

TITLE 6
POLICE REGULATIONS

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CHAPTER 1
POLICE DEPARTMENT

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6-1-1: **DEPARTMENT CREATED:** There is hereby established an executive department of the Village to be known as the Police Department. Said Police Department shall embrace the officers and positions hereinafter enumerated, and such officers as may be provided by the President and Board of Trustees.¹ (Ord. 245, 4-17-61)

6-1-2: **OFFICERS:** There are hereby created, in order of rank, the office of Chief of Police, Deputy Chief of Police, Sergeant of Police, and Patrol Officer. The word policemen shall mean any member of the regularly constituted Police Department, sworn, bonded, and commissioned to perform police duties. Said Policemen shall constitute the Police Force of this Village and the members of the Police Department shall be and are officers of the Village, a Municipal corporation. All duly commissioned policemen of the rank of Chief and Sergeant now in the employment of the Village as of the adoption of the Police Commission² are deemed qualified and capable officers, without examination, and those among them who have served as such officers for more than one year shall be eligible to receive their certificates of accreditation upon meeting other lawful requirements of the Police Commission. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91; amd. Ord. 99-8, 9-7-99)

6-1-3: **DEPARTMENT DUTIES:** The Police Department, under the Chief of Police and under his supervision, shall:

- (A) Preserve the peace and order of the Village.
- (B) Protect persons and property from harm, loss, or damage.
- (C) Prevent crime and detect and apprehend persons suspected of crimes and misdemeanors.
- (D) Regulate traffic upon public thoroughfares.

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 10-2.1-4.

² See Title 2, Chapter 4 of this Code.

- (E) Enforce all criminal laws of this State and all provisions of this Code.
- (F) Secure all necessary warrants and other documents for the enforcement of these duties, and aid in the prosecution of all such crimes and misdemeanors.
- (G) Cause to be served and execute any criminal process issued by any court of competent jurisdiction within the Village.
- (H) Have custody of lost, stolen, and abandoned property.
- (I) Maintain proper and adequate records of crimes and criminals and matters relating thereto.
- (J) Arrest for the violation of any crime and misdemeanor.
- (K) Have custody of and detention of prisoners and to do and perform all other acts necessary and incidental to the performance of police work, as provided by law.¹

6-1-4 **CHIEF OF POLICE:** The Chief of Police shall be the commanding officer of the Police Force and shall have control of the assignment of all members of the Force and the direction and supervision of police work in the Village, including any auxiliary police officers under his command. He shall be responsible for the control and regulation of all equipment assigned to or under the control of the Police Department. The Chief shall attend as far as practicable all meetings of the Village Board, and he shall prepare the room in which the Board meetings are held, and see that it is properly lighted, warmed, cleaned, and made comfortable. He shall serve all notifications in writing, when ordered by the Village Board; and he shall perform all such other duties as shall be prescribed by ordinance, or by order of the Board. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91)

The Chief of Police shall have the authority to promulgate such rules, procedures, and policies as he deems appropriate in furtherance of the operation of the Police Department. (Ord. 83-21, 11-21-83)

The Chief of Police shall have the authority to appoint a Deputy Chief of Police and assign the Deputy Chief of Police such duties and responsibilities as the Chief of Police deems appropriate. (Ord. 99-8, 9-7-99)

6-1-5: **MEMBERS:** The present Police Force of the Village shall consist of a Chief, Deputy Chief, and any Sergeants or Patrol Officers that may be provided for, and, all members shall be under the jurisdiction, rules and regulations of the Board of Fire and Police Commissioners, except for the Chief of Police, the appointment of whom is specifically reserved to the President and Board of Trustees. The Chief of Police shall have the right to appoint or dismiss the Deputy Chief of Police, but the Deputy Chief of Police shall otherwise be subject to the rules and regulations of the Board of Fire and Police Commissioners. (Ord. 266, 1-2-62; amd. Ord. 90-11, 8-6-90; amd. Ord. 90-34, 2-18-91; amd. Ord. 99-8, 9-7-99)

6-1-6: **BOND OF POLICEMEN:** Each policeman hereafter employed or re-employed shall execute and file with the Clerk a bond in the sum of at least two thousand dollars (\$2,000.00) with sureties to be approved by the President and Board of Trustees. Said bond shall be conditioned on the faithful performance of the duties of his office. Such bond may provide that the obligation of the sureties shall extend to any loss sustained by the insolvency, failure, or closing of any bank organized and operating under either the laws of the State or the United States wherein such officer has placed funds in his custody, if the bank has been approved by the corporate authorities as a depository for these funds. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91)

¹ For Statute authority, see S.H.A. Ch. 24, Sec. 11-1-2.

- 6-1-7: **CALL FOR ASSISTANCE:** Any police officer of this Village may at any time call upon any able-bodied male person above the age of twenty one (21) years to aid him in arresting or taking into custody any person guilty of having committed an unlawful act, or charged therewith, or to aid such officer in preventing the commission of an unlawful act. No one shall refuse or neglect to give such aid or assistance when so directed.
- 6-1-8: **INTERFERENCE WITH OFFICER:** No person shall wilfully prevent a police officer from performing the duties of his office. Any such person found guilty of the violation of this Section shall upon conviction be fined as in this Code provided. (Ord. 245, 4-17-61)
- 6-1-9: **COMPLIANCE WITH POLICE COMMISSION RULES:** The Police Force of this Village shall be subject to all the rules and regulations governing employment, disciplining, and discharge of policemen as promulgated by the Police Commission and the Chief of Police. (Ord. 245, 4-17-61; amd. Ord. 83-21, 11-21-83)
- 6-1-10: **REDUCTION IN NUMBER OF EMPLOYEES:** The President and Board of Trustees reserve the absolute right to reduce the number of employees whenever, in their sole discretion, it becomes necessary to do. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91)
- 6-1-11: **AUXILIARY POLICE:** Pursuant to 65 ILCS 5/3.1-30-5 and 65 ILCS 5/3.1-30-20, the President of the Board of Trustees, with the advise and consent of the Board of Trustees, may appoint auxiliary police officers. The auxiliary police officers are not designated conservators of the peace pursuant to 65 ILCS 5/3.1-15-25. Auxiliary police officers shall be under the control and supervision of the Chief of Police. (Ord. 90-34, 2-18-91; amd. Ord. 06-31, 11-6-06)
- 6-1-12: **CONDUCT OF MEMBERS:** It shall be the duty of every member of the Police Department to conduct himself in a proper and law abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior.
- 6-1-13: **POLICE AS WITNESSES; FEES:** Every member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any State or Federal law. No such member shall retain any witness fee for services as witness in any action or suit to which the Village is a party; any fees for such services shall be turned over to the Chief, who shall deposit the same with the Village Treasurer. (Ord. 245, 4-17-61)
- 6-1-14: **RESIDENCE:** It is hereby provided that police officers of the Village of Morton may reside within or outside the Corporate limits of the Village of Morton, but not a distance in excess of five (5) miles from the nearest point of the Corporate limits or not in excess of any limit set forth in agreement with a collective bargaining unit. Any police officer residing outside the Corporate limits of the Village of Morton must provide his or her own transportation to and from his or her place of residence. (Ord. 650, 7-21-75; amd. Ord. 06-27, 10-16-06)
- 6-1-15: **CRIMINAL HISTORY RECORD INFORMATION PREPARATION FEE:** A fee of ten dollars (\$10.00) for the preparation and processing of an individual criminal history record shall be paid to the Village of Morton at the time an individual applies for a copy of his or her criminal history record. (Ord. 670, 4-5-76)
- 6-1-16: **PARTICIPATION IN PENSION FUND:**¹ All persons who are members of the Morton Police Department shall actively participate and become a member of the Village of Morton's Policemen's Pension Fund, except for the Chief of Police as allowed by Chapter 108 1/2, Section 3-109.1 of the Illinois Revised Statutes. The failure of any police officer to participate in said Pension Fund shall be grounds for cause for removal from his or her position as a police officer. (Ord. 85-12, 10-21-85; amd. Ord. 90-34, 2-18-91)

¹ See also Title 2, Chapter 5 of this Code.

CHAPTER 2
GENERAL OFFENSES

SECTION:

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- 6-2-3: Cannabis
- 6-2-4: Climbing Utility Poles
- 6-2-5: Discharging Firearms
- 6-2-6: Disorderly Conduct
- 6-2-7: Disturbing Assemblages
- 6-2-8: Drug Paraphernalia-Definitions
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6-2-1: **ASSAULT:** It shall be unlawful for a person to commit an assault. 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. (Ord. 96-40, 4-7-97)

6-2-2: **BATTERY:** It shall be unlawful for any person to commit a battery. A person commits a battery if he or she intentionally or knowingly, without legal justification and by any means:

- (A) Causes bodily harm to an individual, or
- (B) Makes physical contact of an insulting or provoking nature with an individual. (Ord. 96-40, 4-7-97)

6-2-3: **CANNABIS:** It shall be unlawful for any person knowingly to possess marijuana, hashish, and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seed 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 combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, and 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.

