

## CHAPTER 42

### OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

#### 42.01 DISORDERLY CONDUCT

(a) No person shall engage in disorderly conduct in the city. Any of the following acts constitute disorderly conduct:

1. Making, aiding or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace.
2. Assaulting, striking or deliberately injuring another person.
3. Engaging in or aiding or abetting any fight, quarrel or other disturbance.
4. Disturbing any religious service, funeral, public or private meeting, place of amusement, or assembly of persons.
5. Collecting in crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of other persons.
6. Loitering continuously in public places or being idle or dissolute and going about begging.
7. Drinking alcoholic beverages or being intoxicated in public places, or in any place to the annoyance and disturbance of other persons.
8. Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity, or impersonating a police officer.
9. Assisting any person in custody of police to escape or furnishing any weapon, drugs, or liquor to any such person.
10. Assembling with two or more other persons for the purpose of using force or violence to disturb the public peace.
11. Failing to obey a lawful order of dispersal by a person known to be a peace officer where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.
12. Lodging in or being in out-houses, sheds, barns stables, or unoccupied buildings, or being a vagrant.
13. Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing, or the practice of fortune telling, palmistry, card reading, astrology, clairvoyancy or other scheme to obtain money or other value.
14. Giving any false alarm of fire, danger, or disturbance to any person, or false information to any peace officer or fireman or any city officer.
15. Making a telephone call with intent to annoy another, whether or not conversation ensues.

16. Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in public in a state of nudity.

17. Maintaining or being in houses of ill fame or gaming houses (except businesses licensed to sell state lottery tickets and organizations licensed by state to operate bingo games), or engaging in or soliciting unlawful sexual actions.

18. Using any obscene, profane, threatening or inciting language in any public place.

19. Throwing stones or missiles in public places or at any person or property, or using, brandishing or threatening to use any missile or dangerous weapon or object.

20. Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, monuments, or vehicles or engaging in any acts of vandalism.

21. Abusing, beating or cruelly injuring any animal or bird.

#### **42.02 FIREARMS**

No person shall discharge any firearms or do any hunting in the city. This shall not apply to peace officers in line of duty, or any person acting in self defense.

#### **42.03 WEAPONS**

(a) A person who is not a city officer shall not carry about his person any concealed pistol, switchblade, knife, razor, slingshot, metal knuckles or any other weapon or thing of deadly character.

(b) No person shall sell, give or transfer any such weapon to any minor person.

#### **42.04 FIREWORKS**

No person shall sell, offer for sale, use or explode any fireworks in the city except the City Council may grant a permit for a public display of fireworks.

#### **42.05 OPEN BURNING AND FIRES**

(a) No person shall cause or allow open burning except as permitted in this section. "Open burning" is defined as the combustion of any matter with a flame in excess of 4 inches outside of any enclosed structure in such a way that the products of the combustion are emitted to the open air.

(b) The following types of open burning are permitted on privately owned property:

1. Burning of charcoal, propane, or natural gas is permitted in a barbecue for the purpose of cooking.

2. Burning of commercially purchased candles and torches is permitted not less than 30 feet from any structure or tree.

3. Small open flames for heating tar, for welding, acetylene torches, and highway safety flares.

4. Burning of firewood only for a campfire in a container which does not exceed 6 square feet.

5. Burning of firewood only for a campfire in a container or contained area with a permit issued from the Fire Department.

6. Burning pursuant to a permit issued by the Illinois Environmental Protection Agency.

7. Burning pursuant to a permit issued by the City of Hickory Hills.

(c) Open burning of leaves, garbage, construction wood, building by-products and waste is prohibited.

(d) Open burning on publicly owned property is prohibited except by the governmental agency owning such property.

#### **42.06 BARBED WIRE FENCES**

No person shall maintain any fence containing barbed wire along or near any public sidewalk.

#### **42.07 NOISE**

No person shall disturb peace and quiet of any other person by creating excessive noise on his or any property. Excessive noise shall include but not by way of limitation any of the following.

1. Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.

2. Barking or howling dogs or cats.

3. Vehicles without mufflers, or the unnecessary use of horns on vehicles.

#### **42.08 DAMAGING PROPERTY**

It shall be unlawful for any person to break, deface, injure or destroy any property within the City of Hickory Hills, whether such property is owned by the state, county, city or any other governmental body, or owned by any private person.

#### **42.09 LITTERING**

No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering.

#### **42.10 POLLUTION**

No person shall pollute the air or any watercourse by excessive discharge of waste products of foreign matter.

#### **42.11 DISORDERLY HOUSES**

No person shall, within the city or within three miles of the outer limits of the city, keep, maintain, frequent, or be an inmate of or connected therewith, or contribute to the support of any disorderly house or house of ill fame or assignation, or any place used for the practice of fornication or adultery; or knowingly suffer or permit any house or other premises owned or occupied by him or under his control to be used for any such purposes.

#### **42.12 OBSCENE MATERIAL**

No person shall exhibit, sell or offer to sell any obscene or immoral publication, print, pictures or illustrations.

#### **42.13 TRESPASSES**

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

(b) Specifically Enumerated Trespasses. Without constituting any limitation upon the provisions of subsection (a), any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of this section, 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 section, the aforesaid enumerated acts so included, being as follows, to-wit:

1. An entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof, or
2. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to 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
3. A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
4. An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control 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.

#### **42.14 PARADES AND OPEN AIR MEETINGS**

No parade shall be allowed on any public way, nor shall any open air meeting shall be held in or upon any public way or upon any ground abutting upon any public way, without a permit in writing therefor from the Council. Application to conduct such parade or procession or open air meeting shall be made in writing to the City Clerk at least 14 days prior to the event, by the person or persons in charge or control thereof or responsible therefor, and such application shall set forth the desired route along which such parade or procession is to proceed, the desired time of starting, the duration, and the name of the person or society in control thereof, or responsible thereof, and the purpose of such parade or procession; and in the case of an open air meeting, such application shall specify the place at which it is desired to hold such meeting, the purpose thereof, and the name of the person desired to hold such meeting, the purpose thereof, and the name of the person or society in control thereof, or responsible therefor, the time at which such meeting is to be held and the probable duration thereof. Upon such application being made, the Chief of Police, when necessary, shall investigate or cause to be investigated the person or society making such application and the truth of the statements made in such application regarding the purpose or object of such parade, procession or open air meeting, and shall file a written report thereof with the Council.

#### 42.15 MINI-BIKES AND SNOWMOBILES

It is unlawful for any person to use or operate any mini-bike or snowmobile on any public right-of-way, sidewalk or street within the corporate limits of the city or to operate or use any mini-bike or snowmobile in any location within the corporate limits from 9:00 p.m. to 9:00 a.m.

#### 42.16 RETAIL TOBACCO STORES PROHIBITED

It shall be unlawful to own, operate or maintain a retail tobacco store (as defined in the Smoke Free Illinois Act and the Smoke Free Illinois Code) which permits smoking within a commercial premise where tobacco products are sold.

#### 42.17 CURFEW

(a) **Definitions.** For purposes of this Section the following terms, phrases, words and their derivations shall have the meaning given therein. When not inconsistent within the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

*Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious injury to persons or property.

*Establishment* means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

*Juvenile* means any person sixteen (16) years of age or younger (under seventeen (17)).

*Operator* is any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

*Parent* is any person having legal custody of a juvenile (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands *in loco parentis*, or (iv) as a person to whom legal custody has been given by court order.

*Public Place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, common areas, shopping centers, private businesses, streets, and similar areas that are open to the use of the public.

(b) **Curfew for Juveniles.** It shall be unlawful for any juvenile to be or remain in or upon a public place within the City of Hickory Hills during the following times:

Between 11:30 p.m. Friday and 5:00 a.m. Saturday.

