

## TITLE 6

### POLICE

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## CHAPTER 1

### ABANDONED OR DERELICT VEHICLES

#### SECTION:

- 6-1-1: Definitions
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**6-1-1: DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this Chapter:

- (A) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- (B) "Vehicle" shall mean a machine propelled by power other than human power designated to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.
- (C) "Street or Highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (D) "Property" shall mean any real property within the Village which is not a street or highway.
- (E) "Abandoned Vehicle" shall mean all vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.
- (F) "Derelict Vehicle" shall mean any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on

the owner's land contrary to the public policy expressed in Section 6-1-2 of this Chapter.

- (G) "Inoperable Motor Vehicle" means any motor vehicle from which, for a period of at least seven (7) days or any greater period fixed by ordinance, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

**6-1-2: VILLAGE POLICY:** The Village of Arthur finds that abandoned, derelict or inoperable motor vehicles constitute a safety hazard and a public nuisance; are detrimental to the health and safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village of Arthur; represent a resource out of place and an energy loss to the Illinois economy, and require state and local governmental attention, in order to assure the expeditious removal and recycling of these abandoned and derelict vehicles.

The Village of Arthur declares therefore, that it is the policy of the Village of Arthur, to:

- (A) Prohibit the abandonment of vehicles and the retention of derelicts or inoperable motor vehicles, and to enforce such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles.
- (B) Encourage the development of procedures and techniques to facilitate the expeditious removal of abandoned, derelict or inoperable motor vehicles from public or private premises.

**6-1-3: ABANDONMENT OF VEHICLES:**

- (A) No person shall abandon any vehicle within the Village and no person shall leave any derelict vehicle at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- (B) The Abandonment of a vehicle or any part thereof on any street or highway in this Village is unlawful and subject to penalties as set forth under Penalty Section 6-1-8 of this Chapter.
- (C) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Village, is hereby determined to be a nuisance pursuant to the policy expressed in Section 6-1-2 of this Chapter. A vehicle or any part thereof so abandoned on private property shall be authorized for removal by a law enforcement agency having jurisdiction after a waiting period of seven (7) days or more. A violation of this Section is subject to penalties as set forth under Section 6-1-8 of this Chapter.

**6-1-4: LEAVING OF WRECKED, INOPERABLE VEHICLE ON STREET:** No person shall leave any partially dismantled, inoperable, wrecked, derelict or junked vehicle on any street or highway within the Village

**6-1-5: DISPOSITION OF VEHICLES IN VIOLATION:**

- (A) No person in charge or control of any property within the Village, whether as owner, tenant, occupant, lessee, or otherwise shall allow any partially dismantled, inoperable, wrecked, junked, abandoned, derelict or discarded vehicle to remain on such property longer than seven (7) days; except that this Chapter shall not apply with regard to a vehicle in an enclosed building.
- (B) When an abandoned, unattended, wrecked, derelict, burned, inoperable or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service is hereby authorized by a law enforcement agency having jurisdiction.

- (C) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle will be responsible for all towing costs.
- (D) Seven (7) days prior to removing a vehicle described herein, the Village authorities shall issue a notice advising the last registered owner, lienholder or other legally entitled person of its intent to remove the vehicle.

**6-1-6: TOWING FROM PRIVATE PROPERTY:** When a vehicle on private property is alleged to be in violation of this Chapter, the Village President or anyone designated by him shall:

- (A) Notify the owner or landowner that the vehicle is in violation and that the recipient of the notice must, within seven (7) days of the issuance of the notice, remove any inoperable motor vehicle or parts thereof, or other vehicle in violation of this Chapter.
- (B) Failure to comply with the notice shall be a violation of this Chapter and subject the recipient to the penalties defined herein.

**6-1-7: IMPOUNDING:** The President and the Board of Trustees, or anyone designated by them, is hereby authorized to remove or have removed any vehicle left at any place within the Village which reasonably appears to be in violation of this Chapter, or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Chapter 95 ½, Illinois Revised Statutes, 1991, paragraph 4-201 et seq.

