

CHAPTER 15

OFFENSES, MISCELLANEOUS

ARTICLE I. IN GENERAL

- Sec. 15-1. Discharge Of Firearms Prohibited.
- Sec. 15-2. Discharge Of Explosive Substances Prohibited.
- Sec. 15-3. False Alarms Prohibited.
- Sec. 15-4. Damage To Public Property Prohibited.
- Sec. 15-5. Defacing Notices Or Structures Prohibited.
- Sec. 15-6. Defacing Library Materials Prohibited.
- Sec. 15-7. Tobacco And Alternative Tobacco Products; Sale, Procurement And Purchase.
- Sec. 15-8. Medicine Samples, Distribution Prohibited.
- Sec. 15-9. Operational Doors On Unused Refrigerators And Deep Freezers Prohibited.
- Sec. 15-10. Human Or Animal Fights Prohibited.
- Sec. 15-11. Jumping On Or Attaching To Vehicles Prohibited.
- Sec. 15-12. Obedience To Police Officers.
- Sec. 15-13. Obstructing View At Intersections Prohibited.
- Sec. 15-14. Removal Of Recyclable Materials.
- Sec. 15-15. Soliciting, Peddling Or Selling In The Village Limits.
- Sec. 15-16. Landing Of Helicopters Restricted.
- Sec. 15-17. Littering Prohibited.
- Sec. 15-18. Advertisements And Handbills.
- Sec. 15-19. Curfew.

ARTICLE II. TRESPASSES

- Sec. 15-20. Trespasses Prohibited.

ARTICLE III. GAMBLING

- Sec. 15-21. Gambling And Related Offenses.

ARTICLE IV. POSSESSION OF CANNABIS AND DRUG PARAPHERNALIA

- Sec. 15-22. Definitions.
- Sec. 15-23. Possession And Sale Or Delivery.
- Sec. 15-24. Exemptions.

ARTICLE V. PENALTIES

- Sec. 15-25. Penalty.

ARTICLE I

IN GENERAL

Sec. 15-1. DISCHARGE OF FIREARMS PROHIBITED.

No person shall discharge any firearm of any kind within the Village limits. The only exceptions shall be as follows:

- (1) A law enforcement officer in the line of duty, or
- (2) A person who has been retained by the Village or another governmental agency in cooperation with the Village, to cull deer within the Village. (Ord. 95-865, 12-11-1995)

For purposes of this Section, "firearm" shall mean any device which is designed to expel a projectile or projectiles by the action of a spring, expansion of gas or compressed gas. This shall not apply to approved signaling devices and explosion riveters for building applications. (Ord. 15-1620, 8-18-2015)

Sec. 15-2. DISCHARGE OF EXPLOSIVE SUBSTANCES PROHIBITED.

In accordance with the Illinois Fireworks Use Act, it shall be unlawful for any person, firm, partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail or use or explode any display fireworks, flame effects or consumer fireworks as defined in the act except in accordance with a permit for a pyrotechnic display issued by the Fire Chief. No person shall commit any act which violates any provision of the Illinois Fireworks Regulation Act as amended. (Ord. 09-1410, 4-21-2009)

Sec. 15-3. FALSE ALARMS PROHIBITED.

No person, except the Fire Department for fire drills, shall willfully make a false alarm of fire by outcry, or by using any bell, siren or other sounding instrument; nor shall any person make any false alarm of any kind calculated to disturb the peace of the Village or another person. This Section shall include phone calls and any kind of residential or commercial fire or burglar alarm. (1986 Code)

Sec. 15-4. DAMAGE TO PUBLIC PROPERTY PROHIBITED.

No person shall damage, remove, destroy or deface, in any way, any public building or public property including, but not limited to, any public building, sewer, water pipe, hydrant, lamppost, curbstone, fence, wall, bridge, pavement, roadway, tree, bush or other landscaping, landscaping flower boxes and trash containers, or any motor vehicle of the Village or any other public property, including the Village lockup facility. Any person violating this Section shall be punished as provided in Section 1-13 of this Code, in addition to being liable for the actual damage done to the property. This Section includes damage done through willfulness, recklessness or negligence. (1986 Code)

Sec. 15-5. DEFACING NOTICES OR STRUCTURES PROHIBITED.

No person shall willfully or maliciously tear down, mutilate and deface or render illegible any lawfully posted notice, handbill, poster or traffic control sign.

Sec. 15-6. DEFACING LIBRARY MATERIALS PROHIBITED.

