

CHAPTER 14

OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

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14.01 DISORDERLY CONDUCT.

No person shall engage in disorderly conduct in the village. Any of the following acts constitute disorderly conduct:

1. Making, aiding or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace or doing any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

2. Assaulting, striking or deliberately injuring another person.
3. Engaging in or aiding or abetting any fight, quarrel or other disturbance.
4. Disturbing any religious service, funeral, public or private meeting, place of amusement, or assembly of persons.
5. Collecting in crowds for unlawful purposes or for any purpose to the annoyance or disturbance of other persons.
6. Loitering continuously in public places, or being idle, or being dissolute, or going about begging.
7. Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons.
8. Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity; or impersonating a police officer.
9. Assisting any person in custody of police to escape or furnishing any weapon, drugs, liquor to any such person.
10. Assembling with two or more other persons for the purpose of using force or violence to disturb the public peace.
11. Failing to obey a lawful order of dispersal by a person known to be a peace officer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.
12. Lodging in or being in out-houses, sheds, barns, stables or unoccupied buildings, or being a vagrant.
13. Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing, or the practice of fortune telling, palmistry, card reading, astrology, clairvoyance or other scheme to obtain money or other value.
14. Giving any false alarm of fire, danger or disturbance to any person, or false information to any peace officer or fireman or any village officer, including:
 - A. Transmitting in any manner to any Fire Department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

- B. Transmitting in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
 - C. Transmitting in any manner to any member of the Police Department, 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.
15. Entering upon the property of another and for a lewd or unlawful purpose deliberately looking into dwelling on the property through any window or other opening in it.
 16. Possessing cannabis, which includes marijuana, hashish and other substances, which are identified as including any part of the plant cannabis sativa.
 17. Making a telephone call with intent to annoy another, whether or not conversation ensues.
 18. Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in public in a state of nudity, including, but not limited to, owning or operating an obscene establishment or promoting obscene materials, as the same are defined and to the extent are declared a nuisance in Chapter 12, Section 12.02 (b)14.
 19. Maintaining or being in houses of ill fame or gaming houses, or engaging in or soliciting unlawful sexual actions.
 20. Using any obscene, profane, threatening or inciting language in any public place.
 21. Throwing stones or missiles in public places or at any person or property, or using brandishing or threatening to use any missile or dangerous weapon or object.
 22. Damaging or defacing trees, bushes, gardens, fences, windows, signs, building, monuments, or vehicles or engaging in any acts of vandalism.
 23. Abusing, beating or cruelly injuring any animal or attempting to kill or wound any bird.

14.02 RESISTING OFFICER.

No person shall resist any member of the police force in the discharge of his duties, or shall in any way interfere with or prevent or hinder him in the discharge of his duty as such member, or shall offer or endeavor to do so, or assist any person in the custody of any member of the police force to escape or attempt to escape from such custody, or attempt to rescue any person in such custody.

14.03 ASSAULT.

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

(b) No person shall commit an assault in the village.

14.04 BATTERY.

(a) A person commits battery if he 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.

(b) No person shall commit a battery in the village.

14.05 LOAFING ON STREET CORNERS, PUBLIC PLACES.

No person shall obstruct or encumber any street corner or other public place by lounging in or about the same after being requested to move on by any police officer.

14.06 THEFT.

(a) Defined. A person commits theft when he knowingly:

1. Obtains or exerts unauthorized control over property of the owner; or

2. Obtains by deception control over property of the owner; or

3. Obtains by threat control over property of the owner; or

4. Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

A. Intends to deprive the owner permanently of the use or benefit of the property; or

B. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or

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

- (b) No person shall commit theft in the village.

14.07 CARRYING CONCEALED WEAPONS RESTRICTED. (Amended, 2014-13)

Unless explicitly authorized by law, no person shall carry concealed on or about his person a pistol, revolver, blackjack, slingshot, sand-club, sandbag, metal knuckles, bludgeon, or other firearm, or carry or conceal the same in any case, package, or have the same in or about any automobile or other vehicle. This provision does not apply to Police officers while engaged in the discharge of their official duties.

14.08 PROHIBITED WEAPONS. (Amended, 2014-13)

Unless explicitly authorized by law, no person shall carry or possess or sell, loan or give to any person any blackjack, slingshot, sand-club, sandbag, metal knuckles, bludgeon, or carry or possess with intent to use the same unlawfully against another, a dagger, dirk, bill, dangerous knife, razor, stiletto, switchblade knife, or any other dangerous or deadly weapon or instrument of like character.