Any person possessing any substance containing cannabis resin up to the amount of two and five-tenths (2.5) grams shall, upon conviction, be assessed a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount of two and five-tenths (2.5) grams or more but less than ten (10) grams shall, upon conviction, be fined not less than three hundred dollars (\$300.00) and not more than seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount of ten (10) grams or more but less than thirty (30) grams shall, upon conviction, be fined not less than four hundred dollars (\$400.00) and not more than seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount thirty (30) grams or more shall, upon conviction, be fined seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Where any person has been convicted of any of the provisions of the offense at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction. (Ord. 96-40, 4-7-97)

A qualifying patient who has a registry identification card or a registered caregiver who does not possess an amount in excess of what is allowed under The Compassionate Use of Medical Cannabis Pilot Program Act is exempt from the above provisions. A qualifying patient and registry identification card are defined in the Act. (Ord. 14-22, 10-6-14)

6-2-4: **CLIMBING UTILITY POLES:** It shall be unlawful for any person to climb upon any telegraph pole, telephone pole, electric light pole, or sign pole, unless in the performance of his duties. (Ord. 96-40, 4-7-97)

6-2-5: **DISCHARGING FIREARMS:** It shall be unlawful to discharge any firearms or air gun in the Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, nor to any citizen to discharge a firearm when lawfully defending his person or property, nor shall the provision of this Section apply to any licensed event which may be sponsored by a known local organization holding a charter in a national organization or association. (Ord. 96-40, 4-7-97)

6-2-6: **DISORDERLY CONDUCT:** A person commits disorderly conduct when he knowingly:

- (A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

- (B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or
- (C) Transmits in any manner to the Fire Department a false alarm of a fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- (D) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- (E) 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 transmission that there is no reasonable ground for believing that such an offense has been committed; or
- (F) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- (G) While acting as a collection agency as defined in the Collection Agency Act, or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy, or intimidate the alleged debtor.
- (H) Transmits or causes to be transmitted in any manner to the police department or fire department or paramedic department a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or
- (I) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

Any person who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00) except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of twenty five dollars (\$25.00) for each such prior conviction. (Ord. 96-40, 4-7-97; amd Ord. 99-37, 12-6-99; amd. Ord. 12-11, 8-20-12)

6-2-7: **DISTURBING ASSEMBLAGES:** It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village. (Ord. 96-40, 4-7-97)

6-2-8: **DRUG PARAPHERNALIA-DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

- (A) The term "cannabis" shall have the meaning ascribed to it in section 3 of the "Cannabis Control Act",¹ as if that definition were incorporated herein.
- (B) The term "controlled substance" shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act",² as if that definition were incorporated herein.
- (C) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

¹ 720 ILCS 550/3.

² 720 ILCS 570/102.

- (D) “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”³ or the “Illinois Controlled Substances Act”.⁴ It includes, but is not limited to:
1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;
 2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
 3. Testing equipment intended to be used unlawfully for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
 4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
 5. 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:
 - (a) Water pipes;
 - (b) Carburetion tubes and devices;
 - (c) Smoking and carburetion masks;
 - (d) Miniature cocaine spoons and cocaine vials;
 - (e) Carburetor pipes;
 - (f) Electric pipes;
 - (g) Air-driven pipes;
 - (h) Chillums;
 - (i) Bongs;
 - (j) Ice pipes or chillers;
 6. Objects which are used or intended to be used to ingest, inhale, or otherwise introduce cannabis or a controlled substance into the human body.
 7. Any item whose purpose, as announced or described by the seller, is for use in violation of this Chapter. (Ord. 96-40, 4-7-97; amd. Ord. 02-01, 5-6-02; amd. Ord. 03-33, 11-17-03)

6-2-8.1: SALE OR DELIVERY-PENALTY-PUBLIC NUISANCE:

- (A) Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits an offense. For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.

³ 720 ILCS 550/1 et seq.

⁴ 720 ILCS 570/100 et seq.

- (B) 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. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-8.2: **POSSESSION OF DRUG PARAPHERNALIA:**

- (A) 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, commits an offense.
- (B) In determining intent under subsection (A) of this Section, 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.
- (C) For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-9: **FIRES:** Except as otherwise provided in this Section, no person shall set fire to or cause or permit to be burned in any yard, lot, street, alley, fireplace or wood burning stove, any "rubbish" as defined in Section 7-2-22 of this Code, or any "litter" as defined in Section 7-2-21 of this Code, or any "garbage" as defined in Section 7-2-3 of this Code. Except as otherwise provided in this Section, burning is prohibited within the Village, including, but not limited to, the burning of leaves, landscape waste, construction materials, buildings, structures and personal property.

It shall be lawful to have a recreational fire on private property, or as may be allowed within a public park, for pleasure, cooking food, religious, ceremonial, warmth or similar purposes; but only when the following recreational fire regulations are adhered to. Failure to follow any of the recreational fire regulations shall constitute a violation of this ordinance. For the purposes of this section, recreational fires shall include campfires, roasting fires, portable outdoor fireplaces, fire pits, fire rings and similar devices when designed specifically for the outdoor containment of a fire, open or partially open outdoor ovens, barbecue pits and the like.

1. Only clean and untreated firewood, charcoal or other commercially available products specifically intended for outdoor fire and cooking purposes may be used as fuel. Devices specifically designed for outdoor fire use shall be used in accordance with the manufacturer's recommendations.
2. The total fuel area for a recreational fire shall not exceed ten (10) cubic feet. Fuel area is defined as the total length multiplied by width multiplied by height of the unburned material being consumed by the fire.
3. A recreational fire shall be constantly attended by a responsible adult until fully and completely extinguished. Any person lighting or maintaining a recreational fire shall be responsible for the reasonable consideration of the environmental and atmospheric conditions and local circumstances which may cause a recreational fire to become a hazard or burn beyond the intended fire containment area.
4. A recreational fire must be kept a sufficient distance from any building, structure or other combustible or flammable material so as not to constitute a fire hazard or to allow smoke or the products of combustion to become objectionable, offensive or a potential health hazard to any person. Recreational fires are prohibited upon any balcony or upon any deck or any surface constructed of any type of combustible material.

Any peace officer or fire official may order the immediate extinguishment of any fire when such is deemed by the officer or official to violate this section or otherwise creates or adds to any type of hazardous condition or is deemed by the official to be a nuisance, offensive, objectionable or a potential fire or health risk, regardless of whether such fire constitutes an actual violation of this ordinance. Any fire that burns unattended, out of control, extends or spreads beyond the confines of the intended safe burning area, burns or spreads upon the land of another person, or otherwise causes damage to any structure or property may be considered evidence or a violation of this ordinance. The Fire Chief shall have the authority to suspend and prohibit any and all fires and burning within the Village when atmospheric, environmental or other factors constitute a potentially greater than normal fire risk or hazard.

The Fire Chief may, at his discretion, authorize the burning of any material within the Village in the following circumstances, and may further establish administrative rules as deemed necessary and appropriate to insure health and safety. There shall be a one hundred dollar (\$100.00) permit fee collected prior to issuance of a burning permit, which may be waived by the Fire Chief when the permit is issued to a governmental entity or is issued during unusual or emergency circumstances.

1. Bon fires which are ceremonial in nature, and have a total fuel area of greater than 10 cubic feet, but less than 250 cubic feet.
2. Vegetation clearing operations with the use of an air curtain destructor.
3. The prescribed and controlled burning of vegetation for silviculture or wildlife management practices, for the prevention or control of disease or pests, or to reduce the impact or risk of wildland fires; when the prescribed burning is on public lands or is requested by the Illinois Department of Natural Resources or other regulatory or governmental agency.
4. Abandoned buildings, structures or any other flammable or combustible materials, when used specifically for firefighting training purposes.
5. During or following an emergency situation or a disaster type event.

(Ord. 97-9, 7-7-97; amd. Ord. 15-07, 8-3-15; amd. Ord. 16-08, 10-17-16)

6-2-10: **GAMBLING:**

6-2-10.1: **DEFINITION:**

(A) A person commits gambling when he:

1. Plays a game of chance or skill for money or other thing of value, unless excepted in subsection (B) of this Section; or
2. Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election; or
3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device; or
4. Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been or are recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or
5. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election; or
6. Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery; or

7. Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device; or
8. Knowingly advertises any lottery or policy game or drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document, or similar device, or any advertisement of any lottery or policy game; or
9. Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subsection (A)9 prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(B) Participants in any of the following activities shall not be convicted of gambling:

1. Agreements to compensate for loss caused by the happening of chance including, without limitation, contracts of indemnity or guaranty and life or health or accident insurance; and
2. Offers of prizes, award, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest; and
3. Pari-mutuel betting as authorized by the laws of the State; and
4. Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by an applicable law; and
5. The game commonly known as "bingo", when conducted in accordance with "an act making lawful to conducting of bingo by certain non-profit organizations, requiring licensing and prescribing regulations, therefor", as passed by the Illinois General Assembly; and
6. Lotteries when conducted by the State in accordance with the "Illinois Lottery Law", enacted by the 78th General Assembly; and
7. Raffles conducted pursuant to the provisions of Title 3, Chapter 3 of the Morton Municipal Code. (Ord. 96-40, 4-7-97; amd. Ord. 13-30, 2-17-14)

6-2-10.2: **GAMBLING DEVICE:**

(A) A "gambling device" is any clock, tape machine, slot machine, or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A "gambling device" does not include:

1. A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property, or right to receive money or property.

2. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

- (B) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme, or procedure is called a "lottery", "raffle", "gift", "sale", or some other name.
- (C) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number character ticket or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, or evidence of debt.
(Ord. 96-40, 4-7-97)

6-2-10.3: **KEEPING A GAMBLING PLACE:** A "gambling place" is any real estate, vehicle, boat, or other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place shall be guilty of the offense of gambling. When any premises is determined by the Circuit Court to be a gambling place:

- (A) Such premises is a public nuisance and may be proceeded against as such; and
- (B) All licenses, permits, or certificates issued by the State or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit, or certificate so cancelled shall be reissued for such premises for a period of sixty (60) days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction; and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license; and
- (C) Such premises of any person who knowingly permits thereon a violation of any section of this Chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this Chapter.
(Ord. 96-40, 4-7-97)

6-2-10.4: **SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS:**

- (A) Every gambling device which is incapable of lawful use is contraband and shall be subject to seizure, confiscation, and destruction by the Village. As used in this Section, a "gambling device which is incapable of lawful use" includes any slot machine, and includes any machine for or device constructed for the receipt of money or other thing of value and so constructed as to return on chance to the player thereof money, property, or a right to receive money or property.
- (B) Every gambling device shall be seized and forfeited as contraband to the county wherein such seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein such seizure occurs. (Ord. 96-40, 4-7-97)

