

## CHAPTER 13

### MISCELLANEOUS OFFENSES AND PROVISIONS

13-1. Disorderly conduct. No person shall engage in disorderly conduct in the city. 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.

(2) Engaging in or aiding or abetting any fight, quarrel or other disturbance.

(3) Disturbing any religious service, public or private meeting or assembly of persons.

(4) Collecting in crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of other persons.

(5) Loitering continuously in public places or being idle or dissolute and going about begging.

(6) Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons.

(7) Assembling with two or more other persons for the purpose of using force or violence to disturb the public peace.

(8) Failing to obey a lawful order of dispersal by a person known to be a peace officer, where 3 or more persons are committing acts of disorderly conduct in the immediate vicinity, which are acts likely to cause substantial harm or serious inconvenience, annoyance or alarm.

(9) Lodging in or being in out-houses, sheds, barns, stables, or unoccupied buildings.

(10) Giving any false alarm or fire or disturbance to any person, or false information to any peace officer or fireman or any city officer.

(11) Urinating in a place open to the view of the public.

(12) Using any obscene, profane, threatening or inciting language in any public place.

(Ordinance 09-C-1, amended April 06, 2009)

(13) Engaging in obscene or indecent activities or entertainment.

13-2. Firearms. No person shall discharge any firearms or do any hunting in the city. This shall not apply to peace officers in line of duty.

(Ordinance 09-C-1, amended April 06, 2009)

13-3. Weapons. No person shall discharge any bow, crossbow, pellet or “BB” gun, airsoft gun, paintball gun, or any other potentially dangerous projectile weapon. This shall not apply to police officers in the course of their official duties or training.

(Ordinance 09-C-1, amended April 06, 2009)

13-4. Fireworks.

(1) ‘Fireworks’ defined. The term fireworks shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky-rockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects: provided, however, that the term ‘fireworks’ shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as ‘party poppers,’ ‘booby trap,’ ‘snappers,’ ‘trick matches,’ ‘cigarette loads’ and ‘auto burglar alarms’, sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

(2) Sale. Use or Explosion of Fireworks Prohibited—Public Displays. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail or use or explode any fireworks in the city; provided that the city council shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. Every such public display shall be handled by a competent individual approved by the city council and shall be of such a character and so located, discharge or fired, as not to be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least 15 days in advance of the date of the display. No permit granted hereunder shall be transferable.

(Ordinance No. 97-C-2 amended June 16, 1997)

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13-5. 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:

- (1) Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.
- (2) Barking or howling dogs or cats.
- (3) Vehicles without mufflers, or the unnecessary use of horns on vehicles.

13-6. Barbed wire fences. No person shall maintain any fence, railing or guard which has thereon any barbed wire, iron spikes, or other sharp pointed metal instruments along any sidewalks or street.

13-7. Vandalism. A person commits the offense of vandalism if, without the consent of the owner, he engages in the following conduct:

- (a) Intentionally or knowingly damages or destroys the property of the owner;
- (b) Intentionally or knowingly tampers with the property of the owner and causes monetary loss or inconvenience to the owner or third party; or
- (c) Intentionally or knowingly makes markings, including inscriptions, slogans, drawings or paintings on the property of the owner.

(Ordinance No. 09-C-4, amended November 02, 2009)

13-8. Trespasses. (a) It shall be unlawful for any person to commit a trespass within the city upon either public or private property.

(b) Without constituting any limitation upon the provisions of this section, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation or violations of this section, the aforesaid enumerated acts so included, being as follows, to – wit:

- (1) Any entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to such premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof.

(2) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof.

13-9. Pollution. No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter.

13-10. Deleted in its entirety.

(Ordinance 09-C-1, amended April 06, 2009)

13-11. Curfew. (a) It shall be unlawful for any person of less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied by a parent, legal guardian or other responsible companion at least 21 years of age unless engaged in a business or occupation which the laws of this state authorize a person less than 18 years of age to perform:

(1) Between 12:01 a.m. and 6:00 a.m. on Saturday;

(2) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

(3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(b) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the provisions of the preceding section.

(c) Each member of the police force while on duty is hereby authorized to detain any person willfully violating the provisions of subsection (a) of this section until the parent or legal guardian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or legal guardian.

(Ordinance 19-C-5, amended July 15, 2019)

13-12. Lotteries. No person shall set up any lottery or game of chance, or shall sell or dispose of for gain any ticket, chance or share in any lottery or game of chance, provided, however, that this section shall not prohibit the sale of lottery tickets or shares by a duly authorized agent licensed by the Department of Revenue of the State of Illinois under the provisions of the Illinois Lottery Law.

13-13. 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 twenty-one (21) years, or to allow any person under the age of twenty-one (21) 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 twenty-one (21) 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 TWENTY-ONE (21) 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 (1) inch 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 twenty-one (21) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

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(e) Possession by Minors Prohibited. It shall be unlawful for any person under the age of twenty-one (21) years to possess any tobacco products, provided that the possession by a person under the age of twenty-one (21) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(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 (100) feet of any school, child care facility, or other building used for education or recreational programs for persons under the age of twenty-one (21) 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 City of Arcola, school properties, or public library located within the City of Arcola, 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 twenty-one (21) years of age.

(2) The following business, 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 twenty-one (21) years upon the premises; and

(b) Any business or entities that are not open to the general public and do not allow individuals under the age of twenty-one (21) years in the vicinity of said vending machines.

(i) Penalty. Any person who violates any provision of this Ordinance shall be fined in an amount not to exceed \$500, but not less than \$100, plus court costs and other fees provided by law.