Between 11:30 p.m. Saturday and 5:00 a.m. Sunday.

Between 10:30 p.m. on Sunday to Thursday, inclusive, and 5:00 a.m. on the following day.

(c) **Exceptions and Affirmative Defense.** It shall not be a violation of this article, and it shall otherwise be an affirmative defense if a juvenile is:

1. Accompanied by the juvenile's parent, custodian or guardian.

2. Accompanied by an adult authorized by a parent of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and for purposes within a specified area.

3. When a juvenile is on the sidewalk or property where the juvenile resides, or on either side of or across the street from the place where the juvenile resides and the adult owner or resident of that property has given permission for the juvenile to be there.

4. When the juvenile is married or has been married pursuant to state law.

5. In the case of an operator of an establishment, when the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

6. Participating in, going to, or returning from:

A. Lawful employment;

B. A school sanctioned activity;

C. An emergency situation, or errand of urgent necessity involving the protection of a person or property;

D. An activity involving the exercise of the juvenile's rights protected under the First Amendment of the United States Constitution and Article 1, Section 3, 4, and 5 of the Illinois Constitution, or both, such as freedom of speech, religion and the right of assembly; or

E. Engaged in the interstate or international travel originating outside the State of Illinois or originating in the State of Illinois.

(d) **Operator Responsibility.** It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of, this Section. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's position would have known that the patron was a juvenile in violation of this Section.

(e) **Parental Responsibility.** It shall be unlawful for a parent having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any City public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this Section. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(f) **Duties of Police Officers.** It shall be the duties of the police officer upon discovering any juvenile, unattended by an adult, to:

1. Inquire of such juvenile their age, place of residence and telephone number.

2. Inquire as to why the juvenile is out past curfew.

3. Assess whether the activity the juvenile is engaged in is/was protected under this Section.

4. Assess whether such an exception or defense is reasonable given the surrounding circumstances, such as time elapsed from beginning or end of said activity, allowing the juvenile a reasonable amount of time to go to or return from such activity without violating this Section.

After the above inquiries are made by the officer, and no exceptions or defenses are applicable, it shall be the duties of the police officers to promptly notify the parent, guardian, or custodian of such juvenile has been detained for violations of the provisions of this Section and to report to the police station for the return of said juvenile to their custody. Whenever it is impractical to do so, the said juvenile may be returned forthwith to his home or to the person entitled to his custody.

#### **42.18 PARENTAL RESPONSIBILITY**

(a) **Control of Minor.** It shall be unlawful for the parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to fail to exercise proper parental responsibility by allowing or permitting said minor to commit any violation of a city ordinance or state statute concerning vandalism, battery, curfew, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass or possession of alcoholic liquor, cannabis, or controlled substances or any other offense of willful or malicious acts to person or property.

(b) **Presumption.** A parent or legal guardian shall be presumed to have allowed or permitted said minor to have committed a violation of a city ordinance or state statute under all of the following conditions:

1. Said minor has been either adjudicated to be in violation of any ordinance or state statute as described in subsection (a) above; or has been charged with the violation of any ordinance or state statute as described in subsection (a) above (except if found to be not guilty); or has incurred non-judicial sanctions from any peace officer, or conservator of the peace resulting from an admission of guilt to an offense of an ordinance or state statute as described in subsection (a) above; and
2. Said parent or legal guardian has received a written notice by certified mail (return receipt requested) or by personal service in substantially the following form:

#### **LEGAL NOTICE**

TO: (Parents' Names)

FROM: City of Hickory Hills

You are hereby notified that \_\_\_\_\_ (minor's name) has been involved with a violation of an ordinance or state statute concerning vandalism, battery, curfew, disorderly conduct, fireworks, obscene conduct, indecent exposure, trespass, or possession of alcoholic liquor, or any other offense of willful or malicious acts to person or property.

If said minor is again involved with a violation of one of the above type ordinances or state statutes you may be found guilty of the offense of Parental Irresponsibility. Conviction for said offense can result in a fine of not less than \$25 nor more then \$500. You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his unlawful conduct.

