

Chapter 7 - MISCELLANEOUS OFFENSES

ARTICLE 1. - CURFEW/TRUANCY

7.1.01. - Children on Streets at Night.

No person under the age of eighteen (18) years of age shall be present at or upon any public assembly building, place, street, or highway within the City during the following hours 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 the State authorize a person under the age of eighteen to engage:

- A. *From September 1 through May 31.* 10:00 p.m. through 6:00 a.m. Sunday through Thursday; and 11:00 p.m. through 6:00 a.m. Friday and Saturday.
- B. *June 1 through August 31.* 10:30 p.m. through 6:00 a.m. Sunday through Thursday; and 11:00 p.m. through 6:00 a.m. Friday and Saturday.

A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Conviction of the first offense can result in a fine of not less than \$75.00 nor more than \$750.00. Conviction for the second offense can result in a fine of not less than \$250.00 nor more than \$750.00. A conviction of a third or more offense can result in a fine of no less than \$750.00, or charges rendered by hearing officer.

7.1.02. - Affirmative Defenses.

It is a defense to a violation under Sections 7.1.01 that the child engaged in the prohibited conduct while:

- A. Accompanied by the child's parent, legal guardian, or legal custodian;
- B. Accompanied by an adult at least twenty-one (21) years of age and specified by the child's parent, legal guardian, or legal custodian;
- C. Participating in, going to, or returning from:
 - (1) Lawful employment;
 - (2) A school sanctioned activity;
 - (3) A religious event;
 - (4) An emergency involving the protection of a person or property from and imminent threat of serious bodily injury or substantial damage;
 - (5) An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution, such as freedom of speech and the right of assembly; or
 - (6) An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.

7.1.03. - Permitting Children to Violate Curfew.

No parent, legal guardian, or other person shall knowingly permit a person under 17 years of age in his custody or control to violate the provisions of this Article.

7.1.04 - Detaining Child.

A member of the Police Department, while on duty, shall detain any minor willfully violating any of the provision of this Section until the parent or guardian of such minor takes him or her into custody. Such officer, shall immediately upon taking custody of such minor, communicate with the parent or guardian of such minor. Prior to detaining any minor, the officer shall make an affirmative inquiry of the minor as to whether any of the affirmative defenses set forth in Section 7.1.02 applies.

7.1.05. - Truancy Prohibited.

It shall be unlawful for any person under the age of eighteen (18) enrolled in a public, private or parochial school within the corporate limits of the City of Country Club Hills or whose attendance boundaries serve residents of the City of Country Club Hills to absent himself or herself from attendance at school without permission of his or her parent or legal guardian. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to the penalties hereinafter set forth in this Chapter. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absents himself or herself from school without the permission of a parent or legal guardian shall not constitute truancy if permission for such absence has substantially been obtained from the parent or legal guardian and such permission is submitted, in writing, to the proper school authorities within twenty-four (24) hours after such absence.

7.1.06. - Parental Responsibility.

A. *Definitions.*

(1) *Guardian* shall mean:

- (a) A lawfully appointed guardian of a minor; and
- (b) Someone who although not a legally appointed guardian, resides with and has supervision and control of a minor.

"Guardian" shall not include a person appointed guardian or given custody of a minor under the Juvenile Court Act.

(2) *Minor* shall mean a person eighteen (18) years of age or under residing with and under the care and custody of his parents or guardian.

B. *Permitting Unlawful Acts.* It shall be unlawful for the parent or guardian of a minor to allow or permit such minor to commit any violation of any ordinance of the City of Country Club Hills, or of any statute of the State of Illinois or the conditions of any court-imposed curfew, condition of bond, supervision, conditional discharge, or probation.

C. *Presumptions.* A parent or guardian shall be deemed to have allowed or permitted the minor to have committed a violation of a City ordinance, State statute, or condition of a court-imposed curfew, bond, supervision, conditional discharge or probation when all of the following three (3) conditions are met:

(1) The minor has either:

- (i) Been adjudicated to be in violation of any ordinance or statute as named in Paragraph B above;
- (ii) Been charged with a violation of any ordinance or State statute as described in Paragraph B (except if found not guilty);
- (iii) Has incurred non-judicial sanctions from the police, resulting from an admission of guilt to a violation of an ordinance or State statute as described in Paragraph B; or

- (iv) Is found to be in violation of any court-imposed curfew, condition of bond, supervision, conditional discharge or probation;
- (2) The parent or legal guardian has received a written notice by Certified mail (return receipt requested) or by personal service in substantially the following form (language of form underscored):

TO: (Parents' or Guardians' names)

FROM: Country Club Hills Police Department

You are hereby notified that (minor's name) has been charged with the commission of (name charge) which is a violation of a local ordinance of the City of Country Club Hills or a statute of the State of Illinois.

(Minor's name) has been assigned a court date of _____ at _____ to respond to these charges. You are further notified that one of the parents or guardian of said minor must appear in court on that date and time before the case will be disposed of. If you fail to appear, the City prosecutor has been directed to have a subpoena issued to bring you into court. Failure to obey a subpoena can result in a charge of contempt of court with a fine and imprisonment.

(Minor's name) has been placed on court-imposed curfew, condition of bond, supervision, conditional discharge, or probation by Judge _____ on _____. With the following conditions _____.

If this minor is again involved in a violation of a State statute or City Ordinance; or is found to be in violation of his or her court-ordered curfew (imposed due to a curfew or truancy violation) condition of bond, supervision, conditional discharge or probation; or if you fail to appear at the above listed court hearing and related continuances, you will be charged with a violation of Section 7.1.05 of the City Code.

A person who violates a provision of this Chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Conviction for the first offense can result in a fine of not less than \$75.00 nor more than \$750.00. Conviction for the second offense can result in a fine of not less than \$250.00 nor more than \$750.00. A conviction of a third or more offense can result in a fine of not less than \$750.00, or charges rendered by Hearing Officer. You will also be jointly responsible for the minor's fine upon conviction. You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his or her unlawful conduct; and

- (3) The minor has, after receipt of the above notice by the parent or guardian:
- (i) Been adjudicated to have committed, or has admitted to having violated any City Ordinance or State statute as described in Paragraph B. above, or
 - (ii) Has been found to be in violation of his or her court-ordered curfew (imposed due to a curfew or truancy violation), condition of bond, supervision, conditional discharge, or probation.
- D. *Failure to Appear at a Minor's Court Hearing.* It shall be unlawful for a parent or guardian to fail to appear at any court hearing whenever that minor is charged with a violation of an ordinance of the City of Country Club Hills or of any statute of the State of Illinois which requires the minor's appearance in court, providing the parent or guardian has received a written notice by Certified Mail (return receipt requested), or by personal service in substantially the same form as the notice that appears in Section 7.1.05(2) above.
- E. *Subpoenas.* The City prosecutor is hereby directed to cause subpoenas to be issued whenever a parent or legal guardian of a minor does not appear in court.