14.09 FIREARMS. (Amended, 2014-14; 2015-10, 2015-12)

- (a) No person shall discharge any firearms, as defined herein, or do any hunting in the village except for police officers acting in the line of duty or any person acting in defense of person(s).
- (b) An air rifle, as defined herein, may only be used within the Village corporate limits in accordance with the following guidelines:
 1. Air rifles may only be used on any private grounds or in a residence under such circumstances that when the air rifle is fired, discharged or operated it does not endanger persons or property and is used in such a way as to prevent the projectile from passing over any ground or space outside the private grounds or limits of the residence.
 2. Except when shooting within a safely constructed and Village approved target range, a person may not discharge any air rifle from or across any street, sidewalk, road, highway, public land or place.
 3. A person under the age of 13 may only be in possession of an air rifle while on their own property or in their own residence except if they are with their parent, guardian, adult standing in as Loco Parentis or an instructor to which to person under the age of 13 is a student.
 4. A person under the age of 13 may carry an air rifle in public only if it is unloaded and the person is duly enrolled and in good standing of a club team, society, or

organization for educational purposes and then only if the facility has a supervising adult on the premises.

- (c) The reference to “firearm” herein shall have the meaning ascribed to it in section 1.1 of the Firearm Owners Identification Card Act, 430 ILCS 65/1.1.
- (d) The reference to “air rifle” herein shall mean and include any air gun, air pistol, spring gun, spring pistol, BB gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors, or a pellet constructed of hard plastic, steel lead or other hard materials with a force that reasonably is expected to cause bodily harm.

14.10 FIREWORKS.

No person shall sell, offer for sale, use or explode any fireworks in the village except the Board of Trustees may grant a permit for a public display of fireworks under such conditions as it may impose under the provisions of Chapter 127½, Section 128 of the Illinois Revised Statutes

14.11 OUTDOOR FIRES. *(Ord. 2008-7; Amended, 2008-20)*

(a) Prohibited at all times:

- 1. Burning of manure, garbage, litter, construction debris, etc. on any property within the Village. Burning of landscape waste within 100 feet of a habitable structure. Burning of landscape waste within 50 feet of a non-habitable structure.
- 2. Burning on public or private roads, alleys, sidewalks or easements.
- 3. Burning which creates a visibility hazard on roadways.

(b) Allowed with restrictions:

- 1. Landscape waste generated on the property may be burned during the months of April, May, October and November, on weekends, only between dawn and dusk. Fires must be 100 feet or more from a habitable structure and 50 feet from a non-habitable structure and supervised by an individual at least 18 years of age. Fires may only be burned when the winds are less than 10 mph and a fire extinguisher, garden hose or water source must be available at the burning site.
- 2. If the burning site is 500 feet or more from a habitable structure, landscape waste generated on the property may be burned during any month of the year, on any day of the week and at any time of the day.

3. Recreational fires, defined as temporary outdoor fires for warmth, cooking or non-ceremonial purposes and excluding leaves, grass or shrubbery clippings, are allowed between the hours of 7 am and 10 pm *provided* the fire is not larger than 3 feet by 3 feet by 3 feet.

(c) Outdoor burning may be prohibited upon determination by the Police Chief and Fire Chief that such prohibition is necessary for public health and safety. Said prohibition to be effective upon declaration and publication.

14.12 ELECTRIC AND BARBED WIRE FENCES.

No person shall maintain electric fence or any fence containing barbed wire along or near any public sidewalk. Fences with barbed wire may be used if the barbed wire is more than 6 feet above the ground level.

14.13 NOISE.

No person shall cause or allow to be caused excessive noise such that said noise annoys and disturbs any reasonable person and causes a breach of the peace. With respect to excessive noise, which occurs as a result of construction work or activity, said noise during the following periods is strictly prohibited:

- (a) between the hours of 7:00 PM and 7:00 AM of the following day on any day; and
- (b) Sundays; and
- (c) New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day.
- (d) Exception to the above prohibition on construction activity may be granted in writing, upon good cause shown, by the Village President, Public Works Superintendent or Chief of Police.

14.14 DAMAGING PROPERTY.

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

14.15 LITTERING.

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

14.16 POLLUTION.

No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter, or contrary to the provisions of the Illinois Environmental Protection Act (Chapter 111½, Section 1001 et seq. Illinois Revised Statutes).

14.17 THROWING OBJECTS FROM ELEVATED STRUCTURES.

It shall be unlawful to throw, drop or otherwise cause an object to fall from bridges, trestles, overpasses, amusement devices or other elevated structures in the village.

14.18 DISORDERLY HOUSES.

No person shall, within the village or within three miles of the outer limits of the village, keep, maintain, frequent, or be an inmate of or connected therewith, or contribute to the support of any disorderly house or house of ill fame or assignation, or any place used for the practice of fornication or adultery; or knowingly suffer or permit any house or other premises owned or occupied by him or under his control to be used for any such purposes.

14.19 OBSCENE MATERIAL.

No person shall exhibit, sell or offer to sell any obscene material as the same is defined in Chapter 12, Section 12.02(b) 14.