**6-1-8: PENALTIES:** Any person violating any of the provisions of this Chapter shall be deemed guilty of a Class C misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

## CHAPTER 2

### SNOWMOBILE OPERATION AND SAFETY

#### SECTION:

6-2-1: Snowmobile Operation and Safety

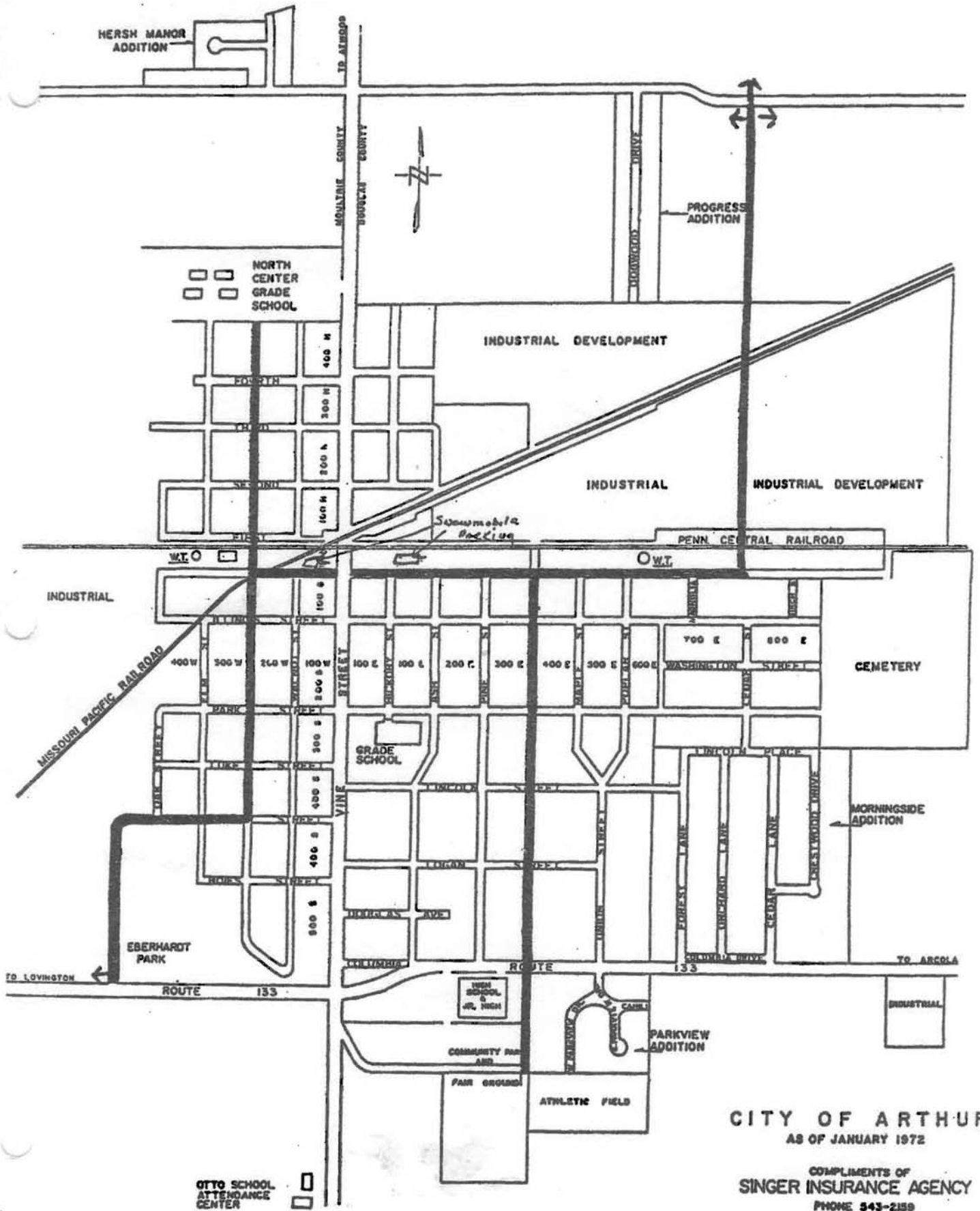
#### 6-2-1: SNOWMOBILE OPERATION AND SAFETY:

- (A) The definitions set forth in Article I of the Snowmobile Registration and Safety Act of the State of Illinois (being Section 601-2 of Chapter 95 ½, Illinois Revised Statutes, 1973), hereinafter called the "Act", as amended, are hereby incorporated by reference as if fully set forth herein.
- (B) It shall be unlawful for any person to resist or obstruct any police officer of the Village of Arthur in the discharge of the duties hereinafter set forth.
- (C) No person shall hereafter operate any snowmobile within the corporate limits of the Village of Arthur, Illinois, unless such snowmobile has been registered and numbered in accordance with the Act and unless the certificate of number awarded to such snowmobile is in full force and effect and the identifying number set forth in the certificate is displayed on each side of the cowling of such snowmobile in accordance with the Act.
- (D) All snowmobiles operated within the corporate limits of the Village of Arthur shall be equipped as required by the provisions of Article IV of the Act, which is incorporated herein by reference and made a part hereof.
- (E) It is unlawful for any person to drive or operate any snowmobile in a manner prohibited by Article V of the Act, which is incorporated herein by reference and made a part hereof.
- (F) All operators of snowmobiles shall leave the Village by using Village streets from their homes to the following designated streets by the shortest route, to-wit:

Only these streets in the Village shall be used, and for the sole purpose of leaving and entering the Village. All persons operating snowmobiles on the Village streets as above set forth will remain on or as close as possible to the right side of the roadway.

- (G) Snowmobiles may be operated within the Village as hereinabove provided, only between the hours of five o'clock (5:00) A.M. and twelve o'clock (12:00) midnight each day of the week. No snowmobile may be operated within the Village between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. on any day.
- (H) In addition to the directions for operation of snowmobiles hereinabove set forth, operators must obey all traffic regulations as prescribed for motor vehicle traffic and are subject to the same penalties for violation thereof.
- (I) The provisions hereof are severable and the invalidity or unenforceability of one (1) subsection shall not affect the validity of any other subsection.
- (J) Any person convicted of violating any provision of this Chapter shall be fined at least twenty-five dollars (\$25.00), but not more than five hundred dollars (\$500.00). Any person convicted more than one (1) time for violating this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each subsequent violation.







## CHAPTER 3

### LITTER

#### SECTION

6-3-1: Litter

**6-3-1: LITTER:** No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance as described herein or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

As used in this Act, unless the context otherwise requires, "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, 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, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

## CHAPTER 4

### GROWTH OF WEEDS AND GRASS

#### SECTION:

6-4-1: Growth of Weeds and Grass

#### 6-4-1: GROWTH OF WEEDS AND GRASS

- (A) Any weeds such as jimson, ragweed, thistle, cocklebur, or other weeds of the like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and shall be unlawful to permit any such weeds to grow or remain in any such place.
- (B) It should be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants to grow to a height exceeding nine inches (9") anywhere in the Village of Arthur, Illinois; any such plants, grass or weeds exceeding such height are hereby declared to be a nuisance.
- (C) It shall be the duty of the Chief of Police to serve or cause to be served a notice upon the owner or occupant of any said premises on which weeds, grass or plants are permitted to grow in violation of the provisions of this Chapter and to demand the abatement of the nuisance within ten (10) days.
- Notice shall be properly served if:
1. Delivered personally to the owner or occupant; or,
  2. Mailed to the owner or occupant by certified mail, return receipt requested, and evidence of delivery received; or,
  3. Posting on the property and mailing by first class mail to the last known address of the owner or occupant.
- (D) If the person so served does not abate the nuisance within ten (10) days, the Village authorities may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

- (E) Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for sixty (60) days after it has been rendered, the Clerk may file with the Recorder of Deeds of the County in which the property is located, a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and 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 address is known.

Provided, however, that 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 the following Section.

- (F) 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. Such foreclosure shall be in equity in the name of the Village.

