

THE BANNOCKBURN MORALS AND CONDUCT CODE

(As approved by ORDINANCE NO. 2004-16;
Amended by ORDINANCE 2007-6 and ORDINANCE 2009-24)

BANNOCKBURN MORALS AND CONDUCT CODE

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ARTICLE I – OFFENSES AGAINST PUBLIC PEACE, SAFETY, AND ORDER

Section 1-101. Loitering; police order to disperse.

A. No person shall loiter, loaf, wander, stand, or remain idle either alone or in consort with others in a public place in any manner so as to:

1. Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.
2. Commit in or upon any public street, public highway, public sidewalk, or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon the facing or fronting on any public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

B. When any person causes or commits any of the conditions enumerated in Subsection 1-101(A), a police officer or any law enforcement officer shall order that person to stop causing or committing those conditions and to move on or disperse. Any person who fails or refuses to obey those orders shall be guilty of a violation of this Section.

Section 1-102. Disorderly conduct.

A person commits disorderly conduct when the person knowingly does any of the following acts in an unreasonable manner as to provoke, make, or aid in making a breach of the peace:

- A. Any person who shall act in a violent or tumultuous manner toward another so that any person is placed in fear of safety of his or her life, limb, or health;
- B. Any person who shall cause, provoke, or engage in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another;
- C. Any person who by acts of violence interferes with another's pursuit of a lawful occupation;
- D. Any person who damages, befouls, or disturbs public property or property of another so as to create a hazardous, unhealthy, or physically offensive condition;
- E. Any person who fails to obey a lawful order of dispersal by a person known by the person to be a peace officer under circumstances where persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm;
- F. Any person who commits any act in an unreasonable manner as to alarm or disturb another person and provoke a breach of the peace;
- G. Any person who, with intent to annoy, abuse, torment, harass, or embarrass another person, makes a telephone call, whether or not a conversation ensues;

- H. Any person who transmits, in any manner, to a fire department serving the Village or fire protection district, a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that a fire exists;
- I. Any person who transmits, in any manner, to any peace officer, public officer, or public employee, a report to the effect that an offense has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that an offense had been committed;
- J. Any person who enters upon the property of another person and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

Section 1-103. Reckless conduct prohibited.

A person who causes bodily harm to, or endangers the bodily safety of, an individual by any means commits reckless conduct if that person performs recklessly the acts which cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

Section 1-104. Intoxication.

No person in an intoxicated condition shall be on or in any street, alley, or other place open to the public.

Section 1-105. Prohibited language.

No person shall, in the presence or hearing of another person, curse or abuse that person or use obscene or indecent language to that person concerning himself or herself under circumstance reasonably calculated to provoke a breach of the peace in any street, alley, or in any other place open to the public in the Village.

Section 1-106. Assault, battery, and fighting prohibited.

A. No person shall attempt or commit assault on or in any street, alley, or other place open to the public in the Village. A person commits an assault when, without lawful authority, he or she engages in conduct which places another in reasonable apprehension of receiving a battery.

B. No person shall attempt or commit battery on or in any street, alley, or other place open to the public in the Village. A person commits a battery if he or she intentionally or knowingly, without legal justification and by any means, causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.

C. No person shall engage in fighting on or in any street, alley, or other place open to the public in the Village.

Section 1-107. Cheating.

No person shall obtain possession of any goods, property, or thing of value by any false proceedings or by cheating or by fraud of any kind.

Section 1-108. Riotous or noisy assemblages.

A. No person shall cause or participate in a riotous, turbulent, disorderly, or noisy assemblage of persons in the streets or other public places within the Village.

B. It shall be unlawful for the owner of any real property within the Village knowingly to authorize, permit, or enable such property to be used for a gathering of two or more persons where any one or more of the persons is a minor and any of the following factors apply:

1. The owner of the real property knows that any such minor is in possession of or is consuming any alcoholic beverage; and
2. The consumption or possession of the alcohol by the minor is not otherwise permitted under Illinois law.

C. It shall be unlawful for the owner of any real property within the Village to knowingly cause, permit, host, authorize, enable, suffer, or condone any assemblage of minors or other persons at such property which endangers the peace and safety of residents of the Village or violates Subsection B of this section.

1. Acts which are hereby declared to endanger the peace and safety of the residents of the Village shall include, but are not limited to, the following:
 - a. Possession and consumption of alcoholic beverages by minors, intoxicated persons, and others prohibited by Village ordinance and/or Illinois Statute from possession or consumption of alcoholic beverages.
 - b. Use or clear evidence of use of cannabis or other controlled substances prohibited by federal, state, or local law.
 - c. Illegal use of fireworks as provided under Illinois law, including without limitation 425 ILCS 35/1.
 - d. Noise in violation of Section 1-118, including, but not limited to, music, loud raucous yelling, shouting, and obscene or abusive language.
 - e. Fighting, battery, assaults, or threats or the throwing of objects capable of causing physical injury or property damage.
 - f. Depositing of trash, garbage, or hazardous material upon public or private property, excepting trash or garbage other than household hazardous waste that is deposited in a proper receptacle approved for the disposal of trash.
 - g. Trespass of person or parked vehicles by minors or other persons attending an assemblage upon private property.
 - h. Any circumstances and conditions which, taken as a whole, constitute a condition of encouraging and contributing to the delinquency of minors as defined in Section 7-705 of this Code.

2. The owner of real property on which any of the aforementioned activities take place shall be presumed, in the absence of evidence to the contrary, to have violated this Section 1-108(C) by failing to exercise proper responsibility for those committing any of those acts set forth in Paragraph 1-108(C)(1) and the minors or other persons shall be deemed to have committed the acts with the knowledge and permission of the owner, in violation of this Section.
3. Upon being given notice by any member of the Police Department of the existence of any of the activities set forth in Section 1-108, an owner shall immediately act to terminate the assemblage. Failure to do so shall constitute a further violation of this Section.
4. As used in this Section, unless the context otherwise requires, the terms specified below shall have the meanings ascribed to them.
 - a. "Owner" means a person either holding title to, leasing, residing in or in any way having a possessory interest in real property within the Village.
 - b. "Minor" means a person who is above the age of 11 years, but not yet 21 years of age.

(Amended by Ord. No. 2007-6.)

Section 1-109. Hunting prohibited.

No person shall hunt or engage in killing any animal other than as prescribed by law or ordinance in the Village.

Section 1-110. Combustible refuse.

No person shall store or permit to be stored any combustible refuse in any way that creates a fire hazard, or store or throw any refuse of any kind on any street, alley, or other public place.

Section 1-111. Open burning restrictions.

A. Permit required for open burning on public property. Any governmental body, or any individual on behalf of a governmental body, seeking to perform open burning activities on public property shall obtain an open burning permit in accordance with the provisions of the National Fire Prevention Code, as adopted by the Village pursuant to Ordinance No. 99-18, as amended from time-to-time. In addition, any permit for open burning on public property shall be conditioned upon compliance with regulations contained in the National Fire Prevention Code and subject to any terms and conditions imposed by the Village.

B. Notification required for open burning on private property. Unless otherwise excepted under Subsection 1-111(C), written notice shall be required for all open burning on private property. The written notice must be filed at the Village Hall during regular business hours prior to any open burning on private property. The written notice shall include, at a minimum, the name, address, and telephone number for the owner of the property at which the open burning is to take place and the date that the open burning is to take place. In addition, all open burning on private property shall be subject to the following restrictions:

1. All open burning shall be located at least 25 feet from all adjoining property lines;
2. A competent person age 21 years or older shall be present at all times during the burning of the fire; and
3. All open burning shall be commenced after dawn and extinguished by dusk on any day.

C. **Exceptions.** Notwithstanding the permit requirement contained in Subsection 1-111(A), open burning shall be allowed without a permit in the following circumstances:

1. A fire maintained in an indoor fireplace.
2. A fire maintained outdoors in a fully or partially enclosed device designed and intended for conducting and controlling fires, such as a barbecue unit, fireplace, or hearth; provided that (a) a competent person 21 years or older is present at all times during the burning of the fire; (b) the fire is located at least 25 feet from all adjoining property lines; and (c) the fire is commenced after dawn and extinguished by dusk on any day.
3. A recreational fire; provided that (a) a competent person 21 years or older is present at all times during the burning of the fire; (b) the fire is located at least 25 feet from all adjoining property lines; and (c) the fire is commenced after dawn and extinguished by 11:59 p.m. on any day. For the purposes of this Section, a "recreational fire" shall be defined as an outdoor fire no greater than three feet in diameter and utilized to cook food for human consumption.

D. **Prohibited open burning.** The following open burning shall be prohibited on any property within the Village:

1. The open burning of leaves or grass clippings; and
2. Any smoldering fire or any open fire that emits dense or excessive smoke.

Section 1-112. Disturbing assemblages prohibited.

No person shall disrupt or disturb any lawful assemblage or gathering in the Village by conduct, actions, or behavior that is either riotous, turbulent, disorderly, noise, rude, or indecent.

Section 1-113. Scaffolds, tools and articles; regulations.

A. Any scaffolds or ladders placed in a position that they overhang or can fall onto any public street, alley, or other public place or way in the Village shall be firmly and properly constructed and safeguarded.

B. No person shall place or leave any tools or articles on any place in a manner that the tools or articles can fall onto any street, sidewalk, or other public way from a height greater than four feet.

Section 1-114. Climbing utility and sign poles prohibited; exception.

No person shall climb upon any telegraph pole, telephone pole, electric light pole, or sign pole (unless in the performance of his or her duties).

Section 1-115. Articles on windows.

No person shall place any movable article on any window ledge or other place abutting on a public street, alley, or other public place at a height above four feet from the ground, in a manner that the article can be or is in danger of falling onto the street, sidewalk, or other public place.

Section 1-116. 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 a manner as to interfere with the free use of that stairway, aisle, corridor, or exit.

Section 1-117. Abandonment of refrigerators or iceboxes in places accessible to children.

No person shall abandon or discard in any place accessible to children any refrigerator, icebox, or ice chest of a capacity of one and one-half cubic feet or more that has an attached lid or door which may be opened or fastened shut by means of an attached latch, nor shall any person, being the owner, lessee or manager of the place, knowingly permit an abandoned or discarded refrigerator, icebox, or ice chest to remain there in that condition.

Section 1-118. Noise.

A. No person shall make, continue, or cause to be made or continued any loud, raucous, or jarring noise that either annoys, disturbs, injures, or endangers the comfort, repose, convenience, health, peace, or safety of persons within the area of audibility.

B. The following acts, among others, are hereby declared to be loud, raucous, or jarring noises and a nuisance in violation of this Section:

1. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any signaling device of any unreasonably loud and raucous sound; the sounding of any device for an unnecessary and unreasonable period of time; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any signaling device where traffic is for any reason held up.
2. Radios, phonographs, etc. The playing, using, operating, or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, television receiving set, or other machine or device for the producing or reproducing of sound in a manner that disturbs the peace, quiet, and comfort of the neighboring inhabitants, or with louder volume than is necessary for the convenient hearing of the person or persons who are in the room, chamber, vehicle, or outdoor area, within the Village limits, in which or where the machine or device is played, used, or operated and who are voluntary listeners thereto. The operation of any set, instrument, phonograph, machine, or device between the hours of 11

p.m. and 7 a.m. in a manner as to be plainly audible at a distance of 50 feet from the location of the set, instrument, or device shall be prima facie evidence of a violation of this Section.

3. Loud speakers, amplifiers for advertising, etc. The playing, using, operating, or permitting to be played, used, or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets of the Village for the purpose of commercial advertising or of attracting the attention of the public to any building or structure, except when a permit has been first issued by the Village Manager.
4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets of the Village, particularly between the hours of 11 p.m. and 7 a.m. or at any time or place so as to annoy or disturb the peace, quiet, comfort, or repose of persons in any office, or in any dwelling, hotel, or other type of residence, or of persons in the vicinity, within the limits of the Village.
5. Animals, birds, etc. The keeping of any animal or bird shut up or tied up in any yard, enclosure, stable, house, or other place within the Village which, by barking, howling, crying, singing, or causing frequent or long continued loud and raucous noise, disturbs the comfort or repose of persons in the vicinity.
6. Steam whistles. The blowing within the limits of the Village of any steam whistle attached to any stationary boiler, except to give notice during weekdays of the time to begin or stop work; as a warning of fire, danger, or other emergency, or upon request of proper Village authorities.
7. Engine exhausts. The discharge into the open air within the Village of exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device that effectively prevents loud, raucous, or explosive noises.
8. Defect in vehicle or load. The use within the Village of any wagon, cart, automobile, truck, motorcycle, or other vehicle so out of repair or loaded in a manner or with material of a nature as to create loud and raucous grating, grinding, rattling, or other noises.
9. Loading, unloading, opening boxes, etc. The creation within the Village of loud and raucous noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or similar items, without exercising reasonable care to limit and confine the noise.
10. Construction, repairing, etc., of buildings and streets.
 - a. Any activity in the construction of any building or structure (including excavating, demolition, alteration, or repair), or the laying of pavement,

including but not limited to the making of an excavation, clearing of surface land, and loading or unloading of material, equipment, or supplies, anywhere in the Village except between the hours of 7:30 a.m. and 5:30 p.m. on Mondays through Fridays; provided that this Section shall not be construed to apply to any person doing work on premises owned by that person and not for compensation.

- b. No person shall engage in any such work or activity on a Saturday or Sunday unless a permit for the work has first been issued. Application for permits shall be made in writing to the Village Manager, and shall state the name and business address of the applicant, the location of the proposed work, and the reason for seeking a permit to do work on a Saturday or Sunday, as well as the estimated time of the proposed operations. No special permit shall be issued except where the public welfare will be enhanced by its issuance, or will be harmed by failure to perform the work at the times indicated.
- c. Nothing in this Section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

- 11. Schools, courts, churches, and hospitals. The creation within the Village of any loud and raucous noise in the vicinity of any school, institution of learning, church, court, or hospital, while that institution is in use, that unreasonably interferes with the workings of that institution, or that disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in the vicinity of any institution indicating that it is a school, hospital, court, or church.
- 12. Hawkers, Peddlers, Vendors, etc. The shouting and crying within the Village of peddlers, hawkers, and vendors that disturbs the peace and quiet of the neighborhood.
- 13. Drums, etc. The use within the Village of any drum or other instrument or device for the purpose of attracting attention by the creation of noise to any place of business or entertainment or place of public assembly.
- 14. Factories, machinery, etc. The operation within the Village of any factory within 200 feet of any residence that uses machinery or other apparatus that causes loud and raucous noises without exercising reasonable care to limit and confine the noise.
- 15. Pile drivers, hammers, etc. The operation within the Village between the hours of 5:30 p.m. and 7:30 a.m. on weekdays or on any Saturday, Sunday, or holiday of any pile driver, steam shovel, pneumatic hammer, derrick, steam, or electric hoist, or other appliance, the use of which is attended by loud and raucous noises.
- 16. Blowers, etc. The operation within the Village of any noise-creating blower or power fan or any internal combustion engine, that causes loud and raucous noises due to the explosion of operating gases or fluids,

unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device to deaden the noise.

17. Refrigerated vehicles, etc. The operation within the Village of any refrigerated vehicle for the purpose of commercial storage is prohibited.
18. Miscellaneous. The operation of any machinery, apparatus, or equipment, other than for recreational, household, lawn, or garden use, between the hours of 7:00 p.m. and 7:30 a.m. on weekdays or on any Saturday, Sunday, or holiday in, or within 200 feet of, any residential district of the Village, wherein such operation can be heard beyond the boundaries of the property on which the machinery, apparatus, or equipment is being used.

Section 1-119. Interference with police officers.

No person shall:

- A. Resist any officer of the Police Department in the discharge of the officer's duties;
- B. In any way obstruct, interfere with, hinder, or prevent an officer of the Police Department from discharging the officer's duties, or offer or endeavor to do so;
- C. In any manner assist any person in the custody of any member of the Police Department to escape or attempt to escape from custody, or attempt to rescue any person in custody.

Section 1-120. Illegal use of badges, uniforms and police signals.

No person, other than a member of the Police Department or one authorized by the Chief of Police, shall use those badges and uniforms prescribed for the use of the Police Department, or make use of the whistles, calls, or other modes of signaling that are used by the Police Department.

Section 1-121. Exterior lighting.

Any building, structure, or property that is illuminated in contravention of the exterior lighting restrictions contained in Paragraph 9-101(D)(10) of the Bannockburn Zoning Code is hereby declared a public nuisance.

Section 1-122. Tennis court use; illumination.

- A. Tennis courts located in, or within 150 feet of, a residential district and not fully enclosed in a building shall not be used between the hours of 9:30 p.m. and 7:30 a.m. The use of these tennis courts other than between the hours of 7:30 a.m. and 9:30 p.m. is hereby declared a nuisance.
- B. No tennis court not illuminated as of July 11, 1988, shall thereafter be illuminated, and no tennis court illuminated as of that date shall thereafter be illuminated to any greater extent than the illumination in place as of that date. No tennis court may be illuminated between the hours of 9:30 p.m. and 7:30 a.m., and illumination of any tennis court between the hours of 9:30 p.m. and 7:30 a.m. is hereby declared a nuisance.

