- (g) “Officer” means the Health Officer, a police officer or anyone specifically designated by the Village Board to enforce this chapter.
- (h) “Other animals” means any male or female domesticated or wild animal other than dogs or cats.
- (i) “Owner” means any person having a right of property in a dog, cat or other animal, or who keeps or harbors a dog, cat or other animal, has it in his or her care or acts as its custodian, or who knowingly permits a dog, cat or other animal to remain on or about any premises occupied by him or her.
- (j) “Pet shop” means any room or group of rooms, or any cage or pen, not part of a kennel, pound, shelter or veterinary hospital, wherein dogs, cats or other animals are kept or displayed for sale.
- (k) “Pet shop operator” means any person who sells or offers for sale, exchange or adoption, without charge or donation, dogs, cats or other animals. However, a person who sells only dogs or cats that he or she has produced or raised shall not be considered a pet shop operator under this chapter. Further, a person who sells only dogs or cats that he or she has owned for a period of ninety days or longer shall not be considered a pet shop operator hereunder.
- (l) “Police officer” means a police officer of the Village.
- (m) “Pound” means an enclosure established for the confinement of dogs, cats or other animals under the provisions of this chapter.
- (n) “Shelter” means any establishment where dogs, cats or other animals are received, housed and distributed with or without charge.
- (o) “Stray animals” means those animals which are running at large in the public way or on private property other than that of the owners or keepers of such animals.
- (p) “Vaccination” means the injection, subcutaneously or otherwise as approved by the Illinois Department of Agriculture, of an anti-rabies vaccine approved by the Illinois Department of Agriculture for the prevention of rabies.

(q) "Vicious" means the propensity to do any act that might endanger the safety of any person or any property of another, including, but not limited to, a disposition to mischief or fierceness as might lead to an attack on human beings or other animals on public or private property without provocation, whether in play, anger or an outbreak of untrained nature.

(r) "Village" means the Village of Elburn, Kane County, Illinois.

(s) "Village Board" means the Board of Trustees of the Village.  
(Ord. 74-21. Passed 11-4-74.)

608.02 CRUELTY TO ANIMALS; POISONING; KEEPING ANIMALS IN UNSANITARY CONDITIONS.

(a) No person shall willfully and cruelly injure or kill any animal by any mode or means, or cause any animal unnecessary fright or pain.

(b) No person shall, by neglect or otherwise, cause or allow any animal to endure pain, suffering or injury, or fail or neglect to aid or attempt alleviation of any pain, suffering or injury so caused to any animal. No person shall cruelly treat any animal in the Village in any way.

(c) No person shall lay out or expose any kind of poison, or leave exposed any poison, poisoned food or poisoned drink, for any animal or fowl on the premises of another, or in any unenclosed place, or aid or abet any person in doing so.

(d) No person shall allow any place where any animal is or may be kept to become unclean or unsanitary.  
(Ord. 74-21. Passed 11-4-74.)

608.03 RABIES VACCINATION OF DOGS AND CATS REQUIRED.

All dogs or cats four months of age and older shall be vaccinated against rabies with an approved rabies vaccine. Rabies vaccines shall be recognized for either a one-year or a three-year immunization period.

(a) Three-year Immunity. Low egg passage chicken embryo origin modified live virus flury strain rabies vaccines (safe for use on dogs only) will be recognized for three years, provided a dog is at least one year of age at the time of vaccination. If dogs under one year of age are vaccinated with this type of vaccine, the immunity will be recognized for a period of one year.

(b) One-year Immunity. All other rabies vaccines currently licensed by the Veterinary Biologies Program, United States Department of Agriculture, are recognized for a one-year immunization period. Animals required to be inoculated against rabies as specified in this chapter shall be re-vaccinated



premises, unless such dog, cat or other animal wears a muzzle securely fastened about its mouth in such a manner that it cannot bite, and unless it is on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed six feet, held and controlled by the animal's owner or another person able to control such dog, cat or other animal. While on the premises of the owner, such dog, cat or other animal shall not be allowed to come in contact with any person who is not a member of the immediate household.

(Ord. 74-21. Passed 11-4-74.)

#### **608.05 BARKING OR HOWLING DOGS, CATS, ETC.**

No person shall permit any dog, cat or other animal to howl, yelp, whine, meow, bark or make noise in such a manner as to disturb any person or neighborhood.

(Ord. 74-21. Passed 11-4-74.)

#### **608.06 KEEPING CERTAIN ANIMALS PROHIBITED.**

No person shall harbor or keep any live horses, cattle, swine, sheep or goats, or raise any chickens, rabbits or other fowl, anywhere in the Village.

(Ord. 74-21. Passed 11-4-74.)

#### **608.07 REMOVAL OF ANIMAL DEPOSITS REQUIRED.**

No person who harbors or is in charge of any dog, cat or other animal shall suffer or allow such dog, cat or other animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath or play area, or in 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, unless:

- (a) The person who so curbs such dog, cat or other animal shall immediately remove all feces deposited by such dog, cat or other animal by any sanitary method approved by the Health Officer.
- (b) The feces removed shall be disposed of, by the person owning, harboring, keeping or in charge of any dog, cat or other animal curbed in accordance with the provisions of this chapter, in a sanitary manner approved by the Health Officer.

(Ord. 74-21. Passed 11-4-74.)

#### **608.08 ANIMAL BITES.**

(a) Whenever any dog, cat or other animal bites a person, the owner or person in control of the animal shall immediately notify the Police Department. The animal shall be ordered held on the owner's premises, if vaccinated, or shall be confined and observed in a veterinary hospital, if not vaccinated, for a period of ten days. The animal

shall be examined by the appropriate Kane County Health Department Animal Control officials immediately after it has bitten anyone, and again on the fifth day, and at the end of the ten-day period. If, at the end of the ten-day period of observation, a veterinarian is convinced that the animal is free from rabies, he or she shall order the animal to be released from quarantine. The owner of the animal shall be responsible for all fees and charges incurred to meet the requirements of this section.

(b) No person, whether the owner or person in control, of an animal shall fail to report any animal bite.

(Ord. 74-21. Passed 11-4-74; Ord. 2010-24. Passed 9-7-10.)

#### **608.09 KILLING DANGEROUS ANIMALS.**

Members of the Police Department, the Health Officer or any other authorized person may kill any dangerous animal of any kind when it is necessary for the immediate protection of any person or property. The entire brain of all such animals shall be submitted to a recognized laboratory for rabies examination.

(Ord. 74-21. Passed 11-4-74.)

#### **608.10 DISEASED ANIMALS.**

No domestic or wild animal afflicted with a contagious or infectious disease shall be allowed to be shipped or removed from the premises of its owner, except under the supervision of the Health Officer. It is hereby made the duty of the Health Officer 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.

(Ord. 74-21. Passed 11-4-74.)

#### **608.11 HORSES OR DRAFT ANIMALS ON SIDEWALKS.**

No person shall have any horse or draft animal on any sidewalk.

(Ord. 90-11. Passed 6-18-90.)

#### **608.12 INTERFERENCE PROHIBITED; NUISANCE DECLARED; IMPOUNDING.**

(a) Interference with Authorized Officer. It shall be unlawful for any person to hinder, molest or interfere with anyone authorized or empowered to perform any duty required by this chapter.

(b) Nuisance Declared. Any dog, cat or other animal doing any of the acts prohibited in Sections 608.04 through 608.08 is hereby declared to be a public nuisance.

(c) Impounding. Any dog, cat or other animal doing any of the acts prohibited in Sections 608.04 through 608.07 may be seized and impounded as provided below:

- (1) Impoundment procedure; notification. The Police Department is hereby authorized to enforce the provisions of this subsection (c) by impounding any animal found in violation thereof. After any such animal is impounded, the Police Department shall ascertain whether the animal has a license or tag verifying the animal's rabies vaccination required by Section 608.03, as well as license, tag or other mechanism (such as implanted microchip accessible using a universal scanner) indicating any address or ownership identifying information. Using information from either such item, the Police Department shall, as soon as possible, notify by telephone or letter the owner or person so identified that said animal has been impounded and needs to and may be re-claimed. Any animal impounded pursuant to this section shall be held for the owner for up to seven days. If the owner of an animal cannot be contacted, or in the case any impounded animal is not claimed, said animal shall either be turned over to Kane County Animal Control, or humanely destroyed or otherwise disposed of, provided that no such animal shall be used for experimental purposes.
- (2) Removal or attachment of license, tag or identifying item. No person, except an officer in the performance of his or her duties under this chapter, shall remove a license, tag or other identifying item from any dog or cat without the consent of the owner; nor shall any person attach a license, tag or other identifying item to a dog or cat to which such license, tag or other identifying item was not issued.
- (3) Claiming animals. Any dog, cat or other animal impounded pursuant to the provisions of this section may be claimed upon payment to the Police Department of the redemption fee. The redemption fee for dogs, cats and other animals shall be twenty dollars (\$25.00) for each animal, plus an additional fee of five dollars (\$5.00) for each 24-hour period, or fraction thereof, during which such animal was retained by the Village at its pound. The Police Department Chief is authorized to adjust or waive this fee on a case-by-case basis upon good cause being shown. The Police Department may contact Kane County Animal Control concerning an animal not possessing a rabies vaccination certification license or tag.
- (4) Abandonment. Any owner electing to relinquish ownership of an impounded animal shall be liable to the Village for a fee of one hundred and twenty-five dollars (\$125.00), said fee not authorized for adjustment or waiver, for expenses incurred by the Village in humanely destroying or otherwise disposing of the abandoned animal, provided that no such abandoned animal shall be used for experimental purposes.