F. *Supervision.* It is the policy of the City of Country Club Hills to permit the City prosecutor to use the provisions of the Unified Code of Corrections, as amended, of the State of Illinois, pertaining to supervision, conditional discharge, and probation in order to further the ends of justice, restitution and purposes of this section.

G. *Penalties.*

- (1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Conviction for the first offense can result in a fine of not less than \$75.00 nor more than \$750.00. Conviction for the second offense can result in a fine of not less than \$250.00 nor more than \$750.00. A conviction of a third or more offense can result in a fine of not less than \$750.00, or charges rendered by hearing officer. You will also be jointly responsible for the minor's fine upon conviction. You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his or her unlawful conduct, and
- (2) The responsible parent or guardian shall be liable for any fine, condition of restitution or condition of reparation imposed by a court upon a minor for a violation of any ordinance or statute listed in Subsection B. above, in the event that the minor has not paid the fine or made restitution or reparation within the time ordered by the court, provided that the parent or guardian has been served with a notice substantially similar to that in Section 7.1.05(C)(2) either in person or by Certified Mail (return receipt requested); or with a subpoena or notice to appear in the original court proceedings against the minor.

7.1.07. - Authorizing an Unlawful Assembly.

No person who has control or ownership of any premises where (a) any persons are allowed to assemble or be assembled on such premises and are in possession of any controlled substance, the possession of which is prohibited by Illinois statute, or (b) persons under the age of twenty-one (21) years are in possession of any alcoholic beverages, is guilty of an Authorizing Unlawful Assembly. Notwithstanding the above, a person under the age of twenty-one may be in possession or consume alcoholic beverages in the performance of a bona fide religious service or ceremony.

ARTICLE 2. - DISORDERLY CONDUCT

7.2.01. - Definitions.

For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) *Loitering.* To remain idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand, mill, assemble and/or congregate; to stand around and shall also include the colloquial expression "hanging around."
- (B) *Public Place.* Any place, including within 250 feet of such place, to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also City-owned property, public grounds, recreation areas or parks, schools, parking lots, automobiles (whether moving or not), streets and sidewalks.
- (C) *Known Unlawful Drug User.* For purposes of this Article, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within the State of

Illinois of any violation involving the use, possession or sale of any of the substances referred to in the Illinois Controlled Substances Act, 720 ILCS 5760 et seq., or such person has been convicted of any violation of any of the provisions of said Illinois Controlled Substances Act, as amended, or substantially similar laws of any political subdivision of this state or any other state; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or a person who possesses drug paraphernalia as defined in the Illinois Drug Paraphernalia Control Act, 720 ILCS 600 et seq.

- (D) *School*. As used in this Article, "School" has its ordinary meaning and also includes colleges, community colleges, institutions of primary and secondary education and institutions of higher education, and also includes areas within 250 feet of such institutions.

7.2.02. - Mob Action.

- (A) It shall be unlawful to knowingly commit or do any of the following enumerated acts which are hereby declared to be mob action:
- (1) The use of force or violence, without authority of law, by two (2) or more persons any place where such conduct may reasonably be expected to be viewed by others.
 - (2) The assembly of two (2) or more persons to do an unlawful act.
 - (3) The assembly of two (2) or more persons upon public property when such assembly has been prohibited by law.
 - (4) The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.
 - (5) Any act(s) done by two (2) or more persons in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.
- (B) Any person engaged in mob action shall be guilty of a misdemeanor.
- (C) Any participant in a mob action who does not withdraw on being commanded to do so by a duly authorized police officer or other legally authorized conservator of the peace shall be guilty of a misdemeanor.

7.2.03. - Schools—Disruption Near Prohibited.

- (A) A person is guilty of disruption of school activities if he or she comes into or remains in any school building, classroom, or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful reason, and intentionally causes substantial disruption of the activities of the school.
- (B) It shall be unlawful during school hours for any person or persons to loiter within 250 feet of any educational or recreational facility within the corporate boundaries of the city of Country Club Hills as to impede, disrupt, and/or interfere with the orderly movement of students or the educational process of the school.
- (C) Any person who violates this section may be arrested by any duly authorized police officer or other legally authorized conservator of the peace if he or she has been previously warned by a law enforcement officer not to loiter within 250 feet of the educational facility.

7.2.04. - Possession of a Weapon.

No person shall carry or possess any bludgeon, club, knife, the blade of which is more than 3½ inches in length, razor, broken instrument of like character in any place where the possession of such objects may reasonably be expected to be viewed by others and the possessor of such object knows or should have known that such

possession would tend to disturb or provoke a breach of the peace.

7.2.05. - Annoying Phone Calls.

No person shall make a telephone call, whether or not conversation thereby ensues, with intent to annoy or offend another. The use of language or terms which are obscene, lewd or immoral is prima facie evidence of the intent to annoy or offend.

7.2.06. - False Alarms.

No person shall transmit a false alarm of any emergency, knowing at the time, of such transmission, that there is no reasonable ground for believing that such emergency exists.

7.2.07. - Alcoholic Beverages.

No person shall consume any alcoholic beverage or carry on his possession any open containers of alcoholic beverages on any street or public place within the City.

7.2.08. - Indecent Conduct.

No person shall commit any indecent or immoral act, or appear in any public place not properly or decently clothed.

7.2.09. - Fighting.

No person shall commit an assault or battery or fight in any public place in the City.

7.2.10. - Spitting.

It shall be unlawful to spit or expectorate on any public sidewalk or other public place, or on the floor or walls of a store, theater, hall or public vehicle frequented by the public, or to which the public is invited.

7.2.11. - Missiles.

No person shall cast, throw, or propel any object on any street, public or private place at any person with intent to harm.

7.2.12. - Advertising.

No person shall injure or deface any lawful advertisement or notice.

7.2.13. - Amplifiers.

No person shall maintain or operate any mobile loud speakers or amplifier, other than electronic devises for personal use such as portable radios, by which sounds are magnified and made heard over any public street or public place, except those persons so licensed as part of a business allowed in Chapter 13 of this Code.

7.2.14. - Bathing.

No person shall bathe at any place open to public view unless such person is adequately garbed.

7.2.15. - Injury to Public Property.

No person shall injure, deface, interfere with, or otherwise cause damage to public property including, but not limited to, streets, sidewalks, street lights and street signs.

7.2.16. - Fireworks.

- (A) *Definitions.* For the purposes of this section, the following words, terms and phrases, when used herein, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Fireworks. The term fireworks means and includes any explosive composition or any substance or combination of substances or any article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration, or detonation, and includes blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the balloons, firecrackers, torpedoes, skyrockets, Roman Candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound or any tablet or other device containing any explosive substance or containing combustible substances producing visual effects. However, the term "fireworks" shall not include snake or glowworm pellets; smoke devices; trick noisemakers known as party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms; wire sparklers; toy pistols; toy cannons; toy guns; or other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than 0.20 grains of explosive mixture.