C. No tennis court allowed to be illuminated pursuant to Subsection 1-122(B) shall be illuminated to a level exceeding 25 foot candles within the area bounded by the base and side lines of the court. The level of illumination of these tennis courts upon neighboring properties, at the lot line, shall not exceed one foot candle. The illumination of a tennis court at a level greater than described herein is hereby declared a nuisance.

ARTICLE II – OFFENSES AGAINST PUBLIC MORALS

Section 2-201. Gambling prohibited.

A. No person shall gamble or commit any act constituting gambling as defined by state statutes.

B. No person shall possess any gambling device or paraphernalia with the intent to use the device or paraphernalia for an unlawful purpose; and any gambling device or paraphernalia kept with that intent may be confiscated by any member of the Police Department.

C. No person shall maintain or patronize any establishment maintained for a gambling house or resort.

D. No person shall advertise any gambling house or gambling resort in any street, alley, or other public place within the Village.

Section 2-202. Coin-operated amusement devices prohibited.

A. No person shall maintain for the use of the public or patrons, or permit the use in or on any premises where the sale of alcoholic liquor at retail is permitted or in any store, restaurant, shopping place, theater, parking lot, or any other public place in the Village:

1. Any mechanical pin ball amusement device which is constructed so that the result of its operation depends upon chance, or upon the skill of the operator, or upon both; or
2. Any mechanical device that, in its operation, shoots or propels an electric light, ray, or impulse to a target; or
3. Any table bowling shuffleboard or other mechanical table game or amusement device involving the propulsion of spheres or other projectiles, mechanically or by hand; or
4. Any coin-operated or coin-in-the-slot amusement device.

B. This Section shall not apply to bona fide clubs licensed to sell alcoholic liquor to only members and their guests as provided by law.

Section 2-203. Indecent conduct or exposure.

No person shall, in any manner, expose the male or female genitals, pubic area, or buttocks in any public place within the Village.

Section 2-204. Bathing in nude condition prohibited.

No person shall bathe in any public place or in any place open to the public view in a nude condition.

Section 2-205. Possession or consumption of liquor by minor prohibited.

A. It shall be unlawful for anyone under the age of 21 years to purchase , obtain, receive, accept, have in his or her possession or control, sell, give, deliver, mix, dispense, serve, furnish, or consume alcoholic liquor.

B. Except as otherwise provided in Subsection 10-1014.H.2 of this Code, no person to whom the sale of alcoholic liquor is prohibited because of his or her age shall consume or be found to have consumed alcoholic liquor.

C. It shall be unlawful for anyone under the age of 21 years to be under the influence of alcoholic liquor, cannabis (as defined in Section 2-206), any controlled substance listed in the Illinois Controlled Substances Act, or any intoxicating compound listed under the Intoxicating Compound Act. A person under the age of 21 years within the Village shall be considered under the influence of alcoholic liquor if the alcohol concentration in the person's blood or breath is more than 0.00% as defined under Illinois law, and particularly 625 ILCS 5/11-501.2.

D. Any legal guardian (as defined in Section 7-704.A.1 of this Code) who knowingly authorizes an unemancipated minor to use a vehicle while such minor is in violation of this Section shall be in violation of this Section. Such knowledge shall be presumed unless the contrary is established by a preponderance of the evidence.

(Amended by Ord. No. 2007-6.)

Section 2-206. Possession of cannabis; violation; penalty.

A. Definition. For purposes of this Code, "cannabis" shall include marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa, whether growing or not; the seeds of that plant; the resin extracted from any part of that plant; and any compound, manufacture, salt, derivative, mixture, or preparation of that 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 that plant, fiber produced from those stalks, oil, or cake made from the seeds of that plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted therefrom), fiber, oil cake, or the sterilized seed of the plant which is incapable of germination.

B. Violation. It shall be a violation of this Section for any person knowingly to possess any quantity of any substance containing cannabis, except that the effect of this Section shall be limited to persons knowingly possessing less than 30 grams of any substance containing cannabis.

Section 2-207. Sales of tobacco or smokeless tobacco to minors prohibited.

No person under 18 years of age shall buy any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms, unless upon the written order of the minor's parent or guardian. No person shall sell, buy for, distribute samples of, or furnish any cigar, cigarette, smokeless tobacco or

tobacco in any of its forms, to any minor under 18 years of age, unless upon the written order of the minor's parent or guardian or unless sold in the presence of the parent or guardian. For the purpose of this Section, "smokeless tobacco" means any tobacco product that is suitable for dipping or chewing.

Section 2-208. Possession of tobacco or smokeless tobacco by minors prohibited.

No person under 18 years of age, to whom the sale of tobacco or smokeless tobacco, as defined in Section 2-207, is prohibited because of his or her age, shall knowingly possess any tobacco or smokeless tobacco.

Section 2-209. Obscene material or performance prohibited.

A. No person shall show, exhibit, sell, offer for sale, distribute, circulate, give away, or cause the same to be done to any person any obscene material or performance as described, defined, and set forth in this Section.

B. Any material or performance is "obscene" if, when considered as a whole and judged with reference to average or ordinary persons (includes average or ordinary minors under the age of 18 years or average or ordinary adults), includes any of the following:

1. Its dominant appeal is to prurient interest in sex or obscenity.
2. Its dominant tendency is to arouse lust by patent offensive displaying or depicting nudity, sexual excitement, or sexual conduct in a way which tends to represent human beings as mere objects of sexual appetite.
3. Its dominant tendency is to arouse lust by patent offensive displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality.
4. It contains a series of patent offensive displays or descriptions of nudity, sexual excitement, sexual conduct, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient interest in sex or obscenity, when the appeal to this interest is primarily for its own sake or for commercial exploitation, rather than for a serious literary, artistic, political, or scientific value.
5. "Nudity" means the patent offensive showing, representation, depiction, or lewd exhibition of human male or female genitals, pubic area, or buttocks.
6. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
7. "Sexual conduct" means the patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated and of masturbation, excretory functions, and lewd exhibition of the genitals.
8. "Material" means any book, magazine, newspaper, or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any

recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines, or materials.

9. "Performance" means any motion picture, preview, play, show, skit, dance, or other exhibition performed before an audience in any indoor or outdoor theater, building, or any public place.

C. For the purpose of this Section all three of the following conditions are required to prove obscenity affecting the average or ordinary minor under the age of 18 years or affecting the average or ordinary adult:

1. The material or performance taken as a whole predominantly appeals to a prurient interest in obscenity or sex;
2. The material or performance is patently offensive because it affronts the prevailing contemporary community standards as a whole relating to the description or representation of obscene or sexual matters; and
3. The material or performance as a whole lacks serious literary, artistic, political, or scientific value.

D. The provisions of this Section shall be subject to the affirmative defenses as specifically set forth in state statutes.

Section 2-210. Drug Paraphernalia.

A. Definitions. As used in this Section, unless the context otherwise requires:

1. The term "cannabis" shall have the meaning ascribed to it in Section 3 of the "Cannabis Control Act," 720 ILCS 550, as if that definition were incorporated herein.
2. The term "controlled substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act," 720 ILCS 570, as if that definition were incorporated herein.
3. "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
4. "Drug paraphernalia" means all equipment, products and materials of any kind which are intended to be used unlawfully 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 cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act". It includes, but is not limited to:
 - (a) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;

(b) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;

(c) testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;

(d) diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;

(e) objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:

(1) water pipes;

(2) carburetion tubes and devices;

(3) smoking and carburetion masks;

(4) miniature cocaine spoons and cocaine vials;

(5) carburetor pipes;

(6) electric pipes;

(7) air-driven pipes;

(8) chillums;

(9) bonges;

(10) ice pipes or chillers;

(f) any item whose purpose, as announced or described by the seller, is for use in violation of this Section.

B. Unlawful sales and deliveries. The following persons shall be in violation of this Subsection:

1. Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia;
2. Any person 18 years of age or older who sells or delivers for any commercial consideration any item of drug paraphernalia to a person under 18 years of age;
3. Any person who sells or delivers for a commercial consideration any item of drug paraphernalia to a woman he knows to be pregnant.

C. Public Nuisance. Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial

consideration is declared to be a public nuisance. The village may commence an action in the circuit court to abate the public nuisance in the manner described in 720 ILCS 600/3.

D. Possession of drug paraphernalia.

1. A person who knowingly possesses 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, violates this Section. This subsection D.1 does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
2. In determining intent under subsection D.1, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

E. Exemptions. This Section shall not apply to:

1. Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
2. Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.
3. Items listed in Subsection A.4 of this Section which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Section.
4. A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following: (i) the general, usual, customary, and historical use to which the item involved has been put; (ii) expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning; (iii) any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put; (iv) any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery; (v) any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs; (vi) the manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made; (vii) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products; (viii) the existence and scope of legitimate uses for the object in the community.

F. Forfeiture. All drug paraphernalia is subject to forfeiture. Property subject to forfeiture under this Section may be seized by any peace officer upon process issued by any court having jurisdiction over the property in a manner consistent with 720 ILCS 600/5.

G. Intent. This Section is intended to be used solely for the suppression of the commercial traffic in and possession of items that, within the context of the sale or offering for sale, or possession, are clearly and beyond a reasonable doubt intended for the illegal and unlawful use of cannabis or controlled substances. To this end all reasonable and common-sense inferences shall be drawn in favor of the legitimacy of any transaction or item.

ARTICLE III -- OFFENSES AGAINST PROPERTY

Section 3-301. Defacing legal advertisement or notice prohibited.

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

Section 3-302. Posting bill or advertisement.

No person shall post any bill or advertisement on any property without the written consent of the owner of that property.

Section 3-303. Trespasses prohibited.

A. Whoever enters upon the land or any part thereof of another, after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, commits a violation of the Bannockburn Morals and Conduct Code.

B. A person has received notice from the owner or occupant within the meaning of Subsection 3-303(A) if the person has been notified personally, either orally or in writing or if a printed or written notice forbidding entry has been conspicuously posted or exhibited at the main entrance to the property or the forbidden part thereof.

C. Whoever knowingly and without authority enters any part of or operates any vehicle or watercraft of another commits a violation of the Bannockburn Morals and Conduct Code.

Section 3-304. Specific trespasses; suppression.

A. Without constituting any limitation upon the provisions of Section 3-303, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of Section 3-303, and appropriate action may be taken at any time, or from time to time, to prevent or suppress any violation of the provisions of this Article, the aforesaid enumerated acts so included, being as follows:

1. An 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 the premises or at any point of approach or entry to in violation of any notice, warning, or protest given orally or in writing, by any owner or occupant of the premises, or

2. 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 the 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 the premises; or
3. 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; or
4. An entry into or upon any vehicle, aircraft, or watercraft without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any vehicle, aircraft, or watercraft after being requested to leave by the person having the right.

Section 3-305. Damaging or removing Village property; additional penalty.

No person shall damage, destroy, deface, remove, and/or carry away any property belonging to the Village. In addition to the penalty provided for in Article XII, the violator shall be liable to the Village for the replacement or repair of the property affected.

Section 3-306. Injuring or destroying property.

No person shall willfully, maliciously, or negligently break, deface, injure, or destroy any property within the Village, whether the property is owned by the State, County, Village, or any other governmental body, or owned by any private person.

Section 3-307. Theft.

A. Definitions. As used in this Section, the following terms shall have the following meanings:

1. "Property" means anything of value. Property includes real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor, or services, or otherwise of value to the owner; things growing on, affixed to, or found on land, or part of or affixed to any building; electricity, gas and water; birds, animals, and fish, which ordinarily are kept in a state of confinement; food and drink; samples, cultures, microorganisms, specimens, records, recordings, documents, blueprints, drawings, maps, and whole or partial copies, descriptions, photographs, prototypes or models thereof, or any other articles, materials, devices, substances, and whole or partial copies, descriptions, photographs, prototypes, or models thereof which constitute, represent, evidence, reflect, or record a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention, or improvement.
2. "Owner" means a person, other than the offender, who has possession of or any other interest in the property involved, even though that interest or possession is unlawful, and without whose consent the offender has no authority to exert control over the property.

3. "Permanently deprive" means to:
 - a. Defeat all recovery of the property by the owner; or
 - b. Deprive the owner permanently of the beneficial use of the property; or
 - c. Retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
 - d. Sell, give, pledge, or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.

4. "Deception" means knowingly to:
 - a. Create or confirm another's impression that is false and that the offender does not believe to be true; or
 - b. Fail to correct a false impression that the offender previously has created or confirmed; or
 - c. Prevent another from acquiring information pertinent to the disposition of the property involved; or
 - d. Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether the impediment is or is not valid, or is or is not a matter of official record; or
 - e. Promise performance that the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.

5. "Threat" means a menace, however communicated, to:
 - a. Inflict physical harm on the person threatened or any other person or on property; or
 - b. Subject any person to physical confinement or restraint; or
 - c. Commit any criminal offense; or
 - d. Accuse any person of a criminal offense; or
 - e. Expose any person to hatred, contempt, or ridicule; or
 - f. Harm the credit or business repute of any person; or
 - g. Reveal any information sought to be concealed by the person threatened; or

- h. Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
 - i. Bring about or continue a strike, boycott, or other similar collective action if the property is not demanded or received for the benefit of the group that a person purports to represent; or
 - j. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - k. Inflict any other harm that would not benefit the offender.
6. "Stolen property" means property over which control has been obtained by theft.
7. "Obtain" means:
- a. In relation to property, to bring about a transfer of interest or possession, whether to the offender or to another; and
 - b. In relation to labor or services, to secure the performance thereof.
8. "Obtains or exerts control" over property, includes but is not limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property.
9. "Value" of property consisting of any commercial instrument or any written instrument representing or embodying rights concerning anything of value, labor, or services or otherwise of value to the owner shall be:
- a. The "market value" of the instrument if the instrument is negotiable and has a market value; and
 - b. The "actual value" of the instrument if the instrument is not negotiable or is otherwise without a market value. For the purpose of establishing "actual value," the interest of any owner or owners entitled to part or all of the property represented by the instrument, by reason of the instrument, may be shown, even if another "owner" is named in the complaint.

B. Elements of the offense. A person commits theft when he or she knowingly:

- 1. Obtains or exerts unauthorized control over property of the owner; or
- 2. Obtains by deception control over property of the owner; or
- 3. Obtains by threat control over property of the owner; or
- 4. Obtains control over stolen property knowing the property to have been stolen by another or under circumstances that reasonably induce the person to believe that the property was stolen, and

- a. Intends to deprive the owner permanently of the use or benefit of the property; or
- b. Knowingly uses, conceals, or abandons the property in a manner as to deprive the owner permanently of the use or benefit of the property; or
- c. Uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner permanently of the use or benefit of the property.

C. Prima facie evidence of theft by lessee. It shall be prima facie evidence that a person "knowingly obtains or exerts unauthorized control over property of the owner" when a lessee of the personal property of another fails to return it to the owner within 30 days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed, by registered mail, to the lessee at the address given by the lessee and shown on the leasing agreement shall constitute proper demand.

D. Theft of lost or mislaid property. A person who obtains control over lost or mislaid property commits theft when he:

1. Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner; and
2. Fails to take reasonable measures to restore the property to the owner; and
3. Intends to deprive the owner permanently of the use or benefit of the property.

E. Theft of labor or services or use of property. A person commits theft when he or she obtains the temporary use of property, labor, or services of another that are available only for hire, by means of threat or deception or knowing that the use is without the consent of the person providing the property, labor, or services.

F. Offender's interest in the property. It is no defense to a charge of theft of property that the offender has an interest in the property, when the owner also has an interest to which the offender is not entitled. Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft.

G. Theft from coin-operated machines. A person commits theft from a coin-operated machine when he or she knowingly, without authority, and with intent to commit a theft from the machine, opens, breaks into, tampers with, or damages a coin-operated machine.

As used in this Section, the term "coin-operated machine" shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, or money changer.

H. Coin-operated machines; possession of a key or device. Whoever possesses a key, tool, instrument, explosive, or device or a drawing, print, or mold of a key, tool, instrument,

explosive, or device designated to open, break into, tamper with, or damage a coin-operated machine as defined in Subsection 3-307(G) with intent to commit a theft from the machine, shall be guilty of a violation thereof.

Section 3-308. Retail theft.

A. Definitions. For the purposes of this Section, the following words and phrases shall have the following meanings:

1. To "conceal" merchandise means that, although there may be some notice of its presence, that merchandise is not visible through ordinary observation.
2. "Full retail value" means the merchant's stated or advertised price of the merchandise.
3. "Merchandise" means any item of tangible personal property.
4. "Merchant" means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of the owner or operator.
5. "Minor" means a person who is under 19 years of age, is unemancipated, and resides with his or her parents or legal guardian.
6. "Person" means any natural person or individual.
7. "Peace officer" means a police officer of the Village or of any other governmental unit having legal jurisdiction.
8. "Premises of a Retail Mercantile Establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of the retail mercantile establishment.
9. "Retail Mercantile Establishment" means any place where merchandise is displayed, held, stored, or offered for sale to the public.
10. "Shopping Cart" means those push carts of the type or types which are commonly provided by grocery stores, drugstores, or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.
11. "Under-ring" means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.