- (5) Wild animals. Wild animals shall be impounded for a ten-day period of observation whether or not they have been vaccinated against rabies. The Police Department may contact Kane County Animal Control or other such specialist as may be warranted by the nature of the animal and circumstances concerning disposition of a wild animal. In the event that it is necessary to destroy a wild animal before it can be impounded for the required ten days, the brain of such animal shall be preserved and sent to a recognized laboratory for rabies examination.
- (6) Liability of Village officers, employees or agents. In the enforcement provisions of this chapter, neither the Village nor any of its officers, employees or agents shall be held responsible for any accident or disease that may happen to any dog, cat or other animal.  
(Ord. 74-21. Passed 11-4-74; Ord. 2010-24. Passed 9-7-10.)

**608.13 NOTICE OF SEIZURE OF ANIMAL RUNNING AT LARGE;  
CITATIONS.**

(a) In the event that any dog or cat seized for running at large wears a collar or harness having inscribed thereon and attached thereto the name and address of any person, or a license tag identifying the owner or person keeping or harboring said cat or dog or any other animal, the Police Department or the Health Officer shall forthwith serve, on the person whose name or address is given on the collar or who is determined from the dog or cat license records of the Village to be the owner or harbinger of such animal, a citation in writing stating that the dog, cat or other animal has been seized and will be subject to being disposed of or destroyed if not claimed within seven days after service of the citation.

(b) A citation issued under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at a person's usual or last known place of abode, or at the address given on the collar of the animal impounded, or by forwarding it by certified letter addressed to that person at his or her usual or last known place of abode or to the address given on the collar.  
(Ord. 74-21. Passed 11-4-74.)

**608.14 ABATEMENT OF ANIMALS CONSTITUTING PUBLIC  
NUISANCES.**

Any vicious dog, cat or other animal constituting a public nuisance as provided in this chapter shall be abated, destroyed or removed from the Village, by the owner or by the Police Department or the Health Officer, upon receipt of certified copies of the judgment and sentence showing three citations and convictions of an owner for violations of Sections 608.04 to 608.07 and showing that no finding was entered by the Court showing that the owner will be able to provide restraints to protect the public.

The Police Department or the Health Officer shall notify and direct the owner of said dog, cat or other animal to abate, destroy or remove the same from the Village within ninety-six hours from the date of notice. If such dog, cat or other animal is found to be within the confines of the Village after ninety-six hours have elapsed from the date of notice, said dog, cat or other animal shall be destroyed or removed by the Police Department or the Health Officer.

(Ord. 74-21. Passed 11-4-74.)

**608.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



CHAPTER 624  
Health, Safety and Sanitation

624.01	Sanitation in food sales or storage.	624.08	Obstruction or pollution of watercourses; declaration of nuisance.
624.02	Garbage, refuse and ashes; open burning; compost structures.	624.09	Stagnant pools; declaration of nuisance.
624.03	Storage of junk, etc., on private property; declaration of nuisance.	624.10	Endangering health, etc.
624.04	Soot, cinders, noxious acids, fumes and gases prohibited; declaration of nuisance.	624.11	Nuisances generally, abatement.
624.05	Diseased trees; declaration of nuisance. (Repealed)	624.12	Disposition of fine moneys.
624.06	Littering.	624.13	Collection of costs of removal not waived.
624.07	Weeds.	624.14	Disposal of construction debris.
		624.99	Penalty.

CROSS REFERENCES

Health officer - see ADM. Ch. 242

Animals in unsanitary conditions - see GEN. OFF. 608.02

Removal of animal deposits - see GEN. OFF. 608.07

Facilities for animals - see B.R. & T. 846.04

Safety at skating rinks - see B.R. & T. 872.04

Garbage and rubbish deposits on streets and sidewalks - see S.U. & P.S. 1020.04(k)

Water use restrictions - see S.U. & P.S. 1044.05

**624.01 SANITATION IN FOOD SALES OR STORAGE.**

(a) Sanitary Conditions Required; Refuse or Waste Prohibited. Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. No person shall permit any accumulation of refuse or waste of any kind to remain on such premises for more than 24 hours, and no person shall permit any decaying animal or plant material to remain on such premises.

(b) Flies, Vermin and Rodents Prohibited. Premises used for the storage, preparation or sale of food intended for human consumption shall be kept free from flies, vermin and rodents.

(c) Employee Cleanliness. All persons engaged in the handling of or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing. No person who is afflicted with or is a carrier of any infectious or contagious disease shall handle or be engaged in the care or preparation of any such food. No person shall permit any such afflicted or disease-carrying person to be employed in or about any premises where food is stored, prepared or sold, or to deliver any such food. (Ord. 89-14. Passed 10-16-89.)

(d) Unwholesome Food. No person shall sell or offer for sale for human consumption in the Village any unwholesome food or polluted food or drink of any kind. (Ord. 77-8. Passed 5-16-77.)

(e) Beverages Defined as Food. The term “food,” as used in this section, shall be construed to include beverages. (Ord. 89-14. Passed 10-16-89.)

#### **624.02 GARBAGE, REFUSE AND ASHES; OPEN BURNING; COMPOST STRUCTURES.**

(a) Definitions. As used in this section:

- (1) “Garbage” means wastes resulting from the handling, preparation, cooking and consumption of food, and wastes from the handling, storage and sale of produce.
- (2) “Refuse” means combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, wood shavings, packing materials, tree branches, yard trimmings, leaves, wood furniture and bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery and other mineral wastes; and street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch-basin dirt and the contents of litter receptacles. However, “refuse” shall not include earth and wastes from building operations, nor shall it include garbage, nor shall it include solid wastes resulting from industrial processes and manufacturing operations, such as food processing wastes, boilerhouse cinders, lumber, scraps and shavings.
- (3) “Yard waste” means tree and bush trimmings, branches, twigs, and trunks. “Yard waste” does not include waste generated by the clearing of entire parcels of land.

(b) Open Burning Prohibited. The open burning of yards and fields, herbage, shrubbery, leaves, grass, brush, trimmings from trees, bushes, landscape waste, wood, paper, garbage, refuse, yard waste or other combustible material on any property,

public or private, from any source whatsoever, within the Village, is unlawful and is hereby prohibited, with the following exceptions:

- (1) Fires set and supervised by the Elburn & Countryside Fire Protection District for public safety and training.
- (2) Horticultural, wildlife management, prairie restoration, or similar purposes that have been approved by the State or local governmental agency having jurisdiction.
- (3) Recreational fires.
  - A. Fires for the express purpose to cook food for human consumption. Such fires shall be contained in grills, charcoal burners, or the like.
  - B. Fires within a dry stacked stone, masonry, or metal fire pit or ring or within commercially manufactured portable fireplaces, but only if:
    1. Location: The location of the stone, masonry, or metal fire pit or ring or commercially manufactured portable fireplace shall be at a safe and reasonable distance from any building, structure, or vehicle and from any container or other source of flammable liquids or vapors. A metal fire ring or commercially manufactured portable fireplace shall not be placed on any combustible surface.
    2. Fuel: The fuel shall be dry, seasoned wood, or equivalent. No household or landscape wastes or leaves shall be burned.
    3. Attendance: No burning shall take place on private property without the presence and oversight of an adult over eighteen years of age. No fires shall be left unattended until entirely extinguished.
    4. Size: Fuel pile cannot be larger than 27 cubic feet nor higher than two feet.
- (4) Fires started by Village personnel or Village-authorized contractors to burn materials collected within the corporate limits of the Village shall be authorized on any Village-owned property.
- (5) Burning of brush, but only if:
  - A. Burning is conducted on the property on which the materials to be burned are generated.
  - B. Burning is conducted on sunny days between 10:00 a.m. and 3:00 p.m.
  - C. Burning is conducted when the wind is less than ten miles per hour.
  - D. Burning is not conducted within 25 feet of any building or structure.
  - E. Burning is not permitted when it is determined by the Village that inversion or ozone alert conditions exist.