14.20 ALCOHOLIC BEVERAGES; POSSESSION AND CONSUMPTION.

(a) It shall be unlawful to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken.

(b) No person shall be in a state of intoxication on any street or public place, or in any private house or place to the annoyance of any citizen or person.

14.20-1 CONSUMPTION OF ALCOHOL BY MINORS. *(Amended, 2000-16)*

(a) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(b) Any person shall be subject to the penalties of this ordinance where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 18 years of age and the following factors also apply:

1. The person occupying the residence knows that any such person under the age of 18 is in possession of or is consuming any alcoholic beverage; and

the person occupying the residence knows of the person under the age of 18 leaves the residence in an intoxicated condition; and the possession or consumption of the alcohol by the person under 18 is not otherwise permitted by state or municipal law; and

2. The possession or consumption of alcohol by the person under 18 is not otherwise permitted by law; and
3. The person occupying the residence knows that the person under the age of 18 leaves the residence in an intoxicated condition.

For purposes of this subsection (b) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(c) Purchase or acceptance by persons of non-age:

1. Any person under the age of 21 years shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his possession;
2. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden;
3. Any person under the age of 21 years who presents or offer's to any licensee, his agent or employee, any written, printed or photo static evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage or who has in his possession any false or fraudulent written, printed, or photo static evidence of age and identity is subject to the penalties of this Section.
4. Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is subject to the penalties of this Section. This does not apply to possession by a person under the age of 21 years who is 18 years of age or older in pursuance of his or her employment.

(d) Penalty. Any person convicted of an offense under this Section shall be subject to a fine pursuant to Appendix A of this Code. (Ord. 2012-07)

14.21 CURFEW FOR MINORS. (Ord. 2004-3; Amended, 2008-11)

- (a) It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times:

- (1) Friday from 12 midnight to 6:00 a.m. Saturday;
 - (2) Saturday from 12 midnight to 6:00 a.m. Sunday;
 - (3) Sunday from 11 p.m. to 6 a.m. Monday;
 - (4) Monday through Thursday from 11 p.m. to 6 a.m. of the following day.
- (b) It shall not be a violation under this Chapter if the child engaged in the prohibited conduct was:
- (1) Engaged in a business or occupation which the laws of the State of Illinois authorize a person less than 17 years of age to perform.
 - (2) Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least 18 years of age;
 - (3) Accompanied by an adult at least 18 years of age who has been approved by the child's parent, guardian or custodian.
 - (4) Participating in, going to or returning from:
 - a. employment which the laws of this state authorize a person less than 17 years of age to perform;
 - b. a school recreational activity;
 - c. a religious event;
 - d. an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - e. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both;
 - f. an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.

A citation for violation of subsection (a) of this Section may be issued by a Police Officer only if he reasonably believes that a violation has occurred and none of the factors enumerated in subsection (b) apply.

- (c) A person convicted of violation of violating this Section shall be subject to a fine pursuant to Appendix A of this Code. *(Ord. 2012-07)*

14.22 DRUG PARAPHERNALIA. *(Ord. 1982-8; Amended, 2000-16)*

(a) Definitions. The following words and phrases when used in this Section shall, for the purposes of this Section have the meaning respectively ascribed to them in this Paragraph except where the context clearly indicates a different meaning:

1. “Cocaine Spoon”: A spoon with a bowl so small that the primary use for which is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a “cocaine spoon” or “coke spoon”.
2. “Controlled Substance”: Any drug, substance, or immediate precursor enumerated in Schedules 1-5, Chapter 56k, PA 79-454 of the Illinois Revised Statutes, as amended (commonly known as the Controlled Substances Act).
3. “Cannabis”: As defined in Section 703, Chapter 56k, PA 79-1465 of the Illinois Revised Statutes, as amended.
4. “Marijuana or Hashish Pipe”: A pipe characterized by a bowl which is so small that the primary use for which it is reasonable adapted or designed is the smoking of marijuana or hashish, rather than the smoking of lawful smoking tobacco, and which may or may not be equipped with a screen.
5. The term “Drug Paraphernalia” means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagation, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Schedules 1-5, Chapter 56½, PA 79-454 of the Illinois Revised Statutes, as amended or cannabis as defined in Section 703 of Chapter 56k, PA 79-1465 of the Illinois Revised Statutes, as amended. It includes, but is not limited to:
 - a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or cannabis or from which a controlled substance or cannabis can be derived;

- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance or cannabis;
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or cannabis;
- d. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or cannabis;
- e. Scales and balances, used, intended for use, or designed for use in weighing or measuring controlled substances or cannabis;
- f. Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or cannabis;
- g. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
- h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or cannabis;
- i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or cannabis;
- j. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances or cannabis;
- k. Objects used, intended for use or designed for use in ingesting inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburetor tubes and devices;