It shall be unlawful for any person to willfully or maliciously destroy or deface any materials belonging to or under the control of a public library. (1986 Code)

Sec. 15-7. TOBACCO AND ALTERNATIVE TOBACCO PRODUCTS; SALE, PROCUREMENT AND PURCHASE.

(1) Sale To Or Procurement For Persons Under Eighteen Years Of Age. It shall be unlawful for any person to sell, deliver or procure any cigarettes, cigars, or other tobacco products, including those known as "smokeless tobacco", alternative tobacco products or hookahs and hookah paraphernalia to or for any person under eighteen (18) years of age. For purposes of this Code, alternative tobacco products shall be defined as: "Any product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. Alternative tobacco products specifically include e-cigarettes as defined in this Section. The term alternative nicotine product excludes any product approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose." It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee to engage, employ or permit any person under eighteen (18) years of age to sell such products in any licensed premises. (Ord. 18-1728, 9-17-2018)

(2) Purchase Of Tobacco Products By Minors Prohibited. It shall be unlawful for any person under eighteen (18) years of age to purchase any cigarettes, cigars, or other tobacco products, including those known as "smokeless tobacco", or to misrepresent their identity or age, or to use false or altered identification for the purpose of purchasing any cigar, cigarette, smokeless tobacco or tobacco in any of its forms.

(3) Possession Of Tobacco Products By Minors Prohibited. It shall be unlawful for any person under eighteen (18) years of age to possess any cigarettes, cigars, or other tobacco products, including those known as "smokeless tobacco", within the Village.

(4) Vending Machines Selling Tobacco Products Prohibited. It shall be unlawful for any person to sell, offer for sale, give away, deliver, or to keep any tobacco products with the intention of selling, giving away, or delivering such products to any person by use of a vending machine. (Ord. 99-999, 9-27-1999)

Sec. 15-8. MEDICINE SAMPLES, DISTRIBUTION PROHIBITED.

No person shall pass out free samples of any drug or medicine, upon the streets or in any other public places or distribute such from house to house. This shall not apply to items distributed by the U.S. Postal Service. (1986 Code)

Sec. 15-9. OPERATIONAL DOORS ON UNUSED REFRIGERATORS AND DEEP FREEZERS PROHIBITED.

It shall be unlawful for any person to permit or allow a discarded refrigerator or deep freezer or one not in use to remain in any place accessible to children unless the latching or locking mechanism on the door of the same has been removed, or unless the doors of the same are bolted and locked in such a manner that it is impossible to open the same by the use of the hands. (1986 Code)

Sec. 15-10. HUMAN OR ANIMAL FIGHTS PROHIBITED.

No person shall institute, cause, or procure any dogfight, prizefight, cockfight, nor any public or private fighting within the Village. (1986 Code)

Sec. 15-11. JUMPING ON OR ATTACHING TO VEHICLES PROHIBITED.

No unauthorized person shall climb, jump upon, or cling to, or in any way attach himself to any railway train or any motor vehicle while the same is in motion. (1986 Code)

Sec. 15-12. OBEDIENCE TO POLICE OFFICERS.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate a situation within the Village. (1986 Code)

Sec. 15-13. OBSTRUCTING VIEW AT INTERSECTIONS PROHIBITED.

The owner or occupant of every lot or parcel of land adjoining a street or alley intersection in the Village upon which any trees, shrubs, bushes, or plants are growing, shall trim, prune, or cut the same or cause the same to be trimmed, pruned, or cut so as not to obstruct the passage of light from any street light or traffic signal light. Likewise, such plantings may not interfere with, nor obstruct the vision of persons using the alleys, streets, or highways. The existence of any such obstruction is hereby declared to constitute a public nuisance and may be abated as set forth in Chapter 14 of the Code.

Sec. 15-14. REMOVAL OF RECYCLABLE MATERIALS.

It shall be unlawful for any person or firm, other than a firm specifically designated by the Village, to remove any item including, but not limited to, newspapers; aluminum or bimetal cans; or glass bottles placed in or adjacent to Village recycling containers. (Ord. 89-604, 8-22-1989)

Sec. 15-15. SOLICITING, PEDDLING OR SELLING IN THE VILLAGE LIMITS.

Except as provided in Chapter 11, Article II, Division VIII of this Code, no person shall solicit, peddle or sell any item or service in or on any public way in the Village. Neither shall any person set up a temporary booth or structure for the purpose of doing the same. This shall not apply to special community events officially approved by the Village. (Ord. 94-810, 8-22-1994)

Sec. 15-16. LANDING OF HELICOPTERS RESTRICTED.