- F. Burning is not conducted on public property, including, but not limited to, roads, alleys, or sidewalks.
- G. Only clean, dry materials are burned. Burning that is offensive or objectionable due to smoke or odor emissions or atmospheric conditions, or when circumstances exist that make such fires hazardous, shall be prohibited.
- H. Burning is supervised by a person over the age of 18 until the fire is extinguished.
- I. An operating fire extinguisher or garden hose or water source shall be available at the burning site.
- J. It is the sole responsibility of the individual conducting the burning to satisfactorily determine that all conditions permitting burning as noted above are met during any given period when conducting a burning authorized by a permit issued by the Elburn and Countryside Fire Protection District.

(c) Permits. All burning, except that specified in division (b) above, requires the issuance of a permit issued by the Elburn and Countryside Fire Protection District Fire Chief, or his designee. Such permits are subject to the following restrictions:

- (1) The open burning permit shall be good only for the date or period on or for which it is issued.
- (2) All approved permits must be approved a minimum of 24 hours prior to commencement of the open burning.
- (3) That a copy of the Elburn and Countryside Fire Protection District permit is immediately available on the site for viewing by members of the Police Department, Village public officials, and members of the Elburn and Countryside Fire Protection District, otherwise the open burning will be immediately ordered extinguished.
- (4) Burning is conducted on the property on which the materials to be burned are generated.
- (5) Burning is conducted on sunny days between 10:00 a.m. and 3:00 p.m.
- (6) Burning is conducted when the wind is less than ten miles per hour.
- (7) Burning is not conducted within 25 feet of any building or structure.
- (8) Burning is not permitted during announced inversion or ozone alert conditions.
- (9) Burning is not conducted on public property, including, but not limited to, roads, alleys, or sidewalks.
- (10) Burning that is offensive or objectionable due to smoke or odor emissions or atmospheric conditions, or when circumstances exist that make such fires hazardous, shall be prohibited.

- (11) Burning is supervised by a person over the age of 18 until the fire is extinguished.
- (12) An operating fire extinguisher, garden hose or water source is available at the burning site.
- (13) It is the sole responsibility of the individual conducting the burning to satisfactorily determine that all conditions permitting burning as noted above are met during any given period conducting a burning authorized by a Village permit.

(d) Accumulation of Materials Subject to Decay. Excepting for compost piles, which shall remain subject to the nuisance provisions of the Village of Elburn's Codified Ordinances, no person shall permit or allow or cause to accumulate anywhere in the Village any garbage or refuse or other material subject to decay, other than leaves or grass. Compost piles shall be placed in aesthetically acceptable compost structures and shall be subject to the following regulations:

- (1) Definitions.
  - A. "Compost structure(s)" means a structure or structures designed to hold composting materials in such a way as to prevent material from being windblown and to promote the composting process.
  - B. "Composting" means a biological process by which microorganisms decompose the organic fraction of waste, producing a humus-like material that may be used as a soil conditioner.
- (2) Regulations. It shall be unlawful to allow a compost structure to be maintained on any part of any premises and parkway immediately adjacent to any premises in violation of the following standards:
  - A. The minimum size for a compost structure shall be two feet wide by two feet high by two feet long. The maximum size of a compost structure on a property shall not exceed a maximum of five feet wide by five feet high by ten feet long.
  - B. Only the following organic materials shall be allowed in any such compost structure:
    1. Soil;
    2. Landscape waste in which any woody materials and garden wastes have been reduced in size to half an inch in diameter and twelve inches long;
    3. Cooked and uncooked fruits and vegetables;
    4. Livestock manure;
    5. Residential cardboard rolls;
    6. Coffee grounds and filters;
    7. Dryer and vacuum cleaner lint;
    8. Eggshells;

9. Grass clippings;
10. Hay and straw;
11. Houseplants;
12. Leaves;
13. Nutshells;
14. Sawdust;
15. Tea bags; and
16. Yard trimmings.

Provided, however, that small amounts of wood ash or fertilizer may be added to provide nutrients.

- C. The following materials shall not be allowed in any such compost structure, including, but not limited to:
  1. Construction and demolition debris, except sawdust;
  2. Metal items;
  3. Preservative-treated wood products;
  4. Petroleum products (gasoline, motor oil, paints, or solvents);
  5. Pesticides or herbicides (except that which is already conveyed as part of the organic materials described above);
  6. Fish or animal feces;
  7. Fish or animal carcasses;
  8. Cooked meat scraps;
  9. Human feces;
  10. Paper; and
  11. Plastic or cardboard items.
- D. Compost structures shall be maintained by turning the compost material to permit aeration so as to prevent unpleasant odors and prevent the attraction or harboring of rodents and pests.
- E. Compost structures shall not be located in any front or side yard; and shall be setback at least twenty feet from principal residential structures on adjoining lots.
- F. Compost structures shall not be located on any drainage easement.
- G. Only materials generated by the residence located on the subject lot may be placed in the compost structure located on the lot.
- H. Only one compost structure shall be permitted on a lot.
- I. Compost structures shall be permitted only on lots in residential districts.

(e) Accumulation of Materials That Can Be Blown Away. No person shall cause or permit to accumulate any dust, ashes or similar materials that can be blown away by the wind. Such materials must be stored in a covered or secure container.

(f) Deposit Onto Public Streets or Alleys. No person shall deposit or permit to fall from any vehicle, or escape from any property, any garbage, refuse or ashes onto any public street or alley in the Village. This subsection shall not be construed to prohibit the placing of garbage, refuse or ashes in a container complying with the provisions of this section in preparation to having such material collected and disposed of in a manner provided for herein as long as no garbage, recycling material or containers leave the property or parkway of the property generating the garbage, refuse or ashes.

(g) Dumping on Private Property. No person shall dump or place any garbage, refuse or ashes on any premises in the Village without the consent of the owner of such premises.

(h) Storing or Depositing of Combustible Material. No person shall permit or store any combustible refuse in such a manner as may create a hazard of fire, nor store or deposit any garbage, refuse or ashes of any nature or kind whatever upon any alley, street or other public place within the Village, except as herein provided.

(i) Declaration of Nuisance. No person shall deposit anywhere in the Village any uncovered pile or collection of refuse, garbage or ashes. Any uncovered piles of such refuse, garbage or ashes are hereby declared to be a nuisance.

(j) Separate Containers. If required by law, it shall be the duty of every owner and/or occupant of a house, apartment building or business in the Village to maintain separate containers for glass, plastic, metal and garbage refuse.

(k) Containers for Collection. No person shall dispose of any garbage, refuse or ashes anywhere in the Village except as herein provided. Such material shall be placed in covered or secure containers, as herein provided, for collection by a licensed garbage and refuse collector. All containers for garbage, yard waste and refuse shall be placed by residents at the curb line of the premises served not earlier than 3:00 p.m. on the day before the scheduled collection, and shall be removed on or before 9:00 a.m. the day after the collection is made. No container shall be placed so as to constitute a nuisance to adjacent property or to the occupants thereof.

(l) Leaf collection. A property owner, his or her tenant, agent(s) of the owner or tenant, contractor(s), or landscaper(s) may place leaves in a closed, biodegradable bag curbside along public streets and on the public parkway for pickup by the Village licensed garbage collector at any time during the months of October and November. Closed, biodegradable leaf bags shall not be placed less than ten feet from any storm drain inlet, nor shall they create a safety hazard for vehicles, bicyclists or pedestrians.

During other times of the year, leaf bag collection shall conform to regular garbage and refuse collection regulations.

(m) Collection. Such garbage, refuse or ashes shall be collected by a duly authorized and licensed collector, who shall have charge of the collection of garbage, refuse or ashes in the Village and who shall comply with all of the regulations herein provided for the use of Village streets. Collections shall be made from all premises at least once in each week, provided that the material to be collected is properly stored for collection in covered or secure containers.

(Ord. 89-14. Passed 10-16-89; Ord. 98-23. Passed 10-5-98; Ord. 2008-08. Passed 5-5-08; Ord. 2009-02. Passed 3-16-09; Ord. 2009-13. Passed 7-20-09; Ord. 2011-15. Passed 6-20-11.)