- (4) Smoking and carburetor masks;
 - (5) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (6) Chamber pipes;
 - (7) Carburetor pipes;
 - (8) Electric pipes;
 - (9) Air-driven pipes;
 - (10) Chillums;
 - (11) Bongs;
 - (12) Ice Pipes or chillers.
6. In determining whether an object is drug paraphernalia, a court order or other authority should consider in addition to all other logical relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
 - c. The proximity of the object, in time and space to a direct violation of this Act;
 - d. The proximity of the object to controlled substance;
 - e. The existence of any residue of controlled substances on the objects;
 - f. Direct or circumstantial evidence of the intent of an owner, or anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Act

shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- g. Instruction, oral or written, provided with the object concerning its use;
 - h. Descriptive materials accompanying the object which explain or depict its use;
 - i. National and local advertising concerning its use;
 - j. The manner in which the object is displayed for sale;
 - k. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - m. The existence and scope of legitimate uses for the object in the community;
 - n. Expert testimony concerning its use.
7. "Person": An individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association.

(b) It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any cocaine spoon, marijuana pipe, hashish pipe, or any drug paraphernalia. The prohibition contained in this Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopaths, physicians, dentists, chiropodists, veterinarians, pharmacists, or embalmers in the normal course of their respective businesses or professions, nor to common carriers or warehousemen or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

(c) Penalty. A person who violates any provision of this Section shall be subject to a fine pursuant to Appendix A of this Code. (Ord. 2012-07)

14.23 NIPPERSINK CREEK PARK RULES AND REGULATIONS. (Ord. 1995-11)

A. Hours. The park shall be opened daily to the public during the hours of 7:00 a.m. to dusk of any one day and it shall be unlawful for any person or persons (other than Village personnel conducting Village business thereon) to occupy or to be present in the park during hours in which the park is not opened to the public except as Provided in 14.23-B. Any section or part of the park may be declared closed to the public by the President at any time and for any interval of time either temporarily or at regularly stated intervals.

B. Group Activity. Whenever any group, association or organization of 100 or more people desires to use the park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit from the Village. The Village Board shall adopt an application form to be used for park reservations. Said form shall be available from the office of the Village Clerk. Accompanying said application shall be a certificate of insurance. In the event any food is sold; the application shall include a copy of any permit required by McHenry County Health Department.

Except for not-for-profit organizations, each application shall be accompanied with a non-refundable permit fee, to be determined from time to time by the Village Board. In the event a permitted activity is rained out, the permit fee shall not be refunded. However, a new date may be reserved without charge, if applied for within 48 hours after the rained out date. Anticipated rain dates shall not be made in advance.

No reservations shall be given which conflict with Village sponsored activities.

C. Alcoholic Liquor. It shall be unlawful for any person to possess or consume any alcoholic liquor in the park except as provided in this Section 14.23. Any person, persons, groups, associations or organizations desiring to possess or consume any alcoholic liquor in the park shall first obtain a permit from the Village for such purposes. The Village Board may adopt an application form to be used for such purposes.

For the purpose of this Section 14.23-C, alcoholic liquor is defined in Section 23.01 of the Richmond Municipal Code.

Nothing contained in this section shall be deemed to affect in any way the provisions of Section 14.20, Alcoholic Beverages, Possession and Consumption, Section 14.20-1, Consumption of Alcohol by Minors, and Chapter 23, Liquor, of the Richmond Municipal Code or any other ordinance regulating the use of the park.

D. Rules and Regulations. The following rules and regulations shall govern the usage of the park:

1. Advertisements: No person shall post, stencil or otherwise affix any notice, bill, sign, advertisement or other paper upon any structure, post or tree or other property in the park.

2. Alcoholic Beverages: No alcoholic beverages shall be allowed in the park without a permit. Dram shop insurance shall be required when alcoholic beverages are sold or served. When alcoholic beverages will be sold a Village temporary license permit shall be required pursuant to Section 23.03(c) of the Richmond Municipal Code. A certificate indicating proper insurance coverage must be provided prior to the issuance of a permit or license.
3. Animals: Domesticated animals are permitted provided the animal is leashed and any animal litter deposited by said animal is promptly removed. This subsection shall not apply to dogs assisting physically challenged persons or utilized by a police agency.
4. Conduct: No person shall make or assist in making any improper noise, riot disturbance, breach of silence or diversion tending to a breach of peace in the park.
5. Damage to Property: No person shall mark, deface, injure, destroy, damage, cut, pluck or take away park plantings or property without written approval of the Board of Trustees. No person shall pour or otherwise discharge any substance or chemicals upon the water, grounds or property of the park which are injurious to persons or park property. No person shall climb upon any plant fence, structure or property of the park except such recreational equipment as may be installed for such purpose. There shall be no trespassing on any private property adjacent to park property.
6. Dumping and Littering: No person shall deposit, dump, throw or place coal ashes, dust manure, grass clippings, shavings, dead branches or rubbish in or upon any part of the park. Paper, garbage and refuse matter shall be deposited in receptacles provided for that purpose.
7. Fires: No ground or uncontained fires shall be permitted. Fires are permitted in grills only. Coal must be properly disposed of.
8. Games and Sports: No person shall engage in any activity in a rough or reckless manner so as to endanger, injure or damage others or property.
9. All scheduled and authorized events shall take precedence over any other event or activity.
10. Installation of Property: No plants or equipment shall be installed or planted in the park without the permission of the Board of Trustees.
11. Motor Vehicles: No person shall bring, ride or drive any motorized vehicle in the park other than on service drives or parking lots provided