B. Offense of retail theft. A person commits the offense of retail theft when he or she knowingly:

1. Takes possession of, carries away, transfers, or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of retaining that merchandise or with the intention of depriving the merchant permanently of the possession, use, or benefit of that merchandise without paying the full retail value of that merchandise; or
2. Alters, transfers, or removes any label, price tag, marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of the merchandise; or
3. Transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of the merchandise; or
4. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
5. Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of the removal with the intention of depriving the merchant permanently of the possession, use, or benefit of the cart.

C. Presumptions. If any person:

1. Conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment; and
2. Removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, the person shall be presumed to have possessed, carried away, or transferred the merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use, or benefit of the merchandise without paying the full retail value of the merchandise.

D. Detention. Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain that person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

1. To request identification;
2. To verify that identification;

3. To make reasonable inquiry as to whether that person has in his or her possession unpurchased merchandise and, to make reasonable investigation of the ownership of the merchandise;
4. To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
5. In the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of that minor to that person.

A merchant may make a detention as permitted under this Section off the premises of a retail mercantile establishment only if that detention is pursuant to an immediate pursuit of that person.

E. Affirmative defense. A detention as permitted in this Section does not constitute an arrest as defined in the Code of Criminal Procedure of 1963, 725 ILCS 5/100-1 *et seq.*, or an unlawful restraint as defined in the Criminal Code of 1961, 720 ILCS 5/1-1 *et seq.*, nor shall it render the merchant liable to the persons so detained.

Section 3-309. Deceptive practices.

It shall be unlawful to commit a deceptive practice. A person commits a deceptive practice when, with intent to defraud:

A. The person causes another, by deception or threat, to execute a document disposing of property or a document by which a pecuniary obligation is incurred; or

B. The person knowingly makes or directs another to make a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services; or

C. With intent to obtain control over property or to pay for property, labor, or services of another, the person issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when a check or other order is presented for payment and dishonored on each of two occasions at least seven days but not more than 45 days apart, is prima facie evidence that the offender knows that it will not be paid by the depository and that the offender has the intent to defraud.

ARTICLE IV – CIVIL EMERGENCY

Section 4-401. Definitions. For the purposes of this Article IV, the following words and phrases shall have the following meanings:

A. "Civil emergency" means:

1. A riot or unlawful assembly characterized by the use of actual force or violence or a threat to use force if accompanied by immediate power to execute by two or more persons acting together without authority of law.

2. Any man-made calamity within the Village resulting in the death or injury of persons or the destruction of property to an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

B. "Curfew" means a prohibition against a person walking, running, standing, or motoring upon an alley, street, highway, public property, or vacant premises within the Village, excepting persons officially designated to duty relating to the Civil Emergency and those persons who are in public places by reason of their employment or a private emergency involving health, safety, or protection of property.

Section 4-402. Proclamation, orders, and regulations.

A. When, in the judgment of the Village President and the Board of Trustees of the Village, a Civil Emergency is deemed to exist, they shall proclaim in writing the existence of a Civil Emergency.

B. After proclamation of a Civil Emergency by the President and the Board, they may order a general curfew applicable to certain geographical areas of the Village or to the Village as a whole, as they deem advisable, and applicable during those hours of the day or night as they deem necessary in the interest of the public safety and welfare.

C. After proclamation of a Civil Emergency, the President and the Board may also, in the interest of public safety and welfare, make any or all of the following orders:

1. Order the closing of all retail liquor stores;
2. Order the closing of all public places where liquor is served;
3. Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor and/or beer is permitted;
4. Order the discontinuance of the sale of beer and/or liquor;
5. Order the discontinuance of selling, distributing, or giving away gasoline or other flammable or combustible liquids or products in any container other than a gasoline tank properly affixed to a motor vehicle;
6. Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution, or dispensing of flammable or combustible liquids or products;
7. Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever;
8. Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition;
9. Order that no person shall carry, possess, or use any club, brick, or gasoline-filled bottle or container with a fuse type wick inserted in the neck, or gasoline or petroleum based fire-bomb or other incendiary missile or

weapon who uses or intends to use the same unlawfully against the persons or property of another;

10. Order if deemed necessary, the closing of any and all business, commercial, and industrial establishments;
11. Call upon regular and auxiliary law enforcement agencies and organizations within or outside the Village to assist in preserving and keeping the peace;
12. Designate any public street, thoroughfare, or vehicle parking areas closed to motor vehicle and pedestrian traffic; and,
13. Issue any other orders that are imminently necessary for the protection of life and property.

Section 4-403. Effective date and termination of proclamation.

Upon filing with the Village Clerk, the proclamation as provided in Section 4-402 shall become effective, having the force of law and it shall remain in full force and effect until it has been terminated by filing a copy of the termination with the Clerk by the President and the Board.

Section 4-404. Emergency Services and Disaster Agency and Plan.

Pursuant to Ordinance No. 2002-06, the Village has established the Emergency Services and Disaster Agency to implement the Village's emergency operations plan. The purpose of the emergency operations plan is to ensure that the Village is prepared to address disasters.

ARTICLE V – LITTERING AND POLLUTION

Section 5-501. Definitions.

For the purposes of this Article V, the following words and phrases shall have the following meanings:

A. "Garbage" means putrescible animal and vegetation waste resulting from the handling, preparation, cooking, and consumption of food.

B. "Litter" means garbage, refuse, and rubbish and all other waste material, that, if thrown or deposited, tends to create a danger to public health, safety, and welfare.

C. "Refuse" means all putrescible and non-putrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, animal feces or excremental matter, abandoned automobiles or any parts thereof, and solid market and industrial wastes.

D. "Rubbish" means non-putrescible solid wastes consisting of both combustible and noncombustible wastes, but not limited to stones, grass, sticks, paper, rags, straw, wood, rocks, dirt, dust, sidewalk sweeping, turf, sand, debris, junk, automobile bodies, framework, chassis, abandoned automobiles, or any combination of the same, ashes, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, bedding, crockery, and similar materials.

Section 5-502. **Litter in public places.**

A. No person shall throw, place, deposit, or cause to be thrown, placed, or deposited, litter or any dangerous or offensive substances in or upon any public place except in a public receptacle or in an authorized private receptacle for private collection.

B. A public recepta

Section 5-503. **Throwing of litter.**

No person shall throw, or cause to be thrown, litter or any dangerous or offensive substance at a car, vehicle, house, building, or fence.

Section 5-504. **Placement of litter in receptacles.**

A person placing litter in public receptacles or in private receptacles shall do so in a manner so as to prevent it from being blown, carried, or deposited by the elements upon public places or private property.

Section 5-505. **Sweeping litter into public places.**

A. No person shall sweep, cast, throw, or deposit or cause to be swept, cast, thrown, or deposited in any public place the accumulation of litter from a building or lot or from a public or private sidewalk or driveway, except as permitted by this Article.

B. All persons owning or occupying property shall keep the sidewalk in front of their premises free from litter.

Section 5-506. **Litter from vehicles.**

A. No person shall throw or deposit litter from a vehicle onto a public or private place.

B. No person shall drive or move a truck or other vehicle unless the vehicle is so constructed, loaded, or covered as to prevent any load or contents of litter from being blown or deposited upon any public or private place.

C. No person shall drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto, or deposit in, any street, alley, or other public or private place mud, dirt, sticky substance, or foreign matter of any kind.

Section 5-507. **Litter on vacant lots.**

No person shall throw, place, deposit or permit to be thrown, placed, or deposited, upon any public or private vacant lot, litter of any description.

Section 5-508. **Throwing or distributing commercial or noncommercial handbills in public places.**

A. No person shall throw or deposit a commercial or noncommercial handbill in or upon a sidewalk, street, or other public place.

B. No person shall hand out or distribute or sell a commercial handbill in a public place.

C. This Section shall not apply to the distribution in any public place, without charge to the receiver thereof, a noncommercial handbill to any person willing to accept it.

Section 5-509. Placing commercial and noncommercial handbills on vehicles.

A. No person shall throw or deposit commercial and noncommercial handbills in or upon a vehicle.

B. This Section shall not apply to the distribution of, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

Section 5-510. Depositing commercial and noncommercial handbills on uninhabited or vacant premises.

A. No person shall throw or deposit a commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant, except by handing or transmitting the handbill directly to the owner, occupant, or other person then present in or upon the private premises.

B. In case of inhabited private premises which are not posted, the distributor, unless requested by anyone upon the premises not to do so, shall have the authority to place or deposit a handbill in or upon the inhabited private premises, if the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifted about the premises or sidewalks, streets, or other public places.

C. Mailboxes may not be used when prohibited by federal postal law or regulations.

Section 5-511. Exemption for mail and newspapers.

The provisions of Section 5-510 shall not apply to the distribution of mail by the United States, nor to newspapers.

Section 5-512. Posting notices.

No person shall post or affix a notice, poster, or other paper or device calculated to attract the attention of the public, to a lamp post, public utility pole, or shade tree or upon any public structure or building, except as may be authorized by the owners thereof or required by law.

Section 5-513. Litter on occupied private property.

A. No person shall throw, deposit, or store litter on any occupied private property, whether owned by that person or not.

B. The owner or person in control of private property may maintain private receptacles for collection and removal of litter provided that those receptacles shall not be unsightly or detrimental to the surrounding neighbors.

Section 5-514. Owner to maintain premises free of litter.

A. The owner or person in control of private property shall maintain the premises free of litter at all times.

B. This Section shall not prohibit the storage of litter in private receptacles for collection.

Section 5-515. Pollution or threatened pollution of Village facilities.

A. In General. It is hereby declared a nuisance for any Owner of property to maintain a Hazardous Condition on his or her property within 100 feet of any Village Facility. In addition, it is hereby declared a nuisance for any person to introduce or to allow the introduction of a Hazardous Substance into any Village Facility. Any person who allows a Hazardous Condition to exist violates this Section and, if the violation is not resolved pursuant to the procedures in this Section, is subject to an enforcement action and fines. Any person who allows a Hazardous Substance to be so introduced into a Village Facility violates this Section and is subject to an enforcement action and fines.

B. Definitions. When used in this Section, the following terms shall have the meanings ascribed to them below:

1. "Commissioner" means the duly acting or appointed Village Water Commissioner or Sewer Commissioner, or the Commissioner's designee. For purposes of administering and enforcing this Section, the Commissioner shall be authorized to seek the services of the Village Engineer and Village Attorney, as well as any other consultants as the Village Board of Trustees may authorize.
2. "Hazardous Condition" means:
 - a. any condition or circumstance on any real property within the Village where a Hazardous Substance exists or is allowed to remain without restraint in a properly authorized container or vessel, or
 - b. any facility that exists in, on, under, or upon property and contains or at one time contained a Hazardous Substance (unless the facility is currently licensed, permitted, or authorized by the State Fire Marshall or the Illinois Environmental Protection Agency, or other agency with jurisdiction therefor),

where the condition or facility emits a noxious odor, is inflammable, or has an observable or detectable adverse impact on persons, wildlife, or vegetation.

3. "Hazardous Substance" means any material in a solid, liquid, or gaseous state that is defined in the Illinois Environmental Protection Act as a "hazardous substance" or "hazardous material"; or any petroleum product, including crude oil, natural gas, natural gas liquids, liquefied natural gas or synthetic gas usable for fuel.

4. "Owner" means the legal or beneficial owner of real property, any person with a possessory interest in real property, or any person occupying or in control of real property.
5. "Village Facility" means any pipe, instrument, main, line, conveyance, or other facility or appurtenance of or relating to the Village's potable water system, sanitary sewer system, or storm water management system.
6. "Violation Notice" means a notice issued by the Commissioner upon the determination that a Hazardous Condition exists within 100 feet of any Village Facility.
7. "Assessment Report" means a report from a licensed civil engineer that assesses a Hazardous Condition.

In addition to the foregoing terms, the terms defined within this Section shall have the meanings therein set forth.

C. Detection and Notice. Whenever the Commissioner determines that there exists a Hazardous Condition within 100 feet of any Village Facility, and that the Hazardous Condition may infiltrate or otherwise enter into a Village Facility, the Village shall deliver a Violation Notice by certified and regular mail to the Owner of the property at the address of the property; the Violation Notice shall be deemed delivered when mailed. If the property is unoccupied, the Violation Notice shall be sent to the address where the last tax bill was sent for the property. The Violation Notice shall state the nature of the Hazardous Condition, shall advise the Owner that compliance with this Section is required, and shall contain a copy of this Section. The Violation Notice may contain any other information that the Commissioner may deem helpful in order to eliminate a Hazardous Condition.

D. Assessment Report. Within 60 days after the delivery of the Violation Notice, an Owner shall deliver to the Commissioner an Assessment Report from a licensed civil engineer that contains a preliminary assessment of the Hazardous Condition on the property. The Assessment Report shall contain recommendations for removal and remediation of the Hazardous Condition on the property. The Commissioner may permit an Owner additional time to submit the Assessment Report, and may allow variances from the requirements of the Assessment Reports, when the Commissioner believes that additional time or a variance will promote the prompt elimination of a Hazardous Condition. An Owner who fails to deliver an Assessment Report as required in this Section shall be subject to an enforcement action and fines.

E. Evaluation and Remediation Order. Upon review of the Assessment Report, the Commissioner shall make a determination as to whether the report contains a sufficient analysis of the Hazardous Condition on the property and an appropriate plan for removal and remediation. If the Commissioner determines that the Assessment Report is insufficient in these respects, the Owner of the property shall have an additional 60 days to supplement the Assessment Report after notice from the Commissioner. Upon receipt of a sufficient Assessment Report, the Commissioner shall issue an Order of Removal and Remediation setting forth the action necessary to remove and remediate the Hazardous Condition on the property. The Order of Removal and Remediation shall include a schedule for compliance with the Order of Removal and Remediation, and it may include a determination that no action is necessary.

F. Remediation Action. The Owner shall promptly undertake the actions set forth in the Order of Removal and Remediation. Upon showing of good cause, the Commissioner may modify the schedule for compliance with the order. The Commissioner shall determine whether the Owner's actions conform to the requirements of the Order of Removal and Remediation. An Owner who fails to comply with the Order of Removal and Remediation in a timely fashion (subject to the procedures for reviewing such order) shall be subject to an enforcement action and fines.

G. Review of Remediation Order.

1. Petition to Commissioner. Any Owner of property that is the subject of an Order of Removal and Remediation may, within 30 days after the issuance of the Order (or longer as the Commissioner may permit), petition the Commissioner to modify the Order of Removal and Remediation. The Commissioner shall promptly review the Petition and issue an appropriate Petition Order. The Petition Order shall be based on the Commissioner's consideration of the costs of the removal or remediation, the risk to Village Facilities and the public health and safety, and any other factors deemed relevant by the Commissioner. The Petition Order shall be delivered to the Owner in the same manner as the Violation Notice, and the Petition Order shall be reviewable only upon appeal to the Board of Trustees.
2. Appeal to Board of Trustees. Within 30 days after the delivery of the Petition Order, any affected Owner may appeal the Petition Order to the Village Board of Trustees. The Village Board shall consider the appeal at a regularly scheduled meeting. The Board may take the appeal under consideration and, thereafter, issue a decision to affirm, overrule, or modify the Petition Order. The decision of the Village Board shall be final. Notwithstanding the foregoing, if new facts are discovered after the decision of the Village Board, an affected Owner may petition the Village Board directly for a reconsideration of its decision.

H. Enforcement. Any Owner of property that is the subject of a Violation Notice and that has not complied with the provisions of this Section shall be subject to an action to abate the nuisance created by the Hazardous Condition, as well as any fines that are prescribed by law for offenses. Each day that a Hazardous Condition remains in violation of this Section shall be deemed a separate offense. Nothing in this Section shall be deemed to limit the Village's right to seek recovery for damages to Village Facilities resulting from a Hazardous Condition or other violation of this Section. In addition, to assist in the detection and correction of violations of this Section, the Commissioner shall have the right to seek administrative warrants for purposes of inspecting any property suspected of having a Hazardous Condition.

ARTICLE VI – WEAPONS AND FIREWORKS

Section 6-601. Weapons, possession, discharge; exceptions; identification card required.

A. No person shall possess, carry, or use, except as provided below, a cannon, gun, pistol, revolver, stun gun, or firearms of any description, a shotgun, or rifle that may be used

for the explosion of bullets and cartridges or any air gun, BB guns, gas operated gun or spring operated gun, or any instrument, toy, or weapon commonly known as a peashooter, slingshot, beany, or throwing star, or any knife except as may be specifically hereinafter provided, whether that instrument is called by any name set forth above or by any other name.

- B. Excepted from the prohibition in Subsection A shall be weapons used:
1. By a law enforcement officer in the necessary performance of his or her duty.
 2. By a member of a recognized military unit, in the necessary performance of his or her duty.
 3. Any toy pistol capable of exploding only paper caps containing 35 grains or less explosive composition, including starter pistols used in sporting or athletic events; and
 4. The discharge of firearms in an indoor shooting range where the walls of the shooting range are adequate to prevent the escape of a bullet or cartridge from the premises.

C. No person may acquire or possess any firearm or any firearm ammunition without having in his or her possession a firearm owner's identification card previously issued in his or her name by the Department of State Police pursuant to the provisions of the Illinois Compiled Statutes.