Smoke Device. Smoke device means a tube or sphere containing a pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

Snake/Glowworm. Snake or glowworm means pressed pellets of pyrotechnic composition that produce a large, snakelike ash upon burning. The ash expands in length as the pellet burns. These devices may not contain mercuric thiocyanate.

Trick Noisemaker. Trick noisemaker means an item that produces a small report intended to surprise the user.

Wire Sparkler. Wire sparkler means wire coated with a pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item. These items include the following:

- (1) *Auto Burglar Alarm.* This is a tube which contains a pyrotechnic composition that produces a loud whistle and/or smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may be used to produce a small report. A squib is used to ignite the device.
- (2) *Booby Trap.* This is a small tube with a string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction-sensitive composition, producing a small report.
- (3) *Cigarette Load.* This is a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

- (4) *Party Popper*. This is a small plastic or paper item containing not more than 16 milligrams of explosive composition friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streams and producing a report.
 - (5) *Snapper*. This is a small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the devices explode, producing a small report.
 - (6) *Trick Match*. This is a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.
- (B) *Acts Prohibited*. The following acts in regard to possession, sale and/or use of fireworks are prohibited:
- (1) It shall be unlawful to possess, sell, exhibit for sale, offer for sale, shoot, explode or otherwise use or exhibit fireworks, firecrackers, torpedoes, Roman Candles, skyrockets, cherry bombs, M-80s, or other pyrotechnic displays within the corporate limits of the City of Country Club Hills, except as provided in the Illinois Fireworks Use Act, 425 ILCS 35/2.
 - (2) It shall be unlawful to sell or use sparklers on any public property within the corporate limits of the City of Country Club Hills.
- (C) *Seizure of Fireworks*. The City or its delegated authority shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this Article.

7.2.17. - Possession of Cannabis.

- (A) *Definition*. For the purposes of this subsection, cannabis shall mean 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 by means of chemical syntheses or by a combination of extraction and chemical syntheses; 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 resin extracted therefrom), fiber, oil cake, or the sterilized seed of such plant which is incapable of germination.
- (B) *Violation*. It shall be unlawful for any person knowingly to possess any quantity of any substance containing cannabis, except that the effect of this subsection shall be limited to persons knowingly possessing less than thirty (30) grams of any substance containing cannabis.
- (C) *Exceptions*. The provisions of this subsection shall not apply to:
- (1) Any person who has been authorized by the Illinois Department of Mental Health and Development Disabilities, with the approval of the Illinois Department of Law Enforcement, to possess and deliver substances containing cannabis; and
 - (2) Persons registered under federal law to conduct research with cannabis.

7.2.18. - Drug Paraphernalia.

- (A) *Definitions*.
- (1) *Cannabis* shall have the same meaning ascribed to it in section 3 of the "Cannabis Control Act," 720 ILCS 550/3, as if that definition was fully incorporated herein.
 - (2) *Controlled Substance* shall have the meaning ascribed to it in section 102 of the "Illinois Controlled

Substances Act," 720 ILCS 570/102, as if that definition was fully incorporated herein.

- (3) *Drug paraphernalia* shall mean all equipment, products and materials of any kind which are peculiar to or adapted for use in planting, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, storing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, section 7.2.20 of this Article, or similar law or local ordinance.

Drug paraphernalia shall include, but not be limited to: water, ice, air-driven or electric pipes; miniature cocaine spoons or vials; smoking or carburetion pipes, tubes, masks, or other devices; bongs; roach clips; or any item whose purposes, as announced or described by the possessor, or whose actual use as determined by the presence of a controlled substance on, in or near the item, is for use in violating the Cannabis Control Act, the Illinois Controlled Substances Act, section 7.2.20 of this Article, or similar law or local ordinance.

- (B) *Possession of Drug Paraphernalia*. No person shall knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.

In determining use or intent under this subsection, the trier of fact can take into consideration the general, usual, customary and historical use to which the item involved has been put, and/or the proximity of the cannabis or controlled substance to the drug paraphernalia or the presence of cannabis or controlled substance on the drug paraphernalia.

7.2.19. - Penalties.

Any person violating any provision of this Article is guilty of a misdemeanor and shall be fined not less than seventy five dollars (\$75.00) but not more than one thousand dollars (\$1,000.00). Each day a violation continues shall be considered a separate violation.

ARTICLE 3. - VANDALISM

7.3.01. - Definitions.

- A. *Legal Guardian* shall include a person appointed guardian of the person, or given custody of a minor by a Circuit Court of this State or any other State, but does not include a person appointed guardian only of the estate of a minor, or appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act.
- B. *Minor* shall include a person who is above the age of eleven (11), but not yet nineteen (19) years of age.
- C. *Parent* shall include the lawful father or mother of a minor child, whether by birth or adoption.
- D. *Person* shall include any individual, firm, partnership, association, corporation, company, organization of any kind.
- E. *Property* shall include any real estate including improvements thereon, and tangible personalty.
- F. *Sufferance of an act of vandalism* shall mean the failure to interfere, prohibit and prevent the commission of an act of vandalism by a minor.
- G. *Vandalism* shall include any of the following acts:
 - 1. Maliciously, recklessly, or knowingly damage, deface or destroy any property of another person without his consent; or

2. Maliciously, recklessly, or knowingly by means of fire or explosive device damage, deface, or destroy any proper another person; or
3. Maliciously, recklessly, or knowingly start a fire on the land of another person without his consent; or
4. Maliciously, recklessly, or knowingly deposit on the land or in a building of another person, without his consent, any stink bomb, or any offensive smelling compound and thereby interfere with the use and occupancy by another of the land or building; or
5. Maliciously, recklessly, or knowingly and without authority enter into any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

7.3.02. - Vandalism Prohibited.

No person shall commit any act of vandalism upon either public or private property within the City. Each separate act of vandalism shall be considered as a separate violation of this Article.

7.3.03. - Sufferance of Acts of Vandalism by Minors Prohibited.

No parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall suffer such minor to commit an act of vandalism upon either public or private property within the City. Each separate act of vandalism shall be considered as a separate violation of this Article.

ARTICLE 4. - TRESPASS

7.4.01. - Definition.

No person, firm or corporation shall commit a trespass within the City upon either public or private property. Any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses in violation of this Article and appropriate action may be taken at any time, or from time to time, to prevent or suppress any violation of this provision:

- A. An entry upon any part of the premises of another, including any public property, in violation of a notice posted or exhibited at the main entrance to said 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 of said premises;
- B. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said 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 of said premises;
- C. 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 of said premises;
- D. An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control of said vehicle, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such rights.

ARTICLE 5. - NUISANCES

7.5.01. - Definition; Abatement.

Any act or offense which is a nuisance according to the common Law of the State of Illinois, or declared or defined to be a nuisance by the ordinances of the City of Country Club Hills are hereby declared unlawful and prohibited. In addition, the City shall be authorized to abate any nuisance which, while not specifically defined within this Article, shall constitute the unreasonable, unwarrantable, or unlawful use by a person of property real or personal or from his own improper, indecent or unlawful personal conduct which works an obstruction or injury to a right of another, or of the public, and produces such material annoyance, inconvenience, discomfort, or hurt that the law will presume an actionable nuisance. Nuisances may be abated which are public or which are both public and private in nature.