3. Said minor, within two year of receipt of said notice by the parent or legal guardian has been either adjudicated to have committed, has been charged with the violation (except if found to be not guilty), or has admitted to have committed any violation of any ordinance or state statute as described in paragraph 1 above.

(c) **Definitions.** The following terms shall have the meaning ascribed to them for the purposes of this section:

*Legal guardian* means a person appointed guardian or given custody of a minor by a court, but it does not include a person appointed guardian or given custody of a minor under the "Juvenile Court Act," as amended, in the State of Illinois.

*Minor* means any person who has not yet attained the age of 19.

(d) **Supervision.** It is the policy of the City of Hickory Hills to permit the City Prosecutor to use provisions of the "Unified Code of Corrections," as amended, of the State of Illinois, pertaining to supervision in order to further the ends of justice, restitution, and purposes of this section.

(e) **Court Appearance of Parents.** It is the policy of the City of Hickory Hills that a parent or legal guardian of a minor be notified and required to appear in court whenever that minor is charged with a violation of an ordinance or state statute which requires the minor's appearance in court. To this end, it is hereby directed that a notice is substantially the following form to be sent to the parents or legal guardians of the minor:

#### LEGAL NOTICE

TO: (Parents' Names)

FROM: City of Hickory Hills

You are hereby notified that \_\_\_\_\_ (minor's name), has been charged with an offense which is a violation of a city ordinance or state statute and which requires the appearance of said minor or court. You are further notified that one of the parents of said minor must appear in court before the case will be tried or be disposed.

If you fail to appear, the City Prosecutor has been directed to have issued a subpoena to bring you into court. Failure to obey a subpoena can result in contempt of court, with a fine or imprisonment as the penalty.

The City Prosecutor is hereby directed to have subpoenas issued whenever a parent or legal guardian of a minor does not appear in court after the first two times said case been before the court.

(f) **Penalty.** Any person violating any provisions of this Section 42.18 shall be fined not less than \$25 nor more than \$500 for each offense and a separate offense shall be deemed committed on each day on which a violation occurs.

(g) **Effect on State Law.** This section shall not affect or be affected by any proceedings brought under the State Parental Responsibility Law, P.A. 76-1679, Chapter 70, Sections 51-57, Illinois Revised Statutes.



**42.19 PARAPHERNALIA ASSOCIATED WITH CONTROLLED SUBSTANCES OR CANNABIS**

(a) It is hereby declared to be unlawful for any person to exhibit, sell, display for sale, offer to sell, give away, or offer to give away, or have in his possession with or without intent to give away, any paraphernalia, articles or equipment, as further defined herein in subsection (b), commonly used in aiding the consumption or ingestion of a controlled substance or cannabis as defined by the Controlled Substances Act, Illinois Revised Statutes, Chapter 56 1/2, Sections 1100 to 1603 as amended, except where such articles or equipment are prescribed for strictly medical purposes and are used as such.

(b) The terms paraphernalia, articles or equipment commonly used in aiding the consumption or ingestion of controlled substances or cannabis shall include, but is not limited to, the following enumerated articles: cocaine spoons, pot pipes, water pipes, hypodermic needles, syringes and miscellaneous literature describing the consumption or ingestion of a controlled substance or cannabis which tends to promote the use of a controlled substances of cannabis.

**42.20 TRESPASSING UPON PUBLIC PROPERTY**

It shall be unlawful for any person to enter upon property of the City of Hickory Hills where such entry is forbidden, or to remain upon the property of the City of Hickory Hills after receiving notice from an officer or employee of the city or depart. All detention and retention basins of the city shall be posted "No Trespassing" and any person violating said notice shall be deemed to absolve the city of any liability for damages arising out of his trespass upon the city property.