specifically for the use of motorized vehicles except in normal maintenance of park grounds. Exceptions to this are as provided by permit. All persons driving any motorized vehicle within a park in designated areas must be properly licensed by the State of Illinois.

12. Vehicles in violation of a park permit or any unauthorized vehicle found in the park may be immediately towed from the park by the Police Department

13. Snowmobiles, all-terrain vehicles and dirt bikes are prohibited from the grounds and parking lot of the park.

No person may operate any motorized vehicle faster than 10 miles per hour in any parking lot or designated roadway.

Parking of cars shall be allowed only in authorized parking lots and only during the hours between 7:00 a.m. and dusk.

14. Public Entertaining: No person or organization shall hold any concert or public entertainment of any kind in the park without proper authorization.

15. Solicitation or Selling: No person shall offer or exchange for sale any article or thing, or do any peddling or soliciting in the park.

16. Water: No swimming, wading, water bathing or boating shall be allowed within park property.

17. Weapons and Missiles: No person, except authorized personnel, shall bring carry or use in the park any knives, firearms, air guns, pellet guns, weapons of any kind or any fireworks or other explosive substance.

18. Running Water: Those persons who need access to the Village water supply in the park may be issued an access key upon payment of a refundable fee, to be determined from time to time by the Village Board.

19. Variations: No variation from these rules and regulations shall be granted without approval by the Board of Trustees.

E. Penalty: Any person, firm or corporation violating any provision of this Section 14.23 shall be subject to a fine pursuant to Appendix A of this Code. Restitution by the violator shall also be made to any property damaged or destroyed or person injured. The Village reserves the right to terminate a permit in the event any provision of this Section 14.23, or any other ordinance of the Village, is violated. (*Ord. 2012-07*)

14.24 POSSESSION AND USE OF BIDI CIGARETTES, SMOKING HERBS, TOBACCO ACCESSORIES AND TOBACCO PRODUCTS. (Ord. 1998-22; Amended, 2000-16; Amended, 2010-05)

A. Definitions: Terms used in this Section 14.24 are defined as follows:

Bidi cigarette: a product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Illinois Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

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

Smokeless tobacco: any finely cut, ground, powdered or leaf tobacco that is intended to be placed in the oral cavity; any tobacco product that is suitable for dipping or chewing.

Tobacco accessories: cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is unlawful.

Tobacco products: cigars, cigarettes, smokeless tobacco or tobacco.

B. Purchase and Use of Tobacco Prohibited:

1. No person under 18 years of age shall purchase any tobacco products in any of its forms. No person shall sell, purchase for, distribute samples of or furnish any tobacco product in any of its forms to any person under 18 years of age. Tobacco products may be sold through a vending machine only when such tobacco products are not sold along with non-tobacco products in the vending machine and only in the following locations:
 - a. Factories, businesses, offices, private clubs and other places not open to the general public.
 - b. Places to which persons under 18 years of age are not permitted access.
 - c. Places where alcoholic beverages are sold and consumed on the premises.
 - d. Places where the vending machine is under the direct supervision (which means that the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or

an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person.

- e. Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.

Penalty: Any person violating any provision of this Section 14.24-B is guilty of a petty offense and shall be fined pursuant to Appendix A of this Code. In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees. (*Ord. 2012-07*)

C. Possession of Tobacco Products:

1. No person under 18 years of age shall possess any tobacco product in any of its forms.
2. Penalty: If a minor violates this Section 14.24-C the minor shall be guilty of a petty offense and may be fined pursuant to Appendix A of this Code. For any violation, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees. (*Ord. 2012-07*)

D. Tobacco Accessories and Smoking Herbs:

1. Sale to Minors Prohibited: No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under 18 years of age.
2. Sale of Bidi Cigarettes: No person shall knowingly sell, barter, exchange, deliver or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered or given away to another person.
3. Sale of Cigarette Paper: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away except from premises or an establishment where other tobacco products are sold.
4. Sale of Cigarette Paper from Vending Machines: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered,

bartered exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this Section 14.24-D4, cigarette paper shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 *et seq.*) or the Cigarette Use Tax Act (35 ILCS 135/1 *et seq.*).