6-2-10.5: **PROHIBITION:** It shall be unlawful to gamble or to attend any gambling resort, or to make any bet, lottery, or gambling hazard, to buy or sell any chances or tickets in any gambling game, arrangement, or device. (Ord. 96-40, 4-7-97)

6-2-11: **HARASSMENT BY TELEPHONE:** It shall be unlawful for any person to use a telephone or make use of a telephone communication for any of the following purposes:

- (A) To make any comment, request, or suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent with an attempt to offend; or

- (B) Make a telephone call, whether or not conversation ensues, with intent to abuse, threaten, or harass any person at the called number; or
- (C) Make or cause the telephone of another repeatedly to ring, with the intent to harass the person at the called number; or
- (D) Make repeated telephone calls, during which conversation ensues solely to harass any person at the called number; or
- (E) To knowingly permit any telephone under one's control to be used for any of the purposes mentioned in this Section. (Ord. 96-40, 4-7-97)

6-2-12: **HUNTING:** It shall be unlawful for any person to hunt any game animal or game birds within the Village. (Ord. 96-40, 4-7-97; amd. Ord. 00-25, 9-5-00)

6-2-13: **IMPERSONATING VILLAGE OFFICERS; FIRE PERSONNEL:**

- (A) No person shall falsely represent himself to be an officer of the Village of Morton, or shall, without being duly authorized by the Village of Morton, exercise or attempt to exercise any of the duties, functions, or powers of a Village of Morton officer.
- (B) No person, not a member of the Morton Fire Department, shall impersonate a firefighter or officer of the Morton Fire Department. (Ord. 96-40, 4-7-97)

6-2-14: **INJURY TO PROPERTY:** It shall be unlawful for any person to wilfully, maliciously, or negligently break, deface, injure, or destroy any property within the Village, whether such property is owned by the State, County, Village, or any other governmental body, or owned by any other private person.

Any person who violates the provisions of this Section shall be subject to arrest, and, upon conviction, shall be subject to a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-15: **INTERFERENCE WITH FIREFIGHTER; DESTRUCTION OF FIRE APPARATUS PROHIBITED:** No person shall wilfully hinder or resist any Village officer or firefighter in the performance of his duty at, going to, or returning from any fire, or while attending to any of their respective duties connected with the Fire Department; or wilfully or negligently, in any manner, cut, deface, destroy, or injure any fire apparatus or any apparatus of the fire alarm system. Such person shall be liable for all damages done to any such property in addition to other penalties provided. (Ord. 96-40, 4-7-97)

6-2-16: **MISSILES:** It shall be unlawful to cast, throw, or propel any missile on any street, alley, or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, sidewalk, or alley within the Village. (Ord. 96-40, 4-7-97)

6-2-17: **NOISES:**

- (A) General Prohibitions

1. No person shall make, continue, or cause to be made or continued:

- (a) any unreasonably loud, disturbing and unnecessary noise within the corporate limits;
- (b) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and

- (c) any noise which is so harsh, prolonged, unnatural, or unusual in time or place: i) as to occasion unreasonable discomfort to any persons within the neighborhood from which said noise emanates; ii) as to unreasonably interfere with the peace and comfort of neighbors or their guests or operators or customers in places of business; or iii) as to detrimentally or adversely impact such residences or places of business.
2. Factors for determining whether a sound is unreasonably loud, disturbing and unnecessary include, but are not limited to, the following:
 - (a) The proximity of the sound to residences;
 - (b) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (c) The time of day or night the sound occurs;
 - (d) The duration of the sound; and
 - (e) Whether the sound is recurrent, intermittent, or constant.
- (B) Noise - Exemptions: The following uses and activities shall be exempt from the provisions contained in subsections 1 and 2:
1. Heating and cooling equipment and utility service equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition.
 2. Building/home/property/landscape maintenance equipment (including lawn mowers) when it is functioning (between the hours of 8:00 a.m. and 9:00 p.m.) in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition. In special or extraordinary circumstances, the Superintendent of Public Works may authorize construction activity before 8:00 a.m. or after 9:00 p.m. for public works projects under the direction of the Village.
 3. Motor vehicles on streets and roadways of the Village, subject to the provisions of the Illinois Vehicle Code.
 4. Noises of safety signals, warning devices and emergency pressure relief valves.
 5. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
 6. Noises resulting from emergency work repairs of telecommunications and/or utility structures to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.
 7. Noises from the normal operation of railroad trains.
 8. Activities sanctioned or authorized by the Village of Morton, Morton Park District, or Morton School District 709 in which the location of such activities are conducted in accordance with the manners and customs in which such spaces are generally used. This would include, but not be limited to, outdoor or indoor gatherings, public dances, shows, and sporting events, and other similar events of public assembly.
 9. Church bells provided they are periodic and not constant and only sounded between the hours of 8:00 a.m. and 9:00 p.m. (Ord. 96-40, 4-7-97; amd. Ord. 12-16, 12-3-12)

6-2-18: **OBSCENITY:**

- (A) **Declared Unlawful:** It shall be unlawful to commit obscenity. For purposes of this Section “person” means an individual, public or private corporation, government, partnership, or unincorporated association. Any reference to the masculine shall include the feminine, and any reference to the singular shall include the plural.
- (B) **Elements Of The Offense:** A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:
1. Sells, delivers, or provides, or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene; or
 2. Presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
 3. Publishes, exhibits, or otherwise makes available anything obscene; or
 4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
 5. Creates, buys, procures, or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
 6. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.
- (C) **“Obscene” Defined:** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters. A thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.
- (D) **Interpretation Of Evidence:** Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

1. The character of the audience for which the material was designed or to which it was directed;
2. What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
3. The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;
4. The degree, if any, of public acceptance of the material in this State;

5. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
 6. Purpose of the author, creator, publisher, or disseminator.
- (E) Prima Facie Evidence: The creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than six (6) copies of obscene material shall be prima facie evidence of an intent to disseminate.
- (F) Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination:
1. Was not for gain and was made to personal associates other than children under eighteen (18) years of age;
 2. Was to institutions or individuals having scientific or other special justification for possession of such material.
- (G) Severability Clause: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Section, or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Section would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not then been included.
- (H) Violation And Penalty: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)
- 6-2-19: **OBSTRUCTING PASSAGEWAYS:** It shall be unlawful to 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 (2) or more tenants or families, in such a manner as to interfere with the free use of such stairway, aisle, corridor, or exit. (Ord. 96-40, 4-7-97)
- 6-2-20: **POSTING BILLS:** It shall be unlawful to post any bills or advertisements on any public or private property without the written consent of the owner thereof. (Ord. 96-40, 4-7-97)
- 6-2-21: **PROSTITUTION; DEFINITION:** Any person who performs, offers, or agrees to perform any act of sexual penetration for money, or any touching or fondling of the sex organs of one person by another person, for money or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution. (Ord. 96-40, 4-7-97)
- 6-2-21.1: **SOLICITING FOR A PROSTITUTE:** It shall be unlawful for any person to perform, offer, or agree to perform any of the following:
- (A) Solicit another for the purpose of prostitution;
 - (B) Arrange or offer to arrange a meeting of persons for the purpose of prostitution; or
 - (C) Direct another to a place knowing such direction is for the purpose of prostitution. (Ord. 96-40, 4-7-97)

6-2-21.2: KEEPING A PLACE OF PROSTITUTION:

- (A) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution who performs any of the following acts keeps a place of prostitution:
1. Knowingly grants or permits the use of such place for the purpose of prostitution; or
 2. Grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution; or
 3. Permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.
- (B) It shall be unlawful for any person to keep a place of prostitution. (Ord. 96-40, 4-7-97)

6-2-21.3: PATRONIZING A PROSTITUTE: It shall be unlawful for any person to perform any of the following acts with a person not his or her spouse:

- (A) Engage in an act of sexual penetration with a prostitute; or
- (B) Enter or remain in a place of prostitution with intent to engage in an act of sexual penetration. (Ord. 96-40, 4-7-97)

6-2-21.4: DEFINITION OF SEXUAL PENETRATION: For purposes of Sections 6-2-21, 6-2-21.1, 6-2-21.2, and 6-2-21.3 of this Chapter, the term "sexual penetration" means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. (Ord. 96-40, 4-7-97)

6-2-22: PUBLIC INDECENCY:

- (A) Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits a public indecency:
1. An act of sexual penetration or sexual conduct.
 2. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
- (B) For purposes of this Section, "sexual penetration" shall be as defined in Section 6-2-21.4 of this Chapter.
- (C) For purposes of this Chapter, "sexual conduct" means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under thirteen (13) years of age, for the purpose of sexual gratification or arousal of the victim or the accused.
- (D) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others. (Ord. 96-40, 4-7-97)

6-2-23: **RESISTING OR OBSTRUCTING A PEACE OFFICER:** It shall be unlawful for a person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity.