**42.21 DANGEROUS AND DEADLY WEAPONS**

It shall be unlawful for any person to possess, except within his own domicile, or carry or use a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air gun, "B-B gun," pellet gun, gas operated gun, slingshot, spring gun, or any like instrument, toy or weapon, which is made for the purpose of shooting or projecting missiles of any kind by any means whatsoever. The above prohibition shall not apply to duly authorized law enforcement officers, or to licensed shooting galleries or on private grounds or premises under circumstances when such instruments can be fired, discharged, or operated in such a manner as not to endanger persons or property, and also in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds, or residence; and further provided, that nothing herein shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly case, to or from any range or gallery or to or from an area where hunting is allowed by law in conformity with all of these state statutes governing the possession and carrying of firearms.

**42.22 DUMPING WATER PROHIBITED**

It shall be unlawful for any person to dump, pump, or flow any water from his property onto the property of another, including but not limited to water from swimming pools and sump pumps. All water being emptied from a swimming pool shall flow onto the public street.

**42.23 OUTDOOR SALES OF MERCHANDISE PROHIBITED**

(a) Sales of goods, wares, items or merchandise shall not be permitted outside of structures located on the premises, except in the following cases:

1. Goods, wares, items or merchandise which are customarily sold outside of structures and which are customarily sold in conjunction with the main business located on the premises. (Examples being tires, nursery stock, gasoline, automobiles, etc.)

2. Special sales limited to one week per year of goods, wares, items or merchandise which are customarily sold inside the structure located on the property by the business located on the property.
3. One garage sale per residence per calendar year.

A permit shall be granted by the City Clerk for any person wishing to use one of the exceptions for the purpose of conducting outdoor sales.

**42.24 POSSESSION OF CANNABIS**

(a) It shall be unlawful for any person to possess cannabis.

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

(c) A police officer may, in lieu of filing a criminal complaint, issue a citation (notice to appear or "P" Ticket) to a person in violation of this section, which shall be administered through Hickory Hills Municipal Code, §3.38, Code Hearing Department (65 ILCS 5/1-2.2-1), provided the amount of cannabis in the person's possession does not exceed 20 grams. Any person found to have violated this section shall be fined no less than the amounts set forth below, which shall be graduated based upon the amount of cannabis found to be in that person's possession:

2 grams or less	\$100.00
More than 2 grams and not more than 10 grams	\$150.00
More than 10 grams and not more than 20 grams	\$225.00

(d) Any person issued the citation for a violation of this section shall appear at the scheduled administrative hearing written on the citation; provided, however, no appearance is necessary at the administrative hearing if the person cited delivers to the City payment in the minimum fine amount no later than 10 days prior to the scheduled administrative hearing date. In the event the person cited contests the violation and is found liable, or fails to appear at the administrative hearing, the violator shall pay the fine amount assessed by the hearing officer no later than the date the finding of liability is entered. Failure to pay the fine amount in the time prescribed in the preceding sentence shall result in the fine being doubled, but in no event in an amount to exceed \$750.00.

**42.25 CARNIVALS PROHIBITED**

It shall be unlawful for any person to operate any carnival or similar amusement.

**42.26 MARTIAL ART WEAPONS**

It shall be unlawful for any person to sell, carry, or possess any martial art weapon, except within his own domicile.

"Martial Art Weapon" means any throwing star, shuriken, nunchukas, batons on chains, collapsible batons, throwing knives, butterfly knives, sai, swords, weighted chains, or any other dangerous or deadly weapon or instrument of like character.

**42.27 BURNING OF LEAVES**

It shall be unlawful for any person to burn any leaves or landscape waste.

**42.28 SKATEBOARDING/ROLLER SKATING ON PRIVATE PROPERTY**

It shall be unlawful for any person to skateboard or roller skate on private property where signs are posted at the entrances to the property prohibiting skateboarding or roller skating.

**42.29 SPRAY PAINT**

(a) It shall be unlawful for any person to sell or deliver any container of spray paint to a person of age 18 years or less within the City.