**624.03 STORAGE OF JUNK, ETC., ON PRIVATE PROPERTY;  
DECLARATION OF NUISANCE.**

(a) The storing of junk, trash and refuse on private property within the Village, where such storage is not authorized under the terms of the Zoning Code, and in any manner not permitted by said Zoning Code, is hereby declared a nuisance.

(b) Junk, trash and refuse are defined herein to include any and all waste matter, whether reusable or not, which is offensive to the public health or safety or to the aesthetics of the neighborhood, and is specifically intended to include, but not be limited to, worn out, wrecked and/or abandoned automobiles, trucks, tractors or machinery of any kind, and any parts thereof, and old ice boxes, refrigerators, stoves, and tires whether or not mounted on rims and not affixed to a vehicle.

(c) Upon receiving notice of any violation of this section, the Village Police Department shall issue a notice directed to the owner of record of the property on which said nuisance occurs, as shown in the records of the Recorder of Deeds of Kane County, or to the occupant of said property, or to both, which notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two days nor more than ten days after service of such notice.

(d) Immediately upon the termination of the time allowed in any such notice for the abatement of such nuisance, the Police Department shall investigate to determine whether or not such nuisance has been abated.

(e) In the event the owner or occupant of the property where such nuisance exists has failed, within the prescribed time, to abate such nuisance, then the Village shall

file a complaint with the Circuit Court for the Sixteenth Judicial Circuit charging a violation of this section and demanding that the owner of the property or the occupant thereof abate the nuisance and be fined accordingly.

(f) No property or occupant of property shall allow the storage of junk, trash and refuse in violation of subsection (a) hereof. No person shall neglect to abate or remove any nuisance referred to in subsection (a) hereof after notice thereof. A separate offense shall be deemed committed each twenty-four hours during which such nuisance continues.

(Ord. 89-14. Passed 10-16-89; Ord. 2007-31. Passed 12-17-07.)

#### **624.04 SOOT, CINDERS, NOXIOUS ACIDS, FUMES AND GASES PROHIBITED; DECLARATION OF NUISANCE.**

No person shall permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is hereby declared to be a public nuisance and may be summarily abated by the Superintendent of Public Works or by anyone whom he or she may designate for such purpose.

(Ord. 89-14. Passed 10-16-89.)

#### **624.05 DISEASED TREES; DECLARATION OF NUISANCE. (REPEALED)**

(EDITOR'S NOTE: Section 624.05 was repealed by Ordinance 2011-33, passed December 19, 2011. Please see Chapter 1024.)

#### **624.06 LITTERING.**

(a) No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in this Village, or upon or into any river, lake, pond, or other stream or body of water in this Village, unless:

- (1) The property has been designated by the Village or the State or any of its agencies, political subdivisions, units of local government or school districts for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Pollution Control Board;



- (2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
- (3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;
- (4) The person is acting under the direction of proper public officials during special cleanup days; or
- (5) The person is lawfully acting in or reacting to an emergency situation where health and safety are threatened, and removes and properly disposes of such litter, including, but not limited to, potentially infectious medical waste as defined in Section 3.84 of the Environmental Protection Act, when the emergency situation no longer exists.

(b) “Litter” means any discarded, used or unconsumed substance or waste. “Litter” may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle (as defined in the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in Section 3.84 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

(c) That the provisions of the Litter Control Act (415 ILCS 105/1 et seq.) are hereby adopted and incorporated as part of this section.

- (d) (1) In addition to the penalties set forth in Section 8 of the Illinois Litter Control Act (415 ILCS 105/8), any person, firm or corporation who or which violates, disobeys, neglects, fails to comply with or resists enforcement of the provisions of this section will be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each calendar day a violation occurs.
- (2) In addition to seeking a fine, as hereinabove provided, the Village Attorney may institute any proper action in the name of the Village to enjoin the violation of any provision of this section.  
(Ord. 89-14. Passed 10-16-89; Ord. 2001-28. Passed 12-17-01.)

**624.07 WEEDS.**

(a) Declaration of Nuisance. Any weeds, such as jimson burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing in any lot or tract of land in the Village, are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

(b) Height. It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, vegetable plants, flowers or other ornamental plants, to grow to a height exceeding twelve inches anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

(c) Barberry Bushes. It shall be a nuisance and unlawful to plant or permit the growth of the bush of the species of tall, common or European Barberry, further known as *Barberis Vulgaris*, or its horticultural varieties, within the Village.

(d) Notice to Abate. It shall be the duty of the Police Department to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this section, and to demand the abatement of the nuisance within ten days.

(e) Abatement by Village. If the person so served does not abate the nuisance within ten days, the Board may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant.

(f) Lien. Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the Clerk may file with the County Recorder a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the weeds were cut, and a notice that the Village claims a lien for this amount. Notice of such lien claim shall be mailed to the owner of the premises if his or her address is known. However, failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in subsection (g) hereof.

(g) Foreclosure of Lien. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty days after it has been rendered.

(h) Penalty. Any person, firm or corporation violating any of the provisions of this section shall be subject to the penalty provided in Section 624.99. However, a separate offense shall be deemed committed each day during or on which such nuisance continues unabated after ten days from receipt of notice.  
(Ord. 89-14. Passed 10-16-89.)

**624.08 OBSTRUCTION OR POLLUTION OF WATERCOURSES.**

It shall be unlawful and it shall constitute a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of supply of water in the Village.  
(Ord. 77-8. Passed 5-16-77.)

**624.09 STAGNANT POOLS; DECLARATION OF NUISANCE.**

Any stagnant pool of water in the Village, including water standing in tires, whether or not mounted on rims and not affixed to a vehicle, is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or her control.  
(Ord. 77-8. Passed 5-16-77; Ord. 2007-31. Passed 12-17-07.)

**624.10 ENDANGERING HEALTH, ETC.**

It shall be unlawful to commit or do any act which endangers public health or results in annoyance or discomfort to the public.  
(Ord. 77-8. Passed 5-16-77.)

**624.11 NUISANCES GENERALLY; ABATEMENT.**

It shall be unlawful to permit or maintain the existence of any nuisance on any premises controlled or occupied by any person, firm or corporation in the Village. Any member of the Police Department is hereby authorized to abate any nuisance existing in the Village whether such nuisance is one specifically recognized as such by ordinance or not. The person who owns and the person who controls the property on which such nuisance is abated shall be jointly and severally liable for the cost of abatement of such nuisance and the damages, if any, resulting from the existence of such nuisance and the abatement thereof.  
(Ord. 77-8. Passed 5-16-77.)

**624.12 DISPOSITION OF FINE MONEYS.**

All fines collected for violations of this chapter shall be deposited with the Village Clerk and credited to the General Corporate Fund.

**624.13 COLLECTION OF COSTS OF REMOVAL NOT WAIVED.**

Imposition of the penalty provided in Section 624.99 shall not be construed as a waiver of the right of the Village to collect the costs of removal of public nuisances in accordance with the provisions of this chapter.  
(Ord. 89-14. Passed 10-16-89.)

**624.14 DISPOSAL OF CONSTRUCTION DEBRIS.**

(a) All construction debris, scrap or excess materials at all new construction sites in the Village:

- (1) Shall not be buried;
- (2) Shall not be burned;
- (3) Shall not be allowed to be blown on to any other property;
- (4) Shall be placed in dumpsters or like commercial refuse containers for pickup by a licensed commercial waste hauler, preferably with lids that close.

(b) Violation of this section shall be subjected to the penalties provided for in Section 202.99 of these Codified Ordinances.

(Ord. 2003-05. Passed 3-3-03.)

**624.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 630  
Liquor Control

- 630.01 Definitions.
- 630.02 Peddling.
- 630.03 Sanitary storage required.
- 630.04 Employment of persons with contagious diseases, etc., prohibited.

630.05 Drinking of alcoholic beverages on public property.  
630.99 Penalty.

## CROSS REFERENCES

Soliciting purchase of alcoholic beverages - see Ill. R.S. Ch. 38, Secs. 26.1-2 et seq.

Power to license retail sale of alcoholic liquor - see Ill. R.S. Ch. 43, Sec. 110

General liquor control provisions - see Ill. R.S. Ch. 43, Secs. 119 et seq.

Sale of alcoholic beverages - see B.R. & T. Ch. 804

Local Liquor Control Commissioner - see B.R. & T. 804.02

### 630.01 DEFINITIONS.

The definitions set forth in Section 804.01 shall be applicable to this chapter.

### 630.02 PEDDLING.

It shall be unlawful to peddle alcoholic liquor in the Village.