A person shall be fined, upon conviction of this offense, an amount not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 96-40, 4-7-97; amd Ord. 99-37, 12-6-99)

6-2-24: **SNOW OR ICE ON STREETS:** No person, firm, corporation, or institution, public or private, shall plow or remove or cause to be plowed or removed ice or snow from any shopping center, parking lot, commercial or institutional service area or driveway or any other public or private service area or driveway and deposit such ice or snow upon a public street or along the shoulder or edge of a public street. Such prohibition shall not pertain to a residential driveway or sidewalk. (Ord. 98-32, 12-21-98)

6-2-25: **TRESPASS:** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property. (Ord. 96-40, 4-7-97)

6-2-25.1: **SPECIFICALLY ENUMERATED TRESPASSES SUPPRESSION:** Without constituting any limitations upon the provisions of Section 6-2-25 of this Chapter, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said Section 6-2-25, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Chapter, the aforesaid enumerated acts so included, being as follows:

- (A) 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 thereof; or
- (B) The pursuit of a course of conduct, or action incidental to the making of an entry, upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning, or protest given orally or in writing by any owner or occupant thereof; or
- (C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
- (D) An entry into or upon any vehicle, aircraft, or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft, or watercraft after being requested to leave by the person having such right. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-26: **UNLAWFUL ASSEMBLAGES:** It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-27: **URINATING:** It shall be unlawful to urinate on any public street or upon any public sidewalk, or in any other public place, or in any store, assembly hall, corridor, or other place open to and used by the public. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-28: **UNLAWFUL USE OF WEAPONS:** The provisions of 720 Illinois Compiled Statutes 5/24-1, except the penalty provision, and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 6, Chapter 2, Section 28. The penalty for violation of this Section upon conviction shall be a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98; amd. Ord. 99-37, 12-6-99)

6-2-29: **SYNTHETIC ALTERNATIVE DRUGS:**

- (A) Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:
1. *A product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant, or synthetic stimulants and synthetic psychedelic/hallucinogens, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 2. *Synthetic cannabinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor against, such as, but not limited to, the examples or brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 3. *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as, but not limited to, the examples of brand names of identifiers listed in Exhibit "A" attached hereto and incorporated herein.
 4. *Synthetic psychedelic/hallucinogen* means any compound that mimics the effects of any federally controlled Schedule I substance, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts and salts of isomers) containing substances which have a psychedelic/hallucinogen effect on the natural nervous system and/or brains, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
- (B) Sale or Delivery: It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (C) Possession: It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (D) Use: It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (E) Penalties:
1. Any person found to be in violation of Section 6-2-29 shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00) for each violation thereof.
 2. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new or separate violation.
(Ord. 11-32, 3-5-12)

6-2-29 EXHIBIT A

POW	K Royal	New K3 Sea Improved
Spice Gold	Spicylicious	New-Kron Bomb
Swagger Grape	Shanti Spice	Cherry Bomb
Spice Gold	K3 Grape	Rebel Spice
Pulse	K3 Strawberry	Mega Bomb
Black Mamba	K3 Blueberry	Mr. Smiley's
Naughty Nights	Earthquake	Summer Skyy
K2 Watermelon	Ocean Blue	Moe Joe Fire
Green Monkey Chronic Salvia	G Four	Fully Loaded
Voodoo Remix	Wood Stock	Da Block
G Greenies Caramel Crunch	K3 Legal	Back Draft
Black Diamond	Who Dat	K1 Orbit
Blueberry Hayze	Dark Night II	K1 Gravity
Eruption Spice	Spike 99 Ultra	C3
Love Strawberry	2010	SYN Incense Smooth
Voodoo Child	Zombie World	SYN Incense Spearmint
Mid-Atlantic Exemplar	SYN Swagg	SYN Incense LemonLime
K2 Summit	SYN Smooth	Super Summit
Magic Dragon Platinum	SYN Spearmint	D-Rail
Fire Bird Ultimate Strength	SYN Spearmint #2	K2 Peach
Cinnamon	SYN Chill	Funky Monkey
Nitro	SYN Suave	K2 Summit Coffee Wonk
Black Magic Salvia	Heavenscent Suave	K3 Legal - Original (Black)
K2 Strawberry	SYN Vanilla	K3 Legal - Sun (Black)
K2 Blueberry	SYN Vanilla #2	K3 Legal - Sea (silver)
Wicked X	SYN Lemon Lime	K3 Legal - Earth (silver)
Shanti Spice Bluberry	SYN Lemon Lime #2	K2 Cloud 9
Aztec Midnight Wind Tezcatlipoca	New K3 Improved	Greenies Strawberry
Sativah	C4 Herbal Incense	K2 Blonde
Mid-Atlantic Exemplar (K2 Summit)	New Improved K3 Cosmic Blend	K2 Standard
Aztec Gold	New Improved K3 Dynamite	K2 Citron
Ultra Cloud 10	New Improved K3 Kryptonite	K2 (unknown variety)
Colorado Chronic	Utopia	K2 Summit
K3 Kryptonite	Utopia-Blue Berry	Space
Funky Monkey XXXX	Euphoria	K2 Blue
K2 Blue	Who Dat Herbal Incense	K2 Pink
K2 Blonde	Love Potion 69	K2 Latte
K2 Pink	Legal Eagle	K2 Mint
K2 Citron	K2 Standard	K2 Silver
K2 Mellon	Super Kush	K2 Peach
K2 Pineapple	Bayou Blaster	Spike Gold
K2 Standard	Paradise	Spike Maxx
K2 Summit	Red Bird	Spike Diamond
S1. S Werve	Magic Spice	Spike Silver
Chronic Spice	Voodoo Magic	K2 Strawberry
K3 Mango	Texas Gold	K2 Pineapple Express
K3 Original	Demon	K2 Blueberry
XTREME Spice	K3	K2 Pink
Stinger	K2 Pink Panties	K2 Blonde
Pulse	Heaven Improved	K2 Summit
Mystery	K3 Sun	K2 Citron
Bad 2 the Bone	K3 Dusk	K2 Ultra
Dragon Spice	K3 Original Improved	K2 Blue
Samurai Spirit	K2 Summit	MNGB Tropical Thunder
Buzz	New K3 Heaven	MNGB Pinata Colada
Midnight Chill	New K3 Earth	MNGB Almond/Vanilla

MNGB Peppermint	Skunk
MNGB Spear Mint	Sence
p.e.p. pourri Twisted Vanilla	EX-SES Platinum Blueberry
p.e.p. pourri Original Spearmint	EX-SES Platinum Cherry
p.e.p. pourri Love Strawberry	EX-SES Platinum Strawberry
p.e.p. pourri X Blueberry	EX-SES Platinum Vanilla
K2 Summit	Magic Silver
Voo Doo Remix (orange package)	Apice Artic Synergy
Voo Doo Remix (black package)	Spice Diamond
Banana Cream Nuke	Spice Gold
K4 Silver	Spice Tropical Synergy
K4 Gold	Spicey Regular XXX Blueberry
K3 Heaven Improved	Spicey Regular XXX Strawberry
K3 Heaven Legal	Spicey Ultra Strong XXX Vanilla
K3 Sun Legal	Spicey Ultra Strong XXX Strawberry
K3 Sun Improved	Spike 99 Ultra Blueberry
K3 Kryptonite	Spike 99 Ultra Cherry
K3 XXX	Spike 99 Ultra Strawberry
K3 Cosmic Blend	Spicey Ultra Strong XXX Vanilla
K3 Original	EX-SES Platinum Strawberry
C4	Spice Gold
K1 Gravity	Chill Out
K1 Orbit	Smoke
K2 Pina Colada	Forest Humus
Rasta Citrus Spice	Scope Vanilla
Kind Spice	Scope Wildberry
Time Warp	Chill X
Pink Tiger	Space
Humboldt Gold	Silent Black
K2 Orisha Regular	Sence
K2 Orisha Max	Smoke
K2 Orisha Super	Caneff
K2 Amazonian Shelter	Spice Gold
K2 Solid Sex on the Mountain	Gold Spirit Spice
Midnight Chill	Yucatan Fire
Unknown cigarette	Magic Gold
Freedom	Spice Diamond
K2 Sex	Bombay Blue
K2 Orisha White Magic Super	Dream
K2 Orisha Black Magic Max	Smoke Plus
K2 Thai Dream	Spice Tropical Synergy
K4 Bubble Bubble	Magic Silver
MTN-787	Diamond Spirit
K2 Kryptonite	Mojo
Legal Eagle Apple Pie	Genie
K4 Purple Haze	Spike 99
K4 Summit Remix	Potpourri Gold
8-Ball	Jamaican Gold
C4	Potpourri
K2	Winter Boost
Tribal Warrior	Citrus
Spike99	Spice Gold
exSES	Spicey XXX
Spice Silver	Spike 99
Spice Gold	EX-SES Platinum
Spice Diamond	
Yucatan Fire	
Smoke	

6-2-30: **ATV'S, MOPEDS, MOTOR DRIVEN CYCLES, OFF-HIGHWAY MOTORCYCLES, AND SNOWMOBILES ON RESIDENTIAL PROPERTY:**

(A) Definitions, as used in this chapter:

1. *ATV* means an all terrain vehicle as defined in Section 5/1-101.8 of the Illinois Vehicle Code.
2. *Motorcycle* means a motor vehicle as defined in Section 5/1-147 of the Illinois Vehicle Code.
3. *Moped* as defined in Section 5/1-148.2 of the Illinois Vehicle Code.
4. *Motor Driven Cycle* as defined in Section 5/1-145.001 of the Illinois Vehicle Code.
5. *Off-Highway Motorcycles* as defined in Section 5/1-153.1 of the Illinois Vehicle Code.
6. *Residentially Zoned Area* means any parcel of land, or portion thereof, within any "residential" zoning district as defined in Title 10 Chapter 5 of this Code, except areas zoned R-S with acreage of 5 acres or more.
7. *Vehicles* for purposes of this chapter means Motorcycles, ATV's, Mopeds, Motor Driven Cycles, Off-Highway Motorcycles, and Snowmobiles.

(B) Operation of Vehicles: No person shall operate any vehicle as defined in Paragraph A upon private property in a residentially zoned district within the Village at any time, excluding a driveway, a garage, or paved private streets, regardless of whether such vehicle is licensed or unlicensed.

(C) Use of property for the operation of vehicles prohibited: No owner or resident of private property in a residentially zoned area within the Village shall use their property, or permit their property to be used by any other person, for the operation of any vehicle. This shall not preclude the use of a garage, a driveway, or paved private streets.