5. Use of Identification Cards: No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.
6. Warning to Minors: Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign which there shall be imprinted the following statement: SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 18 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW. The sign shall be printed on a white card in red letters at least one-half inch in height.
7. Penalty:
 - a. Except for Section 43-15-D2, any person who knowingly violates or shall knowingly cause the violation of any provision of this Section 14.24-D shall be guilty of a Class C misdemeanor and shall be fined pursuant to 730 ILCS 5/5-4.5-65(e). The violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.
 - b. Any person who knowingly violates or shall knowingly cause the violation of Section 14.24-D2 shall be guilty of a petty offense for which the offender shall be fined pursuant to Appendix A of this Code. In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.
(Ord. 2012-07)

E. Minimum Age to Sell Tobacco Products. It shall be unlawful for any registered business or any officer, associate, member, representative, agent or employee of such registered business to engage, employ or permit any person under 18 years of age to sell tobacco products in any registered premises.

F. Proximity to Certain Institutions. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within 100 feet of any school, child-care facility.

G. Certain Free Distributions Prohibited. It shall be unlawful for any registered business or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such registered business or person, in the course of such registered business' or person's business, to distribute, give away or deliver tobacco products or promotional or advertising materials of tobacco products free of charge to any person on any right of way, park, playground or other property owned by the Village, any school district, any park district or any public library.

H. Vending Machines; Locking Devices:

1. It shall be unlawful for any registered business to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the registered business so as to prevent its operation by persons under the age of 18 years.
2. Any premises where access by persons under the age of 18 years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of businesses located at such premises, shall be exempt from the requirements of this Section.
3. A registered business violating this Section 14.24-H shall be subject to the hearing provisions in Section 21.12 of the Richmond Village Code.
4. Use of Premises after Revocation: When any registration has been revoked for any cause, the business establishment shall not be eligible for registration for a period of 6 months thereafter for the conduct of the business of selling tobacco products in the premises described in such revoked registration.

14.25 UNLAWFUL POSSESSION OF CANNABIS. (Ord. 2000-16)

A. A person commits unlawful possession of cannabis if he or she, while in the Village, has in his or her possession any substance containing cannabis;

B. For the purpose of this section, cannabis includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction

and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or sterilized seed of such plant which is incapable of germination.

C. Whoever violates any provision of this section shall be fined pursuant to Appendix A of this Code. (Ord. 2012-07)

14.260 AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM. (Ord. 2009-12)

14.260.A DEFINITIONS.

Automated traffic law enforcement system means a device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (“Code”), 625 ILCS 5/11-306, or similar violation of the Village Municipal Code.

Disregarding a traffic control device means failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code.

No turn on red means failure to stop and remain stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating “No turn on red,” or other similar language, and a red signal as provided for in Section 11-306 of the Code.

Recorded images means images produced by the automated traffic law enforcement system, which consist of either 2 or more photographs; 2 or more microphotographs; 2 or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

Traffic Compliance Administrator means the person appointed as such through Article 25 of the Code and shall have the following additional powers: adopt, distribute and process automated traffic law violation notices and other notices required by this Article, collect money paid as fines and penalties, operate the automated traffic law enforcement system, and make certified reports to the Secretary of State as required by this Article.

14.261 VIOLATIONS.

It shall be a violation of this Article for a vehicle to disregard a traffic control device or turn on red in violation of Section 11-306 of the Code.

14.262 DEFENSES.

The following may be considered defenses by the Hearing Officer for a violation of Section 14.261:

1. that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation;
2. that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession.

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

14.263 NOTICE OF VIOLATION.

When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 14.261, the Village shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the Illinois Secretary of State notifies the Village of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The Village shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Compliance Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of Section 14.261, or whether one of the defenses enumerated in Section 14.262 is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above. The Traffic Compliance Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in this Article.

The Notice of Violation shall include the following information:

1. the name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then

- the last known address recorded in a United States Post Office approved database;
2. the make (only if discernable) and registration number of the motor vehicle involved in the violation;
 3. the violation charged;
 4. the location where the violation occurred;
 5. the date and time of the violation;
 6. a copy of the recorded images;
 7. the amount of the civil penalty and the date by which the penalty should be paid (21 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;
 8. a statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee;
 9. the amount of the late fee;
 10. a statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle;
 11. a statement that the recorded images constitute prima facie evidence of a violation;
 12. a statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and
 13. a statement of how an administrative hearing may be requested.

14.264 HEARING.

The owner of a vehicle being operated in violation of Section 14.261 may request a hearing by the respond-by date on the Notice of Violation (21 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of Section 14.261. The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 14.262.