(Ord. 85-10. Passed 1-20-86.)

### 630.03 SANITARY STORAGE REQUIRED.

All premises used for the sale of alcoholic liquor, or for the storage of such liquor for sale, shall be kept in a clean and sanitary condition and shall be kept in full compliance with the laws regulating the condition of premises used for the storage or sale of food for human consumption.

(Ord. 85-10. Passed 1-20-86.)



CHAPTER 650  
Offenses Against Persons

650.01 Assault and battery.  
650.99 Penalty.

CROSS REFERENCES

Assault - see Ill. R.S. Ch. 38, Sec. 12-1  
Aggravated assault - see Ill. R.S. Ch. 38, Sec. 12-2  
Battery - see Ill. R.S. Ch. 38, Sec. 12-3  
Aggravated battery - see Ill. R.S. Ch. 38, Sec. 12-4  
Offenses against public morals and decency - see GEN. OFF. Ch. 654  
Obstruction of passers-by - see GEN. OFF. 656.06  
Reckless conduct - see GEN. OFF. 656.07

650.01 ASSAULT AND BATTERY.

(a) Assault. It is a violation of this section for any person to commit an assault. For purposes of this section, a person commits an assault when he or she, without lawful authority, engages in conduct which places another in reasonable apprehension of receiving a battery.

(b) Aggravated Assault. It is a violation for any person to commit an act of aggravated assault. For purposes of this section, a person commits an aggravated assault when, in committing an assault, he or she uses a deadly weapon.

(c) Battery. It is a violation of this section for any person to commit a battery. For the purposes of this section, a person commits a battery if he or she intentionally or knowingly, without legal justification and by any means:

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

(d) Aggravated Battery. It is a violation of this section for any person to commit an act of aggravated battery. For purposes of this section, a person commits an act of aggravated battery when he or she intentionally or knowingly causes great bodily harm, or permanent disability or disfigurement, by the commission of an aggravated battery, or when in committing a battery he or she uses a deadly weapon.  
(Ord. 77-8. Passed 5-16-77.)

650.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 652  
Offenses Against Property

652.01	Criminal damage to property.	652.04	Theft.
652.02	Criminal damage of fire-fighting apparatus, equipment or hydrants.	652.05	Interference with Village property.
652.03	Criminal trespass.	652.06	Prohibiting motorized vehicles on pedestrian and bike trails.
		652.99	Penalty.

CROSS REFERENCES

Theft - see Ill. R.S. Ch. 38, Sec. 16-1

Deceptive practices - see Ill. R.S. Ch. 38, Sec. 17-1

Criminal damage to property - see Ill. R.S. Ch. 38, Sec. 21-1

Criminal damaging of fire-fighting apparatus, equipment or hydrants - see Ill. R.S. Ch. 38, Sec. 21-1-1

Criminal trespass to vehicles - see Ill. R.S. Ch. 38, Sec. 21-2

Criminal trespass to land - see Ill. R.S. Ch. 38, Sec. 21-3

**652.01 CRIMINAL DAMAGE TO PROPERTY.**

A person is guilty of a violation of this section if he or she:

- (a) Knowingly damages the property of another person without such person's consent;
  - (b) Recklessly, by means of fire or explosives, damages the property of another person;
  - (c) Knowingly starts a fire on the land of another person without such person's consent;
  - (d) Knowingly injures a domestic animal owned or harbored by another person without such person's consent;
  - (e) Knowingly deposits on the land or in a building of another person, without such person's consent, any stink bomb or any offensive-smelling compound, and thereby intends to interfere with the use by such other person of the land or building; or
  - (f) Damages any property with intent to defraud an insurer.
- (Ord. 77-8. Passed 5-16-77.)

**652.02 CRIMINAL DAMAGE OF FIRE-FIGHTING APPARATUS,  
EQUIPMENT OR HYDRANTS.**

Whoever willfully and maliciously cuts, injures, damages, tampers with or destroys or defaces any fire hydrant, any fire hose or any fire engine, or other public or private fire-fighting equipment, or any apparatus appertaining to such equipment, or intentionally opens any fire hydrant without proper authorization, is guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

**652.03 CRIMINAL TRESPASS.****(a) Land-Related Trespass.**

- (1) 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 whoever remains upon the land of another after receiving notice from the owner or occupant to depart, is guilty of criminal trespass.
- (2) A person has received notice from an owner or occupant, within the meaning of paragraph (a)(1) hereof, if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.
- (3) This section does not apply to any person, whether a migrant worker or otherwise, living on the land in question with the permission of the owner or of his or her agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon. Further, this section does not apply to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with, the owner or his or her agent, nor to anyone invited by a migrant worker or other person so living on such land to visit him or her at the place in which he or she is so living upon the land.

(b) Vehicles; Aircraft; Watercraft. Whoever knowingly and without authority enters any vehicle, aircraft or watercraft, or any part thereof, of another person, without such other person's consent, is guilty of criminal trespass.

(Ord. 77-8. Passed 5-16-77.)

**652.04 THEFT.**

A person commits theft and a violation of this section when he or she knowingly does any of the following:

- (a) Obtains or exerts unauthorized control over property of the owner;

- (b) Obtains, by threat, control over property of the owner;
  - (c) Obtains, by deception, 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 or her to believe that the property was stolen, and:
    - (1) Intends to deprive the owner permanently of the use or benefit of the property;
    - (2) Knowingly uses, conceals or abandons the property in such a 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 of benefit.
- (Ord. 77-8. Passed 5-16-77.)

#### **652.05 INTERFERENCE WITH VILLAGE PROPERTY.**

It is a violation of this section to injure, deface or interfere with any property belonging to the Village without proper authority from the Village Board.  
(Ord. 77-8. Passed 5-16-77.)

#### **652.06 PROHIBITING MOTORIZED VEHICLES ON PEDESTRIAN AND BIKE TRAILS.**

(a) Prohibition of Motorized Vehicles. With the exception of emergency and Village Public Works vehicles, no motorized vehicles shall be operated on pedestrian and bike trails.

(b) Signs. That subject to the written consent of the respective homeowner's associations and their agreement to share 50% of the costs of procuring, installing and maintaining regulatory signs, the Village shall obtain and cause to be posted and maintained appropriate signs as may be deemed necessary to enforce the provisions of this section.

(c) Disabled Persons. Individuals having a legitimate disability, operating a motorized wheelchair, as defined by 625 ILCS 5/1-148.3, are exempt from the provisions of this section.

(d) Penalty. (see Section 422.99 for General Code penalty.)  
(Ord. 2012-22. Passed 11-19-12.)

#### **652.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)



CHAPTER 654  
Offenses Against Public Morals and Decency

- 654.01 Prostitution.  
 654.02 Keeping a place of prostitution.  
 654.03 Patronizing a prostitute.  
 654.04 Inducing or permitting minors in a house of ill fame.  
 654.05 Pandering.  
 654.06 Soliciting for a prostitute.  
 654.07 Ill-governed, disorderly houses.  
 654.08 Public indecency.  
 654.99 Penalty.

CROSS REFERENCES

- Municipalities prohibiting sale of obscene literature - see Ill. R.S.  
 Ch. 24, Sec. 11-5-1  
 Sex offenses - see Ill. R.S. Ch. 38, Secs. 11-1 et seq.  
 Lewdness or obscenity generally - see Ill. R.S. Ch. 38, Secs. 11-9, 11-20  
 Child pornography - see Ill. R.S. Ch. 38, Sec. 11-20.1  
 Sexual assault - see Ill. R.S. Ch. 38, Secs. 12-13, 12-14  
 Sexual abuse - see Ill. R.S. Ch. 38, Secs. 12-15, 12-16  
 Obscenity - see GEN. OFF. 656.10  
 Adult-use viewing booths - see GEN. OFF. 656.11  
 Prostitution and lewdness in places where alcoholic beverages are sold  
 - see B.R. & T. 804.125(e)

654.01 PROSTITUTION.

(a) Any person who performs, offers to perform or agrees to perform any of the following acts for money commits an act of prostitution:

- (1) Any act of sexual intercourse; or
- (2) Any act of deviate sexual conduct.

(b) A person convicted of prostitution shall be guilty of a violation of this section.  
 (Ord. 77-8. Passed 5-16-77.)

654.02 KEEPING A PLACE OF PROSTITUTION.

(a) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution, or who performs any of the following acts, shall be deemed to be keeping a place of prostitution:

(1) Knowingly grants or permits the use of such place for the purpose of prostitution;

(2) Grants or permits the use of such place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of prostitution; or

(3) Permits the continued use of a place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of prostitution.