(D) Exemptions: The following uses of vehicles are exempt from the provisions of this chapter:

1. The operation of publicly-owned or emergency vehicles or motorcycles by public officers or emergency personnel in the course and scope of their employment.
2. The operation of any vehicles associated with the maintenance of real property of lawful uses thereon.
3. The operation of any vehicle associated with construction, repair, remodeling, or grading of any real property.
4. The operation of any vehicle associated with normal and customary yard maintenance. (Ord. 13-01, 6-3-13)

CHAPTER 3

ANIMALS

SECTION:

- 6-3-1: License Required
- 6-3-2: Tags
- 6-3-3: Owner
- 6-3-4: Running At Large
- 6-3-5: Muzzles
- 6-3-6: Dog Or Cat Bites
- 6-3-7: Impounding
- 6-3-8: Penalty For Dog Or Cat Bites
- 6-3-9: Cruelty
- 6-3-10: Offensive Odors
- 6-3-11: Prohibition Of Certain Animals

6-3-1: **LICENSE REQUIRED:** Every person who harbors or keeps a dog over the age of three (3) months in the Village shall pay an annual tax on such dog of five dollars (\$5.00), which tax shall be paid in advance on or before the first day of May of each year.¹ (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74; amd. Ord. 05-51, 4-17-06)

6-3-2: **TAGS:** The Chief of Police of the Village shall keep a record of all dog taxes paid and shall furnish to each person paying such tax a metal or suitable plastic tag having stamped thereon numbers indicating the year for which the tax is paid. A duplicate to replace a lost or destroyed tag may be issued by the Chief of Police upon the payment of one dollar (\$1.00).

The tax required by this Section shall be paid to the Chief of Police and shall be by him turned over to the Treasurer.

It shall be unlawful to permit any dog to be on any public street, sidewalk, alley, or other public place unless such dog has a collar firmly attached around his neck with a license tag for the current year attached to such collar and a tag showing rabies inoculation for the current year. Likewise it shall be unlawful to permit any cat to be on such places unless such cat has a collar firmly attached around his neck with a tag showing rabies inoculation for the current year attached to such collar. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-3: **OWNER:** For the purpose of definition, any person who shelters, harbors, feeds, encourages, or permits a dog or cat to remain at, near, or about his premises or living quarters shall be deemed the owner or keeper of such dog or cat and responsible therefor. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-4: **RUNNING AT LARGE:** It shall be unlawful for any person owning, keeping, or possessing any dog or cat within the Village to own, keep, or possess a dog or cat which is running at large. It shall not be a defense that the owner or possessor of such a dog or cat did not permit such dog or cat to run at large.

If any dog or cat shall be found upon the private premises of any other person than the owner or keeper of such dog or cat, the dog or cat shall be deemed running at large unless firmly held on a leash or in an enclosed vehicle.

¹ For Statute authority, see S.H.A. 65 ILCS 5/11-20-9.

All dogs or cats running at large in the Village are hereby declared to be a public nuisance and shall be apprehended and impounded, and, if not redeemed, destroyed. (Ord. 80-5, 6-2-80)

This Section shall not apply to any dog performing duties for any law enforcement agency. (Ord. 95-30, 11-20-95)

6-3-5: **MUZZLES:** Whenever the President, by proclamation, shall declare that danger from rabies is great, it shall be unlawful to permit any dog or cat to be upon any public street, alley, or sidewalk, or other public place unless such dog or cat is securely muzzled. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-6: **DOG OR CAT BITES:** It shall be the duty of the owner or keeper of any dog or cat to prevent such dog or cat from biting or attacking any person in the Village, and if a person is bitten by a dog or cat he shall report the incident to the Police Department immediately.

Any dog or cat which may unprovokedly bite or attack any person in the Village is hereby declared to be a public nuisance and such dog or cat may be apprehended by a police officer or other person charged with the enforcement of this Chapter.

If an owner or keeper has notice that his dog or cat has bitten any person, it shall be unlawful for such owner to kill such dog or cat, or sell or give such dog or cat away, or to permit or allow such dog or cat to be taken beyond the limits of the Village except to a licensed veterinarian, but it shall be the duty of such owner or keeper to immediately report the incident to the Police Department and to immediately place such dog or cat with a licensed veterinarian where such dog or cat shall be quarantined for a period of at least ten (10) days, or upon the request of any police officer or other person charged with the enforcement of this Chapter to deliver such dog or cat to them for such placement. The owner or keeper shall immediately furnish the Police Department with the name and location of said licensed veterinarian and a certificate of said licensed veterinarian stating whether or not such dog or cat shows symptoms of rabies. At the expiration of the quarantine period, and prior to the release of such dog or cat the owner shall furnish the Police Department with another certificate of said licensed veterinarian stating that such dog or cat does not have rabies. All costs of maintaining such dog or cat with a licensed veterinarian shall be the obligation and responsibility of the owner or keeper and shall be paid by such owner or keeper.

In all cases where any dog or cat has bitten a person and is slain or dies within ten (10) days from the time of the bite, it shall be the duty of the person slaying such dog or cat and the owner of such dog or cat to notify the Police Department and to immediately deliver the head of such dog or cat intact to said Department, or cause the same to be done. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-7: **IMPOUNDING:** Any dog or cat running at large, or any dog on a public street, walk, or other public place without current license and rabies inoculation tags on its collar, or any cat found in such places that it is not currently inoculated against rabies shall be impounded by the Police Department.

The Chief of Police or someone designated by him upon impounding any dog or cat shall make a registry entering the breed, color, and sex of such dog or cat and whether displaying a license tag; and if licensed he shall enter the name and address of the owner or keeper and number of the license tag and if bearing an inoculation tag the number of such tag shall be recorded.

When any licensed dog shall be impounded the Chief of Police shall forthwith give notice by mail to the owner or keeper or such licensed dog, informing such owner or keeper of the impounding of his dog and that if such dog be not redeemed within four (4) days of the date of such notice, such dog may be destroyed. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

All dogs or cats impounded shall be impounded four (4) days and if not redeemed shall be destroyed. The owner or keeper of any dog or cat so impounded may redeem such dog or cat from the Morton Police Department upon cash payment of a fee as follows: If the animal has been transported to the Tazewell County Animal Shelter, a fee of fifty dollars (\$50.00). The owner shall also pay any fee owed to the Animal Shelter for care of the animal while impounded. The owner is also responsible for return transportation of the animal from the Animal Control Shelter. If the animal has not been transported to the Animal Shelter and remains at the Morton Police Department, a fee of fifteen dollars (\$15.00). A certificate of a licensed veterinarian certifying that such dog or cat is currently inoculated against rabies must be shown the Chief of Police before the impounded animal can be released. Any dog must be currently licensed before release. Upon proof of current rabies inoculation and current dog license and full payment of the required charges the Chief of Police will issue a permit for release of the dog or cat at whatever shelter or pound it has been placed pending redemption and destruction. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74; Ord. 91-10, 11-18-91; amd. Ord. 05-52, 4-17-06)

The Village shall contract directly for the sheltering and impounding and destruction of such animals and may do so with persons or places in or outside the Village limits. (Ord. 359, 6-21-65)

6-3-8: **PENALTY FOR DOG OR CAT BITES:** In addition to the other provisions of this Chapter or any applicable State statute, the owner or keeper of a dog or cat which, without provocation, bites, nips, or attacks a human being or another dog or cat shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). If a dog or cat has previously bitten, nipped, or attacked a human being or another dog or cat, and the owner or keeper has been convicted of a violation of this Section or paid a fine and received supervision, then on a second violation, the owner or keeper of such dog or cat, if convicted, shall pay a fine of seven hundred fifty dollars (\$750.00). (Ord. 95-42, 4-15-96; amd. Ord. 99-37, 12-6-99)

6-3-9: **CRUELTY:**

- (A) It shall be unlawful for any person to instigate, cause, procure, or encourage any fight between animals, either in private or in public.
- (B) It shall be unlawful for any person to treat any animal within the Village in any cruel manner whatsoever, including, but not limited to abandoning, beating, underfeeding, or improperly caring for any animal. (Ord. 00-25, 9-5-01)

6-3-10: **OFFENSIVE ODORS:** It shall be unlawful for any person to cause or permit offensive odors to emanate from the premises where he keeps any animal. (Ord. 00-25, 9-5-01)

6-3-11: **PROHIBITION OF CERTAIN ANIMALS:**

- (A) It shall be unlawful for any person to own, use, keep, or permit to be at large within the Village any of the following animals: bees, pigeons, horses, cattle, sheep, ponies, mules, goats, pigs, swine, hogs, ducks, geese, chickens, fur-bearing and game animals, or any other livestock or poultry or any wild or vicious animals dangerous to mankind.
- (B) Any animal named above which is found at large within the Village shall be impounded, if possible; provided, however, that whenever any police officer believes such animal endangers any person, such animal may be killed by said officer.
- (C) In addition to any other penalties imposed upon any person violating this section, such person shall also be liable for the costs of impounding or killing such animal, if necessary. (Ord. 00-25, 9-5-01)

CHAPTER 4

MINORS

SECTION:

- 6-4-1: General Curfew
- 6-4-2: Arrests, Notification
- 6-4-3: Investigation Of Minors; Welfare
- 6-4-4: Misrepresentation Of Age
- 6-4-5: Possession Of Liquor
- 6-4-6: Consumption Of Liquor
- 6-4-7: Parental Responsibility

6-4-1: **GENERAL CURFEW:**

- (A) It is unlawful for a person less than (17) years of age to be present at or upon any public assembly, building, business, street, highway or other public place or way at the following times:
1. Between one minute after twelve o'clock (12:01) midnight and six o'clock (6:00) A.M. Saturday;
 2. Between one minute after twelve o'clock (12:01) midnight and six o'clock (6:00) A.M. Sunday; and (Ord. 80-5, 6-2-80)
 3. Between eleven o'clock (11:00) P.M. Sunday and six o'clock (6:00) A.M. Monday.
 4. Between eleven o'clock (11:00) P.M. Monday and six o'clock (6:00) A.M. Tuesday.
 5. Between eleven o'clock (11:00) P.M. Tuesday and six o'clock (6:00) A.M. Wednesday.
 6. Between eleven o'clock (11:00) P.M. Wednesday and six o'clock (6:00) A.M. Thursday.
 7. Between eleven o'clock (11:00) P.M. Thursday and six o'clock (6:00) A.M. Friday.
- (B) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:
1. accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least (18) years of age;
 2. accompanied by an adult at least (21) years of age approved by the child's parent, guardian, or custodian;
 3. participating in, going to, or returning from:
 - a. employment which the laws of this state authorize a person less than (17) years of age to perform;
 - b. a school recreational activity;
 - c. a religious event;

- d. an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
- e. 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;
- f. an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults

A citation for violation of Subsection (a) of the Section may be issued by a Police Officer only if he reasonably believes that a violation has occurred and none of the defenses enumerated in Subsection (b) apply.