7.5.02. - Notice for Non Summary Abatement.

The City may serve or cause to be served a notice, in writing, upon the owner, agent, occupant or person in possession, charge or control of any lot, building or premises or item of personal property in or upon which any nuisance may be found, or who may be the owner or cause of any nuisance, requiring them, or either or both of them, to abate the same within a specified reasonable time, in such manner as the notice shall direct.

7.5.03. - Non Summary Abatement.

If the person so served and notified does not abate the nuisance within the specified reasonable time, the corporate authorities may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:

1. Seeking to impose a monetary penalty by issuing a citation as defined by Chapter 10 of this Code.
2. Seeking to enjoin the continuation of the nuisance by issuing a complaint as defined by Chapter 10 of this Code.

7.5.04. - Summary Abatement.

Whenever, in the opinion of the City, the maintenance or continuation of a nuisance creates an imminent threat of serious injury to persons or serious damage to person or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, the City shall proceed to abate such nuisance; provided, further, that whenever the owner, occupant, or personal property which has become a nuisance is unknown or cannot readily be found, the City may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably possible.

7.5.05. - Specific Nuisances Prohibited.

The following acts, conduct and conditions are hereby declared and defined to be nuisances, and when committed, performed or permitted to exist by any individual, firm, association or corporation within the territorial limits of the City, are hereby declared to be unlawful and prohibited:

- A. To produce or permit to be produced, whether on public or private property, any offensive noise to the

disturbance of the peace or quiet of any person residing in the vicinity, the following:

1. *Boisterous Parties or Gatherings.*

- (a) It shall be unlawful for any person who is in possession of, or is the owner of record of the premises, to permit guests, tenants, invitees, visitors or trespassers to engage in any of the following activities:
 - (i) Create such noise as to disturb and interrupt the peace, quiet and repose of the neighborhood;
 - (ii) Amplify music or other sounds to disturb the peace, quiet and repose of the neighborhood;
 - (iii) Litter public property;
 - (iv) Trespass onto adjacent private property without specific consent of the owner(s) of that private property;
 - (v) Litter private property without consent;
 - (vi) Block or obstruct public rights-of-way;
 - (vii) Allow harmful, offensive or noxious odors to permeate the air of adjacent property; or
 - (viii) Engage in fighting, boxing, wrestling or any martial arts.
- (b) Authority to order dispersal: Any Country Club Hills Police Officer may order any person present at a boisterous party or gathering who is present at such party or gathering or is engaging in any of the prohibited activities set forth above, to disperse immediately.
- (c) Duty of owner(s) or occupant(s) to abate disturbance: An owner or occupant of the premises, upon being given a dispersal order by a police officer, shall immediately abate the disturbance within thirty (30) minutes. Failing to abate the disturbance shall be a violation of this Section.
- (d) Resumption of party constitutes second offense: In the event that boisterous party or gathering on the premises reconvenes within two (2) hours after the order of abatement by a police officer, the resumption of which shall be considered a second offense.

2. *Basketball Playing in Residential Areas.*

- (a) Basketball playing is prohibited within residential zoning districts between the hours of 9:00 p.m. and 9:00 a.m.
- (b) Basketball Hoops in Front Yards: Basketball hoops may be erected on poles if the poles are located at least twenty(20) feet from the public right-of-way.

3. *Radios/Tape Recorders, Etc.* The use or operation of any radio receiver, set, musical instrument, phonograph, or other machine or device for the producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of the residents of residentially-zoned neighborhoods. The operation of such set, instrument, phonograph, machine or device between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this subsection.
4. *Yelling/Shouting, Etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between 9:00 p.m. and 7:00 a.m., in such a manner as to disturb the peace, quiet and comfort of the residents of residentially-zoned neighborhoods.
5. *Construction or repair of Buildings.* The erection (including excavation), demolition, alteration or repair of any building in a residentially-zoned neighborhood between 9:00 p.m. and 7:00 a.m. daily, except in the case of urgent necessity in the interest of the public health and safety.
6. *Pile Drivers/Hammers, Etc.* The operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noises, in a

residentially-zoned neighborhood between 9:00 p.m. and 7:00 a.m. daily, except in the case of urgent necessity in the interest of the public health and safety.

7. *Outdoor Cooking in Certain Areas Prohibited.* It shall be unlawful for any person to barbeque, grill, deep fry, or engage in any similar outdoor cooking activities in the front yard, on the public sidewalk, or in the front parkway of any single family residential property.

7.5.06. - Chronic Nuisance Property Abatement.

A. *Definitions.* The terms used in this section shall have the following meanings:

1. *Owner.* Owner means any person who alone, jointly or severally with others:

- (a) Has legal title to any premises or dwelling units, with or without accompanying actual possession thereof; or
- (b) Has charge, care of, control or any premises, dwelling or dwelling unit as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.
- (c) The term "owner" includes the owner, his/her agent for the purpose of managing, controlling or collecting rents, any other person managing or controlling a building or premises or any part thereof, and any person entitled to the control or direction of the management or disposition of a building or premises or any part thereof.

2. *Premises.* Premises includes any parcel or property and the building or structure, if any, which is situated on the property, and any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of illegal activity.

3. *Chronic Nuisance Property.* Property upon which two or more nuisance activities have occurred with a 12-month period as a result of any two (2) separate factual events that have been independently investigated by any law enforcement agency. The 12-month period shall begin on the date on which the first event occurred.

B. *Public Nuisance Declared.* Any premise used for prostitution, illegal gambling, illegal possession or delivery of or trafficking in controlled substances, or any other activity that constitutes a felony, misdemeanor, business offense or petty offense under federal, state, or municipal is hereby declared to be a public nuisance; provided that no public nuisance or violation of this subsection shall be deemed to exist unless the following occurs:

1. Two or more nuisance activities occur within a 21-month period as a result of any two (2) separate factual events; or
2. The offense for which the property is used is punishable by imprisonment for one (1) year or more.

C. *Responsibility of Owner.* It is unlawful for any person who owns, manages, or controls any premises to either:

1. Encourage or permit an illegal activity described in subsection 7.5.06(B) to occur or continue on such premises; or
2. Fail to implement reasonable and warranted abatement measures identified in the notice issued by the Mayor or his/her designee, pursuant to subsection 7.5.06(F), or subsequently agreed to, or other abatement measures which successfully abate the nuisance within the thirty (30) day period following the notice, or within any other agreed upon period.