(b) A person who keeps a place of prostitution shall be guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

#### 654.03 PATRONIZING A PROSTITUTE.

(a) Any person who performs any of the following acts with a person not his or her spouse commits the offense of patronizing a prostitute:

(1) Engages in an act of sexual intercourse or deviate sexual conduct with a prostitute; or

(2) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.

(b) A person convicted of patronizing a prostitute shall be guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

#### 654.04 INDUCING OR PERMITTING MINORS IN A HOUSE OF ILL FAME.

Whoever shall induce any minor to enter or frequent, or shall allow or permit any minor to remain in, a house or place of ill fame or assignation, or a place used for the purpose of fornication or adultery, shall be guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

#### 654.05 PANDERING.

(a) Any person who performs any of the following acts for money commits pandering:

(1) Compels a female to become a prostitute; or

(2) Arranges or offers to arrange a situation in which a female may practice prostitution.

(b) A person convicted of pandering shall be guilty of a violation hereof.

(Ord. 77-8. Passed 5-16-77.)

654.06 SOLICITING FOR A PROSTITUTE.

(a) Any person who performs any of the following acts commits the offense of soliciting for a prostitute:

- (1) Solicits another for the purpose of prostitution;
- (2) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or
- (3) Directs another to a place, knowing such direction is for the purpose of prostitution.

(b) A person convicted of soliciting for a prostitute shall be guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

654.07 ILL-GOVERNED, DISORDERLY HOUSES.

Every common, ill-governed or disorderly house, room or other premises, kept for the encouragement of idleness, gambling, drinking, fornication or other conduct which constitutes a violation of the terms of this chapter or the Criminal Code of the State of Illinois, is hereby declared to be a public nuisance, and the keeper and all persons connected with the maintenance thereof, and each person patronizing or frequenting the same, shall be guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

654.08 PUBLIC INDECENCY.

(a) Any person of the age of seventeen years and upwards who performs any of the following acts in a public place commits an act of public indecency:

- (1) An act of sexual intercourse;
- (2) An act of deviate sexual conduct;
- (3) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person; or
- (4) A lewd fondling or caressing of the body of another person of either sex.

(b) "Public place," for purposes of this section, means any place where the conduct described in subsection (a) hereof may reasonably be expected to be viewed by others.

(c) A person convicted of public indecency shall be guilty of a violation of this section.

(Ord. 77-8. Passed 5-16-77.)

654.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 656  
Offenses Against the Public Peace

- 656.01 Disorderly conduct.
- 656.02 Mob action.
- 656.03 Permitting unlawful assembly.
- 656.04 Disturbing a lawful assembly.
- 656.05 Curfew for minors.
- 656.06 Loitering, obstruction of traffic or passers-by.
- 656.07 Reckless conduct.
- 656.08 Railroad trains sounding bells, whistles or horns; declaration of nuisance.

- 656.09 Permitted hours for construction activity; declaration of nuisance. (Repealed)
- 656.10 Obscenity.
- 656.11 Adult-use viewing booths.
- 656.12 Noise.
- 656.99 Penalty.

#### CROSS REFERENCES

- Prevention or suppression by municipalities - see 65 ILCS 5/11-5-2
  - Breach of peace - see 725 ILCS 135/1 et seq.
  - Barking or howling dogs, cats, etc. - see GEN. OFF. 608.05
  - Abatement of nuisances - see GEN. OFF. 624.11, 624.13
  - Peace disturbances in bars, taverns, etc. - see B.R. & T. 804.12
  - Peace disturbances at amusements - see B.R. & T. 806.03, 806.04
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#### **656.01 DISORDERLY CONDUCT.**

A person commits disorderly conduct, which is hereby declared to be a violation of this section, when he or she knowingly:

- (a) Does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- (b) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;
- (c) 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;
- (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 bomb or explosive is concealed in such place;

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- (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 such dwelling. (Ord. 77-8. Passed 5-16-77.)
- (g) Goes about begging, using any shell game, sleight of hand or juggling trick or other unlawful game to cheat, defraud or unlawfully obtain money or other valuable things; or is a pilferer, confidence man or common drunkard, or is lewd, wanton or lascivious in speech or behavior, or who is a common brawler or a person who does not provide lawfully for himself or herself or for the support of his or her family, or who habitually misspends his or her time by frequenting houses of ill fame, gambling houses or tippling shops.

**656.02 MOB ACTION.**

- (a) Mob action is hereby declared to be a violation of this section.
- (b) Mob action consists of any of the following:
  - (1) The use of force or violence, disturbing the public peace, by two or more persons acting together and without authority of law;
  - (2) The assembly of two or more persons to do an unlawful act; or
  - (3) The assembly of two or more person, 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.
- (c) Any participant in mob action who does not withdraw on being commanded to do so by any peace officer shall also be guilty of mob action.  
(Ord. 77-8. Passed 5-16-77.)

**656.03 PERMITTING UNLAWFUL ASSEMBLY.**

It shall be a violation of this section for any reason to knowingly suffer or permit any assemblage for the purpose of committing any unlawful act or breach of the peace, or any riotous, offensive or disorderly conduct, in or upon the premises owned or occupied by said person or under his or her control.  
(Ord. 77-8. Passed 5-16-77.)

**656.04 DISTURBING A LAWFUL ASSEMBLY.**

It shall be a violation of this section for any person to interrupt or disturb any congregation or assembly met for the purpose of religious worship, or for any lawful purpose, by making any loud or unusual noise, or by rude or indecent behavior, or by profane, obscene or improper discourse or conduct. (Ord. 77-8. Passed 5-16-77.)

**656.05 CURFEW FOR MINORS.**

(a) No person more than fifteen years of age but less than eighteen years of age shall be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty-one years of age, who is approved by a parent or legal guardian, unless engaged in a business or occupation which the laws of the State authorize a person less than eighteen years of age to perform, or unless in attendance at, or while traveling directly to or from, home, a school, a church or a Section 501(c)(3) not-for-profit community organization-sponsored activity:

- (1) Between 12:01 a.m. and 6:00 a.m. Saturday;
- (2) Between 12:01 a.m. and 6:00 a.m. Sunday;
- (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. of the following day.

(b) No person less than sixteen years of age shall be present at or upon any public assembly, building, place, street or highway at the following times, unless accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty-one years of age, who is approved by a parent or legal guardian, unless engaged in a business or occupation which the laws of the State authorize a person less than sixteen years of age to perform, or unless in attendance at, or while traveling directly to or from, home, a school, a church or a Section 501(c)(3) not-for-profit community organization-sponsored activity: between 10:00 p.m. and 6:00 a.m. of the following day, seven days a week.

(c) No parent, legal guardian or other person shall knowingly permit a person in his or her custody or control to violate this section.  
(Ord. 96-21. Passed 7-15-96.)

**656.06 LOITERING, OBSTRUCTION OF TRAFFIC OR PASSERS-BY.**

(a) Any person or persons who, after being warned by any police officer, congregate with another or others on any street, sidewalk or other public way in the Village in such a manner as to impede, obstruct or halt the free passage of vehicular or pedestrian traffic, shall be guilty of a violation of this section.

(b) The prohibition in subsection (a) hereof shall not apply to a person or persons lawfully engaged in an authorized parade, march, funeral procession or assembly.  
(Ord. 77-8. Passed 5-16-77.)

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**656.07 RECKLESS CONDUCT.**

It is a violation of this section for any person to commit an act of reckless conduct. For purposes of this section, a person commits an act of reckless conduct when he or she causes bodily harm to, or endangers the bodily safety of, an individual by any means, or performs recklessly the acts which cause the harm or endanger the safety, whether they otherwise are lawful or unlawful.

(Ord. 77-8. Passed 5-16-77.)

**656.08 RAILROAD TRAINS SOUNDING BELLS, WHISTLES OR HORNS; DECLARATION OF NUISANCE.**

(a) Every railroad company or engineer operating locomotives, trains, engines, railway passenger cars or freight cars in or approaching the Village shall be prohibited from ringing or sounding a locomotive bell, whistle or horn, unless there exists a clear and present danger to persons or property.

(b) A violation of the provisions of this section shall be deemed to be, and is hereby declared to be, a nuisance, and shall subject the railroad company to the penalties provided in Section 656.99.

(Ord. 94-12. Passed 6-6-94.)

**656.09 PERMITTED HOURS FOR CONSTRUCTION ACTIVITY; DECLARATION OF NUISANCE. (REPEALED)**

(EDITOR'S NOTE: Section 656.09 was repealed by Ordinance 2002-35, passed December 16, 2002.)