(Ordinance No. 19-C-5 amended July 15, 2019)

13-14. Possession of Cannabis Under Ten (10) Grams by a Person under Twenty-One (21) Years of Age. It shall be unlawful for any person under twenty-one (21) years of age to possess ten (10) grams or less of any substance containing cannabis.

(a) For the purposes of this section, “cannabis” means any 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, 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 seed 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 the sterilized seed of such plant which is incapable of germination.

(b) Any person found guilty of violating the provisions of this Section shall be fined \$150 for the first violation of this section within a 365 day period, a fine of \$300 shall be assessed for a second violation in a 365 day period, a \$400 fine shall be assessed for a third violation in a 365 day period and a fine of \$500 shall be assessed for a fourth violation in a 365 day period, and any subsequent violation within a 365 day period.

(c) Any person receiving a citation under this Section shall pay the fine provided for in this section at the police station or City Clerk’s office within fourteen days from the date of the citation. If any penalty is not paid within that fourteen day period, the city attorney is authorized to file a complaint alleging the violation of this Ordinance and issue a notice to appear requiring the person to whom the citation was issued to appear in the Douglas County Circuit Court to answer the charge. Nothing in this section shall preclude the City of Arcola, its police department, or other attorney from taking or pursuing any action allowed by law as a result of the violation or from referring the matter to another entity for prosecution as allowed by law.

(Ordinance 20-C-1, amended February 03, 2020)

13-15. Possession of Drug Paraphernalia by a Person Under Twenty-One (21) years of Age. It shall be unlawful for any person under twenty-one (21) years of age to knowingly possess within the corporate limits of the City of Arcola any item of drug paraphernalia.

(a) For the purposes of this section, “cannabis” shall mean and include any substance as defined in Section 13-14(a) of this Chapter.

(b) For the purposes of this section “controlled substance” shall mean and include any substance defined as a controlled substance in the Illinois Controlled Substances Act, 720 ILCS 570/201, et seq.

(c) For the purposes of this section, “drug paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the controlled substances laws of this state. For the purposes of this section, drug paraphernalia includes but is not limited to: metal, wooden, plastic, glass, stone or ceramic pipes, with or without screens; water pipes; carburetion tubes and devices; smoking and carburetion masks; roach clips; cocaine spoons and vials; bongos; or one-hitters.

(d) Forfeiture. Drug paraphernalia as defined herein, seized by police officers pursuant to an arrest or issuance of a notice to appear for a violation of this section, shall be forfeited to the city upon a conviction for violation of this section, or upon payment of a fine in settlement of said violation, without further order of the Court.

(e) Any person found guilty of violating the provisions of this Section shall be fined \$150 for the first violation of this section within a 365 day period, a fine of \$300 shall be assessed for a second violation in a 365 day period, a \$400 fine shall be assessed for a third violation in a 365 day period and a fine of \$500 shall be assessed for a fourth violation in a 365 day period, and any subsequent violation within a 365 day period.

(f) Any person receiving a citation under this Section shall pay the fine provided for in this section at the police station or City Clerk’s office within fourteen days from the date of the citation. If any penalty is not paid within that fourteen-day period, the city attorney is authorized to file a complaint alleging the violation of this Ordinance and issue a notice to appear requiring the person to whom the citation was issued to appear in the Douglas County Circuit Court to answer the charge. Nothing in this section shall preclude the City of Arcola, its police department, or other attorney from taking or pursuing any action allowed by law as a result of the violation or from referring the matter to another entity for prosecution as allowed by law.

(Ordinance No. 20-C-1, amended February 03, 2020)



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13-16. Cannabis related offenses. It shall be unlawful for any person to commit the offenses listed in this section within the corporate limits of the City of Arcola

(a) For the purposes of this section, “cannabis” shall mean and include any substance as defined in Section 13-14(a) of this Chapter.

(b) For the purposes of this section “controlled substance” shall mean and include any substance defined as a controlled substance in the Illinois Controlled Substances Act, 720 ILCS 570/201, et seq.

(c) No person shall possess and/or consume cannabis on a school bus;

(d) No person shall possess and/or consume cannabis on the grounds of any preschool or primary or secondary school unless approved as a medical cannabis patient.

(e) No person shall possess cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving.

(f) No person shall consume cannabis in any motor vehicle.

(g) No person shall possess cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

(h) No person shall consume cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

(i) No person shall consume cannabis in any public place or knowingly in close physical proximity to anyone under twenty-one (21) years of age.

(j) No person shall consume cannabis in any public place where a person could reasonably be expected to be observed by others.

(k) No person shall consume cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 et seq.), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.

(l) Nothing in this Section shall prevent police officers or other agents from the City of Arcola from referring any violation of state or federal law to the appropriate authority for prosecution beyond a violation of City of Arcola ordinances.

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(m) Any person found guilty of violating the provisions of this Section shall be fined \$150 for the first violation of this section within a 365 day period, a fine of \$300 shall be assessed for a second violation in a 365 day period, a \$400 fine shall be assessed for a third violation in a 365 day period and a fine of \$500 shall be assessed for a fourth violation in a 365 day period, and any subsequent violation within a 365 day period.

(n) Any person receiving a citation under this Section shall pay the fine provided for in this section at the police station or City Clerk's office within fourteen days from the date of the citation. If any penalty is not paid within that fourteen-day period, the city attorney is authorized to file a complaint alleging the violation of this Ordinance and issue a notice to appear requiring the person to whom the citation was issued to appear in the Douglas County Circuit Court to answer the charge. Nothing in this section shall preclude the City of Arcola, its police department, or other attorney from taking or pursuing any action allowed by law as a result of the violation or from referring the matter to another entity for prosecution as allowed by law."

(Ordinance No. 20-C-1, amended February 03, 2020)