D. *Penalties.* Any person who violates subsection 7.5.06(C) shall be fined an amount not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense. Such fine may be assessed in a court of competent jurisdiction. In addition to this penalty or any other penalty provided in Chapter 7 of the City

Code, any person who violates subsection 7.5.06(C) shall be liable to the City for the total amount of all costs and expenses incurred by the City in abating the nuisance. Each day that a violation of subsection 7.5.06(C) continues shall be considered a separate and distinct offense; provided, however:

1. No person shall be found in violation of subsection 7.5.06(C)(2) unless the City provides by a preponderance of the evidence that the abatement measures were reasonable and warranted, and that the defendant knowingly failed to implement them; and
 2. A person may be found in violation of subsection 7.5.06(C)(1) or 7.5.06(C)(2) regardless of whether an order of abatement is issued under subsection 7.5.06(E); and
 3. A person may be found in violation of 7.5.06(C)(1) regardless of whether notice has been given under subsection F.
- E. *Abatement Action.* The Mayor or his/her designee may bring an action to abate a public nuisance described by this Section in a court of competent jurisdiction. A order of abatement shall be issued whenever a person who owns, manages or controls any premises violates subsection 7.5.06(C). The order of abatement shall require the taking of reasonable measures designed to prevent the recurrence of the illegal activity described in subsection 7.5.06(B) in light of the magnitude of the harm caused by the nuisance, the value of the property, and the extent to which the defendant has failed to take effective measures to abate the nuisance. Those measures may include, but are not limited to, making improvements to real estate and installing lighting to enhance security, the hiring of licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction proceedings against tenant or other persons engaged in illegal activity or, at the request of the City Attorney, the assignment or forfeiture to the City of all of the defendant's rights, title and interest in real estate when the defendant has failed to abate a nuisance following an order issued pursuant to this paragraph, or has failed to abate a nuisance within thirty (30) days of a notice issued pursuant to subsection 7.5.06(F) and the following occurs:
1. A forcible felony as defined in Section 2-8 of the Illinois Criminal Code (720 ILCS 5/2-8) is committed on the premises; or
 2. Two or more violation of the Illinois Controlled Substances Act (720 ILCS 570/201 et seq.) or the cannabis Control Act (720 ILCS 550/1 et seq.) occur on the property on separate days within a one-year period.
- In no event shall any interest of any person entity not an owner of real estate as defined in subsection 7.5.06(A) be forfeited. The order of abatement may also authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court or hearing officer has been obeyed. Any person who fails to comply with an order of abatement issued under this Section by an administrative hearing officer shall be subject to the penalties set forth in subsection 7.5.06(D). The city shall petition a court of competent jurisdiction for the hiring of a receiver, initiation and execution of eviction proceedings against tenants or the assignment or forfeiture to the City of all the defendant's rights, title and interest in the real estate.
- F. *Notices.* Whenever the Mayor or his/her designee reasonably believes that any premises constitutes a public nuisance or a Chronic Nuisance Property as described in this subsection, the Mayor or his/her designee may give written notice to the person who owns or controls the premises stating that a nuisance exists and identifying reasonable abatement measures that must be taken within thirty (30) days of the notice. The notice shall be in writing and may be served in person or sent by certified mail, return receipt requested. The notice shall provide the recipient a reasonable opportunity to meet with a representative of the City to discuss allegations in the notice and the need for abatement measures. Upon failure to implement the abatement measures identified in the notice, or subsequently agreed to, or other abatement measures which successfully abate the nuisance

within the thirty (30) day period following the notice, or within any other agreed upon period, the City may file a complaint in a court of competent jurisdiction against the person who owns, controls or manages the premises for a violation of subsection 7.5.06(C)(2).

- G. The City shall have the right, in its sole discretion, to pursue nuisance abatement proceedings either in the Circuit Court of Cook County, or through its administrative adjudication hearing system.
- H. In the event the City pursues judicial abatement and the court determines that the property to be a chronic nuisance, the City may request the court to order that the property be closed and secured against all use and occupancy for a period of not less than thirty (30) days, but not more than one hundred eighty (180) days, or order any other remedy deemed by the court to be appropriate for abatement of the nuisance.
- I. In addition to the remedy provided in subsection H. above, the court may impose a civil penalty of not less than five hundred dollars (\$500.00), nor more than one thousand dollars (\$1,000.00) per day, payable to the City of Country Club Hills, for each day the owner or owner's agent had actual knowledge that the property was a chronic nuisance and permitted the property to remain a chronic nuisance.
- J. In determining which remedy or remedies will be ordered, the court may consider evidence of other conduct which has occurred on the property, including, but not limited to:
 - 1. The actions or lack of action taken by the owner to mitigate or correct the nuisance existing on the property;
 - 2. Whether the nuisance on the property was repeated or continuous;
 - 3. The disturbance to neighbors;
 - 4. The recurrence of loud and obnoxious noises and /or other nuisances on or emanating from the property; and
 - 5. The property's general reputation and/or the reputation of persons in/or frequency the property.
- K. The court may authorize the City to physically secure the property against use or occupancy in the event the owner fails to do so within the time ordered by the court or to take other steps necessary to abate the chronic nuisance.
- L. In the event the City is authorized to secure the property or otherwise abate the chronic nuisance, all costs reasonably incurred by the City to affect the closure or abate the nuisance shall be assessed against the owner. The City shall submit a statement of costs to the court for its review. If no objection is made against the costs within the time period prescribed by the court, or if the court, after objection is made, determines that the statement of costs is accurate, the court shall approve such costs or reduce it accordingly based on any objections accepted by the court.
- M. Any person who is assessed the cost of abatement and/or a civil penalty by the court shall be personally liable for the payment thereof to the City. If payment is not made, the City may pursue all available collection procedures, including but not limited to the filing of a lien on the property found to be a chronic nuisance, a civil collection action, or requesting a court to find the owner in contempt of court for nonpayment of such costs and/or the civil penalty.
- N. In the event that it is determined that a property is an immediate threat to the public safety and welfare, the City may file a complaint with the court for such interim relief as is deemed by the City Attorney to be appropriate. In such an event, the notification provisions set forth in subsection 7.5.06(F), above, need not be complied with; provided, however, the City shall make a diligent effort to notify the owner or person in charge of the property prior to a court hearing.
- O. In the event the court finds that the property constitutes a chronic nuisance and finds that the property is an immediate threat to the public safety and welfare, the court may order the remedies set forth in subsection

7.5.06(H) of this Article. In addition, in the event the court also finds that the owner or person in charge of the property had knowledge of activities or conditions on the property constituting or in violation of this Article, the court may assess a civil penalty as provided in subsection 7.5.06(I), above.

- P. Disposal of Property. Any property assigned or forfeited to the City under this Article may be disposed of as authorized by the City Council.

7.5.07. - Sound Devices Restrictions—Violation and Impoundment.