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 (60) days after it has been rendered.

## CHAPTER 5

### REGULATIONS OF DOGS AND CATS

#### SECTION:

6-5-1:	Definitions
6-5-2:	Confinement of Certain Dogs
6-5-3:	Dogs to be Controlled
6-5-4:	Disturbing Peace
6-5-5:	Nuisances
6-6-6:	Diseased Animals
6-5-7:	Female Dogs in Heat
6-5-8:	Animal Control Warden; Enforcement of Chapter
6-5-9:	Poundmaster
6-5-10:	Notice of Impoundment
6-5-11:	Disposition of Unredeemed Dogs
6-5-12:	Redemption of Impounded Animals
6-5-13:	Poundmaster Monthly Reports; Disposition of Fees
6-5-14:	Penalties

#### **6-5-1: DEFINITIONS:** As used in this Chapter:

- (A) "At large" shall mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.
- (B) "Dog" shall mean both male and female, and for purposes of this Chapter shall include cat.
- (C) "Owner" shall mean any person, association, firm or corporation owning, keeping or harboring a dog.

**6-5-2: CONFINEMENT OF CERTAIN DOGS:** No dog of fierce, dangerous or vicious propensities shall be allowed to run at large or upon the premises of one other than owner. If any such dog is found running at large in violation of this provision, it shall be taken up and impounded, provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.

**6-5-3: DOGS TO BE CONTROLLED:** No dog whether licensed or unlicensed, muzzled or unmuzzled, shall be allowed to run at large. If any such dog is found running at large in violation of this provision, it shall be taken up and impounded and shall not be released except upon approval of the Animal Control Warden after payment of the fees provided in Section 12 of this Chapter; provided, however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be immobilized by means of a tranquilizer gun or similar device by the Animal Control Warden or any policeman.

**6-5-4: DISTURBING PEACE:** No person owning any dog, or having custody of any dog, shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, making other loud or unusual noise, or by running through or across public property or private property other than that of the owner.

**6-5-5: NUISANCES:**

- (A) Any dog found in the Village either without proper rabies tag or running at large is hereby declared to be a nuisance and shall be impounded as provided in this Chapter
- (B) It is hereby declared to be unlawful for any owner, keeper or walker of any dog or cat to permit said animal to discharge it's excreta upon any public or private property, within the Village of Arthur, without written permission of the owner of said property, if such owner, keeper or walker does not immediately thereafter remove and clean up said animal's excreta from the public or private property.

Any person convicted of a violation of the foregoing Section B., shall be deemed guilty of a petty offense, and shall be subject to the penalties prescribed in 6-5-1 et seq., of the Village Code of Arthur, Illinois.

**6-5-6: DISEASED ANIMALS:** No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected.

**6-5-7: FEMALE DOGS IN HEAT:** Female dogs in heat found running at large shall be seized and impounded and shall not be released except on approval of the pound keeper and payment of the fees as provided by law.

**6-5-8: ANIMAL CONTROL WARDEN; ENFORCEMENT OF CHAPTER:** The Chief of Police shall be ex-officio Animal Control Warden for the Village. Provision shall be made for the appointment of such deputies as may be necessary. The deputies, employed by contractual agreement or otherwise, shall be commissioned as special police officers for the Village and are authorized to make all necessary arrests in carrying out the provisions of this Chapter. The Animal Control Warden and his deputies are charged with the enforcement of this Chapter.

**6-5-9: POUNDMASTER:** The Village Board shall designate a Poundmaster, whose duties shall include the impounding of all dogs delivered to him by the Animal Control Warden or his deputies. The Poundmaster shall maintain a pound enclosure or other suitable means for impounding such dogs in accordance with the provisions of this Chapter and the applicable provisions of the law of the State. All such dogs shall be kept, maintained, humanely treated and fed by the Poundmaster until redeemed or otherwise disposed of as provided herein.