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

14.265 NON-RESIDENTS.

Where the registered owner or lessee of the cited vehicle is not a resident of the Village but seeks to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the Traffic Compliance Administrator no later than the hearing date, together with a written statement reflecting that they are Non-Residents of the Village. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination.

14.266 FINAL DETERMINATION.

A Final Determination of violation liability shall occur following failure to pay the fine, a failure to request a hearing by the respond-by date, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by the Village Municipal Code. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination shall become final upon a failure to pay the amount owed on date provided in the "Findings, Decision and Order" letter. Appeal may be made to the Circuit Court of McHenry County on any final determination as provided for by the Administrative Review Act.

14.267 NOTICE OF DETERMINATION OF LIABILITY.

If the registered owner fails to pay or contest the Notice of Violation within 21 days a Notice of Determination of Liability will be sent to the owner indicating that a fine in the amount of \$100 is due to the Village. The notice will also state that the owner can petition the Village to set aside the determination of liability before it becomes final. If the owner does not pay the \$100 as specified in the notice or petition the Village to set aside the determination, within 21 days, a Notice of Final Determination will be sent to the owner indicating that the owner has exhausted all challenge options and the \$100 fine is a debt due and owing to the Village and must be paid within 14 days. The owner will also be notified that the failure to pay the \$100 fine within 14 days will result in a late fee of \$100 added to the original fine.

14.268 NOTICE OF FINAL DETERMINATION.

A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The Notice of Final Determination shall include the following information:

1. a statement that the unpaid fine is a debt due and owing to the Village a warning that a failure to pay any fine due and owing to the Village of Richmond within 14 days may result in a petition to the Circuit Court of McHenry County to have the unpaid fine rendered as a judgment or may result in the suspension of the person's drivers license for

failure to pay fines or penalties for 5 or more violation under this Article.

14.269 PETITIONS TO SET ASIDE DETERMINATION.

A Petition to Set Aside Determination of an automated traffic law violation must be filed with or mailed to the Traffic Control Administrator within 14 days of the date of mailing of the Notice of Determination of Liability. The grounds for the petition are limited to:

1. the person was not the owner or lessee of the cited vehicle on the date of the violation notice was issued;
2. the person having already paid the fine for the violation in question; and
3. excusable failure to appear at or request a new date for a hearing.

Upon receipt of a timely petition to set aside the determination of liability, the Hearing Officer shall review the petition to determine if cause has been shown to set aside the determination. If cause has been shown, the Village shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The Village shall notify the petitioner of the Hearing Officer's decision to grant a hearing or deny the petition within 14 days of the Village's receipt.

14.269.1 NOTICE OF IMPENDING DRIVERS LICENSE SUSPENSION.

A Notice of Impending Drivers License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on 5 or more violations of this Article. The Notice of Impending Drivers License Suspension shall state the following information:

1. the failure to pay the fine owing within 45 days of the notice's date will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code;
2. a statement that the person may obtain a copy of the original ticket imposing a fine by sending a self-addressed, stamped envelope to the Village along with a request for the copy.

The Notice of Impending Drivers License Suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

14.269.2 DRIVERS LICENSE SUSPENSION.

The Traffic Compliance Administrator, by certified report, may request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of 5 automated traffic violations. The report shall be

certified and contain the following:

1. the name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Article is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;
2. the name of the municipality making the report pursuant to this section; and
3. a statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent.

The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within 7 days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the 5 or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report.

14.269.3 PENALTY.

Any person violating Section 14.260 shall be fined pursuant to Appendix A of this Code. Failure to pay the original fine within 14 days of the issuance of the Notice of Final Determination shall result in a late payment fine. *(Ord. 2012-07)*

14.27 TRUANCY. *(Ord. 2012-04)*

(a) For purposes of this Section, the term "truant" is (1) any person between the ages of 7 and 16 who is subject to compulsory school attendance and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a

required summer school program established pursuant to 105 ILCS 5/10-22.33B; and (2) any person who is 16, 17 or 18 years of age and enrolled in a public school and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program.

The following children are not considered truant:

1. Any child attending a private or parochial school where children are taught the branches of education taught to children or corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;
2. Any child who is not enrolled in a public school and is instructed by a legal guardian in a manner equal or superior to that obtainable in the public schools;
3. Any child who is physically or mentally unable to attend school, such disability being certified to either the Richmond-Burton Alden-Hebron Community School District 157 (“school district”) truancy officer or the McHenry County Regional Office of Education truancy officer, by a licensed physician or by a Christian Science practitioner residing in Illinois and listed with the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends. The exemptions in this Section do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the school district truancy officer or McHenry County Regional Office of Education truancy officer by a competent physician;
4. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the school district Superintendent of Schools or by the Regional Superintendent of Schools, on certification of the facts by and the recommendation of the school district Board of Education. If a part-time continuation school is run in the school district, children so excused shall attend the continuation school at least 8 hours each week;
5. Any child over 12 and under 14 years of age while in attendance at confirmation classes;
6. Any child absent from school on a particular day or days or at a particular time of day for the reason that s/he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his/her

religion forbid secular activity on a particular day or days or at a particular time of day; and

7. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental or legal guardian permission shall not constitute truancy if permission for such absence has been obtained from the parent or legal guardian and such permission is submitted to the proper school authorities within 24 hours of such absence.