**656.10 OBSCENITY.**

(a) Elements of the Offense. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, the person:

- (1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any obscene writing, picture, record or other representation;
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;
- (3) Publishes, exhibits or otherwise makes available anything obscene;
- (4) Performs an obscene act or otherwise presents an obscene exhibition of his or her body for gain;
- (5) Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this section or of the penal laws or regulations of this State or any other jurisdiction; or

- (6) Advertises or otherwise promotes the sale of material represented or held out by him or her to be obscene, whether or not it is obscene.

(b) **Obscene Defined.** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion and goes substantially beyond customary limits of candor in description or representation of such matters. A thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.

(c) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

By way of illustration only, and not by way of limitation, in any prosecution for an offense under this section, evidence shall be admissible to show:

- (1) The character of the audience for which the material was designed or to which it was directed;
- (2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
- (4) The degree, if any, of public acceptance of the material in this State.
- (5) The appeal to prurient interest, or absence thereof, in advertising or other promotion of the material; and
- (6) The purpose of the author, creator, publisher or disseminator.

(d) **Penalties.** Any person, firm or corporation violating this section shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.

(e) **Prima-Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three duplicate copies of obscene material, shall be prima-facie evidence of an intent to disseminate.

656.11 GENERAL OFFENSES CODE 38B

(f) Affirmative Defense. It shall be an affirmative defense to a charge of dissemination of obscenity that the dissemination:

(1) Was not for gain and was made to personal associates other than children under eighteen years of age; or

(2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(Ord. 2000-5. Passed 3-6-00.)

656.11 ADULT-USE VIEWING BOOTHS.

(a) Purpose. It is a lawful purpose of the Village of Elburn to enact an ordinance setting forth regulations for the preservation of health and to prevent the spread of AIDS and other communicable or sexually transmitted diseases in the Village of Elburn. It has been found by the Village of Elburn, as well as other communities around the country, particularly Milwaukee, Racine, Waukesha, Delafield and Kenosha, Wisconsin, and Marion County, Indiana, that many adult-oriented establishments install movie viewing booths with doors and locks in which patrons view adult oriented video tapes, movies, films and other forms of adult entertainment, and that such booths have been and are being used by patrons to engage in sexual acts resulting in unsanitary, unhealthy and unsafe conditions in said booths and establishments. This section establishes standards for booth construction and maintenance in order to preserve health and to prevent the spread of AIDS and other communicable diseases.

(b) Definitions. As used in this section:

(1) Adult-oriented establishment shall mean any premises, including, but not limited to, adult bookstores, adult motion picture theaters, or adult cabarets, to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment, including adult-oriented motion pictures, films or videotapes, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a customer, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(2) Adult bookstore means an establishment having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, and in conjunction therewith have facilities for the presentation of adult entertainment, as defined below, including adult-oriented films, movies or live performances, for observation by patrons therein.

(3) Adult motion picture theater means an enclosed building used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined below, for observation by patrons therein.

(4) Adult cabaret means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

(5) Adult entertainment means any exhibition of any motion picture, film, videotape, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated “specified sexual activities” or “specified anatomical areas”, as defined below.

(6) Police Department means the Village of Elburn Police Department.

(7) Operator means any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

(8) Specified sexual activities means the simulated or actual:  
A. Showing of human genitals in a state of sexual stimulation or arousal;  
B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or  
C. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(9) Specified anatomical areas means:  
A. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below the point immediately above the top of the areola; or  
B. Human male genitals in a discernibly turgid state, even if opaquely covered.

(c) Physical Layout of Booths and Premises. Any adult-oriented establishment having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

(1) Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock, curtain, blind, or other control-type devices.

(2) Construction. Each booth, room or cubicle shall meet the following construction requirements:

A. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall.

656.11 GENERAL OFFENSES CODE 38D

B. Each booth, room or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying such booth, room or cubicle.

C. All walls in each booth, room or cubicle shall be solid without any openings. All such walls shall be extended from the floor to a height of not less than six feet and be light colored, non-absorbent, smooth-textured and easily cleanable.

D. The floor in each booth, room or cubicle must be light colored, non-absorbent, smooth textured and easily cleanable.

E. The lighting level of each booth, room or cubicle when not in use shall be a minimum of ten foot-candles at all times, as measured from the floor. The lighting level of each booth, room or cubicle when in use shall be a minimum of one foot-candle at all times, as measured from the floor.

(3) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

(d) Responsibilities of the Operator.

(1) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

(2) The operator shall maintain the premises in a clean and sanitary manner at all times.

(3) The operator shall maintain at least ten foot-candles of light in the public portions of the establishment, including the aisles, at all times.

(4) The operator shall ensure compliance of the establishment and its patrons with the provisions of this section.

(5) The operator shall post the regulations concerning booth occupancy on signs, with lettering at least one inch high, in conspicuous areas of the establishment and in each booth, room or cubicle.

(e) Enforcement. It shall be unlawful for any person, corporation, partnership or other entity to operate any adult-oriented establishment in violation of or to otherwise violate any of the provisions of this section. The Police Department and the Zoning Enforcement Officer shall have the authority to inspect the premises during operating hours and to enforce the provisions of this section.

(f) Penalties. Whoever violates any of the provisions of this section shall be fined not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense is established for every day that a violation exists.

(Ord. 2000-5. Passed 3-6-00.)

### **656.12 NOISE.**

(a) Definitions. As used in this section:

- (1) "Agricultural District" means a parcel of land zoned as A-1 and legally used for agricultural purposes. Land, including necessary buildings, dwellings or dwellings and other structures shall be considered used for agriculture if the principal use thereof is the raising or keeping of livestock and/or the growing of crops.
- (2) "Commercial (Business) District" means a parcel of land zoned for or legally used for commercial or business purposes. A parcel of land which is zoned B-1, B-2, B-3 or B-4, or which is legally being devoted to a use, which is a principal permitted use in such zoning district, is presumed to be such an area.
- (3) "Construction" means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.
- (4) "Continuous noise" means any noise having a level that varies less than five dB(A) during a period of at least five minutes.
- (5) "Daytime," unless otherwise specifically noted, means the hours from 7:00 a.m. to 10:00 p.m.
- (6) "dB(A)" means decibels on the A-weighted network of a sound-level meter as specified in American National Standards Institute (ANSI) Standards 5-1.4, 1971.
- (7) "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
- (8) "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.
- (9) "Impulsive noise" means a short burst of sound not exceeding ten seconds in duration.
- (10) "Industrial District" means a parcel of land zoned for or used for industrial or manufacturing purposes. A parcel of land which is zoned M-1 or C-M or is legally being devoted to a use which is a principal permitted use in such zoning district is presumed to be such an area.
- (11) "Intermittent noise" means any noise having a level that remains constant and which goes on and off during a course of measurement of



at least ten seconds, or goes on and off during a period of at least five minutes, but which exceeds ten seconds in duration each time that it is on.

- (12) "Nighttime," unless otherwise specifically noted, means the hours from 10:00 p.m. to 7:00 a.m.
- (13) "Noise" means any sound occurring on either a perpetual, continuous, intermittent or impulsive basis. It also means the intensity, frequency, duration and character of sound, including sound and vibration of sub-audible frequencies.
- (14) "Noise disturbance" means any noise which:
  - A. Endangers or injures the safety or health of humans or animals;
  - B. Annoys or disturbs a reasonable person of normal sensibilities; or
  - C. Endangers or injures personal or real property.
- (15) "Perpetual noise" means any noise having a level that varies less than three dB(A) during a period of at least 30 minutes.
- (16) "Person" means any individual, association, partnership or corporation.
- (17) "Real property boundary" means an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, or the line that separates individual dwelling units in multi-family housing buildings.
- (18) "Receiving land use" means the use (agricultural, commercial, industrial or residential) of the land on or at which a noise is received.
- (19) "Residential District" means a parcel of land zoned for or legally used for residential purposes. A parcel of land which is zoned R-1, R-2, R-3, R-4, R-R or R-E, or which is legally being devoted to a use, which is a principal permitted use in such zoning district, is presumed to be such an area.
- (20) "Weekday" means any day, Monday through Friday, which is not a legal holiday.