(b) It shall be unlawful for any person of age 18 years or less to possess any container of spray paint within the City. It shall be an affirmative defense that the person possessing the same is on private property that is his usual place of residence.

(c) It shall be unlawful for any person to possess any container of spray paint on any public property, including but not limited to parks, streets, alleys, parkways and sidewalks, within the City. It shall be an affirmative defense that the person possessing the same is either working on an authorized project by the City or the container has been purchased, is in its original condition, and is in the trunk of an automobile.

**42.30 FALSE ALARMS**

(a) A fee of \$50.00 per false alarm shall be charged to the owner or occupant of any premises for each false alarm transmitted to the City in excess of 4 per 12-month period. A fee of \$100.00 shall be charged to the owner or occupant for each false alarm in excess of 8 per 12-month period. For the purposes of this section, "false alarm" shall mean any emergency alarm signal, either audible outside the premises or transmitted to the City by any method, including telephone, hardwire or radio communications (including 9-1-1 calls), that requires a response of emergency police personnel where no such emergency exists due to the improper installation, maintenance or operation of any alarm system or the result of human error in transmitting the alarm signal. False alarms shall not include those situations where the signal was caused by an act of god, a power outage, a malfunction attributable to the telephone company, or similar unanticipated extraordinary circumstances outside of the control of the owner or occupant. The burden of proving the non-chargeability of the false transmission shall be on the owner or occupant of the premises.

(b) The failure to pay a fee assessed for excessive false alarms under paragraph (a) shall be deemed just cause to disconnect the alarm service to the premises and disconnect any audible outside sound transmitter. A written notice of the City's intent to disconnect the service shall be sent certified mail to the business licensee or occupant of the premises as well as the alarm company monitoring the premises. The notice shall inform the recipient of the reason for disconnection and shall allow the recipient a pre-disconnection opportunity to be heard before the Chief of Police. If a party fails to request a hearing, or if a hearing is held and the party fails to demonstrate the non-chargeability of the false transmissions to the Chief of Police, the service shall be disconnected.

(c) The Chief of Police may order the disconnection of an alarm service or any audible outside sound transmitter for any premises where 8 or more false alarms have been transmitted in a 12-month period. A written notice of the City's intent to disconnect the service shall be sent certified mail to the business licensee or occupant of the premises as well as the alarm company monitoring the premises. The notice shall inform the recipient of the reason for disconnection and shall allow the recipient a pre-disconnection opportunity to be heard before the Chief of Police. If a party fails to request a hearing, or if a hearing is held and the party fails to demonstrate the non-chargeability of the false transmissions to the Chief of Police, the service shall be disconnected.

(d) If any alarm service or audible outside sound transmitter has been ordered to be disconnected under paragraph (b) or (c) and a false alarm is transmitted from the same premises, a fee of \$250 for each such false alarm shall be assessed. In addition, the City should have the power to cause the abatement of such nuisance by any legal means.

(e) The Chief of Police shall have the right to authorize the reinstatement of an alarm service to any premises which has been ordered to disconnect upon occupancy by a new party, upon the passage of 12 months, or upon other good cause shown.

#### **42.31 LASER POINTERS**

(a) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of 18 to possess a laser pointer except in the residence of that person.

(b) **Sale to Minors Prohibited.** It shall be unlawful for any person to sell a laser pointer to any person under the age of 18.

(c) **Use Outside of Buildings Prohibited.** It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates on any person, animal, object or place located outside of the building where the person using the laser pointer is located.

(d) **Illumination of Persons Prohibited.** It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates on any person.

(e) **Illumination of Vehicle Operators Prohibited.** It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates the operator of a motor vehicle.

(f) **Illumination of Law Enforcement Personnel Prohibited.** It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates a uniformed law enforcement officer.

(g) **Use in Public Places Prohibited.** It shall be unlawful for any person located on the public right-of-way, street, alley, public park, or private parking lot accessible to the public to use a laser pointer.