**6-5-10: NOTICE OF IMPOUNDMENT:**

- (A) Immediately after receiving any dog from the Animal Control Warden or his deputies for impounding, it shall be the duty of the Poundmaster to enter upon the records of the pound in a book to be kept by him for such purposes the date of impounding, a description of the dog impounded, and a record as to whether or not such dog has been inoculated and tagged with a proper rabies tag as required by this Chapter.
- (B) Public notice of the impounding of such a dog shall be given by posting one copy of such notice at the pound, and one copy of such notice at the Police Building.
- (C) The owner, if the owner is known, shall be notified not later than two (2) days after the impounding of his dog.

**6-5-11: DISPOSITION OF UNREDEEMED DOGS:** Any such dog not redeemed by the owner or any other person within ten (10) days after the posting of such notice by the Poundmaster shall be and he is hereby declared to be a public nuisance. The Poundmaster shall dispose of such dog in accordance with the provisions of State law.

**6-5-12: REDEMPTION OF IMPOUNDED ANIMALS:** The owner of any dog impounded pursuant to this Chapter may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the Village for impounding and maintenance of said dog.

**6-5-13: POUNDMASTER MONTHLY REPORTS; DISPOSITION OF FEES:**

- (A) The Poundmaster or Animal Control Warden shall submit a monthly report in writing of the pound activities to the Village Board, indicating the number of dogs impounded, cost details, dog redemptions, fees collected and disposition of unclaimed dogs.
- (B) The Poundmaster shall, on or before the fifth (5<sup>th</sup>) day of each month, pay to the Village Clerk all fees, penalties and charges collected by him from owners of dogs redeeming such dogs during the previous month.

**6-5-14: PENALTIES:** Any owner found violating any provision of this Chapter shall upon conviction thereof, be punished by a fine as follows: For a first offense, the fine shall be the sum of fifteen dollars (\$15.00); for a second offense, the fine shall be the sum of twenty-five dollars (\$25.00); for a third offense and all subsequent offenses, the fine shall be the sum of fifty dollars (\$50.00). In addition to the aforementioned penalties, all Court costs, which shall include all costs incurred by the Village in prosecuting said case, shall be recoverable from anyone convicted of violation of this Chapter.



## CHAPTER 6

### BURNING

#### SECTION:

- 6-6-1: Village Exemption
- 6-6-2: Definitions
- 6-6-3: Prohibitions
- 6-6-4: Restrictions on Burning of Landscape Waste, Household Waste and Bonfires
- 6-6-5: Penalty for Violation

**6-6-1: VILLAGE EXEMPTION:** The Village of Arthur and their employees while performing village activities shall be exempt from the provisions of this Chapter.

**6-6-2: DEFINITIONS:** Where used in this Ordinance, the following words and phrases shall have the meanings set out in this Section:

- (A) "Garbage" is waste resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (B) "Household Waste" is any solid waste (except garbage but including sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, camp grounds, picnic areas and day-use recreation areas).
- (C) "Landscape Waste" is all accumulation of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.
- (D) "Municipal Waste" is commercial waste, industrial, lunchroom or office waste and construction or demolition debris.
- (E) "Open Burning" is the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the Illinois Environmental Protection Act.

- (F) "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency or any other legal entity or their legal representative, agent, or assigns.
- (G) "Bonfire" is an unenclosed celebratory or food preparation fire, on private property only, which contains no garbage or items which would violate Federal and State EPA regulations, and is substantially a wood product fire used to prepare for food preparation or as part of a celebration.

**6-6-3: PROHIBITIONS:** No person shall cause or allow the open burning of garbage, household waste or municipal waste within the Village, pursuant to Illinois EPA Regulations. No person shall cause or allow the open burning of landscape waste within the Village except as hereinafter provided.

**6-6-4: RESTRICTIONS ON BURNING OF LANDSCAPE WASTE:**

The open burning of landscape waste shall be permitted only on the following conditions:

- (A) Landscape waste shall only be burned on the premises on which such waste is generated; and
- (B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and
- (C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways or railroad tracks; and
- (D) The open burning of landscape waste may only begin during daylight hours when a person over the age of eighteen (18) years is in attendance during the entire period of the burning, and the flames and smoke created by said burning are extinguished before 7:00 P.M. or before sundown as determined by the National Weather Service, which ever shall first occur.
- (E) No open burning may occur during periods of time when determined by the fire chief or the chief of police that atmospheric conditions or local circumstances make such fires hazardous.