Section 6-602. Manufacture and sale of handguns.

- A. Definitions. The following words and phrases shall have the following meanings:
1. "Antique handgun" means any handgun which the Department of Law Enforcement of the State finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.
 2. "Business" means a commercial enterprise operating within a nonresidential zoning district.
 3. "Dealer" means any person or firm engaged in the business of sale or exchange of handguns for profit.
 4. "Handgun" means any firearm that is designed or redesigned or made or remade and intended to be fired while held in one hand; or having a barrel under ten inches in length; or a firearm of a size which may be concealed upon the person, excluding:
 - a. Any pneumatic gun, spring gun, or BB gun that expels a single globular projectile not exceeding twenty two hundredths of an inch in diameter.

- b. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.
 - c. Any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition.
 - d. Antique handguns.
- 5. "Manufacturer" means any person engaged in the business of processing, producing, or fabricating material into a handgun.
 - 6. "Sale" means the transfer of possession or ownership of a handgun by a dealer.

B. Manufacturers and dealers prohibited. No business shall engage in the manufacture or sale of handguns in the Village.

C. Construction. Nothing in this Section shall be construed or applied to necessarily require or excuse noncompliance with any provision of the federal or state law. This Section and the penalties prescribed for violation hereof, shall not supersede, but shall supplement all federal and state statutes in which similar conduct may be prohibited or regulated.

Section 6-603. Concealed weapons, bows and arrows, high explosive; exceptions.

A. No person shall carry in any vehicle or concealed on or about his or her person any weapon such as a blackjack, bludgeon, razor, dagger, dirk, switchblade knife, stiletto, brass or metal knuckles, throwing star, billy, slingshot, bomb, or high explosive other than fixed ammunition.

B. This Section shall not apply to law enforcement officers in the performance of their duties or other persons authorized by law to carry those weapons.

C. No person shall shoot with or use out of doors, within the Village limits, a bow and arrow, the bow of which has a "pull" of ten pounds or over.

D. No person shall use, within the Village limits, any arrow with a tip or point of steel or other hard substance.

Section 6-604. Sale of switchblade knives and pocket knives.

A. No person shall sell, offer for sale, or display any knife having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical device on the handle or by other mechanical devices or gravity. These knives are hereby declared to be dangerous or deadly weapons under this Article and shall be subject to forfeiture to the Village as provided herein.

B. This Section shall not include any closed non-mechanical, non-gravity pocket knife of six inches overall length or less, or any knife essential to one's trade.

Section 6-605. Forfeiture and disposition of weapons.

Every person convicted of any violation under this Article shall, in addition to any penalty provided in this Code, forfeit to the Village any weapon, and the Village shall have the discretion of either disposing of the weapon or retaining it for official Police Department use.

Section 6-606. Fireworks prohibited; exceptions.

A. No person shall offer for sale, expose for sale, sell, possess, or use, or explode any blank cartridge, except for use in starter pistols for sporting or athletic events, toy pistol, toy cannon, toy cane or toy gun in which explosives are used; the type of balloon which requires fire underneath to propel the balloon, firecrackers, torpedoes, sky-rockets, roman candles, bombs, sparklers, or other fireworks of similar construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks.

B. The Chief of Police or the Chief's designee may grant permission to discharge fireworks within the Village under and pursuant to the following conditions:

1. That the time and place for the discharge of fire works be approved by the Chiefs of Police and Fire Protection District.
2. That the discharge of the fireworks be handled by an experienced and competent operator approved by the Chiefs of Police and Fire Protection District.
3. That permission shall not be granted by the Village for any person to discharge fireworks of the type commonly known as "bombs" or "torpedoes" or for any fireworks which are designed to detonate and produce noise or concussion, except that these "bombs" or "torpedoes" may be discharged in connection with the celebration on any event either approved or sponsored by the Village.
4. That the operator of the fireworks shall furnish to the Village proper property, liability, and workman's compensation insurance policies in the amounts requested and approved by the Village. Included in those insurance policies shall be appropriate save harmless clause to protect the Village.
5. That all insurance policies shall be approved by the Village Attorney as to form and sufficiency before permission is granted herein.
6. That the operator of the fireworks shall comply with any further conditions as the Village may request.

Section 6-607. Nitroglycerine - T.N.T. prohibited; exceptions.

No person shall keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the Village in any quantities, except for medicinal or laboratory purposes, provided that no more than one-quarter ounce shall be stored in any one building or premises for medicinal or laboratory purposes.

Section 6-608. **Compliance with rules of State Fire Marshal.**

All explosives must be kept or stored in accordance with the rules endorsed by the State Fire Marshal with regard to the explosives, subject to the conditions of this Article.

ARTICLE VII – CURFEW FOR MINORS

Section 7-701. **Definitions.**

A. For the purposes of this Article VII, the following words and phrases shall have the following meanings:

1. “Minor” means any person under the age of 18.
2. “Parent” means the natural or adoptive parent of a minor.
3. “Guardian” means any person other than a parent, who has legal guardianship of a minor.
4. “Custodian” means any person over the age of 21 who is in loco parentis to a minor.
5. “Public place” means any street, alley, highway, sidewalk, park, playground, or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, hamburger stand, pool room, shopping center, and any other place devoted to amusement or entertainment of the general public. It shall also include the front and the immediate area of the above.

Section 7-702. **Regulations.**

A. It is unlawful for a person under 18 years of age to be present at or upon any public assembly, building, place, street, highway or other public place at the following times unless one of the exceptions listed in subsection B applies:

1. Between midnight Friday and 6:00 a.m. Saturday;
2. Between midnight Saturday and 6:00 a.m. Sunday; and
3. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

B. This Section shall not apply to any person less than 18 years of age who is:

1. Accompanied and supervised by (a) a parent, (b) a legal guardian, or (c) other responsible companion at least 21 years of age and approved by a parent or legal guardian;

2. Engaged in or traveling to or from a business or occupation that the laws of Illinois authorize a person less than 18 years of age to perform;
3. Attending or traveling to or from an official school, religious, or civic activity;
4. Attending or traveling to or from any assembly activity for which a permit has been lawfully issued;
5. Involved in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage; or
6. Traveling between states or internationally from a location outside of Illinois to another location outside of Illinois.

C. A police officer shall not take any enforcement action under this Section unless the police officer reasonably believes that a violation of this Section has occurred and that no exception listed in Subsection B is applicable.

D. It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her custody or control to violate this Section.

Section 7-703. Detaining child.

Each member of the Police Department, while on duty, is hereby authorized to detain any person willfully violating the provisions of Section 7-702 until the parent or legal guardian of the child shall take the child into custody; but the officer shall immediately, upon taking custody of the child, communicate with the parent or legal guardian.

Section 7-704. Social Hosting Responsibilities and Requirements.

A. Definitions: Notwithstanding any contrary definition in this Article, the following definitions shall apply to the provisions of this Section 7-704:

Alcohol: Ethyl alcohol, hydrated oxide of ethyl, or spirits of win, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic Beverage: Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Conveyance: Any vehicle, trailer, or watercraft or container operated for the transportation of persons or property.

Gathering: Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

Host: To aid, conduct, allow, entertain, organize, supervise, control, or permit a Gathering.

Illicit Drugs: Any drug, substance, or compound prohibited by law, including drugs prescribed by a physician that are in the possession of or used by someone other than the person to whom the drug was prescribed.

Parent: Any person having legal custody of a juvenile as natural, adoptive, or step-parent, as a legal guardian, as a person to whom legal custody has been given by order of the court, or any other person over 21 years of age who is *in loco parentis* of a minor.

Person: Any individual, firm, association, partnership, corporation, trust or any other legal entity.

Public Place: Any "public place" as defined in Section 7-701.A.5 of this Code, including without limitation streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses, or parking lots.

Reasonable Steps: Controlling access to Alcoholic Beverages at a Gathering, controlling the quantity of Alcoholic Beverages present at the Gathering, verifying the age of Persons attending the Gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume Alcoholic Beverages while at the Gathering, supervising the activities of minors at the Gathering, and calling for police assistance in the event Underage Persons are in possession of Alcohol at the Gathering or advising law enforcement in advance of departing one's Residence that the owner will be away and no Underage Person is authorized to be present and consume Alcohol at the owner's Residence.

Religious Ceremony: The possession, consumption, and dispensation of Alcohol or an Alcoholic Beverage for the purpose of conducting any bona fide rites or religious ceremony.

Residence or Premises: Any home, yard, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Response Costs: The costs associated with responses by law enforcement, fire, and other emergency response providers to a Gathering including, but not limited to, (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to,

remaining at, or otherwise dealing with a Gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured while responding to, remaining at, or leaving the scene of a Gathering; (3) the cost of repairing any Village equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a Gathering.

Underage Person: Any individual less than twenty-one years of age.

B. Prohibited Gatherings:

1. It is unlawful for any Person to host, permit, allow, or fail to take Reasonable Steps to prevent a Gathering at any Residence or Premises, or on any other property whether private or public, or in any Conveyance, over which that Person has control or a reasonable opportunity for control where Illicit Drugs or Alcoholic Beverages are present when that Person knows or reasonably should know that an Underage Person will or does consume or possess any Illicit Drugs or Alcoholic Beverages.
2. It is also unlawful for any Person to fail to take Reasonable Steps to prevent possession or consumption of Illicit Drugs or Alcoholic Beverages by an Underage Person at any such Gathering. A person who hosts a Gathering does not have to be present to be in violation of this Subsection B.

C. Other Responsible Persons:

1. A Person is responsible for violating Subsection B of this Section if that Person intentionally aids, advises, hires, counsels, conspires with, or solicits another Person to commit a violation of Subsection B.
2. A Person is responsible for violating Subsection B of this Section if that Person knows or should have known about the committing of a prohibited act and failed to take Reasonable Steps to prevent the prohibited act.

D. Exceptions:

1. A Person who hosts a Gathering shall not be in violation of this Section if he or she seeks assistance from the police department or other law enforcement agency to remove any Person who refuses to abide by the Host's performance of the duties imposed by this Section or terminates the Gathering because the host has been unable to prevent Underage Persons from consuming Illicit Drugs, Alcohol, or Alcoholic Beverages despite having taken all Reasonable Steps to do so, as long as such a request is made before any other Person makes a complaint about the Gathering.

2. This Section does not apply to conduct involving the use of Alcoholic Beverages that occurs at a Religious Ceremony or that is exclusively between an Underage Person and his or her Parent, as permitted by Illinois State Law.

E. Fines; Penalties:

1. Any Person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offence and shall be fined not more than Seven Hundred Fifty Dollars (\$750.00) for each such violation.
2. Each day on which, or during which, a violation occurs shall constitute a separate offense.

(Amended by Ord. No. 2009-24.)

Section 7-705. Contributing to the delinquency of minors.

A. Definitions. As used in this Section, the following words and phrases shall have the following meanings:

1. "Delinquent child" means any person who, prior to the person's 18th birthday, has violated or attempted to violate, regardless of where the act occurred, any federal, state, or local law, or who has violated any lawful court order entered pursuant to the Juvenile Court Act of 1987, 705 ILCS 405/1-1 *et seq.*, or who has been deemed a "truant" or a "runaway" as defined herein.
2. "Truant" means a person subject to compulsory school attendance and who is absent without valid cause from attendance for a school day or portion thereof. As used herein, a valid cause for absence shall include illness, death in the immediate family, family emergency, and other situations beyond the control of the student as determined by the Board of Education in each school district or other circumstances that cause reasonable concern to the parent or legal guardian for the safety or health of the student.
3. "Runaway" means any person under the age of 18 who has absented himself or herself from the control of his or her parent or legal guardian in violation of the curfew hours established by this Code or who has indicated his or her intention to leave the temporary or permanent control of his or her parent or legal guardian without permission.

B. Offense of contributing to the delinquency of a minor. A person commits the offense of contributing to the delinquency of a minor when he or she knowingly or willfully causes, aids, or encourages any minor to be or become a delinquent minor as defined herein, or who knowingly or willfully does acts which directly tend to render any minor delinquent.

ARTICLE VIII – DOGS

Section 8-801. Definitions.

For the purposes of this Article VIII, the following terms shall have the following meanings:

A. "Keep, harbor, or otherwise maintain" means the act of owning; having in one's care or custody; or knowingly permitting any dog to remain on or about any premises, for a period consisting of more than 50 consecutive days.

B. "License year" means January 1st of each year through December 31st of the same year.

C. "Litter" means any discarded, used, or unconsumed substance, waste, or anything else of an unsightly or unsanitary nature that is caused to be upon or about any public property or any private property without the consent of the owner or occupant.

D. "Owner" means any person having a right of property in any dog; who keeps a dog; who has any dog in his or her care or custody; or who knowingly permits any dog to remain on or about any premises occupied by that person.

E. "Run at Large." Any dog shall be deemed to be running at large when it is off the premises of its Owner, unless the dog is under the control of its Owner's or other person's command and is on a stout leash of not more than six feet in length.

F. "Vicious Dog" means any dog known to have attacked a person or a domestic animal where the person or domestic animal may lawfully be at any time, without provocation, or any dog that bites or otherwise injures a person or domestic animal.

Section 8-802. Licensing regulations.

A. License Requirement. It shall be unlawful for an owner to keep, harbor, or otherwise maintain a dog more than six months old within the Village without having first obtained a license from the Village and paying a fee as required by Subsection 8-802(C). The keeping of any unlicensed dog that is required by this Article to be licensed is hereby declared to be a public nuisance.

B. Application. Written application for a license shall be made annually by the owner at the beginning of each license year. The application shall include evidence that all required permits, licenses, and approvals have been obtained from the Lake County Health Department. In addition, the application for a license under this Section shall contain:

1. The name and address of the owner of the dog to be licensed;
2. The breed, color, gender, age, and name of the dog to be licensed;
3. The date of inoculation against rabies of the dog to be licensed;
4. Payment of the license fee required by Subsection 9-902(C) of this Section;
5. Whether the dog to be licensed is spayed or neutered; and

6. Any other information as may reasonably be requested on the application form to be prepared by the Village Manager.

C. Fee. Each application for a dog license shall include a license fee in the amount of \$10.00 for each dog licensed that is spayed or neutered and \$20.00 for each dog licensed that is not spayed or neutered. The license for any dog shall be effective for one license year.

D. Applicability. Any dog purchased or otherwise acquired after the first day of January in any license year shall be licensed not later than 15 days after its acquisition, and any dog under six months old shall be licensed not later than 15 days after it becomes six months old.

E. Inoculation. Every owner who keeps, harbors, or otherwise maintains a dog more than four months old within the Village shall have the dog inoculated against rabies as required by Illinois law. The Lake County rabies inoculation tag number shall be presented with the application for license as required by Subsection 8-802(B). Any dog not having a current rabies inoculation is hereby declared a public nuisance and may be apprehended and impounded on order of the Chief of Police in accordance with Subsection 8-807(C).

F. Collar and Tag. After presentation of the license application and payment of the required fee, the Village Clerk shall issue a numbered metal license tag for each dog licensed. Every owner shall provide each licensed dog with a sturdy collar to which the Village-issued metal license tag and Lake County rabies inoculation tag shall be securely fastened. The collar and tags shall be worn by the dog at all times.

Section 8-803. Number of dogs.

A. No owner shall be permitted to keep, harbor, or otherwise maintain more than the following number of dogs on a lot in the Village:

1. No more than three dogs on any lot less than 80,000 square feet in area;
2. No more than four dogs on any lot at least 80,000 square feet in area but less than 120,000 square feet in area;
3. No more than five dogs on any lot at least 120,000 square feet in area but less than 160,000 square feet in area;
4. No more than six dogs on any lot at least 160,000 square feet in area.

Except as otherwise provided in this Subsection, the keeping, harboring, or maintaining of dogs on a lot in excess of the number prescribed in this Subsection shall be deemed a public nuisance.

B. Notwithstanding the limitations set forth in Subsection 8-803(A), an owner that keeps, harbors, or otherwise maintains more than the permitted number of dogs as of July 23, 2002, shall be permitted to keep, harbor, or otherwise maintain the excess dogs on the lot; provided, that all dogs kept, harbored, or otherwise maintained on the lot:

1. Were registered with the Lake County Health Department as being kept, harbored, or otherwise maintained on the lot as of April 8, 2002; or

2. Were kept, harbored, or otherwise maintained on the lot on or prior to April 8, 2002 and will be timely registered with the Lake County Health Department within the County's applicable registration period.

However, no owner shall be permitted to replace any of the dogs kept, harbored, or otherwise maintained on the lot or to add any new dogs to be kept, harbored, or maintained on the lot unless the number of dogs kept, harbored, or otherwise maintained on the lot (including any replacement or new dog) conforms with the restrictions contained in Subsection 8-803(A).

Section 8-804. Nuisance activities.

It shall be unlawful for an owner of any dog to:

- A. Permit any dog to run at large in the Village;
- B. Appear on the public ways, within public places, or upon the property of another (absent that person's consent) without some means for the removal of excrement or fail to remove any excrement deposited by that dog on the public or private property;
- C. Permit any dog to damage property other than the owner's;
- D. Permit any dog to molest or disturb refuse other than the owner's so as to create litter; or
- E. Permit any dog to make excessive noise so as to disturb the peace and quiet of the neighborhood.