No helicopters (other than governmental craft such as coast guard craft or medical helicopters) may be landed or permitted to hover within the boundaries of the Village unless permission is secured in writing at least twenty four (24) hours in advance from the Fire Rescue Chief. For purposes of this Section, "hover" shall mean flying at an altitude of less than three hundred feet (300') for more than two (2) minutes over the Village. (Ord. 97-905, 7-21-1997)

Sec. 15-17. LITTERING PROHIBITED.

It shall be unlawful for any person or entity to deposit or discard any litter or permit any accumulation of litter in any place within the Village, except in authorized garbage or trash receptacles. For purposes of this Section, "litter" shall include, but shall not necessarily be limited to, garbage, trash, refuse, junk, waste, paper, pulp, boxes, packing materials, containers, yard waste, grass clippings, compost and/or other like materials. (Ord. 99-998, 9-27-1999)

Sec. 15-18. ADVERTISEMENTS AND HANDBILLS.

(1) Advertising. It shall be unlawful to advertise within the Village any unlawful business or any illegal article for sale or delivery, and it shall be unlawful to injure or deface any lawful advertisement or notice within the Village.

(2) Merchandise. It shall be unlawful for any person by himself or herself, or his or her agents, servants or employees, to disburse, distribute, disseminate, cast, throw or place, or cause to be disbursed, distributed, disseminated, cast, thrown or placed, any article or material of any kind, in or upon any street, alleyway, sidewalk or other public place located within the Village.

(3) Medical Samples. No person shall place, in any manner, any samples of medicinal preparations upon the porches, driveways or yards of private residences.

(4) Posting Prohibited In Certain Cases. No person shall post, stick, stamp, paint or otherwise affix, or cause the same to be done by any other person, any commercial or noncommercial notice, placard, bill, card, poster, advertisement, paper or other device, to or upon any sidewalk, crosswalk, curb, traffic control device or any other portion or part of any public way or structure or planting within the right of way, except as such may be authorized or required by the laws of the United States, the State of Illinois or the ordinances of the Village.

(5) Littering Or Throwing Handbills. No person shall throw, cast, deposit, discard, disseminate, distribute, lay, place or scatter in or upon any public place, property or appurtenance any commercial or noncommercial placard, handbill, pamphlet, circular, book, notice, paper, trash, rubbish, refuse, garbage or other such item.

(6) Distribution On Certain Private Property. It shall be unlawful for any person to distribute, disseminate, discard, deposit, place, throw, cast or otherwise scatter any commercial or noncommercial placard, handbill, pamphlet, circular, book, notice, paper, trash, rubbish, refuse, garbage or other such item in or upon any private premises.

Sec. 15-19. CURFEW.

Notwithstanding anything contained to the contrary in this Code, the following shall apply with respect to curfew:

(1) It is unlawful for a person less than eighteen (18) years of age (the "child") to be present at any public assembly or in any public building, park, sidewalk, street or highway or other public place between:

(a) Eleven o'clock (11:00) P.M. on Sunday, Monday, Tuesday, Wednesday and Thursday, and six o'clock (6:00) A.M. on the following day;

(b) One minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. on Saturday; and

(c) One minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. on Sunday.

(2) The curfew set forth in subsection (1) of this Section does not apply to a child who is:

(a) Accompanied by the child's parent, guardian or custodian;

(b) Accompanied by a person at least eighteen (18) years of age approved by the child's parent, guardian or custodian;

(c) Engaged in a business or occupation which the laws of this state authorize a person less than eighteen (18) years of age to perform;

(d) Participating in, going to, or returning from:

1. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

2. An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4, and 5 of the Constitution of the State of Illinois, or both, such as freedoms of religion and speech and the right of assembly, to include, but not be limited to:

a. A religious event, including, but not limited to, prayer and vigil services;

b. A political event, including, but not limited to, observing or influencing a legislative session and attending a political rally or event;

c. An activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults; or

d. Engaged in interstate or international travel from a location outside Illinois to another location outside Illinois with the permission of a parent or legal guardian.

(3) Prior to arresting or citing a child for curfew under this Section, the police officer must make reasonable inquiry to determine whether any of the exceptions contained in subsection (2) of this Section apply, in addition to the age and time requirements set forth in subsection (1) of this Section. A police officer shall issue a citation or make an arrest for curfew only if the officer has reasonable grounds to believe that the child has violated this Section and that no exceptions apply.