1. No person shall play, use, operate or permit tot be played, used or operated, any radio, tape recorder, cassette player or any other device for receiving broadcast sound or reproducing recorded sound if the device is located:
 - A. On a public way, or
 - B. In any motor vehicle on the public way,
 and if the sound generated by the device is clearly audible to a person with normal hearing at a distance greater than seventy-five feet (75'). This subsection shall not apply to any person participating in a parade or public assembly for which a permit has been obtained pursuant to the City Code.
2. A motor vehicle that is used in violation of subsection 1. above, shall be subject to seizure and impoundment pursuant to Section 6.2.03 of the City Code.
3. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such as person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 6.2.03 of the City Code.
4. This subsection shall not apply if:
 - A. The vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within twenty-four (24) hours after the theft was discovered or reasonably should have been discovered; or
 - B. The vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or
 - C. The alleged owner provides adequate proof that the vehicle had been sold to another person prior to the violation.
5. The provisions of 6.2.03 of the City Code shall apply whenever a motor vehicle is seized and impounded pursuant to this subsection.
6. For purposes of this subsection, the (owner of record(: of a vehicle is deemed the record titleholder.

7.5.08. - Sagging Pants.

- A. On public property in the City, including streets, sidewalks, and rights of way, all persons shall be properly attired whenever they appear in public view.
- B. Pants worn by any person, regardless of age, should be size appropriate and secured at the waist to prevent the pants from falling more than three inches below the hips (crest of the ilium) causing exposure of the person or the person's undergarments.
- C. Fines and civil penalties; community service.
 1. If a juvenile is determined to be in violation of this Section, a citation shall be issued to the parent or legal

guardian, who has care and control of the minor and they shall be subject to a civil penalty of not less than \$100.00 on the first offense and not more than \$300.00 on each subsequent offense. In addition to the civil penalty, the court may order the juvenile and/or the parent or legal guardian to participate in up to 40 hours of court approved community service activities.

2. If an adult is determined to be in violation of this Section, a citation shall be issued to the person and the person shall be subject to a civil penalty of not less than \$100.00 on the first offense and not more than \$300.00 for each subsequent offense. In addition to the civil penalty, the court may order such person to participate in up to 40 hours of court approved community service activities.
- D. Violators of any provision of this Section shall be issued a citation and subject to the penalties described above. To this end, a violation of this Section shall not be deemed a criminal offense; and thus, violators shall not be subject to arrest, imprisonment or other criminal penalty for violation of this section.
- E. It is a defense under this Section if it is determined, after a hearing or trial, that the person was exercising rights protected by the Federal or State Constitution. Any defense under this Section must be asserted prior to any hearing or trial in the matter.

ARTICLE 6. - FIREARMS

7.6.01. - Definition.

Any shotgun, rifle, pistol, revolver, air gun, bow and arrow or similar weapon shall be defined as a firearm for purposes of this Article.

7.6.02. - Discharge and Carrying of Firearms.

- A. No person shall discharge firearms in the City. The Chief of Police may confiscate such unlawfully discharged firearms.
- B. No person shall have or carry any firearm, unless such firearm is unloaded and in a case.
- C. No person shall carry any concealed firearm in the City without having first secured a license to carry such concealed firearm issued under the laws of the State.
- D. This Section shall not apply to any officer of the law, while in the performance of his duty, or to persons lawfully summoned by an officer to assist in making arrests or preserving the peace, while so engaged in assisting such officer, or to any citizen discharging a firearm when lawfully defending his person or property.

7.6.03. - Hunting.

- A. No person shall kill, take or wound, or attempt to kill, take or wound any wild bird, wild game, or wild animals within the city with any firearm.
- B. No person shall hunt, pursue, harass or disturb in any manner, any wild bird, wild game, or wild animals within the city with any firearm with intent to use same within the city.
- C. This Section shall not apply to any officer of the law while in the performance of his duty, nor to persons lawfully summoned by an officer to assist him, while so engaged in assisting such officer.

ARTICLE 7. - PUBLIC SAFETY

7.7.01. - Disposal of Ice Boxes, Refrigerators and Ice Chests.

No person shall abandon, discard or permit to remain outdoors in a place accessible to children any ice box, refrigerator or ice chest of 0.425 cubic meters (15 cubic feet) or more which has an attached lid or door which may be opened or fastened by means of an attached latch or magnet lock, without having first detached the lid or door from same, in such a manner that the lid or door can no longer be latched to seal such ice box, refrigerator or ice chest.

7.7.02. - Scaffolds.

Any scaffolds or ladders placed in such a position that they overhang or can fall onto any public street or other public way in the City shall be firmly and properly constructed and safeguarded; and no person shall place or leave any tools or article on any such place in such a manner that the same can fall onto such street, sidewalk or other public way from a greater height than one meter (3.3 feet).

7.7.03. - Articles on Windows.

No person shall place any moveable article on any window ledge, or other place abutting a public street, or other public place at a height above one meter (3.3 feet) from the ground, in such a manner that the same can be or is in danger of falling onto such street, sidewalk or other public place.

7.7.04. - Obstructing Stairways or Exits.

No person shall obstruct or permit the obstruction of any stairway, aisle, corridor, or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall, or any building used by two or more tenants or families, in such a manner as to interfere with the free use of such stairways, aisle, corridor or exit.

7.7.05. - Weed Control.

- A. No person owning or having lawful control of real property within the City shall permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding eight (8) inches anywhere in the city. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.
- B. The City shall serve or cause to be served a notice upon the owner of any premises on which weeds, grass or plants are permitted to grow in violation of the provisions of this Section, and to demand the cutting of such weeds, grass or plants and the abatement of the nuisance within five (5) days. If the person served does not cut the weeds, grass or plants and abate the nuisance within five (5) days after such notice is served, the City may proceed to abate the nuisance by providing for the cutting of the weeds, grass or plants, keeping an account of the expenses of such weed, grass or plant cutting, and such expense shall be charged to and paid for by such owner.

Further, whenever the owner of any premises that has weeds, grass or plants in violation of the provisions of this Section cannot be readily found or the subject property is vacant, the City may proceed to abate the nuisance without notice keeping an account of the expenses of such weed, grass or plant cutting and such expense shall be charged to and paid for by such owner.

ARTICLE 8. - GARBAGE, REFUSE AND ASHES

7.8.01. - Definitions.