Section 8-805. Molestation or injury.

A. Prohibited Activity. It shall be unlawful for an owner of any dog to permit that dog to molest or injure, without provocation, any person, domesticated animal, or vehicle in any manner including chasing, attacking, biting, or scratching.

B. Biting Incident; Procedures.

1. All biting incidents involving a person or another animal shall be reported immediately to the Police Department.
2. The police officer shall require the owner of the dog involved in a biting incident to confine the dog under the observation of a licensed veterinarian within 24 hours after the biting incident and pursuant to the following criteria:
 - a. When the owner of the dog cannot provide documented proof from a licensed veterinarian, and to the satisfaction of the police officer, that the dog is currently inoculated with a rabies vaccine, the dog shall be confined for no fewer than ten days following the biting incident in an approved facility and under the observation of a licensed veterinarian.
 - b. When the owner of the dog can provide documented proof from a licensed veterinarian, and to the satisfaction of the police officer,

that the dog is currently inoculated with a rabies vaccine, the dog shall be placed under the observation of a licensed veterinarian.

3. When a dog confined for biting shows signs of rabies, or acts in a manner that would lead a person to believe that the dog may have rabies, the owner or veterinarian who has examined and is observing the dog shall immediately notify the police officer. The police officer shall immediately notify the physician attending the bitten person and the county department of animal control. If the dog is not already in an approved facility, the police officer shall promptly seize the dog and confine it under the custody of a licensed veterinarian in an approved facility for observation, examination, and testing, as necessary, for positive diagnosis of rabies.
 - a. Upon declaration by a licensed veterinarian that a dog is infected with rabies, the police officer shall cause the infected dog to be immediately euthanized in a humane manner. Disposition of the dog's body shall be controlled by the police officer. The dog owner shall pay any fee, charge, or penalty, including any fee for veterinary services attributed to the bite, as well as for the euthanasia and disposition of the dog. Failure to pay any fee, charge, or penalty, including any fee for veterinary services attributed to the bite, as well as for the euthanasia and disposition of the dog shall be a violation of this Article.
 - b. Upon written declaration by a licensed veterinarian that a dog is not infected with rabies, the dog shall be released from the custody of the licensed veterinarian to its owner. The dog's owner shall provide documented proof to the satisfaction of the police officer that the dog is currently inoculated with a rabies vaccine and shall pay any fee, charge, or penalty, including any fee for veterinary services attributed to the bite. Failure to pay any fee, charge, or penalty, including any fee for veterinary services attributed to the bite shall be a violation of this Article. Any dog confined pursuant to Paragraph 8-805(B)(3) that is not redeemed by its owner may be disposed of in accordance with state law.
4. The owner of a dog confined pursuant to this Section 8-805 is hereby prohibited from attempting to euthanize, sell, give away, or in any way dispose of the dog, or have the dog inoculated against rabies, until the dog has been released from confinement by the police officer.
5. It shall be unlawful for the owner of a dog involved in a biting incident to refuse or fail in any manner to fully comply with the provisions of this Section 8-805.

C. Liability of owner of dog attacking or injuring person. If a dog, without provocation, attacks or causes injury to any person or domesticated animal who is peaceably conducting himself or herself in any place where he or she may lawfully be, or if a dog otherwise injures or damages the property of a person other than its owner, the owner of that dog is liable to the person who is injured (or whose domesticated animal or other property is injured or damaged) for the full amount of the injury or damage sustained.

Section 8-806. **Vicious Dog.**

A. It shall be unlawful for an owner to keep, harbor, or otherwise maintain within the Village any dog that is known to be vicious or that has evidenced a disposition to attack human beings or other animals without provocation.

B. Any dog showing tendencies of a Vicious Dog shall be reported immediately to the Police Department. The police officer shall require that the Vicious Dog be muzzled, or restrained in some other manner, and led on a leash under its owner's control at all times that the dog is off its owner's property.

C. Any owner found guilty of keeping, harboring, or otherwise maintaining a Vicious Dog in violation of this Section may be punished as provided in Section 8-807 or ordered to remove the dog from the Village within 24 hours of the order.

Section 8-807. **Penalties; enforcement.**

A. Notwithstanding the general penalty provided in Article XII, the owner of a dog ticketed for violating this Article shall be subject to a fine according to the following schedule:

1. For the first offense, not less than \$50.00 nor more than \$200.00;
2. For the second offense, not less than \$100.00 nor more than \$200.00;
3. For the third offense and each offense thereafter, not less than \$200.00 nor more than \$750.00.

B. In addition to the fines set forth in Subsection 8-807(A), the Village may institute appropriate actions to abate any nuisances resulting from the violation of this Article.

C. The Bannockburn Police Department may, pursuant to the provisions set forth in this Subsection 8-807(C), impound any dog that commits an act that constitutes a violation under this Article.

1. Officers in the Bannockburn Police Department may take up and impound, in any Village pound, or in a place that is designated by the Board of Trustees, and if no place has been so designated, then in a place that the Police Department finds expedient or necessary, any dog in violation of this Article.
2. Whenever any dog is impounded as provided in Paragraph 8-807(C)(1), the Police Department shall immediately make a registry of the impoundment, and enter the breed, color, size, and sex of the dog impounded, and whether the dog is licensed or not, and the name and address of the owner of the dog, if known or on file with the Village Clerk, and shall file the registry in the office of the Village Clerk. The Village Clerk shall then provide notice by mail to the owner of the dog. If the owner's name is unknown and cannot be ascertained, then the Village Clerk shall cause notice to be posted at the Village Hall.
3. Any dog impounded may be redeemed by the owner by the payment to the Village Clerk of a fine in the amount of \$50.00 for the impoundment,

plus the fines due for any violations giving rise to the impoundment, as well as payment of any charges expended by the Village in impounding.

D. The Police Department may order a dog in violation of this Article to be muzzled, or may seek order of the court to have the dog destroyed or kept out of the Village.

E. If any violation shall be of a continuing nature, each day of violation shall be deemed a separate offense subject to the penalties contained in this Section. In addition, if more than one dog of an owner is in violation of this Article, the violations of each dog shall be deemed separate violations.

F. Nothing in this Section shall prohibit any person from seeking relief in the civil courts against the owner of any dog committing a private nuisance or tort.

G. Whenever a dog is impounded or otherwise confined pursuant to this Article, its owner may, in lieu of paying any fines imposed for violations of this Article, secure the release of the dog upon paying all required fees, costs, and expenses arising from the impoundment or confinement and delivering to the Village a good and sufficient bond in the full amount of any fines, plus court costs (which shall be estimated for purposes of such bond as 25% of the total amount of any pending fines plus all such fees, costs, and expenses). In the event a bond is posted, the amount of fines and the disposition of the bond shall be determined by the court having jurisdiction over the matter.

ARTICLE IX – ALARM SYSTEMS

Section 9-901. Purpose.

The purpose of this Article is to provide for the imposition of fees to be charged to that portion of the Village residential and business population that maintains mechanically or electronically activated private alarm systems, and to reduce the number of unnecessary responses by the Police Department to these alarm systems.

The inherent difficulties and malfunctions associated with these mechanically or electronically activated alarm systems result in unnecessary or non-bona fide alarm activation and consequently require unnecessary responses by the Police Department. These unnecessary responses severely impact and endanger the safety and welfare of the residents of the Village. In addition to the significant cost involved in responding to these alarm systems and the concurrent loss of manpower and ineffective utilization of equipment, these alarm systems require emergency responses which may contribute to a high accident rate.

A system of graduated fees for Police Department responses to alarm systems serves the dual purpose of encouraging the cessation of non-bona fide alarms and of charging the cost of the use of these alarm systems to that portion of the population wishing to use them.

Section 9-902. Definitions.

For the purposes of this Article IX, the following words and phrases shall have the following meanings:

A. “Alarm Occurrence” means the activation of an Alarm System for, or as a result of, any reason whatsoever, excluding Trouble Alarms, which notifies the Police Department to respond to the premises at which the Alarm System is maintained.

B. "Alarm System" means any assemblage of mechanical or electrical equipment or devices (or a single device such as a solid state unit which plugs directly into a 110-volt AC line) arranged to signal the presence of an occurrence of an unauthorized intrusion or other activity requiring urgent and immediate attention. "Alarm System" includes, but is not limited to, automatic holdup alarm systems, burglar alarm systems, holdup alarm systems, direct dial systems, on premises alarm systems, and outside ringers. The following alarm systems are specifically excluded from the provisions of this Article: fire alarm systems, medical emergency alarm systems, motor vehicle alarm systems and alarm systems which monitor temperature, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises, an attempted robbery, or burglary at a premises.

C. "Alarm User" means the person, family, household, firm, entity, partnership, association, corporation, company, organization or state, or subdivision thereof, in possession or control of any building, structure, facility, or property in the Village where an Alarm System is currently being maintained or is hereinafter maintained.

D. "Alarm User Permit" means a permit issued by the Village for the privilege and ability to operate an Alarm System within the Village. No person, entity, or Alarm User shall be issued an Alarm User Permit unless:

1. An application therefor is completed and submitted in a form satisfactory to the Chief of Police;
2. The applicable Alarm User Permit fee is paid; and
3. The Alarm System complies with the Alarm System Requirements set forth in Section 9-904.

Alarm User Permits shall be valid for one-year time periods.

E. "Delay Mechanism" means an electrical or mechanical feature of an Alarm System that:

1. Provides a time delay between activation of the Alarm System and the annunciation of an audible alarm or the transmitting of a message or signal to the Police Department; and
2. Allows for deactivation of the Alarm System prior to the annunciation of an audible alarm or the transmitting of a message or signal to the Police Department or to an alarm service or central station alarm.

F. "Direct Dialer" means an Alarm System that utilizes a telephone device or attachment to automatically select a telephone trunk line at the Police Department or at an alarm service or central station alarm and then reproduces a pre-recorded message to report an Alarm Occurrence.

G. "Outside Ringer" means a feature of an Alarm System that, when activated, causes an audible and/or visual device to activate in, on or near the premises within which the Alarm System is maintained.

H. "Service Charge" means the amount of money determined by the Board of Trustees to be reasonable compensation for the services provided by the Village in responding

to Alarm Occurrences.

I. "Trouble Alarm" means the activation of an Alarm System that, when automatically communicated by a Direct Dialer to the Police Department or alarm service or central station alarm, signals by a pre-recorded message or otherwise, that the activation is due to a malfunction of the Alarm System.

Section 9-903. Requirement of a valid Alarm User Permit.

A. No person, entity, or Alarm User shall, at any time after January 1, 1989, maintain, or operate an Alarm System in the Village without a valid and effective Alarm User Permit.

B. The maintenance or operation of an Alarm System without first applying for and securing an Alarm User Permit or after the expiration or revocation of an Alarm User Permit shall constitute an offense punishable as provided below.

C. In addition to any other remedy provided by law, the Chief of Police may, whenever he or she shall have knowledge of any Alarm System not operated or maintained in accordance with the provisions of this Article, take all necessary steps, including an action at law or in equity, to prevent the operation or effect the removal of the Alarm System.

Section 9-904. Alarm System requirements.

A. No Alarm User Permit shall be issued for any Alarm System that:

1. is not equipped with a Delay Mechanism that allows at least a 30 second delay before activation of the alarm with respect to ingress and egress of doorways;
2. consists of, in whole or in part, a Direct Dialer or other device that automatically selects a telephone trunk line at the Police Department;
3. consists of an Outside Ringer unless (i) any audible sound emitting from the Outside Ringer is not similar to emergency vehicles of the Village or any other audible Village alert system; and (ii) is equipped with an automatic cut-off mechanism that permits deactivation within ten minutes of the initial alarm; or
4. is not equipped with a battery pack back-up power supply or other alternative source of back-up power capable of sustaining the operation of the Alarm System for a minimum of six hours.

Section 9-905. Permit fees.

There shall be an initial one-time Alarm User Permit fee of twenty-five dollars (\$25.00) for any Alarm System in operation within the Village. Such fee shall be payable to the Village of Bannockburn with submission of the initial Alarm User Permit Application.

Section 9-906. Service Charges.

A. More than three Alarm Occurrences in a calendar year from any Alarm System for which an Alarm User Permit has been issued shall result in the imposition of service charges as set forth below:

1. Four to six Alarm Occurrences in one calendar year: \$25.00 per Alarm Occurrence.
2. Seven to nine Alarm Occurrences in one calendar year: \$50.00 per Alarm Occurrence.
3. Ten to 12 Alarm Occurrences in one calendar year: \$75.00 per Alarm Occurrence.
4. Thirteen or more Alarm Occurrences in one calendar year: \$100.00 per Alarm Occurrence.

B. A service charge of \$10.00 per Trouble Alarm shall be imposed for each Trouble Alarm over three that occurs in a calendar year for any Alarm System for which an Alarm User Permit has been issued.

C. After the Police Department has recorded three Alarm Occurrences within a calendar year from any Alarm System, it shall notify the Alarm User in writing, by first class mail or by direct police service, of this fact and of the fact that additional Alarm Occurrences will result in the imposition of Service Charges in accordance with this Section. Upon additional Alarm Occurrences, the Police Department shall invoice the Alarm User on a calendar month basis for the Service Charge which has been imposed.

D. All Service Charges must be paid within 30 days of receipt of the invoice tendered pursuant to this Section.

Section 9-907. Waiver of Service Charge; nullification of Alarm Occurrence.

A. A Village Police Officer designated by the Chief of Police shall have the authority, but not the obligation, to waive any Service Charge and/or nullify the existence of any Alarm Occurrence only after finding, based on evidence and testimony presented by the Alarm User, that one or more of the following circumstances exist:

1. Evidence of an actual intrusion, obvious intrusion attempt, fire, or medical emergency;
2. Evidence of power utility outage conditions lasting eight hours or longer and affecting a general neighborhood area;
3. Evidence of a tornado, earthquake, or other violent and extreme conditions of nature or acts of God, excluding thunder, snow, ice, and electrical storms;
4. Alarm Occurrences during the 30 day period following installation of an Alarm System.

B. Requests in writing for a waiver or nullification may be made by any Alarm User to the Police Officer. Within 14 days of receipt of a written request, the Police Officer shall review the Alarm User's request in accordance with this Section and shall issue a decision.

C. Within 14 days of receipt of the decision, the Alarm User may appeal the Police Officer's decision to the Chief of Police, whose determination in accordance with this Section shall be final.

Section 9-908. Revocation of Alarm User Permit.

A. The Chief of Police shall have the authority to revoke an Alarm User Permit for either of the following grounds:

1. Failure to Pay Service Charge. The failure to pay any Service Charge imposed pursuant to and in the manner described in Section 9-906 unless the Service Charge has been waived pursuant to Section 9-907.
2. Multiple Alarm Occurrences. Thirteen or more Alarm Occurrences for one Alarm System in one calendar year (none of which having been nullified pursuant to Section 9-907), regardless of whether the Service Charge for any of the Alarm Occurrences has been paid.

B. Notice and Hearing Prior to Revocation.

1. The Chief of Police shall, at least 15 days prior to the revocation of an Alarm User Permit, notify the Alarm User in writing, by certified mail, return receipt requested, or by direct police service, of the grounds for revocation and of the Village's intent to revoke the Alarm User Permit.
2. Within ten days of receipt of this notice, the Alarm User may submit a written request to the Chief of Police for a hearing before the Chief of Police, setting forth the reasons the Alarm User Permit should not be revoked. The submission of a hearing request shall suspend the revocation of the Alarm User Permit.
3. If the Alarm User fails to so submit a request for hearing within the stated time period, the Chief of Police shall issue a written statement of revocation, which written statement shall include an explanation of the consequences of revocation. The written statement shall be sent to the Alarm User by certified mail, return receipt requested, or by direct police service. Revocation shall be effective immediately upon receipt by the Alarm User of the written statement.
4. If a request for a hearing is submitted within the stated time period, written notice of the time and place of the hearing shall be served on the Alarm User by the Chief of Police by certified mail, return receipt requested, or direct police service, at least ten days prior to the date set for the hearing.
5. At the hearing, the Alarm User, or the Alarm User's authorized representative, shall have the right to confront and examine witnesses and to present evidence on the Alarm User's behalf. After the hearing, the

Chief of Police may either support revocation or cancel the notice of revocation. In the event that the Chief of Police supports revocation, the Chief shall notify the Alarm User, in writing by certified mail, return receipt requested, or by direct police service explaining the consequences of revocation. Revocation shall be effective immediately upon receipt by the Alarm User of the written notice.

ARTICLE X – LIQUOR

Section 10-1001. Short title.

This Article shall be known, cited, and referred to as the Bannockburn Liquor Control Ordinance.

Section 10-1002. Definitions.

For the purposes of this Article X, the following words and phrases shall have the following meanings:

A. “Alcohol” means the product of distillation of any fermented liquid whether rectified or diluted, whatever may be the origin thereof, including synthetic and ethyl alcohol, but not including denatured or wood alcohol.

B. “Alcoholic liquor” means any alcohol, spirits, wine, or beer and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this Article shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress promulgated thereunder, nor to any containing not more than one half of alcohol by volume.

C. “Beer” means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, malt, ale, stout, lager beer, porter, and the like.