- (C) It is unlawful for a parent, legal guardian, custodian, or other person to knowingly permit a person in his custody or control to violate the provisions of Subsection (a) of this Section. It shall be a rebuttable presumption that a person has violated this Section if someone under (17) years of age of whom such person has custody or control is present upon any public assembly, building, business, street or highway or other public place or public way in violation of Subsection (a) of this Section, and none of the defenses enumerated in Subsection (b) hereof apply.
- (D) Any person violating the provisions of the Section shall be subject to arrest and, upon conviction, shall be fined not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), except where said person has been convicted of this offense or received supervision for this offense at any prior time, the fine for any subsequent offense shall be not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 03-48, 5-3-04)

6-4-2: **ARRESTS, NOTIFICATION:** Each member of the Police Department while on duty is hereby authorized to arrest, without warrant, any person violating the provisions of Section 6-4-1 of this Chapter, and to detain such minor person for a reasonable time, or until a complaint can be made and a warrant procured and served.

It shall be the duty of the Police Department to notify the parent, guardian, or person having custody or control of such minor person of the arrest of such minor person as soon as practicable after such arrest. (Ord. 80-5, 6-2-80; amd. Ord. 03-48, 5-3-04)

6-4-3: **INVESTIGATION OF MINORS; WELFARE:** It shall be the duty of the Chief of Police and police officers, upon the arrest of any child or minor person, where the parent, guardian, or other person having the custody and control has refused to be responsible for said minor person in violation of this Chapter to inquire into the facts, conditions, and circumstances of such minor person; and if it shall appear that such minor person, for want of or improper parental care, is growing up in mendicancy or vagrancy or is incorrigible, to cause the proper proceedings to be had and taken by the appropriate courts and juvenile authorities having jurisdiction over the custody and welfare of such minors as by the statutes of this State made and provided. (Ord. 80-5, 6-2-80)

6-4-4: **MISREPRESENTATION OF AGE:** It shall be unlawful for any minor to do any of the following:

- (A) To represent that he is of the statutory age for the purpose of asking for, purchasing, or receiving any intoxicating liquor from any keeper or operator of any tavern or establishment where intoxicating liquors are sold.
- (B) To present an identification card that has been altered or defaced, or use the identification card of another, or to carry or use a false or forged identification card for the purpose of obtaining any intoxicating liquor.

Any such minor who violates this Section shall be subject to arrest and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00). Where said person has been convicted of this offense, or given court supervision for this offense, at any prior time, there shall be added to the minimum fine the amount of one hundred dollars (\$100.00) for each additional violation, subject to a maximum of seven hundred fifty dollars (\$750.00).¹ (Ord. 96-27, 10-21-96; amd. Ord. 99-37, 12-6-99)

6-4-5: **POSSESSION OF LIQUOR:** It shall be unlawful for any person under the age of twenty one (21) years to have in his possession any alcoholic beverage in the Village limits of the Village of Morton. Except that possession and dispensing, or consumption by such person of alcoholic beverages in the performance of a religious service or ceremony, or the consumption under the direct supervision and approval of the parents or parent of such person in the privacy of a home, is not prohibited by this Section. (Ord. 80-5, 6-2-80)

Any such minor who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, or received supervision for this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction, subject to a maximum of seven hundred fifty dollars (\$750.00). (Ord. 96-27, 10-21-96; amd. Ord. 99-37, 12-6-99)

6-4-6: **CONSUMPTION OF LIQUOR:** It shall be unlawful for any person under the age of twenty one (21) years to consume any alcoholic beverage in the Village limits of the Village of Morton. Except the possession and dispensing, or consumption by such person of alcoholic beverages in the performance of a religious service or ceremony, or the consumption under the direct supervision and approval of the parent or parents of such person in the privacy of a home, is not prohibited by this Section. (Ord. 80-5, 6-2-80)

Any such minor who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, or received supervision for this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction, subject to a maximum of seven hundred fifty dollars (\$750.00). (Ord. 96-27, 10-21-96; amd. Ord. 99-37, 12-6-99)

6-4-7: **PARENTAL RESPONSIBILITY:**

(A) Definitions: As used in this Section, unless the context otherwise requires, the terms specified have the meanings ascribed to them.

LEGAL A person appointed guardian or given custody of a minor by the Circuit Court of
GUARDIAN: the State, but does not include a person appointed guardian or given custody of a
 minor under the Juvenile Court Act.

MINOR: A person who is above the age of eleven (11) years, but not yet eighteen (18)
 years of age.

(B) The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall have been deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Section, upon the occurrence of the events described in Subsection (B)1, 2, and 3 of this Section:

¹ For Statute authority, see S.H.A. 235 ILCS 5/10-1.

1. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting wilful and malicious acts causing injury to a person or property, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute prohibiting wilful and malicious acts causing injury to a person or property; and
 2. Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the Police Department of the Village following said adjudication or nonjudicial sanctions; and
 3. If at any time within one year following receipt of notice set forth in Subsection (B)2 of this Section, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in Subsection (B)1 of this Section, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in Subsection (B)1 of this Section.
- (C) Any person convicted of any violation of the provisions of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Ord. 80-5, 6-2-80; amd. Ord. 99-37, 12-6-99)

CHAPTER 7
SHOOTING EVENTS

SECTION:

- 6-7-1: License Required
- 6-7-2: Application
- 6-7-3: License Fee
- 6-7-4: Revocation

6-7-1: **LICENSE REQUIRED:** No person shall conduct or operate any indoor or outdoor gun club, shooting club, rifle, shotgun, skeet, or pistol event, without first procuring a license from the Police Department.

6-7-2: **APPLICATION:** When application for license is made the Chief of Police or his designee, shall cause to be made an inspection of the premises in or upon which it is intended to conduct or operate such gun club, shooting club, rifle, shotgun, skeet, or pistol event, to determine whether or not such premises are properly located, and are of sufficient size, and that the targets and other equipment of such premises will be placed, kept, and maintained in such premises, and in such condition as to produce the maximum of safety to the persons using such premises, and the public at large. In the event these requirements are not met, a license shall not be issued. The Chief of Police or his designee may also impose such conditions, as he deems appropriate to insure the safety of the participants and the public.

6-7-3: **LICENSE FEE:** A license fee of twenty-five dollars (\$25.00) shall be paid for a specified event and is good only for that event. An annual license fee of one hundred dollars (\$100.00) shall be due for any outdoor gun club and shall be renewable annually.

6-7-4: **REVOCAION:** Any license may automatically be revoked by the Chief of Police or his designee if there is any violation of any law, or if the club or event is not conducted in conformity with the application or other conditions imposed upon the granting of the license. In the event of revocation there shall be no refund of any fee paid. (amd. Ord. 04-20, 7-19-04)

CHAPTER 9

POSSESSION OR CONSUMPTION OF TOBACCO OR ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS BY MINORS

SECTION:

- 6-9-1: Definitions
- 6-9-2: Sales; Delivery
- 6-9-3: Purchases
- 6-9-4: Possession Or Consumption
- 6-9-5: Exemption
- 6-9-6: Penalty

6-9-1: **DEFINITIONS:** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

“Tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco. (Ord. 97-7, 6-16-97)

“Electronic Cigarette” is a battery-powered device which simulates tobacco smoking. It uses a heating element called an atomizer that vaporizes a liquid solution. An ‘Electronic Cigarette’ includes devices known as personal vaporizer or electronic nicotine delivery system. (Ord. 14-02, 5-5-14)

“Alternative Nicotine Product” is a 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. This does not include tobacco products as that term is defined in this Section or any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medicinal purposes. (Ord. 14-02, 5-5-14)

6-9-2: **SALES; DELIVERY:** It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products or electronic cigarettes or alternative nicotine products to any person under the age of eighteen (18) years. (Ord. 14-02, 5-5-14)

6-9-3: **PURCHASES:** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products. (Ord. 97-7, 6-16-97)

6-9-4: **POSSESSION OR CONSUMPTION:** It shall be unlawful for any person under the age of eighteen (18) years to possess or consume any tobacco products or electronic cigarettes or alternative nicotine products. (Ord. 14-02, 5-5-14)

6-9-5: **EXEMPTION:** The provisions of Sections 6-9-2 and 6-9-4 of this Chapter do not apply to a person under the direct supervision of his or her parent or legal guardian in the privacy and confines of the parent’s or guardian’s home. (Ord. 97-7, 6-16-97)

6-9-6: **PENALTY:** Any person who violates any provision of this Chapter shall be subject to the following fines:

- (A) Twenty five dollars (\$25.00) for the first offense.
- (B) Fifty dollars (\$50.00) for a second offense within a twelve (12) month period.