(4) It is unlawful for any parent, legal guardian or other person to knowingly permit a person in his/her custody or control to violate this Section. (Ord. 04-1203, 4-20-2004)

ARTICLE II TRESPASSES

Sec. 15-20. TRESPASSES PROHIBITED.

It shall be unlawful for any person to commit a trespass within this municipality upon either public or private property in any of the following ways:

(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 said premises or at

any point of approach or entry or in violation of any notice, warning, or protest given orally or in writing by any owner or occupant of the property;

(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 said premises or at any point of approach or entry, or in violation of any notice, warning, or protest given orally or in writing by any owner or occupant of the property;

(3) A failure or refusal to depart from the premises of another after being requested, either orally or in writing, to leave by any owner or occupant;

(4) An entry into or upon any vehicle, aircraft, or watercraft made without the consent of the person having the right to the possession or control, or a failure or refusal to leave any such vehicle, aircraft, or watercraft after being requested to leave by the person having such right. (1986 Code)

ARTICLE III GAMBLING

Sec. 15-21. GAMBLING AND RELATED OFFENSES.

A. Gambling Generally. No person shall commit any act which violates or tends to violate any Section of the Illinois Gambling and Related Offenses Act, as amended, 720 Illinois Compiled Statutes 5/28-1 et seq., and such Article is incorporated by reference as though fully set forth herein. (1986 Code; amd. Ord. 09-1429, 9-15-2009)

B. Video Gaming, State License Not Effective In The Village. Video gaming, as that term is defined in the Illinois Video Gaming Act is prohibited. A video gaming license issued by the State of Illinois is not effective within the Village of Northfield. (Ord. 09-1429, 9-15-2009)

ARTICLE IV POSSESSION OF CANNABIS AND DRUG PARAPHERNALIA

Sec. 15-22. DEFINITIONS.

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

CANNABIS. As used in this Article, includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin

extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

CONTROLLED SUBSTANCE. This term shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570/102, as if that definition were incorporated herein.

DELIVER OR DELIVERY. The actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA. All equipment, products and materials of any kind used for any drug other than cannabis which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body or a controlled substance in violation of the laws of the State of Illinois or this Code. It includes, but is not limited to:

(1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

(2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is a controlled substance;

(3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(4) Diluents and adulterants peculiar to and marketed for cutting a controlled substance by private persons;

(5) Any item whose purpose, as announced or described by the seller, is for use in violation of this Article. (Ord. 06-1306, 12-5-2006)

Sec. 15-23. POSSESSION AND SALE OR DELIVERY.

A. **Sale Of Cannabis.** It shall be deemed a violation of this Section for any person to knowingly sell, barter or exchange any amount of cannabis in the Village. (Ord. 15-1619, 7-21-2015)

B. **Possession Of Drug Paraphernalia.** It is unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing a controlled substance into the human body or in preparing a controlled substance for that use. In determining intent under this Section, the trier of fact may take into consideration the proximity of the controlled substances to drug paraphernalia or the presence of a controlled substance on the drug paraphernalia.

C. **Sale Or Delivery Of Drug Paraphernalia.** It is unlawful for any person, business, corporation, place, premises, company or other legal entity to keep for sale, offer for sale, sell or deliver for any commercial consideration any item of drug paraphernalia. (Ord. 06-1306, 12-5-2006)

Sec. 15-24. EXEMPTIONS.

Section 15-24 of this Article 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 defined in Section 15-23, "Definitions", of this Article, under "drug paraphernalia", which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Section. 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:

(a) The general, usual, customary, and historical use to which the item involved has been put;

(b) 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;

(c) Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;

(d) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;

(e) Any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;

(f) 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;

(g) 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;

(h) The existence and scope of legitimate uses for the object in the community. (Ord. 06-1306, 12-5-2006)

ARTICLE V PENALTIES

Sec. 15-25. PENALTY.

Any person violating any provision of this chapter shall be fined in an amount set forth in Appendix D, Article III, of this Code. For violations of Article IV, Section 15-24 of this Chapter, in addition to the fines and penalties set forth in Appendix D, Article III of this Code for general Code penalty, the Presiding Judge may in each case exercise his/her discretion to issue and order such other corrective measures of the defendant as may be reasonable, equitable and

appropriate, including court supervision, drug abuse counseling or psychiatric or social service counseling. (A local ordinance citation should be issued.) (Ord. 06-1306, 12-5-2006)