D. “Club” means a corporation organized under the laws of the State, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, which shall have been in operation in the Village for one year prior to applying for a liquor license, kept, used, and maintained by its members, through the payment of annual dues, and owning, hiring, or leasing a building or space in a building, of an extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment for cooking, preparing, and serving food and meals for its members and their guests; provided that the club files with the Local Liquor Control Commissioner, at the time of its application for a license under this Article, two copies of a list of names and residences of its members, and similarly files within ten days of the election or acceptance of any additional member the name and address of the additional member; and further provided, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and that no member, or any officer, agent, or employee of the club is paid or directly or indirectly receives, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests, beyond the amount of any salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. The membership of a "private tennis and racquetball" facility may in some cases be, but is not necessarily, a club as defined in this Article.

E. "Original Package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever, used, corked, or capped, sealed, and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

F. "Person" means any individual, firm, club, partnership, corporation, company, association, joint venture, or joint stock company. Whenever used in a clause describing or imposing a fine or term of imprisonment, or both, the term "person" shall mean the partners, members, directors, or officers thereof.

G. "Restaurant" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, at tables, without sleeping accommodations, with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve to its customers or guests, complete meals, including dinner or luncheon menus, at which the service of alcoholic beverages is incidental and complementary to the service of the meals. No lounges, diners, drive-ins, or self service or carry-out establishments are included hereunder.

H. "Restaurant Lounge Area" means a separate area associated, managed and operated in conjunction with a restaurant, as defined above, containing seats numbering not more than 25% of the seating capacity of the associated restaurant, to be used primarily for restaurant patrons waiting to be seated in the associated restaurant, and secondarily for other patrons whether or not incidental and complementary to the service of meals or food, but only to patrons who are seated. No premises containing a bar counter at which patrons may be served is included hereunder, nor are limited service establishments including, but not limited to lounges, luncheonettes, diners, coffee shops, drive-ins, or self-service or carryout establishments. Restaurant Lounge Area under this Article shall include all "Cocktail Lounges" authorized under a special use permit granted pursuant to Paragraph 5-106(A)(3) of the Bannockburn Zoning Code; provided, that an application must be submitted and all other requirements must be met under this Bannockburn Liquor Control Ordinance before liquor may be served on the premises.

I. "Sale" means any transfer, exchange, or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, for a consideration and includes and means all sales made directly or indirectly by any person, including any principal, proprietor, agent, servant, or employee.

J. "Sale at retail, sell at retail, retail sale" means any sales for use or consumption and not for resale in any form.

K. "Sale of package liquor" means the sale of alcoholic liquor in the original package for use or consumption off the premises where sold.

L. "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and these liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

M. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including these beverages when fortified by the addition of alcohol or spirits, as above defined.

N. "Short Order Grill" means a facility established in conjunction with and as an accessory use to a Membership Sports and Recreation Facility pursuant to special use permit under Paragraph 5-106(B)(3) of the Bannockburn Zoning Code.

O. "Non-Restaurant Food Service Facility" means any public place that is not a restaurant as defined herein, where food service is available for consumption on-premises, and where the service of alcoholic beverages is in addition to or incidental and complementary to the food service.

P. "Hotel" means every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where sleeping accommodations are offered to transient travelers and guests and which has been authorized by a special use permit pursuant to the Bannockburn Zoning Code.

Section 10-1003. Local Liquor Control Commissioner.

A. President Designated Local Liquor Control Commissioner. The Village President is hereby designated Local Liquor Control Commissioner in and for the Village of Bannockburn.

B. Duties. The Local Liquor Control Commissioner shall have the following duties:

1. To administer the appropriate provisions of this Article, of ordinances and resolutions relating to alcoholic liquor as may be enacted by the Board of Trustees, and of any other legislation as may become applicable within the Village with respect to the sale of alcoholic liquor.
2. To issue or renew local liquor licenses in accordance with the provisions of this Article.
3. To deny any application for the issuance or renewal of a local license to an applicant that the Commissioner has determined to be ineligible therefor in accordance with the provisions of this Article.
4. To suspend for cause for not more than 30 days, or revoke for cause, any local license in accordance with the provisions of this Article.
5. To receive and act upon complaints from any citizen that any of the provisions of this Article, or any rules or regulations adopted pursuant thereto, or any other applicable rules or regulations have been or are being violated and to act upon these complaints in the manner hereinafter provided.
6. To receive local license fees and forward the same forthwith to the Village Treasurer for proper deposit and accounting in the general fund.
7. To keep or cause to be kept a complete record of all licenses issued under this Article, and to furnish the Village Clerk, Village Treasurer and Chief of Police each with a copy thereof; upon the issuance of any new license, or the revocation or suspension of any old license, the Local Liquor Control Commissioner shall give written notice of the action to each of these officers within 48 hours of the action.

8. To report whenever requested by the Board of Trustees all of the acts taken to enforce this Article and all acts taken in regard to the collection of liquor license fees, including the date collected, and date the fees were turned over to Village Treasurer.

C. Other Powers. The Local Liquor Control Commissioner shall have the following other specific powers:

1. To appoint one or more persons to assist the Local Liquor Control Commissioner in the exercise of the Commissioner's powers and the performance of any duties as the Commissioner may deem necessary.
2. To examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of such applicant or licensee; to hear testimony and take proof of information in the performance of the Commissioner's duties, and for this purpose to issue subpoenas which shall be effective in any part of this state.
3. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder, to determine whether any of the provisions of this Article or any rules or regulations adopted by the Local Liquor Control Commissioner or by any other agency having the authority to do so, have been or are being violated, and at the time of the entry to examine the premises in connection therewith.
4. To extend, by written order, closing hours upon occasion for good cause.
5. To allow, by written order, the serving and sale at retail of alcoholic beverages for consumption on the premises without a license for no more than eight hours on unlicensed premises when the activity is secondary to a major non-partisan, nonpolitical fund-raising event sponsored by a civic, fraternal, educational, or charitable organization, or organization dedicated to the promotion, enhancement, or appreciation of museums, libraries, parks, gardens, or the fine arts, when the organization is organized under the laws of this state not for pecuniary profit. The order shall expressly restrict the sale and consumption of alcoholic liquor to specifically designated premises used in conjunction with the fund-raising event.

D. Liquor Advisory Board – Established. There is hereby established a Liquor Advisory Board which shall consist of the Local Liquor Control Commissioner and the members of the Village Board of Trustees. Three members of the Liquor Advisory Board shall constitute a quorum and the vote of a majority of those members voting shall be necessary to take or authorize action. The Liquor Advisory Board shall have the following duties and functions:

1. To recommend to the Local Liquor Control Commissioner rules, regulations, policies, and criteria not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the Village, and for the licensing and operation of retail liquor establishments.

2. To make any other recommendations to the Local Liquor Control Commissioner pertaining to the regulation and consumption of alcoholic liquor to the end that the health, safety, and welfare of the people of the Village be protected and that reasonable restraint in the consumption of alcoholic liquors be fostered and promoted.
3. To conduct hearings upon applications for, suspensions and revocations of, and complaints pertaining to liquor licenses, whenever referred to it by the Local Liquor Control Commissioner or required by provisions of this Article, and make recommendations thereon to the Local Liquor Control Commissioner.

Section 10-1004. Licenses.

A. Unlicensed Sale Prohibited; Sale in Violation of Restrictions Prohibited; Wine Tasting.

1. It shall be unlawful for any person not having a current, valid license, authorized and issued hereunder, to sell or offer for sale in the Village, any alcoholic liquor.
2. It shall be unlawful for any licensee to sell or offer for sale in the Village, any alcoholic liquor except in the manner authorized by and in compliance with the terms and restrictions of a license issued hereunder.
3. It shall be unlawful for any person to give away or otherwise dispense free of charge, by the drink or in any other manner, within the Village, an alcoholic beverage with the intent of promoting the sale of an alcoholic beverage except that the giving away by Class A-1 and Class A-2 licensees, without charge, of wine in small and limited amounts for tasting purposes only, immediately prior and incidental to, the sale of wine in the original package for consumption off the premises shall not be considered a violation of this Section. Give-aways, however, shall be subject to the following conditions and limitations:
 - a. The tasting shall be attended and supervised by a full-time employee in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner and designated in the license;
 - b. The actual amount of wine tasted may not exceed one ounce; and
 - c. The sample shall be served in a container which shall be disposed of following the sampling.

Furthermore, it is hereby declared unlawful to advertise the availability of a tasting or give-away through any public media or other means of communication other than advertisements on the licensed premises not visible from the exterior thereof.

B. Application for License.

1. Application Generally. Application for a license hereunder shall be made to the Local Liquor Control Commissioner, in writing, signed by the applicant, if an individual, or by one of the partners, if a partnership, or by the duly authorized agent thereof, if a club or corporation, verified by an oath or affidavit.
2. Background Information. Each application shall include the following background information:
 - a. The name, age and address of the applicant; in the case of a partnership, also the persons entitled to share in the profits thereof; in the case of a corporation for profit, or a club, also the officers and directors, and persons controlling in the aggregate more than five percent of the voting shares of stock.
 - b. The applicant's citizenship and place of birth, and if a naturalized citizen, the time and place of the applicant's naturalization; in the case of a corporation or club, the place of incorporation.
 - c. The character of business of the applicant and in the case of a club or corporation, the objects for which it was formed, and the length of time that the applicant has been in the business, or in case of a club or corporation, the date on which its charter was issued.
 - d. The amount of goods, wares, and merchandise on hand at the time application is made.
 - e. The location and description of the premises or place of business which is to be operated under the license.
3. Statements Required. Each application must include the following statements:
 - a. A statement as to whether the applicant has a current license issued by the Illinois Liquor Control Commission.
 - b. A statement as to whether the applicant has ever been convicted of a felony under any federal or state law.
 - c. A statement as to whether the applicant has ever been convicted of a violation of any federal, state, or local law concerning the manufacture, possession, or sale of alcoholic liquor, or has ever forfeited a bond to appear in court to answer charges for any such violation.
 - d. A statement as to whether the applicant has ever been convicted of a gambling offense as proscribed by any federal or state law or regulation.

- e. A statement as to whether the applicant has had a similar license issued under federal or state law or under the ordinances of any municipality revoked within ten years of the date of the present application.
- f. A statement as to whether the applicant has had a similar license issued under federal or state law or under the ordinances of any municipality suspended more than once within one year of the present application.
- g. A statement as to whether the applicant is a Village employee, or law enforcing any government or government agency.
- h. A statement as to whether the applicant has been issued a federal gaming device stamp or a federal wagering stamp by the federal government for the current tax period.
- i. A statement as to whether a federal gaming device stamp has been issued for the current taxable year with respect to the premises for which the license is sought.
- j. A statement as to whether the premises for which a license is sought comprise a store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for these minors.
- k. A statement as to whether the retail sale of alcohol on the premises for which a license is sought will violate any provision of the Bannockburn Zoning Code, and as to whether the premises are within 100 feet of the boundary line of any school, hospital, home for the aged, children, or indigent persons, or any military or naval station, or within 100 feet of the nearest part of any church building used for worship or educational purposes.
- l. A statement as to whether the applicant is a permanent resident of the Village of Bannockburn.
- m. A statement as to whether the applicant beneficially owns the premises for which a license is sought, or has a lease thereon for the full period for which the license is to be issued.
- n. A statement as to whether the applicant is the beneficial owner of the business to be licensed.
- o. A statement as to whether the applicant will be personally, actively involved in the operation of the business to be licensed.
- p. A statement as to whether the business is or will be managed by a manager or agent. All required statements pertaining to an individual licensee must be supplied with respect to any manager or agent.

- q. A statement that the applicant is not disqualified from receiving a license by reason of any matter or item contained in the laws of this State, this Article, or other local ordinances.
- r. A statement that the applicant will not violate any federal or state laws, this Article, or other local ordinances in the conduct of the applicant's business.
- s. If the applicant is a partnership, all required statements above pertaining to an individual licensee must be supplied with respect to each partner; provided however, that the statement concerning active involvement in Paragraph 10-1004(B)(3)(o) is required of only one partner.
- t. If the applicant is a corporation, all required statements above pertaining to an individual licensee must be supplied with respect to each officer, manager, or director thereof, and any stockholder or stockholders controlling in the aggregate more than five percent of the voting stock of the corporation; provided however, that the statement concerning Village residency in Paragraph 10-1004(B)(3)(l) and the statement concerning active involvement in Paragraph 10-1004(B)(3)(o) shall not be required of any officers, managers, directors and five percent aggregate stockholders; provided further, that the statement concerning the issuance of a federal gaming device stamp or a federal wagering stamp for the current taxable year in Paragraph 10-1004(B)(3)(h) shall only be required of a stockholder or stockholders who control in the aggregate more than 20%, rather than five percent, of the voting stock of the corporation.

4. Ineligibility for License. No license of any kind shall be issued or renewed to:

- a. A person who has been convicted of a felony under any federal or state law, if the local Liquor Advisory Board determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.
- b. A person who had been convicted of a violation of any federal, state, or local law concerning the manufacture, possession, or sale of alcoholic liquor or shall have forfeited a bond to appear in court to answer charges for any such violation.
- c. A person who has been convicted of a gambling offense as proscribed by any federal or state law or regulation.
- d. A person whose liquor license issued under state law or any local ordinance has been revoked for cause within ten years of the date of the present application.
- e. A person whose liquor license issued under this Article has been suspended more than once for cause within one year of the

present application if the local Liquor Advisory Board determines that the applicant is no longer worthy of the public trust.

- f. Any Village employee, law enforcing official, the President and any member of the Board of Trustees; provided however, that nothing herein contained shall prohibit the issuance of a license to a bona fide not-for-profit private club or charitable or educational organization, owned and operated by its members, one or more of which members is a Village employee, law enforcing public official, the President, or a member of the Board of Trustees.
- g. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
- h. A person applying for a license with respect to premises for which a federal gaming device stamp has been issued for the current taxable year.
- i. A person applying for a license with respect to any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for these minors.
- j. A person applying for a license with respect to premises upon which the retail sale of alcoholic liquor will violate any provision of the Bannockburn Zoning Code, or which premises are within 100 feet of any church, school, hospital, home for the aged, children, or indigent, persons, or any military or naval station; provided that in measuring the distance from a church, the nearest part of any building for worship or educational purposes shall be used rather than property boundaries; provided further, that no distance shall be required with respect to a State University or other institution of higher learning.
- k. A person who is not a permanent resident of the Village of Bannockburn.
- l. A person who does not beneficially own does not have a lease thereon for the full period for which the license is to be issued.
- m. A person who is not the beneficial owner of the business to be licensed.
- n. A person who will not be personally, actively involved in the operation of the business to be licensed.
- o. A person whose place of business is managed by a manager or agent unless the manager or agent possesses the qualifications required of an individual licensee.

- p. A partnership, unless all members thereof shall be qualified to obtain a license; provided, however, that the requirement of active involvement in Paragraph 10-1004(B)(3)(o) shall apply only to one partner.
 - q. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders controlling in the aggregate more than five percent of the stock of the corporation, would not be eligible, except by reason of the Village residency requirement in Paragraph 10-1004(B)(3)(l) or the requirement of active involvement in Paragraph 10-1004(B)(3)(o), to receive a license hereunder; provided, however, that the ineligibility of a corporate applicant premised on a stockholder or stockholders having received a federal gaming device stamp or a federal wagering stamp for the current taxable year in Paragraph 10-1004(B)(3)(h) shall apply only to the extent that the stockholder or stockholders control in the aggregate more than 20%, rather than five percent, of the stock of the corporation.
5. All licenses issued pursuant to this Article shall be conditioned upon the acquisition by the applicant of a state license issued by the Illinois Liquor Control Commission. Any license so conditionally issued shall not authorize the retail sale of any alcoholic liquor until proof of acquisition of the state license is furnished to the Local Liquor Control Commissioner. In the event that the applicant is refused a state license by the Commission, the license conditionally issued under this Article shall become null and void and the license fee and surety bond required by this Article shall be returned to the applicant.
6. In addition to other grounds specified in this Article, the Local Liquor Control Commissioner, on complaint of the Illinois Department of Revenue may refuse the issuance or renewal of a license, or suspend or revoke the license, for any of the following violations of the Retailers Occupation Tax Act, 35 ILCS 120/1 *et seq.*;
- a. Failure to make a tax return.
 - b. The filing of a fraudulent return.
 - c. Failure to pay all or part of any tax or penalty finally determined to be due.
 - d. Failure to keep books and records.
 - e. Failure to secure and display a certificate or sub-certificate of registration.
 - f. Willful violation of any rule or regulation of the State Department of Revenue relating to the administration and enforcement of tax liability.

Section 10-1005. Classification and schedule of fees.

There shall be the following classes of licenses and respective license fees; provided, however, that no license shall be issued in excess of the number, if any, specified in Section 10-1009 for each class of licenses.

A. Class A-1 Licenses. Class A-1 licenses shall authorize the retail sale of alcoholic liquor, in the original package, only for consumption off the premises where sold, and not for consumption on the premises where sold. Class A-1 licenses may be issued only to an applicant which will use no more than ten percent of its total merchandise display and sale space for the display and sale of beer and spirits, and no more than 40% of its total merchandise display and sale space for the display and sale of wine, and which will display and sell other merchandise from the remainder of such space. The annual fee for Class A-1 licenses shall be \$1,500.00.