1. *Garbage* includes, but is not limited to food waste, animal, fruit, vegetable, fish or fowl matter; food containers of any nature and other material of any nature which is subject to rapid decay, putrefaction and generation of noxious gases or odors and which serve as breeding or feeding materials for insects, rodents or other animals. Garbage is distinguished from refuse in that garbage must, at all times, be deposited and maintained within an approved garbage container while refuse (hereinafter defined) must only be securely wrapped, bagged, tied or bundled.
2. *Refuse* shall mean combustible trash, including, but not limited to paper, cartons, boxes, barrels, wood excelsior, tree branches, yard trimmings, furniture, bedding, appliances, furnishings, fixtures; non-combustible trash, including, but not limited to metals, tin cans, dirt small quantities of rock, and pieces of concrete, glass crockery, other mineral waste which is not subject to rapid decay or decomposition and which does not serve as breeding or feeding material for insects, rodents or other animals. Refuse shall not include earth and wastes from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber, scraps and shavings.
3. *Ashes* shall mean residue from fires used for cooking and for heating buildings.
4. *Construction debris*. Any waste or refuse collected at premises on which the construction, reconstruction, alteration or remodeling of a building(s) and/or structure(s) is in process and which waste and refuse originates and is derived from such construction processes and operations including paper, cartons, boxes, barrels, wood, excelsior, concrete, brick, lumber, metal and scraps and shavings and similar materials.
5. *Recyclable material*. Newsprint, glass bottles and other glass products, cans and plastic milk jugs which are free of garbage or refuse and which are suitably stored in a sanitary and healthful manner for the purpose of delivering to an authorized recyclable accumulation area or for pick-up by any licensed scavenger for delivery to such an area.
6. *Garbage containers*. A metal or synthetic material container which has a maximum storage capacity of thirty (30) gallons and is constructed of suitable gauge and capable of securely enduring garbage, easy handling and cleaning; or, a plastic gab constructed of not less than one (1) mill material which is capable of being tightly closed by rolling or tying the top thereof and which will securely contain all garbage and/or refuse placed therein. An exception to this requirement shall be containers for the storage and collection of recyclable or compostable materials. All recyclable or compostable materials will be stored in containers, provided by the scavenger for a fee or purchased by the customer according to the specifications and requirements provided by the scavenger, in such a manner as to prevent scattering of refuse by animals, wind, or other cause.
7. *Bulk storage container*. Any metal container for garbage and/or refuse which has storage capacity in excess of thirty (30) gallons. Each such container must have a self-closing lid(s) and comply with all other applicable provisions of the Municipal Code.
8. *Premises*. Each separate residence, flat, apartment unit, industrial or commercial establishment, motel, hotel, school, church, hospital, club building or meeting hall and every structure or building within the City which is occupied for any purpose.
9. *Collection point*. Shall mean the location where garbage, refuse or ash containers are deposited for collection. For residential units this shall be at the curb in front of each residence. For commercial or industrial areas, this shall be at points approved for such collection upon application to the City Council of Country Club Hills.

10. *Scavenger*. Any person, firm or corporation licensed by the city to provide residential and/or commercial garbage and refuse removal services within the city limits.
11. *Customer*. Any person, firm or corporation which owns or occupies any premises within the city which obtains garbage and/or refuse removal service by a scavenger.

7.8.02. - Uncovered Garbage.

It shall be unlawful to place or permit to remain anywhere in the City, any garbage, or other materials subject to decay, other than leaves, grass or properly stored recyclable materials for collection, except in a tightly covered container of metal or plastic material. Recycled for a fee or purchased by the customer according to the specifications and requirements provided by the scavenger.

Furniture, furnishings, fixtures and appliance refuse which is/are too large to be placed in containers shall be placed next to garbage containers in an orderly fashion.

7.8.03. - Wind-Blown Refuse.

It shall be unlawful to cause or permit to accumulate any dust, ashes, or trash of such a material that it can be blown away by the wind anywhere in the City.

7.8.04. - Deposits on Streets.

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes on any public street or alley in the City; provided, that this section shall not be construed to prohibit placing garbage refuse or ashes in a container complying with the provisions of the Chapter preparatory to having such material collected and disposed of in the manner provided herein.

7.8.05. - Consent of Owner.

It shall be unlawful to dump or place any garbage, refuse or ashes on any premises in the City or within 1½ miles contiguous to the City with or without the consent of the owner or such premises.

7.8.06. - Disposal.

It shall be unlawful to dispose of any garbage, refuse or ashes anywhere in the city excepting in an incinerator, or disposal device, properly constructed and operated in a lawfully established garbage or refuse dump. Such material not so properly disposed of shall be placed in containers for collection as hereinafter prescribed.

7.8.07. - Refuse Removal.

It shall be the duty of the occupant of every building, structure or premises used or maintained in the City, to cause to be removed at his own cost and expense at least once each week all refuse produced therein. Every person owning or controlling any hotel, restaurant, cafe, retail food establishment or other business or occupation where more than thirty-two (32) gallons of refuse is normally produced weekly shall cause all substances deposited in such containers to be removed as often as shall be necessary, including daily removal from his premises to insure the healthful environment surround such establishment. Such removal shall be at his own expense.

7.8.08. - Refuse Containers.

The standard refuse container required by this Code shall be a covered container or enclosed bag of impervious material and sturdy construction. The occupant of every building, structure or premises used or maintained in the city, shall provide and maintain, in good condition, a sufficient number of refuse containers for the temporary storage of all accumulated refuse. Refuse containers, whether metal, synthetic material or plastic bags, must be stored behind the front of the principle building, not including a garage which may project forward of the principle building of the residence, apartment unit, industrial or commercial establishment, motel, hotel, school, church, hospital, club building or meeting hall shall and every structure or building within the City which is occupied for any purpose. In cases of residences, wherein portions of the living quarters project forward of the principle building, garbage may not be stored in any location that would be considered part of the front of the residence, including the front porch.

Scavengers of every residential building, structure or premises used or maintained in the City, shall make available to their customers, for a fee, at least one (1) container for the temporary storage and collection of recyclable products and sufficient number of containers for the storage and collection of yard waste, as requested by the customer. However, containers are in accordance with the specifications and requirements provided by the scavenger.

7.8.09. - Separation.

In accordance with Illinois State Law, as of July 1, 1990, no homeowner shall be allowed to co-mingle yard waste with any other type of refuse. All yard waste must be separated, prior to collection, from all other types of refuse. Yard waste may be collected and stored in containers provided by scavengers to be collected at regular collection intervals, or may be composted, in the homeowner's property, by the homeowner. Any composting area used by a homeowner must be properly maintained in such a manner as to prevent scattering of the compost materials by animals, wind or other cause and prevent the attraction of nuisances such as insects and rodents, further, recyclable materials, including glass, metals, plastics and newspapers may be separated and placed in containers provided by scavengers to be collected at regular collection intervals.

7.8.10. - Placement of Containers.

No refuse and/or garbage containers may be placed at collection point before 12.00 p.m. (noon) on the evening prior to the collection day. No refuse and/or garbage container may be left at the collection point after the day of collection.

7.8.11. - Disposal by Licensed Scavenger, Limitation on the Number of Committed Waste Scavenger Licenses.

All garbage and refuse shall be removed from all premises within the City by a scavenger licensed by the City or by a scavenger which has entered into a contract with the City. No customer, occupant or owner shall use the disposal services of any scavenger that has not either been licensed by the City or entered into a contract with the City for the purpose of removal of garbage or refuse. There shall be no more than two (2) scavengers licensed by the City.