(b) Prohibited Acts. It shall be unlawful and declared a public nuisance for any person to unreasonably make, continue or cause to made or continued any noise disturbance as follows. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the provisions of this section:

- (1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound:
  - A. In such a manner as to create a noise disturbance across a real property boundary;

- B. In such a manner as to create a noise disturbance at 75 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space or in a boat on public waters;
  - C. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.
- (2) Loudspeakers; public address systems.
- A. Using or operating, for any noncommercial purpose, any loudspeakers, public address system or similar device during the nighttime so that the sound therefrom creates a noise disturbance across a residential real property boundary.
  - B. Using or operating, for any commercial purpose, any loudspeaker, public address system or similar device so that:
    - 1. When the sound therefrom creates a noise disturbance across a real property boundary; or
    - 2. During the nighttime; or
    - 3. On a public right-of-way or public space.
- (3) Street sales. Offering for sale or selling anything by shouting or outcry within a residential or commercial area of the Village, except with a permit or license issued pursuant to any other provision of these Codified Ordinances.
- (4) Animals and birds. Owning, possessing or harboring any animal or bird, which frequently or for continued durations, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary.
- (5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects during the nighttime in such a manner as to cause a noise disturbance across a residential real property boundary.
- (6) Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.
- (7) Places of public entertainment. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 100 dB(A) as read by the slow response of a sound-level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place near each public entrance, stating: "Warning: Sound Levels Within May Cause Permanent Hearing Impairment."



- (8) Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices during the nighttime which create impulsive sound so as to cause a noise disturbance across a real property boundary or in a public space or right-of-way.
- (9) Motorboats. Operating or permitting the operation of any motorboat on any lake, river, stream or other waterway in such a manner as to exceed a sound level of 85 dB(A) measured from a distance of 50 feet or from the nearest shoreline, whichever distance is less.
- (10) Domestic power tools, toys and sports equipment. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device, toys and sports equipment used outdoors in residential areas during the nighttime so as to cause a noise disturbance across a residential real property boundary, except in an emergency.

(c) Noise Levels; Prohibitions.

- (1) Except as otherwise provided in this section, it shall be unlawful for any person to operate or cause or permit to be operated any source of impulsive, intermittent, perpetual or continuous noise within the Village which exceeds the maximum permissible sound levels established in this section, when measured at or within the real property boundary line of the receiving land use.
- (2) Maximum permissible sound levels for receiving land uses are hereby established as follows:

	<u>Daytime</u>	<u>Nighttime</u>
Agricultural District	90 dB(A)	80 dB(A)
Residential District	70 dB(A)	60 dB(A)
Commercial District	90 dB(A)	80 dB(A)
Industrial District	100 dB(A)	90 dB(A)

(d) Exemptions. The provisions of divisions (b) and (c) of this section shall not apply to the following:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (2) The emission of sound in the performance of emergency work.
- (3) Government workers (and their subcontractors) while performing necessary routine and emergency public service.

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- (4) Community events such as parades, festivals, sports events and other events sanctioned in whole or part by local governments, schools, charitable organizations or service organizations during daytime hours.
- (5) Warning devices necessary for public safety, such as police, fire and ambulance sirens and horns and backup alarms.
- (6) Aircraft.
- (7) Church bells and related sound producing equipment.
- (8) The erection (including excavating), demolition, alteration or repair of any building as follows:
  - A. Between the hours of 7:00 a.m. and 8:00 p.m. any day of the week; or
  - B. At any other time if a permit for the same has been secured from the Building Department and if the Department finds the following facts to exist:
    1. Issuance of the permit is in the interest of public health or safety; or
    2. The public health and safety will not be impaired; or
    3. The permit is necessary to avoid substantial loss or inconvenience to an interested party.
- (9) The operation of domestic tools, such as lawn mowers, snow blowers, edgers, etc., when such tools are properly maintained and operated in a manner and frequency that is normal and customary in the community.
- (10) When a permit has been issued by the Village specifically providing a variance or exemption to the noise regulations contained herein. Any variance can be revoked by the Village Administrator or his or her designee if there are significant changes in the facts from the time of the issuance of the variance permit.

(e) Complaints. A citizen will not be required to sign a complaint pertaining to a violation of this section if such complaint can be verified and validly signed by the enforcing officer.

(f) Conflicts. When there is a conflict between this section and any other Village ordinance, the most restrictive provision shall prevail.

(g) Fine. The provisions of Section 202.99 of these Codified Ordinances shall apply.



(h) Example decibel ratings for comparison purposes:

Decibel Ratings and Common Sounds

<u>Decibel Level</u>	<u>Example</u>
0	Lowest sound audible to human ear
10	Quiet library, soft whisper
30	Quiet office, living room, bedroom away from traffic
40	Light traffic at a distance, refrigerator, gentle breeze
50	Air conditioner at 20 feet, conversation, sewing machine
60	Busy traffic, office tabulator, noisy restaurant
80	Subway, heavy city traffic, alarm clock at two feet, factory noise
100	Truck traffic, noisy home appliances, shop tools, lawnmower
110	Chain saw, boiler shop, pneumatic drill
120	Rock concert in front of speakers, sandblasting, thunderclap
140	Gunshot blast, jet plane
180	Rocket launching pad

(Ord. 2002-35. Passed 12-16-02.)

**656.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 686  
Weapons and Explosives

- 686.01 Unlawful use of weapons.
- 686.02 Discharging firearms.
- 686.03 Furnishing firearms to minors.

- 686.04 Air and spring guns.
- 686.05 Explosives and fireworks.
- 686.99 Penalty.

## CROSS REFERENCES

Weapons - see Ill. R.S. Ch. 38, Secs. 24-1 et seq.

### 686.01 UNLAWFUL USE OF WEAPONS.

(a) A person commits the offense of unlawful use of weapons when he or she knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slingshot, sand-club, sandbag, metal knuckles or any knife, commonly referred to as a switchblade 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;

(2) Carries or possesses 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;

(3) Carries on or about his or her person, or in any vehicle, a tear gas gun, projector or bomb or any other object containing a noxious liquid, gas or substance;

(4) Carries, concealed in any vehicle or concealed on or about his or her person, except when on his or her land or in his or her own abode or fixed place of business, any pistol, revolver or other firearm;

(5) Sets a spring gun;

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

(8) 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

(9) Carries or possesses in a vehicle or on or about his or her person any pistol, revolver or firearm when he or she is hooded, robed or masked in such a manner as to conceal his or her identity.

(b) A person violating subsection (a) hereof shall be guilty of a violation of this section.

(c) The presence in an automobile other than a public bus of any weapon, instrument or substance referred to in paragraph (a)(7) hereof is prima-facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver.

(Ord. 77-8. Passed 5-16-77.)

#### 686.02 DISCHARGING FIREARMS.

It is a violation of this section for any person to fire or discharge any gun, pistol or other firearm within the limits of the Village. However, the provisions of this section shall not apply to the discharge of firearms by police or other officers in the discharge of their duties, or on the premises of a duly licensed shooting gallery, gun club or rifle club.

(Ord. 77-8. Passed 5-16-77.)

686.03 FURNISHING FIREARMS TO MINORS.

It is a violation of this section for any person to sell, loan or furnish to any minor any gun, pistol or other firearm within the Village. However, minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

(Ord. 77-8. Passed 5-16-77.)

686.04 AIR AND SPRING GUNS.

It is a violation of this section for any person to fire or discharge, upon any public way in the Village, any air gun, spring gun or other similar device, which is calculated or intended to propel or project a bullet, arrow or similar projectile.

(Ord. 77-8. Passed 5-16-77.)

686.05 EXPLOSIVES AND FIREWORKS.

(a) Fireworks. No person shall store any fireworks in the Village, except as may be necessary for the performance of a licensed public exhibition of pyrotechnics as hereinafter provided for. Any storage must be under the supervision of, and subject to the approval of, the appropriate Village officer.

No person shall sell or offer for sale any fireworks or pyrotechnics in the Village. However, public exhibitions of fireworks and pyrotechnics may be given if a permit therefor is granted by the Village Board. Such exhibitions may be given subject to the supervision of the appropriate Village officer, or by some person designated by him or her.

(b) Dynamite. No person shall keep or store any dynamite in the Village in excess of five pounds on any one premises or in any one building.

(c) Nitroglycerine; T.N.T. No person shall keep or store any nitroglycerine, or the explosive commonly known as T.N.T., in the Village in any quantity, except for medical or laboratory purposes, and for such purposes no more than one-quarter ounce shall be stored in any one building or premises.

(d) Gunpowder. No person shall keep or store any black powder, gunpowder or guncotton in excess of fifty pounds on any one premises in the Village.

(e) Rules of State Fire Marshal. All explosives kept or stored in the Village shall be kept and stored in accordance with the rules enforced by the State Fire Marshal.

(Ord. 89-14. Passed 10-16-89.)

686.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)