B. Class A-2 Licenses. Class A-2 licenses shall authorize the retail sale of only beer or wine, in the original package, only for consumption off the premises where sold, and not for consumption on the premises where sold. Class A-2 licenses shall also authorize the holding of wine tasting sessions for a single admission fee on the licensed premises, provided that the license holder strictly complies with each of the following requirements:

1. No more than 12 sessions shall be held on the licensed premises in any one license year as defined by Section 10-1012.
2. No session shall be of a duration of more than three hours, and sessions shall be held only during the ordinary business hours of the licensed premises. Each session shall be attended and supervised by a full time employee in a designated area on the licensed premises as approved by the Local Liquor Control Commissioner and designated in the license.
3. There shall be no advertising or publication visible or recognizable outside of the licensed premises relating to these sessions, except for the sending of personalized invitations through the mail. The license holder shall notify the Local Liquor Control Commissioner of the time and place of each session, or of any rescheduling of a session, at least 48 hours in advance of any session.
4. No person shall consume more than two ounces of any one type of wine or more than twelve ounces of all types of wine during any session, or on the premises during any one day. Attendance at any session shall not exceed 30 persons, excepting family members and employees of the license holder, and representatives of manufacturers or distributors.
5. Each session shall comply in all other respects with the provisions of the Bannockburn Liquor Control Ordinance where applicable.

The annual fee for Class A-2 licenses license shall be \$750.00.

C. Class B-1 Licenses. Class B-1 licenses shall authorize the retail sale of alcoholic liquors for consumption only on the premises where sold to members or guests of members by

clubs, as defined in this Article, organized under the laws of this state not for pecuniary profit. Class B-1 licenses may only be issued to a club owning, or occupying under a lease having a definite term of more than one year a parcel of real property of no fewer than ten acres, and requiring the payment of annual dues from its members of more than \$240.00. The annual fee for Class B-1 licenses shall be \$1,000.00.

D. Class B-2 Licenses. Class B-2 licenses shall authorize the retail sale of alcoholic liquor for consumption, only on the premises where sold, to members or guests of members by clubs, as defined this Article, organized under the laws of this state not for pecuniary profit and primarily for charitable, educational, or service purposes, or the promotion, enhancement, or appreciation of museums, libraries, parks, gardens, or the fine arts. The annual fee for Class B-2 licenses shall be \$250.00.

E. Class C-1 Licenses. Class C-1 licenses shall authorize the retail sale of alcoholic liquor by restaurants, but only when the sale is incidental and complementary to the sale and service of complete meals and for consumption only on the premises where sold. The annual fee for Class C-1 licenses shall be \$2,000.00.

F. Class C-2 Licenses. Class C-2 licenses shall authorize the retail sale of beer and wine by restaurants, but only when the sale is incidental and complementary to the sale and service of complete meals and for consumption only on the premises where sold. The annual fee for Class C-2 licenses shall be \$1,250.00.

G. Class D Licenses. Class D licenses shall authorize the retail sale of alcoholic liquor in restaurant lounge areas, as defined in this Article, for consumption only on the premises where sold. The annual fee for Class D licenses shall be \$750.00. The holder of a valid Class D License shall be permitted to install in the separate restaurant lounge area a bar not longer than 30 lineal feet providing seats which number not more than seven percent of the seating capacity of the associated restaurant, and shall be permitted to engage in retail sales of alcoholic liquor for consumption at the bar to persons seated thereat. The total number of seats provided in the separate restaurant lounge area, whether at the bar or at tables (other than full-sized tables where complete food service is regularly available), shall not exceed 25% of the seating capacity of the associated restaurant.

H. Special Class E Licenses. Special Class E licenses shall authorize, subject to the following restrictions, the retail sale of alcoholic liquor by civic, fraternal, service, educational, or charitable organizations, and organizations dedicated to the promotion, enhancement, or appreciation of museums, libraries, parks, gardens, or the fine arts, when the organizations are organized under the laws of this state not for pecuniary profit. Special Class E licenses shall be issued to these organizations only for fundraising events, festivals, outings, picnics, and other similar special events, only for consumption on the premises or within the area specifically designated in such license, and shall in no event be valid for longer than 48 hours. The fee for Special Class E licenses shall be \$15.00 per day.

I. Class F Licenses. Class F licenses shall authorize the retail sale of alcoholic liquor for consumption only on the premises where sold, to members or guests of a Private Tennis and Racquetball Facility at a Short Order Grill established therein. The annual fee for Class F licenses shall be \$1,750.00.

J. Class G Licenses. Class G licenses shall authorize the retail sale of alcoholic beverages in a non-restaurant food service facility for consumption only on the premises where sold to customers of the facility, but only when the sale of alcoholic beverages is in addition to or

incidental and complementary to the service of food. The annual fee for Class G licenses shall be \$2,000.00.

K. Class H Licenses. Class H licenses shall authorize the retail sale by Hotels of all alcoholic liquors for consumption on the premises only, subject to the terms, conditions, and restrictions of this and all other pertinent sections of this Article. The privilege granted by Class H licenses shall be to sell alcoholic liquor by the drink or in the original container through room service arrangements or as part of a reception for registered guests of the Hotel only. Alcoholic liquor served pursuant to a Class H license shall be for consumption by registered guests of the Hotel only on the licensed premises. The annual fee for Class H licenses shall be \$2,000.00.

L. Class I Licenses. Class I licenses shall authorize the retail sale of alcoholic liquor as an incidental part of a food service that serves prepared meals for parties, weddings, and special events only. The annual fee for such license shall be \$1,000.00.

Section 10-1006. Proration of fees.

The fee to be paid for licenses issued under the provisions of this Article shall be reduced in proportion to the number of calendar months which have expired in the license year prior to the issuance of the license. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of Section 10-1013. There shall be no refund where a license is suspended, revoked, or involuntarily terminated pursuant to federal or state law, or this Article.

Section 10-1007. Cost Assessment.

The applicant shall be liable for all costs incurred by the Village in processing the application and investigating the statements and information provided therein. There shall be a flat, non-refundable cost assessment of \$250.00 for each application to cover general overhead costs. All direct out-of-pocket costs shall be assessed as incurred. No cost assessment shall be made in connection with applications for a Class E-2 or Class E license.

Section 10-1008. Payment and disposition of fees and costs assessment.

The non-refundable costs assessment of \$250.00 must be submitted with any application for a license pursuant to this Article. Additional costs assessments shall be paid within 14 days of billing. All fees for licenses issued under this Article shall be paid to the Local Liquor Control Commissioner before the day on which the license applied for is to become effective. In the event the license applied for is denied, any fee submitted shall be returned to the applicant after costs incurred by the Village in excess of the \$250.00 non-refundable costs assessment have been deducted. The applicant shall remain liable for any costs in excess of the fee and costs assessment submitted. If the license is granted, then the fee and costs assessment shall be deposited in the general corporate purposes fund or in any other fund as shall have been designated by the President and Board of Trustees by motion, resolution, or ordinance.

Section 10-1009. Number of licenses.

The following shall be the number of licenses to be issued for each class:

| | |
|-----------|---|
| Class A-1 | 2 |
| Class A-2 | 0 |
| Class B-1 | 0 |

| | |
|-----------|---|
| Class B-2 | 0 |
| Class C-1 | 1 |
| Class C-2 | 0 |
| Class D | 1 |
| Class E | 2 |
| Class F | 1 |
| Class G | 1 |
| Class H | 1 |
| Class I | 1 |

Section 10-1010. Bond.

Before any license may be issued, the applicant shall furnish a surety bond in the amount of \$1,000.00 to the Village. The bond shall be forfeited automatically upon revocation of the license for which the bond was furnished if revocation was for cause. This bond shall not be required for Class B-2 and Special Class E Licenses.

Section 10-1011. Restrictions on political contributions.

It shall be unlawful for any licensee, where more than five percent of the licensee's gross income is derived from the sale of alcoholic beverages, or any officer, associate, representative, agent, or employee of the licensee to become liable for, pay, or make any contribution directly or indirectly toward the campaign fund or expenses of any political party, or candidate for public office, or for the nomination of any candidate for any public office. The Liquor Control Commissioner shall revoke the license of any licensee who is convicted of a violation of this Section.

Section 10-1012. License is a personal privilege.

A license issued under this Article shall be purely a personal privilege to expire on the last day of February next following the issuance thereof and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Licenses issued under this Article shall not descend by the laws of testate or intestate devolution but shall, except as provided in Section 10-1013(A), cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of the decedent, or such insolvency or bankruptcy until the expiration of the license but no longer than six months after the death, bankruptcy, or insolvency of the licensee.

Section 10-1013. Changes in personnel.

A. Any changes in a partnership, or in officers, directors, or persons holding directly or beneficially more than five percent of the stock of a corporation or ownership interest, or managers, of establishments licensed under this Article shall be reported in writing to the Local Liquor Control Commissioner within ten days of the change. All new personnel shall meet all the standards of this Article and must otherwise qualify to hold a liquor license. All such changes in personnel shall be subject to review by the Local Liquor Control Commissioner.

B. When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, the license shall terminate.

C. When a license has been issued to a corporation and a change takes place in the manager thereof, and the change results in management by one who is not eligible to hold a liquor license, the license shall terminate.

Section 10-1014. Sales.

A. Sales Restricted to Authorized Premises: Change of Location. A license shall permit the sale of alcoholic liquor only in or from the premises described in the application and license, and only in the manner therein authorized and in compliance with the terms thereof. The location may be changed only upon the issuance of a written permit to make the change, issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State, this Article, and other local ordinances.

B. Displaying License. Every licensee shall cause the licensee's current alcoholic beverage license to be framed and hung in plain view in a conspicuous place on the licensed premises.

C. Hours of Business.

1. Consumption on the Premises. It shall be unlawful to sell or offer for sale at alcoholic liquor for consumption on the premises in the Village between the hours of 1:30 a.m. and 9:30 a.m. on Monday through Saturday, and it shall be unlawful to sell or offer for sale at retail any alcoholic liquor for consumption on the premises in the Village between the hours of 2:30 a.m. and 11:00 a.m. on Sunday.
2. Consumption off the Premises. It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in its original package for consumption off the premises in the Village between the hours of 10:00 p.m. and 7:00 a.m. on the following day.
3. New Years Day. The foregoing provisions shall not prohibit the sale at retail of alcoholic liquor for consumption either on or off the premises in the Village past the normal closing hours of the day before, and until the hour of 5:00 a.m., on New Years Day.
4. Hours for Other Business. Licensed premises may remain open for the sale of food during the hours within which the sale of alcoholic liquor is prohibited, but no alcoholic liquor may be sold to or consumed by the public on the premises during these hours.

D. Sanitary Requirements. All premises used for the retail sale of alcoholic liquor or for the storage of liquor for retail sale shall be kept in a clean and sanitary condition, and kept in compliance with all applicable federal, state, and local laws, ordinances, regulations, rules, and other provisions governing the condition of premises used for the storage or sale of food for human consumption.

E. Health of Employees. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or is a carrier of any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with or is a carrier of any of these diseases, to work in or about any premises used for the retail sale of alcoholic liquor or engage in any way in the handling, preparation, or distribution of alcoholic liquor.

F. Civil Rights in Licensed Premises. No licensee licensed under the provisions of this Article shall deny or permit his or her agents or employees to deny any person the full and equal enjoyment of the accommodation, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold, subject only to the conditions and limitations established by law and applicable alike to all citizens. This provision shall not be construed to prevent a good faith refusal to serve alcoholic liquor to any intoxicated person or to any person who reasonably appears to be intoxicated, mentally deficient, or otherwise mentally impaired.

G. Sales to Intoxicated Persons.

1. No licensee nor any officer, associate, member, representative, agent, or employee of any licensee shall sell, give, dispense, or deliver any alcoholic liquor to any person who is, or who appears to be, intoxicated.
2. It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, dispense, or deliver the alcoholic liquor to an intoxicated or apparently intoxicated person.

H. Sales to Minors.

1. No licensee nor any officer, associate, member, representative, agent, or employee of any licensee shall sell, give, dispense, or deliver any alcoholic liquor to any person under the age of 21 years.
2. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give, dispense, or deliver the alcoholic liquor to any person under the age of 21 years; provided however, that this shall not prohibit the consumption of alcoholic liquor by a minor in the performance of a religious ceremony; provided further, that this shall not prevent the consumption of alcoholic liquor by a minor in the minor's own home pursuant to the condonation and supervision of the minor's parents or legal guardians.
3. It shall be unlawful for any holder of a liquor license, or the agent or employees of any holder of a liquor license, to suffer or permit any person under the age of 21 years to be or remain on the licensed premises, or in any room or compartment adjoining or adjacent to the licensed premises; provided however, that this Paragraph shall not apply to any person under the age of 21 who is accompanied by a parent or guardian, or to any licensed premises in which the principal business involves the sale of services or commodities other than alcoholic liquor.
4. In any place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be

supplied by the Village Clerk and which shall read substantially as follows:

WARNING TO PERSONS UNDER TWENTY-ONE: YOU ARE SUBJECT TO A FINE OF UP TO \$750.00 UNDER AN ORDINANCE OF THE VILLAGE OF BANNOCKBURN IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.

5. If a licensee, or a licensee's agents or employees, believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibited because the prospective recipient may be under 21 years of age, the licensee, agent, or employee shall, before making the sale, dispensing, or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of the public officer's official duties.

I. Sales by Minors. It shall be unlawful for any licensee or person in charge of premises licensed hereunder to permit any person under 21 years of age to sell, serve, draw, pour, mix, or deliver any alcoholic liquor in any licensed retail premises; provided, however, that a person under 21 years of age but at least 19 years of age may do so when in the presence and under the direct supervision and control of an employee 21 years of age or older.

J. Purchases by Minors.

1. No person under the age of 21 years shall purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession, except as provided in Paragraph 10-1014(H)(2) and Section I.
2. It shall be unlawful for any person to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor in any place in the Village where alcoholic liquor is sold.
3. No person shall transfer, alter, or deface an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information, where the card may enable such person to circumvent the provisions of this Article.
4. It shall be unlawful for any parent or guardian intentionally or negligently to permit any child under the age of 21 of which he or she is parent or guardian, to violate any provision of this Article.

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

(Amended by Ord. 2007-6.)

Section 10-1015. Revocation; suspension; complaints.

A. Violation Determined by Commissioner. The Local Liquor Control Commissioner may suspend, for not more than 30 days, or revoke any license issued by the

Commissioner if the Commissioner determines that there has been any violation of any state law pertaining to the sale of alcoholic liquor or any provision of this Article, or any applicable rules or regulations established by the Local Liquor Control Commissioner, or the Illinois Liquor Control Commission, or for the failure to pay any license cost or fee or any tax imposed on alcoholic liquor or the sale thereof. However, except as hereinafter provided, no license shall be revoked or suspended except after a public hearing by the Liquor Advisory Board, to commence not sooner than five days after written notice shall have been transmitted to the licensee at the licensed premises by United States mail, affording the licensee an opportunity to appear and defend. If the Local Liquor Control Commissioner has reason to believe that any continued operation of any particular licensed premises will threaten the welfare of the community, the Commissioner may, upon the issuance of a written order stating the reason for his or her conclusion and without notice or hearing but with the consent of not fewer than two members of the Liquor Advisory Board, order a licensed premises closed for not more than seven days pending a hearing on the suspension or revocation of the license therefor. The order shall contain notice of the date, time and place of the hearing thereon, which hearing shall commence not fewer than five nor more than seven days from the date of service, personally or by certified United States mail, of the notice upon the licensee or the licensee's agent, or any employee thereof in charge of the licensed premises. The Liquor Advisory Board shall hold the hearing at the date, time, and place set forth in the notice, giving the licensee an opportunity to be heard, and shall make its advisory report and recommendation to the Local Liquor Control Commissioner not later than five days from the conclusion of the hearing. If the licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, the initial closing order shall not be applicable to the other business or businesses. Appeals shall be taken to the Illinois Liquor Control Commission and the Illinois Circuit Court in the manner provided by law.

B. Violation Determined by Court.

1. Whenever any licensee shall be convicted in court of any violation of state law pertaining to the sale of alcoholic liquor, or any provision of this Article, or any applicable rules or regulations established by the Local Liquor Control Commissioner or the state Commission, or any law or regulation pertaining to liquor license fees or taxes, the license of the licensee may in the discretion of the Local Liquor Control Commissioner be revoked. The revocation need not be preceded by notice or a hearing for such licensee. However, the licensee shall have a right to a public hearing by the Liquor Advisory Board for the purpose of showing cause for reissuing the revoked license by petitioning for a hearing within 15 days of the revocation of the license. The hearing shall be held within a reasonable time and shall allow the licensee an opportunity to be heard, and the Liquor Advisory Board shall make its advisory report and recommendation to the Local Liquor Control Commissioner not later than five days from the conclusion of the hearing.
2. Whenever an officer, director, manager, or other employee of any licensee under this Article shall be convicted of any violation of any law, ordinance, or provision as provided in Paragraph 10-1015(B)(1), while engaged in the course of his or her employment or while on the premises described in the license, the license may be revoked in the discretion of the Local Liquor Control Commissioner, subject to a subsequent hearing as provided in Paragraph 10-1015(B)(1).