For so long as the Waste Disposal Agreement by and between Robbins Resource Recovery partners, L.P. and the City of Country Club Hills is in effect, (A) all contracts between the City and one or more persons (each a "Contract Scavenger") for the collection of garbage and refuse from single-family dwellings and multi-family dwellings composed of four (4) dwelling units or less provide that (i) the Contract Scavenger may deliver Committed Waste to the Robbins Resource Recovery Facility (the "Facility") for disposal at no charge to the Contract Scavenger as such

charges are to be paid directly by the City to the Company from the general fund or other moneys available to the City and (ii) the Contract Scavenger shall deliver all Committed Waste collected pursuant to such contract to the Facility for disposal and (B) all licenses issued by the City to scavengers for the collection for disposal of Committed Waste to the Facility for disposal at no charge to the Licensee as such charges are to be paid directly by the City to the company from the general fund or other moneys available to the City. There shall no more than two scavengers licensed by the City to collect and dispose of Committed Waste.

7.8.12. - Dumping Refuse from Refuse Vehicles.

1. No person owning or controlling any vehicle used for the carrying or transporting of any garbage, ashes, refuse, trash, rubbish, miscellaneous waste, or manure, shall dump, deposit or cause to be dumped, any garbage, ashes, refuse, trash, rubbish, miscellaneous waste, and manure on the public way.
2. No person owning or controlling any refuse vehicle shall cause or permit any such vehicle to be so loaded, to be in such defective condition, so out of repair, of such faulty construction, or so improperly driven or managed that any garbage, ashes, miscellaneous waste, or manure with which such vehicle is loaded, shall drop or fall on any public way or other place, Such vehicle and any box, can, or oilier receptacle carried thereon or therein, and in which any of the substances described in this section shall be carried, shall be so constructed as to be strong and practically air and water tight, so as to prevent the same from emitting any odor and so as to prevent any part of the contents or load thereof from falling, leaking, or spilling therefrom. It shall be the duty of every person in possession or control of any such vehicle to replace at once on such vehicle any part of the contents thereof which shall or may have fallen, dropped, or spilled from such vehicle, or from any box or receptacle conveyed thereon, upon any public way or other place.
3. Any person who violates this section shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense. In addition to this penalty or any other penalties provided in Chapter 7 of the City Code, any person who violates this section shall be liable to the City for the total amount of all costs and expenses incurred by the City in abating this nuisance.

7.8.13. - Unauthorized Dumping on Real Estate.

1. No person shall dump or deposit or cause to be deposited on any lot or parcel of improved or unimproved real estate within the City any garbage, Ashes, refuse, trash, construction or demolition debris, unrimmed tires, abandoned vehicles, litter, miscellaneous waste, manure, or other substances that may contain disease and germs or may be scattered by the wind, or may decompose, or become filthy, noxious or unhealthful, except when a license or permit is properly issued pursuant to the provisions of the City Code. Such dumping without a license or permit is hereby declared to be a nuisance. Any person violating this provision of this chapter will be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) for each violation, In addition to any other penalties imposed under this chapter, any person who violates this section shall be liable to the City for the total amount of all costs and expenses incurred by the City in abating the nuisance. In addition to any other penalty imposed under this chapter, if any person or business performing work tinder any contract with the City is found guilty of violating this section, the City may terminate the contract by giving written notice of the termination to the person or business. The contract shall be null and void upon the delivery of such notice, Any business license or permit issued by the City to any person who violates this section two (2) or more times within any five (5) year period shall be subject to revocation if the violation occurred in the course of the business for which the license or permit was issued.
2. (a) A motor vehicle that is used in the violation of this section shall be subject to seizure and impoundment under

this subsection. The owner of record of such vehicle shall be liable to the City for an administrative penalty of two hundred fifty dollars (\$250.00) in addition to fees for the towing and storage of the vehicle and in addition to any other penalties imposed under this section; provided that the penalty shall be one thousand dollars (\$1,000.00) for any second or subsequent violation of this subsection 2. within any five (5) year period.

- (b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 6.2.03 of the City Code.
 - (c) The provisions of Section 6.2.03 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.
3. (a) The Mayor or Mayor designee shall establish a telephone number for receiving citizen reports of illegal dumping. A caller's anonymity will be preserved, either by assigning the caller an identification number or by some other method acceptable to the Mayor or his/her designee. If a caller to the telephone number furnishes information that leads to a finding of violation for illegal dumping, the Mayor or his/her designee shall provide for the caller to receive a reward of up to one hundred dollars (\$100.00) for each such finding of violation. No city employee shall be eligible for any reward authorized by this subsection.
- (b) For purposes of this subsection, "illegal dumping" shall refer to the disposal of garbage, ashes, refuse, trash, construction or demolition debris, unrimmed tires, abandoned vehicles, litter, miscellaneous waste, manure, or other substances that may contain disease and germs from one or more sources at a disposal site, lot or parcel of improved or unimproved real estate that is not permitted to receive such waste.
 - (c) For purposes of this subsection, "finding of violation" shall refer to a conviction, determination of guilt, fine, permit or license revocation, or any other form of penalty, punishment or sanction for illegal dumping,

ARTICLE 9. - DISPLAYING MATERIAL HARMFUL TO MINORS

7.9.01. - Definitions.

A reasonable bona fide attempt means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

Harmful to minors means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when the material or performance, taken as a whole has the following characteristics:

- A. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and
- B. The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sado-masochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
- C. The material or performance lacks serious literary, scientific, educational, artistic, or political value for minors.

Knowingly means having general knowledge of, or reason to know, or a belief which warrants further inspection or inquiry of both:

- A. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and
- B. The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

Material means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, or recording tape, video tape.

Minor means any unmarried person under the age of eighteen (18) years.

Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible turgid state.

Performance means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

Person means any individual, partnership, association, corporation, or other legal entity of any kind.

Sado-masochistic abuse means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

Sexual conduct means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breasts.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

7.9.02. - Offenses.

No person having custody, control or supervision of any commercial establishment shall knowingly:

- A. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material provided; however, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower two-thirds of the material is not exposed to view.
- B. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or
- C. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

7.9.03. - Defenses.

It shall be an affirmative defense to any prosecution under this ordinance that the material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, quasi-governmental agency or persons acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose.

7.9.04. - Penalties.

Any person or corporation who violates, disobeys, commits, neglects, refuses to comply with or rejects enforcement of the provisions of this ordinance shall be guilty of a class "B" offense and shall be subject to the penalties set forth in Chapter 10 of the City Code. Each day a violation is permitted to exist or continues, shall constitute a separate offense.

ARTICLE 10. - PENALTIES

7.10.01. - Penalties.

Any person, firm or corporation who violates, disobeys, commits, neglects, refuses to comply with, or rejects enforcement of the provisions of this Chapter shall be subject to the penalties prescribed in Chapter 10 of the Code as follows:

CLASS "A" OFFENSES	Article 1.01
	Article 1.02
	Article 1.03
	Article 2.04
	Article 2.07
	Article 2.12
	Article 2.13
CLASS "B" OFFENSES	Article 1.04
	Article 1.05
	Article 2.01
	Article 2.02

	Article 2.03
	Article 2.05
	Article 2.06
	Article 2.08
	Article 2.09
	Article 2.10
	Article 2.11
	Article 2.14
	Article 2.15
	Article 3
	Article 4
	Article 5
	Article 6
	Article 7
	Article 8
	Article 9