- (F) No items may be burned which would be in violation of Federal or State EPA regulations.

**6-6-5: PENALTY FOR VIOLATION:** Any person who violates any of the provisions of this ordinance shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each and every offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. In addition to such fine, all Court costs and reasonable attorney's fees incurred by the Village in prosecuting the case shall be recoverable from anyone convicted of a violation of this ordinance. In addition to such fine and additional costs as stated above, any person who violates any of the provisions of this ordinance resulting in the need for emergency services to extinguish the fire or otherwise respond to the violation shall be responsible for the cost of such services.

All previous ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

If any part of this ordinance shall be held void, such part shall be deemed severable and the invalidity of this shall not affect the remaining parts of this ordinance.

This ordinance shall not apply to wood, charcoal, gas operated grills and small wood bonfires.

**CHAPTER 7**  
**STREET SOLICITORS**

**SECTION:**

- 6-7-1:       General Prohibition  
6-7-2:       Application Requirements  
6-7-3:       License Fees  
6-7-4:       Penalties

**6-7-1:   GENERAL PROHIBITION:** No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except on Vine Street within the Village limits of the Village of Arthur, on such portion thereof as is authorized by license issued by the Village of Arthur.

**6-7-2:   APPLICATION REQUIREMENTS:**

- (A) Every person or organization wishing to obtain a license for the purpose of soliciting contributions hereunder shall make application to the Village Clerk stating that the soliciting agency is:
1. Registered with the Attorney General as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefore", approved July 26, 1963, as amended;
  2. Engaged in a Statewide fund raising activity; and,
  3. Liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent. The agent may be required to furnish proof of insurance covering the soliciting activity.

Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.

6-7-2

6-7-4

- (B) The Clerk shall furnish to each agency obtaining a license, a solicitation license which shall be placed in clear view of the public at the site of the solicitation. The license shall be non-transferable.
- (C) The application shall indicate the times and days that the solicitation shall occur, and the license shall be issued for only such times and days as are listed and approved by the Village of Arthur.

**6-7-3: LICENSE FEES:** The fees charged for licenses shall be as follows: None.

**6-7-4: PENALTIES:** Any person convicted of violating any provision of this Chapter shall be fined at least twenty-five dollars (\$25.00), but not more than five hundred dollars (\$500.00). Any person convicted of more than one (1) time for violating this Chapter shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) for each subsequent violation. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder.

## CHAPTER 8

### MISCELLANEOUS OFFENSES AND PROVISIONS

#### SECTION:

- 6-8-1: Sale of Tobacco Products
- 6-8-2: Disorderly Conduct
- 6-8-3: Noise
- 6-8-4: Curfew
- 6-8-5: Penalty

**6-8-1: SALE OF TOBACCO PRODUCTS:** It shall be unlawful for any person to sell, give, provide or distribute any tobacco products to any person under the age of eighteen (18) years, or to allow any person under the age of eighteen (18) years to have possession of any tobacco products in violation of this Section.

(A) Definitions:

1. "Tobacco Products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigarette papers, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.
2. "Vending Machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or other forms of payment, dispenses tobacco products.

(B) Prohibited Sales and Delivery Signs.

1. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
2. Signs informing the public of the age restriction provided for herein shall be posted at, or near, every display of tobacco products, and on, or upon every vending machine, which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE IS PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background, said letters being at least one inch (1") high.

- (C) **Minimum Age to Sell Tobacco Products.** It shall be unlawful for any business entity, individual, corporation, representative, agent or employee of any business, corporation or business entity to engage, employ or permit any person under sixteen (16) years of age to sell tobacco products in any premises.
- (D) **Purchase by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misinterpret their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- (E) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products, provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such a person in the privacy of the parent's or guardian's home shall not be prohibited.