- (C) One hundred dollars (\$100.00) for a third and subsequent offense within a twelve (12) month period.
- (D) Notwithstanding the foregoing, the penalty for the sale of a tobacco product or electronic cigarette or alternative nicotine product to a person under the age of eighteen (18) years shall be one hundred dollars (\$100.00) for the first offense. The penalty for any subsequent offense shall be a minimum of two hundred dollars (\$200.00) and a maximum of seven hundred fifty dollars (\$750.00)

The twelve (12) month period shall be measured from the date of conviction of any offense. (Ord. 97-7, 6-16-97; amd. Ord. 00-47, 2-5-01; Ord. 14-02, 5-5-14)

CHAPTER 10

**PARKING OR STORING JUNK, INOPERABLE
MOTOR VEHICLES, AND MOTOR VEHICLE PARTS**

SECTION:

- 6-10-1: Definition
- 6-10-2: Parking And Storing Prohibited
- 6-10-3: Motor Vehicle Parts
- 6-10-4: Nuisance
- 6-10-5: Notice To Abate
- 6-10-6: Action On Noncompliance
- 6-10-7: Liability For Expense Of Disposal
- 6-10-8: Penalty

6-10-1: **DEFINITION:** As used in this Chapter, “inoperable motor vehicle” means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. “Inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. A motor vehicle shall also be considered inoperable upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under 625 ILCS 5/3-414 and 625 ILCS 5/3-414.1. (Ord. 88-15, 9-19-88; amd. Ord. 99-46, 2-21-00)

6-10-2: **PARKING AND STORING PROHIBITED:** Inoperable motor vehicles may not be parked, stored, or left in the open on private property unless it is necessary for the operation of a business enterprise lawfully conducted thereon. (Ord. 80-5, 6-2-80; amd. Ord. 88-15, 9-19-88)

6-10-3: **MOTOR VEHICLE PARTS:** Storing, placing, or allowing to remain in the open on streets, alleys, or private property of motor vehicle bodies, parts, equipment, motors, and materials for a period of more than forty eight (48) hours in any one (1) calendar month is hereby prohibited unless necessary for the operation of a business enterprise lawfully conducted thereon. (Ord. 80-5, 6-2-80)

6-10-4: **NUISANCE:** Parking or storing of inoperable motor vehicles and the storing or allowing same to remain in the open of motor vehicle bodies, parts, equipment, motors, and materials, in violation of Title 6, Chapter 10, Section 2, and Title 6, Chapter 10, Section 3 is hereby declared to constitute a public nuisance. (Ord. 80-5, 6-2-80; amd. Ord. 88-15, 9-19-88)

6-10-5: **NOTICE TO ABATE:** The Village Police Chief, or a member of the Morton Police Department designated by the Village Police Chief, is hereby authorized and empowered to notify the person in control of any private property to relocate any inoperable vehicles parked or stored in violation of Section 6-10-2 of this Chapter to a completely enclosed location on the property or otherwise to remove the same from the premises. Said Village Police Chief or a member of the Morton Police Department designated by the Village Police Chief, is also hereby authorized and empowered to notify the person in control of any private property to relocate any motor vehicle bodies, parts, equipment, motors, and materials stored, placed, or allowed to remain in the open in violation of Section 6-10-3 of this Chapter to a completely enclosed location on the property or otherwise to remove the same from the premises. Such notice shall be given by certified or registered mail addressed to the residence or usual place of business of such person, or may be posted on the premises where the violation exists. (Ord. 88-15, 9-19-88)

6-10-6: **ACTION OF NONCOMPLIANCE:** After the expiration of ten (10) days from the receipt of the notice provided for in the preceding Section or the posting of said notice, if the person so notified has failed, neglected, or refused to comply with the directions of such notice, the Village is hereby authorized and empowered to pay for the removal and disposal of such vehicles, bodies, parts, and the like, or to order the removal and disposal by the Village. (Ord. 80-5, 6-2-80; amd. Ord. 88-15, 9-19-88)

6-10-7: **LIABILITY FOR EXPENSE OF DISPOSAL:** In the event the Village is required to remove and dispose of the vehicles, bodies, parts, and the like, the person in control of the premises shall be liable to the Village for the expense incurred by the Village. A statement shall be rendered to the person liable for the cost thereof and if not paid, suit shall be instituted.

6-10-8: **PENALTY:** Any person who violates the provisions of Section 6-10-2 or 6-10-3 of this Chapter or who fails, neglects, or refuses to comply with the notice provided in Section 6-10-5 of this Chapter shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and each day any such violation shall continue shall constitute a separate offense. The penalty specified in this Section shall be in addition to the liability for expense provided for in Section 6-10-7 of this Chapter. (Ord. 80-5, 6-2-80; amd. Ord. 98-15, 8-3-98; amd. Ord. 99-37, 12-6-99).

CHAPTER 11

DANGEROUS/VICIOUS ANIMALS

SECTION:

- 6-11-1: Definitions
- 6-11-2: Dangerous Dog or Cat
- 6-11-3: Vicious Dog or Cat
- 6-11-4: Previous Finding of Dangerous or Vicious by another unit of local government
- 6-11-5: Exclusivity
- 6-11-6: Impoundment Procedures
- 6-11-7: Penalty

6-11-1: **DEFINITIONS:**

Animal means every living creature, other than man, which may be affected by rabies.

Cat means all members of the family Felidae.

Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

Dangerous Dog or Cat deemed as such by a Hearing Officer, means any individual dog/cat when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or a companion animal in a public place or on private property other than that of the owner or custodian.

Dog means all members of the family Canidae.

Enclosure, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a fence that is buried at least twelve inches (12") to eighteen inches (18") below ground level or other structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall feature a concrete pad, be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure in any manner. If the enclosure is a room within a residence, the door must be locked. A vicious dog/cat may be allowed to move about freely within the entire residence if it is muzzled at all times.

Hearing Officer means the Mayor or his designee.

Leash means a cord, chain, rope, strap or other such physical restraint, not to exceed four (4) feet in length when used for a dangerous or vicious dog/cat, and not exceeding ten (10) feet when used for any other animal, and having a minimum tensile strength of not less than three hundred (300) pounds.

Muzzle means a device constructed of strong, soft material or a metal muzzle designed to prevent a dog or cat from biting any person or animal. The muzzle must be made in a manner which will not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Owner means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.

Run Line, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a system of tying a dog in place with either a rope or chain having a minimum tensile strength of not less than three hundred (300) pounds and not exceeding ten (10) feet in length. The rope or chain must be securely fastened to a permanent, non-movable object and prevent the vicious dog/cat from climbing, digging, jumping or otherwise escaping under its own volition.

Vicious Dog or Cat deemed such by a Hearing Officer, means any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other animal either on public or private property; any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; any individual dog/cat that has a trait or characteristic and has a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; any individual dog/cat which attacks a human being or domestic animal; and any individual dog/cat which has been found to be a dangerous dog/cat upon two (2) separate occasions.

6-11-2: DANGEROUS DOG OR CAT:

- (A) A Hearing Officer, or any adult person may request, under oath, that a dog/cat be classified as a dangerous dog/cat by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days of receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The owner of the dog/cat shall not dispose of the dog/cat in any manner during an active investigation.
- (B) At the conclusion of the investigation, the Hearing Officer may:
1. Determine that the dog/cat is not dangerous and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or
 2. Determine that the dog/cat is dangerous and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after notification that a dog/cat is dangerous, the officer may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (C) Within five (5) business days after declaring a dog/cat dangerous, the Hearing Officer shall notify the owner of the dog's/cat's designation as a dangerous dog/cat, and of the requirements and conditions for keeping the dog/cat, as set forth herein. The notice shall inform the dog/cat owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the dangerous dog/cat designation notice.
- (D) The Hearing Officer or his designee shall hold a hearing within fifteen (15) days after receiving the dog/cat owner's written request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing to the dog/cat owner and to the complainant by regular mail. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog/cat should not be declared a dangerous dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other persons having knowledge of the facts and circumstances, may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:
1. Provocation;

2. Severity of attack or injury to a person or domestic animal;
 3. Previous aggressive history of the dog/cat;
 4. Observable behavior of the dog/cat;
 5. Site and circumstances of the incident;
 6. Statements from interested parties;
 7. Any medical records; and,
 8. Veterinary medical records or behavioral records.
- (E) A determination at a hearing that the dog/cat is in fact a dangerous dog/cat as defined herein shall subject the dog/cat and its owner to the provisions of this section.
- (F) Failure of the dog/cat owner to request a hearing shall result in the dog/cat being finally declared a dangerous dog/cat and shall subject the dog/cat and its owner to the provisions of this section.
- (G) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-11-2(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.
- (H) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:
1. Registration of dangerous dog/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be five hundred dollars (\$500.00).
 2. Insurance. A Certificate of Insurance evidencing coverage in an amount not less than fifty thousand dollars (\$50,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.
 3. Permanent identification. Each dangerous dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.
 4. Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the Village Clerk with the name and address of the new owner.

5. Spaying or Neutering: If deemed dangerous, the owner shall be ordered to have the dog/cat spayed or neutered within 14 days at the owner's expense.
 6. Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.
 7. Muzzle: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog/cat or interfere with its vision or respiration.
 8. Identification of Owner: Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.
 9. Identification of dog/cat: Two (2) photographs of the dangerous dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the dangerous dog/cat and shall clearly show the face and ears of the dangerous dog/cat. One (1) photograph shall show a side view of the dangerous dog/cat.
- (I) No person shall permit any dangerous dog/cat to leave the premises of its owner when not under control by leash no longer than four (4) feet in length by an adult eighteen (18) years of age or older or within an enclosed vehicle.
- (J) The owner of any dog/cat found to be dangerous shall maintain such animal in such a manner as to prevent its coming in contact with any person not residing with the owner, unless the dog/cat is getting veterinary care or being boarded at a facility that can ensure all requirements pertaining to a dangerous dog/cat can be continuously maintained during the boarding period.
- (K) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standards for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exempted under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Hearing Officer of changes of address. In the case of a sentry or guard dog, the owners shall keep the Hearing Officer and the Village Clerk advised of the location where such dog will be stationed.