(b) Truancy Prohibited: Upon a complaint signed by an authorized school district official, it shall be unlawful for any person to be truant. Any person who is truant shall be guilty of the offense of truancy and be subject to the penalties hereinafter set forth in this Section.

(c) Permitting Minor to be Truant Prohibited: It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody or control to violate this Section.

Penalty: Upon a complaint being signed by an authorized school district official, any person, firm or corporation violating any provision of this Section shall be pursuant to Appendix A of this Code.

14.28 CYBERSTALKING. (ORD. 2012-07)

(a) Definitions: The following words and phrases when used in this Section shall have the meanings respectfully ascribed to them below:

1. Course of conduct. Course of conduct means two or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.
2. Electronic communication. Electronic communication means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. Electronic communication includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer or pager, which communication includes, but is not limited to, e-mail, instant message, and text message or voice mail.
3. Emotional distress. Emotional distress means significant mental suffering, anxiety or alarm.

4. Family member. Family member includes spouses, former spouses, parents, children, stepchildren, siblings and other persons related by blood or by present or prior marriage.
5. Harass. Harass means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments or terrorizes that person.
6. Non-consensual contact. Non-consensual contact means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased or occupied by the victim.
7. Reasonable person. Reasonable person means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.
8. Third party. Third party means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

(b) Cyberstalking Prohibited: The offense of cyberstalking is prohibited.

1. A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:
 - A. fear for his or her safety or the safety of a third person; or
 - B. suffer other emotional distress.
2. A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least two separate occasions, harasses another person through the use of electronic communication and:
 - A. at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
 - B. places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or

- C. at any time knowingly solicits the commission of an act by any person which would be a violation of the Criminal Code of 1961 (720 ILCS 5/1-1 *et seq.*) directed towards that person or a family member of that person.
3. A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:
- A. which communicates a threat of immediate or future bodily harm, sexual assault, confinement or restraint, where the threat is directed towards that person or a family member of that person, or
 - B. which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint, or
 - C. which knowingly solicits the commission of an act by any person which would be a violation of the Criminal Code of 1961 (720 ILCS 5/1-1 *et seq.*) directed towards that person or a family member of that person.

(c) Telecommunications Providers: Telecommunications carriers, commercial mobile service providers and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services or information services used by others in violation of this Section.

(d) Accountability: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in 720 ILCS 5/5-1 *et seq.*, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Penalty: Any person committing a violation of this section shall be subject a penalty pursuant to Appendix A of this Code.

14.29 HARASSMENT. (Ord. 2012-07)

(a) Definitions: The following words and phrases when used in this Section shall have the meanings respectfully ascribed to them below:

- 1. Electronic communication. Electronic communication means any transfer of signs, signals, writings, images, sounds, data or intelligence of any

nature transmitted in whole or in part by a wire, radio, and electromagnetic, photoelectric or photo-optical system. Electronic communication includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer or pager, which communication includes, but is not limited to, e-mail, instant message, and text message or voice mail.

2. Family or household member. Family or household member includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Section, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

(b) Harassment Prohibited: Harassment of any person by electronic communication is prohibited.

1. A person commits harassment by electronic communication when he uses electronic communication for any of the following purposes:
 - A. Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
 - B. Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
 - C. Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document or other communication which prevents that person from using his or her telephone service or electronic communications device;
 - D. Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense;
 - E. Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or

her family or household members; or

- F. Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this Section.
- 2. A person commits harassment by electronic communication when he or she sends messages or uses language or terms which are obscene, lewd or immoral with the intent to offend by means of or while using a telephone or telegraph facilities, equipment or wires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois is guilty of a Class B misdemeanor. The use of language or terms which are obscene, lewd or immoral is prima facie evidence of the intent to offend.
 - 3. A person commits harassment by electronic communication when he or she uses the telephone for any of the following purposes:
 - A. Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or
 - B. Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or
 - C. Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
 - D. Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
 - E. Making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense; or
 - F. Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(c) Telecommunications Providers: Telecommunications carriers, commercial mobile service providers and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services or information services used by others in

violation of this Section.

(d) Accountability: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in 720 ILCS 5/5-1 *et seq.*, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Penalty: Any person committing a violation of this Section shall be subject a penalty pursuant to Appendix A of this Code.