**PENALTY:** Any person who violates any provision of this Ordinance shall be fined in an amount not to exceed five hundred dollars (\$500.00) but not less than twenty-five dollars (\$25.00), plus Court costs and other fees provided by law, for a first violation, and not less than fifty dollars (\$50.00), plus Court costs and other fees as provided by law, for a second violation, unless otherwise specified herein.

- (F) **Proximity to Certain Institutions.** It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred feet (100') of any school, child care facility, or other building used for education or recreational programs for persons under the age of eighteen (18) years.
- (G) **Certain Free Distributions Prohibited.** It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products or any employee or agent of any such person, in the course of such person's business, to distribute, give away, or deliver tobacco products free of charge



to any person on any right-of-way, park, playground, or other property owned by the Village of Arthur, school properties, or public library located within the Village of Arthur, Illinois.

(H) Locking Device on Vending Machines.

1. It shall be unlawful for any person or business to offer tobacco products for sale through a vending machine unless such vending machine is equipped with a locking device, said locking device being and existing for the purpose of incapacitating said vending machine so as to prevent the sale of tobacco products to individuals under the age of eighteen (18) years.
  2. The following businesses, or entities, shall be exempt from requiring locking devices on vending machines:
    - (a) any business or entity that prohibits the entry of individuals under the age of eighteen (18) years upon the premises; and,
    - (b) any businesses or entities that are not open to the general public and do not allow individuals under the age of eighteen (18) years in the vicinity of said vending machines.
- (I) Any person who violates any provision of this Ordinance shall be fined in an amount not to exceed five hundred dollars (\$500.00), but not less than one hundred dollars (\$100.00), plus Court costs and other fees provided by law, for a first offense, and not less than two hundred dollars (\$200.00), plus Court costs and other fees as provided by law, for a second offense.

**6-8-2: DISORDERLY CONDUCT:** No person shall engage in disorderly conduct in the Village. Any of the following acts constitute disorderly conduct:

- (A) Making, aiding or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace.
- (B) Engaging in or aiding or abetting any fight, quarrel or other disturbance.

- (C) Disturbing any religious service, public or private meeting or assembly of persons.
- (D) Collecting in crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of other persons.
- (E) Being intoxicated, as defined by Illinois Compiled Statutes, in public places, or on any place to the annoyance and disturbance of other persons.
- (F) 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 assisting any person to escape from jail or custody of police.
- (G) Failing to obey a lawful order of dispersal by a person known to be a peace officer, where three (3) 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.
- (H) Lodging in or loitering in outhouses, sheds, barns, stables, or unoccupied buildings.
- (I) Engaging in obscene or indecent activities or entertainment.
- (J) Using any obscene, profane, threatening or inciting language in any public place.
- (K) Throwing stones or missiles in public places or at any person or property, or brandishing or threatening to use any missile, or dangerous weapon or object.
- (L) Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, or vehicles, or engaging in any acts of vandalism.

**6-8-3: NOISE:** No person shall disturb peace and quiet of any other person by creating excessive noise on his or any property. Excessive noise shall include, but not by way of limitation, any of the following:

- (A) Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.

- (B) Barking or howling dogs or cats.
- (C) Vehicles without mufflers, or the unnecessary use of horns on vehicles.

**6-8-4: CURFEW:**

- (A) It is unlawful for a person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty-one (21) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than seventeen (17) years of age to perform:
  1. Between 12:01 A.M. and 6:00 A.M. Saturday;
  2. Between 12:01 A.M. and 6:00 A.M. Sunday; and
  3. Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.
- (B) It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subparagraph (A) of this Section.
- (C) A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for a first offense, and not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for a second offense.

**6-8-5: PENALTY:** Any person who violates any provision of this Ordinance shall be fined in an amount not to exceed five hundred dollars (\$500.00), but not less than one hundred dollars (\$100.00), plus Court costs and other fees provided by law, for a first violation, and not less than two hundred dollars (\$200.00), plus Court costs and other fees as provided by law, for a second violation, unless otherwise specified herein.