6-11-3: **VICIOUS DOG OR CAT:**

- (A) A vicious dog/cat means any dog/cat found to be a dangerous dog/cat by the Hearing Officer or his designee on two (2) separate occasions, or a dog/cat whose attack is of such a savage nature as to cause serious physical injury, thereby rendering it vicious on its first attack, and shall be reported to the Hearing Officer as such.
- (B) Any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other domestic animal either on public or private property.
- (C) Any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

- (D) Any individual dog/cat that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (E) A Hearing Officer or any adult person may request under oath that a dog/cat be classified as vicious by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days upon receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
- (F) At the conclusion of an investigation, the Hearing Officer may:
1. Determine that the dog/cat is not vicious and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or
 2. Determine that the dog/cat is vicious and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after a final determination that a dog/cat is vicious, the warden may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) Within five (5) business days after declaring a dog/cat vicious, the Hearing Officer shall give written notice by certified mail, to the dog's/cat's owner of the dog's/cat's designation as vicious. The notice shall inform the owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the vicious dog/cat designation notice.
- (H) The Hearing Officer or his designee shall hold a hearing within fifteen (15) business days after receiving the dog/cat owner's request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing by regular mail to the dog/cat owner and the complainant.
- (I) The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence why the dog/cat should not be declared a vicious dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other person having knowledge of the facts and circumstances may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:
1. Provocation;
 2. Severity of attack or injury to a person or domestic animal;
 3. Previous aggressive history of the dog/cat;
 4. Observable behavior of the dog/cat;
 5. Site and circumstances of the incident;
 6. Statements from interested parties;
 7. Any medical records; and,
 8. Veterinary medical records or behavioral records.

- (J) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(i), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared vicious.
- (K) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:
1. Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be seven hundred fifty dollars (\$750.00).
 2. Insurance. A Certificate of Insurance evidencing coverage in an amount not less than one hundred thousand dollars (\$100,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.
 3. Permanent identification. Each vicious dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.
 4. Transfer of ownership. No owner or keeper of a vicious dog/cat shall sell or give away a vicious dog/cat.
 5. Enclosure. No person shall own, keep or maintain a vicious dog/cat in an exterior area unless such dog/cat is at all times kept in a enclosed structure constructed and maintained in accordance with this section, except that a vicious dog/cat may be confined outside of a enclosed structure in a manner set forth in subsection (k)(8) herein. A dog/cat found to be a vicious dog/cat shall not be released to the owner until the Hearing Officer or his designee and the Zoning Department approves the enclosure.
 6. Signs. All persons possessing a vicious dog/cat shall display, in a prominent place on the premises where a vicious dog is to be kept, a sign which is readable by the public from a distance of not less than fifty (50) feet using the words "Beware of Vicious Dog/Cat." A similar sign shall be posted on any confinement structure.
 7. No vicious dog/cat may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog/cat to exit the structure on its own volition. No vicious dog/cat shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog/cat from exiting the structure.

8. No person shall permit a vicious dog/cat to go outside a enclosed structure, house or other structure unless the vicious dog/cat is securely restrained with a leash no longer than four (4) feet in length and a minimum tensile strength of three hundred (300) pounds and fitted with a muzzle or securely restrained on a run line no longer than ten (10) feet in length and fitted with a muzzle. No person shall permit a vicious dog/cat to be kept on a leash unless a person eighteen (18) years old or older is in actual physical control of the leash and is physically able to control the dog/cat.
 9. The only time that a vicious dog may be allowed out of the enclosure are:
 - a. If it is necessary for the owner or keeper to obtain veterinary care for the dog.
 - b. In the case of an emergency or natural disaster where the dog's life is threatened.
 - c. To comply with the order of a court of competent jurisdiction. In all cases the dog should securely be securely muzzled and restrained with a leash not exceeding six (6) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence. (amd. Ord. 14-17, 7-21-14)
 10. Spayed or Neutered: Once a dog/cat is found to be a vicious dog/cat, the dog/cat shall be spayed or neutered within ten (10) days of the finding at the expense of its owner.
 11. Verification of the identity of the owner and current address shall be provided by a photostatic copy of the owner's driver's license.
 12. In addition to Permanent Identification set forth under subsection (3) hereof, identity of the vicious dog/cat shall be provided by two (2) photographs of the vicious dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the vicious dog/cat and shall clearly show the face and ears of the vicious dog/cat. One (1) photograph shall show a side view of the vicious dog/cat.
- (L) The owner of any dog/cat found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner, except when necessary to obtain veterinary care for the vicious dog/cat or when the vicious dog/cat is being boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.
- (M) No dog/cat shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.
- (N) A finding by the Court of the failure to comply with this section will result in the impoundment of any dog/cat which has been found to be a vicious dog/cat and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the Hearing Officer and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (O) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the Village Clerk. It shall be the duty of the owner of each such dog to notify the Village Clerk of changes of address and the owner shall keep the Village Clerk advised of the location where such dog will be stationed. The Village Clerk shall provide Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

- (P) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standard as guard dogs for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected.
- (Q) If a dog is not properly registered with the Village Clerk under this section there is a rebuttable presumption that the dog does not qualify as a professional guard or show dog.
- (R) The escape from confinement of any vicious dog/cat shall be reported by the owner to the police upon discovery of the escape.
- (S) The biting or nipping of any person or animal by a vicious dog/cat shall be reported by the owner to the police upon occurrence.
- (T) The birth of any offspring of a vicious dog/cat shall be reported by the owner to the police within forty-eight (48) hours of the birth of the offspring.

6-11-4: **PREVIOUS FINDING OF DANGEROUS OR VICIOUS BY ANOTHER UNIT OF LOCAL GOVERNMENT:** If another unit of local government has found a dog or cat dangerous or vicious under its ordinances, rules or statutes with a definition substantially similar to the definition used by this ordinance, then the owner shall within five (5) days of keeping or harboring the dog or cat in the corporate limits of the Village, register the dog or cat in the Village in the same manner as would be required if the Hearing Officer found the dog or cat to be dangerous or vicious. The dog or cat shall immediately be subject to the provisions of this Ordinance for the classification previously determined by the other unit of local government.

6-11-5: **EXCLUSIVITY:** This Chapter shall apply to all dogs or cats deemed or proposed to be deemed dangerous or vicious and the provisions of Title 6, Chapter 3 do not apply. This Chapter does not dispense with the requirement of the owner of a dog or cat to obtain an annual license as provided in Chapter 6-3-1.

6-11-6: **IMPOUNDMENT PROCEDURES:**

- (A) Impounding - General: Any Animal Control officer under contract with the Village may impound dangerous and vicious dogs and cats in accordance with the provisions of this Ordinance or State statute.
- (B) Impounding - Immediate: Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement officer, or any animal control officer, has probable cause to believe that an individual dog/cat is a vicious dog/cat and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement officer or any animal control officer may seize and impound the dog/cat pending disposition of the hearing. The owner of the dog/cat shall be responsible for payment for the costs and expenses of keeping the dog/cat unless the hearing officer finds the dog/cat is neither dangerous nor vicious, in which case no redemption fee is due.
- (C) Redemption of Impounded Dog or Cat:

1. Any person seeking to redeem any impounded animal shall pay a fee of Ten (\$10.00) Dollars if the animal is vaccinated and registered, or a fee of Fifteen (\$15.00) Dollars if the animal is not vaccinated and registered, plus a reasonable maintenance charge for boarding said animal to the animal control office, and in addition, a fee of Fifty (\$50.00) Dollars to the Village Clerk plus rabies fees if required. On the second offense, the fee to the Village Clerk shall be seventy-five (\$75) Dollars. On the third offense, a fee of one hundred (\$100) dollars shall apply. If the owner of the animal does not redeem said animal within five (5) days after notice by mail or otherwise to said owner of the impounding, such animal may be placed for adoption or humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act at the discretion of the Hearing Officer. If the animal is adopted by a person other than the owner, said person shall pay all fees and charges which the owner would have been required to pay; except, that in order to facilitate the adoption of impounded animals, the Hearing Officer or his designee may waive said fees. If such fees are waived, the Hearing Officer shall notify the Village Clerk of his/her decision.
2. No dog or cat shall be released for adoption from any animal pound or shelter without being spayed or neutered and tagged, or without a written agreement from the adopter, secured by cash deposit, guaranteeing that such animal will be spayed or neutered and tagged within a reasonable period of time.
3. Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

6-11-7: **PENALTY:**

- (A) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.
- (B) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained after a finding by the court of such violation of this Chapter.
- (C) Upon a finding of guilt, the owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.
- (D) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall, upon finding thereof, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.
- (E) Upon a finding by the Court of that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of any sections of this chapter, such Court shall:
 1. Impose a fine of not less than two hundred dollars (\$200.00) for each offense; and/or,
 2. Order to have the animal in violation impounded; and/or,

3. Order the animal in question to be humanely dispatched.

- (F) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter.
- (H) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.
- (I) If any subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

CHAPTER 12

DISPOSAL OF ANIMAL WASTE

SECTION:

6-12-1: Removal of Dog and Other Animal Defecation From Public and Private Properties

6-12-2: Dumping of Animal Defecation

6-12-1: **REMOVAL OF DOG AND OTHER ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES:** An owner or other person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree, park, or any other public grounds, or any private property within the village, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and without delay. (Ord. 11-20, 8-1-11)

6-12-2: **DUMPING OF ANIMAL DEFECATION:** No dog or other animal defecation or manure shall be dumped or left on any street, alley, sidewalk, nor any open space or lot in any portion of the village; provided, however, that this provision shall not be construed to prohibit the use of manure as fertilizer for lawns and gardens in keeping with ordinary and customary practices, in a manner that does not create a nuisance. (Ord. 11-20, 8-1-11)