C. Complaints. Any person may file a complaint with the Local Liquor Control Commissioner alleging that any licensee has been or is violating state law pertaining to the sale of alcoholic liquor, or the provisions of this Article or the rules or regulations issued pursuant thereto. Complaints shall be in writing, in the form prescribed by the Local Liquor Control Commissioner, and shall be signed and sworn to by the parties complaining. The complaint shall state the particular law, provisions, rule, or regulation believed to have been violated and the facts in detail upon which the belief is based. If the Local Liquor Control Commissioner is satisfied that the complaint substantially charges a violation and finds probable cause to believe the same, the Commissioner shall set the matter for hearing and shall serve notice upon the licensee of the time and place of the hearing and of the particular charges in the complaint, the hearing to take place not sooner than five days from the date upon which the notice is mailed to the licensee at the address of the licensed premises, by United States mail.

Section 10-1016. Fines for violations.

A. Fines in General. Any person who violates any provision of this Article shall for a first offense be fined not less than \$50.00 nor more than \$750.00, and for a second or subsequent offense shall be fined not less than \$100.00 nor more than \$750.00.

B. Separate Offenses. Each day on or during which any person violates any of the provisions of this Article, and each separate act or transaction in violation of this Article, shall constitute a separate offense.

C. Vicarious Liability. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Article, by any officer, director, manager, or other agent or employee of any licensee shall be deemed and held to be the act of the employer or licensee, and the employer or licensee shall be punishable in the same manner as if the act or omission had been done by the employer or licensee personally.

Section 10-1017. Adoption of State law; severability.

A. All the provisions of the Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, and the rules and regulations issued by the Illinois Liquor Control Commission, as amended, pertaining to local control of alcoholic beverages are hereby incorporated into and declared to be a part of this Article the same as if expressly set forth herein except those provisions which are specifically contrary to or inconsistent with applicable provisions of this Article.

B. The Sections, Subsections, and Paragraphs of this Article shall be deemed to be severable, and the invalidity of any portion of this Article shall not affect the validity of the remainder.

ARTICLE XI – SOLICITORS

Section 11-1101. Definitions.

For the purposes of this Article XI, the following words and phrases shall have the following meanings:

A. “Applicant” means any person that files an application for a solicitation permit as provided for in this Article.

B. "Charitable Purpose" means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose.

C. "Charitable Solicitation" means solicitation engaged in for a charitable purpose.

D. "Chief of Police" means the Bannockburn Chief of Police or the Chief's appointee or designee.

E. "Person" means any individual, organization, group, association, partnership, joint venture, corporation, trust, or any combination of the foregoing.

F. "Premises" means any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, of any type within the Village.

G. "Solicit" or "Soliciting" means the act of engaging in solicitation.

H. "Solicitation" means seeking to sell, offer for sale, sell and deliver, barter, exchange, or obtain a gift, a contribution, a subscription, or any other goods or services, whether for a charitable, political, commercial, or noncommercial organization or purpose, except when the activity is conducted within a building zoned to permit the activity and under the ownership or control of the solicitor.

I. "Solicitor" means a person engaged in solicitation.

J. "Violation Notice" means the written notice of any violation and corresponding fine issued by the Chief of Police for violations of this Article.

Section 11-1102. Permit required.

Except only as provided in Section 11-1103, it shall be unlawful for any person to engage in solicitation in the Village without having first applied for and obtained a valid solicitation permit therefor.

Section 11-1103. Permit exemption for minors.

Individuals under the age of 17 years shall not be required to obtain a solicitation permit to engage in solicitation within the Village, but must comply with all other applicable provisions of this Article.

Section 11-1104. Solicitation Permit.

A. Application Procedure And Contents. Each applicant for a solicitation permit shall file with the Chief of Police a properly completed application therefor on a form provided for this purpose by the Chief of Police. Every application shall be filed at least seven days in advance of the first day for which authorization to solicit is sought. Each applicant shall verify under oath all statements made on or in connection with the application. A new application shall be required to solicit after the expiration of any permit issued hereunder. Each application shall contain, at a minimum, the following information and materials:

1. Two copies of a 2" by 2" photograph showing the full facial features of the applicant. The photograph shall have been taken within 30 days immediately prior to the date of filing of the application.

2. The applicant's name, date of birth, and current residence address, and the length of time the applicant has resided at the address.
3. The applicant's business address, if different than the applicant's residence address.
4. Each of the applicant's residence addresses in the previous three years, if other than the applicant's current residence address.
5. The applicant's social security number and driver's license number, or, if the applicant has neither, then some other official form of identification from which the applicant's identity can be readily established by the Chief of Police.
6. The applicant's marital status and, if married, the name and residence address of the applicant's spouse.
7. The applicant's physical description, including height, weight, hair color, and eye color.
8. The name and address of the applicant's current employer, and the length of the applicant's employment with the employer.
9. The name and address of each of the applicant's employers in the previous three years, if other than the applicant's current employer.
10. The name, address, and telephone number of a principal officer or director of applicant's business or organization who has authority to act on matters related to the application, and the business's or organization's registered agent for service in Illinois, if any.
11. If more than one solicitor shall be soliciting on behalf of a business or organization, then the names(s), address(es), and telephone number(s) of the person(s) who will be in direct charge of the solicitors on behalf of the business or organization.
12. A description of the subject matter and purpose of the applicant's solicitation.
13. The date(s) for which the applicant seeks a solicitation permit.
14. Whether the applicant will receive any monetary compensation or commission from the solicitation and, if so, the form that compensation or commission will take.
15. Information regarding the use or revocation, within the previous five years, of any prior solicitation permit issued by the Village or any other municipality to the applicant or the business or organization the applicant represents.

16. Information regarding the applicant's violation, currently or at any time in the previous five years, of any of the provisions of this Article, or of any local, state, or federal solicitation regulation.
17. Information regarding whether the applicant has ever been convicted of a felony under the laws of the State of Illinois, any other state, or the United States, and the nature of the conviction.
18. If the applicant seeks a permit to conduct charitable solicitation on a public right-of-way within the Village, then a written statement by the Illinois Attorney General, made within six months immediately prior to the date of filing of the application, that the business or organization represented by the applicant is in full compliance with all applicable provisions of the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 *et seq.*

B. Issuance. The Chief of Police shall issue a solicitation permit to an applicant within five days after the Chief of Police receives the application, if but only if the Chief of Police finds and determines all of the following:

1. The applicant has properly provided all information required by this Article or reasonably requested by the Chief of Police and the application and the material statements made in the application are true.
2. The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States within five years immediately prior to the date of filing of the application.
3. The Village has not revoked or suspended the applicant's right to solicit in the Village within five years immediately prior to the date of filing of the application, nor has any other municipality revoked or suspended the applicant's right to solicit within its jurisdiction during the same period.
4. The applicant has not been convicted of violating any provision of this Article, or of any provision of any previous Village solicitation regulation, within five years immediately prior to the date of filing of the application.

C. Denial. If the Chief of Police determines that the applicant has not met one or more of the conditions set forth in Subsection 11-1104(B), then the Chief of Police shall deny issuance of the solicitation permit and shall give the applicant a written notification and explanation of the denial. The Chief of Police's notice of denial shall be delivered in person or by certified mail, return receipt requested, addressed to the applicant's current residence address as set forth in the application. The solicitation permit shall be deemed denied on the day that the notice of denial is delivered or is placed in the U.S. Mail as provided in this Subsection. If the Chief of Police does not issue or deny the solicitation permit within five days after the Chief of Police receives the application, then the permit applied for shall be deemed to have been issued. The applicant may appeal the denial of a solicitation permit pursuant to the provisions of Section 11-1110.

D. Form and Display of Permit. A solicitation permit shall be issued on a form established by the Chief of Police and shall contain the full facial photograph of the solicitor that was submitted with the application. The name of the solicitor and the business or

organization the solicitor represents, if any, the date(s) solicitation shall occur under the permit, and the effective dates of the permit shall be printed on the solicitation permit in easily readable form. Solicitation permits also shall bear the name of the Village, the signature of the Chief of Police or the Chief of Police's duly authorized designee, and the relevant permit application number. Each solicitor shall prominently display the solicitation permit issued to the solicitor pursuant to this Article on the front of the solicitor's person at all times while soliciting within the Village.

Section 11-1105. Regulations applicable to all Solicitation.

All solicitors shall comply with the following regulations:

A. "No Solicitation" Notices. No person shall solicit at or in any premises that has posted on or near its principal entrance a sign bearing the words "No Trespassing," "No Peddlers," "No Solicitors," or any other similar notice indicating in any manner that the occupants of the premises desire not to be solicited or to have their right to privacy disturbed, unless the occupants have specifically requested the solicitation. The Chief of Police or the Chief of Police's duly authorized designee may make available weatherproof cards bearing a notice of the type herein described for posting on or near the principal entrance to any premises.

B. Principal Approach and Entrance Only. Every solicitor shall approach a premises only by using the principal approach route thereto, and every solicitor shall attempt to make contact with the occupants thereof only at the principal entrance to the premises.

C. Discontinuance on Request. No solicitor shall solicit any person or premises at any time after any such person or the occupant of such premises requests that the solicitor leave the premises or otherwise cease soliciting.

D. Hours When Solicitation Prohibited. Except only as provided in Subsection 11-1106(C), no person shall solicit anywhere in the Village at any time between the hours of 9:00 p.m. and 9:00 a.m.

E. Immediate Identification. Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.

F. Prominent Display of Permit. Every solicitor shall prominently display the solicitation permit issued to the solicitor pursuant to this Article on the front of the solicitor's person, and the outside of all clothing, at all times while soliciting within the Village.

G. Impeding Traffic Prohibited. No person shall solicit anywhere in the Village in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person engaged in solicitation shall have the exclusive right to any sidewalk or other public property, way, or place, nor the right to establish a permanent stationary location for solicitation.

H. Soliciting on Public Rights-of-Way. No person shall stand in a public right-of-way within the Village for the purpose of soliciting a ride from the driver of any vehicle, or for the purpose of soliciting employment or business from the occupant of any vehicle, or for any other purpose of soliciting except in compliance with Section 11-1106.

I. Fraud or Misrepresentation. No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation within the Village.

J. Public Health and Safety. No person shall engage in solicitation within the Village in any manner that creates a danger or threat of any kind to the public health, safety, and welfare.

Section 11-1106. Charitable Solicitation on public rights-of-way.

Charitable solicitation on public rights-of-way within the Village shall be allowed only if the charitable solicitation is conducted in strict compliance with Section 11-1006(c) of the Illinois Vehicle Code, 625 ILCS 5/1-100 *et seq.*, all applicable provisions of this Article, including without limitation Section 11-1105, and only if the charitable solicitation also complies with the following regulations:

A. Permit Required. No person shall engage in charitable solicitation on any public right-of-way within the Village without first having applied for and obtained a valid solicitation permit therefor pursuant to this Article.

B. Application for Permit. Solicitation on a public right-of-way does not involve door-to-door activities and contact and thus does not involve the same considerations related to public health, safety, and welfare as are raised by door-to-door solicitation. Accordingly, the application for a permit to solicit on a public right-of-way shall be made only by the charitable organization on behalf of all of the individuals who shall be soliciting. The application shall include the names and addresses of all individuals who shall be soliciting and shall conform to the requirements of Paragraphs 11-1104(A)(2), (3), (10), (11), (12), (13), and (18) of this Article.

C. Hours When Permitted. No person shall engage in charitable solicitation on any public right-of-way within the Village at any time between the hours of 7:30 p.m. and 6:30 a.m.

D. Locations. Charitable solicitation on public rights-of-way within the Village shall be engaged in only at intersections having traffic control devices that periodically require traffic from each direction to come to a full and complete stop. Neither the solicitor nor the business or organization represented by the solicitor shall engage in charitable solicitation at any more than four of these intersections at one time within the Village.

E. Annual and Consecutive Days Limitations. No solicitor, nor the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights-of-way within the Village on more than four days within any one calendar year. Charitable solicitation shall not be conducted on more than two consecutive days and shall not be conducted on more than one such two-day period in any four-month period.

F. Minimum Age. No person younger than 16 years of age shall engage in charitable solicitation on any public right-of-way within the Village.

G. Protective Clothing. Every person engaged in charitable solicitation on any public right-of-way within the Village shall at all times while engaged in solicitation wear a high-visibility vest.

H. State Registration. Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be registered with the Illinois Attorney General as a charitable organization pursuant to the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 *et seq.*

I. Statewide Activity. Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be engaged in statewide fund raising activity.

J. Liability. Every solicitor engaged in charitable solicitation on any public right-of-way within the Village, and the business or organization represented by the solicitor, shall be liable for all injuries to any person or property that occurs during or as a result of the solicitation and that is causally related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

K. Insurance. Before engaging in any charitable solicitation pursuant to this Section, the solicitor shall provide to the Chief of Police a certificate of insurance issued by an insurance company licensed to do business in Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation that is causally related to an act of ordinary negligence of the solicitor or of the business or organization represented by the solicitor. The certificate of insurance shall name the Village as an additional insured, shall state that the insurance policy shall not be amended or cancelled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided:

1. Personal injury coverage of at least \$1,000,000 per occurrence and \$500,000 per person.
2. Property damage coverage of at least \$100,000.

Section 11-1107. Violations declared nuisances.

Every violation of any term, provision, condition, restriction, or duty stated in this Article or in any solicitation permit issued pursuant to this Article is hereby declared to be a public nuisance.

Section 11-1108. Effective period.

Each solicitation permit issued pursuant to this Article shall be valid for a period of time set by the Chief of Police but not to exceed 60 consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

Section 11-1109. Revocation.

The Chief of Police shall immediately revoke any solicitation permit issued pursuant to this Article if the Chief of Police determines that the solicitor is in violation of any of the provisions or requirements of this Article or of the solicitation permit issued pursuant hereto, or if the solicitor made a false material statement in the application or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this Article. Immediately after the revocation, the Chief of Police shall take custody of the solicitation permit. The Chief of Police shall give written notice of the revocation to the solicitor as soon as practicable thereafter, in the form of a citation that states the reason for the permit revocation or any other form approved by the Chief of Police that clearly states the reason for the revocation. The Chief of Police shall serve notice on the solicitor in person or by certified mail, return receipt requested, addressed to the residence address set forth in the solicitor's application. The permit shall become null and void immediately on service of the notice of revocation as provided in this Section.

Section 11-1110. Appeal of denial or revocation.

Any person aggrieved by the Chief of Police's denial or revocation of a solicitation permit shall have a right to appeal the decision to the Village President as provided in this Section. Within ten days after receipt of the Chief of Police's notice of denial or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The Village President or the Village President's designee, after receipt of the written request for a hearing, shall set a time and date certain for the hearing within ten days after such receipt. The Village President shall cause written notice of the hearing to be given to the applicant or permit holder at least five days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the Chief of Police for revoking or denying the permit. Within five days after the close of the hearing, the Village President or the Village President's designee shall render a decision in writing. The Village President may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the Chief of Police's decision. The action taken by the Village President shall be final, unless review is sought pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101 *et seq.*

Section 11-1111. Change in Information.

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the Chief of Police in writing of any change in any material information given by the applicant or permit holder in the application for the permit.

Section 11-1112. Administrative Record.

The Chief of Police shall cause to be kept in the Chief of Police's office an accurate record of every solicitation permit application received and acted on, together with all relevant information and material pertaining thereto. Permit applications shall be numbered as determined by the Chief of Police, and every permit issued pursuant to this Article and any renewal thereof shall be identified with the number of the application on which it was issued.

Section 11-1113. Violations.

A. Violation Notice. Any person who violates, neglects, or refuses to comply with, or assists in the violation of any of the provisions of this Article, or of any order, solicitation permit, or notice issued pursuant hereto, shall be issued a Violation Notice. The Chief of Police shall cause the Violation Notice to be served in person or by certified mail, return receipt requested.

B. Payment Without Prosecution. Within ten days after the date of the Violation Notice, any person served with a Violation Notice issued by the Chief of Police pursuant to Subsection 11-1113(A) may avoid prosecution for the violation(s) identified in the Violation Notice by surrendering the Violation Notice to the Village and paying at the same time to the Village the sum of \$50.00. After the ten-day period but before legal action is brought against the violator, the violator may avoid prosecution by surrendering the Violation Notice to the Village and paying at the same time to the Village the sum of \$100.00. The Village shall issue a receipt to any person making payment pursuant to the provisions of this Subsection.

ARTICLE XII -- PENALTY

Section 12-1201.

A. Notwithstanding the general penalty provided for in Ordinance No. 82-5, in any case where there is a violation of any provision of this Code for which no specific penalty is provided, the person violating this Code shall be subject to a fine of not more than \$750.00.

B. Each day any violation of any provision of this Code continues shall constitute a separate offense.

C. Confinement for a term not exceeding six months in the county jail or other place of legal incarceration for each violation of any provision of this Code may be imposed when authorized by state statute.

D. The suspension or revocation of any license, permit, certificate, or other privilege imposed by the Village shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

E. This Section shall not apply to Article VIII, "Dogs," or Article X, "Liquor," which Articles contain specific penalty provisions.

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