For purposes of this section, a "laser pointer" is any device which contains a small diode laser that emits an intense beam of light, including but not limited to Class 2 lasers, Class 3a lasers, Class 3b lasers, and Class 4 lasers.

#### **42.32 MOTOR VEHICLE FOR SALE SIGNS**

It shall be unlawful for any person to park a motor vehicle displaying a "for sale" sign (or any sign indicating that the vehicle is available for purchase) on any street, alley, or on any private property except under the following conditions:

(a) The vehicle is parked on private property with the permission of the property owner.

(b) The vehicle bears current Illinois license plates and registration.

(c) The vehicle is parked on a paved surface.

(d) The vehicle is not parked during the hours of 12:00 midnight through 6:00 a.m., except in the owner's residential driveway.

This section shall not apply to motor vehicles located on property licensed and zoned for motor vehicle sales.

### **42.33 BLOCKING PUBLIC STREET**

It shall be unlawful for any person to park, place, or maintain any type of object, other than a licensed motor vehicle, within the paved public right-of-way, such objects including but not limited to refuse dumpsters, garbage containers, storage containers, trailers, stone, dirt, wood, and construction equipment.

### **42.34 PLOWING SNOW INTO PUBLIC STREET**

It shall be unlawful for any person to plow snow from private property or from a driveway onto a public street.

### **42.35 CHRONIC NUISANCE PROPERTY**

(a) **Definitions.** The following words, terms and phrases, as used in this section, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:

*Chief of Police* means the Chief of Police of the City of Hickory Hills or his/her designee.

*Chronic nuisance property* means any real property upon, or in which, at least three separate nuisance activities have occurred within a 18-month period.

*Conspicuous place* means the front window of a single-family residential structure or, in a multi-family residential structure, in a common area visible to all occupants and visitors. In the event that no structure exists on any real property, a conspicuous place shall mean an area visible to a passerby of said real property.

*Control* means the actual or constructive ability to exercise restraint, possession or direction over the whole or a portion of any real property.

*Nuisance activities* means any of the following activities, behaviors, or conduct as defined by federal, state or City law:

- (1) Disorderly conduct as defined in 720 ILCS 5/26-1.
- (2) Unlawful use of a weapon as defined in 720 ILCS 5/24-1, *et seq.*
- (3) Mob action as defined in 720 ILCS 5/25-1.
- (4) Discharge of a firearm as defined in 720 ILCS 5/24-1.2 and 1.5.
- (5) Gambling as defined in 720 ILCS 5/28-1.
- (6) Possession, manufacture, or deliver of controlled substances as defined in 720 ILCS 570/401, *et seq.*
- (7) Public indecency as defined in 720 ILCS 5/11-9.
- (8) Assault, battery or any related offense as defined in 720 ILCS 5/12-1, *et seq.*
- (9) Sexual abuse or related offenses as defined in 720 ILCS 5/12-15, *et seq.*
- (10) Prostitution as defined in 720 ILCS 5/11-14, *et seq.*
- (11) Criminal damage to property as defined in 720 ILCS 5/21-1, *et seq.*
- (12) Possession, cultivation, manufacture, or deliver of cannabis as defined in 720 ILCS 55/1, *et seq.*
- (13) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1, *et seq.*
- (14) Criminal housing management as defined in 720 ILCS 5/12-5.1.
- (15) Interference with public officers as defined in 720 ILCS 5/31-1, *et seq.*
- (16) Pandering as defined in 720 ILCS 5/11-16.
- (17) Obscenity as defined in 720 ILCS 5/11-20.
- (18) Child Pornography as defined in 720 ILCS 5/11-20.1.
- (19) Harmful materials to minors as defined in 720 ILCS 5/11-21.

- (20) Kidnapping and related offenses as defined in 720 ILCS 5/10-1, *et seq.*
- (21) Possession of explosives or incendiary devices as defined by 720 ILCS 5/20-2, *et seq.*
- (22) Any activity that constitutes a violation of a felony or Class A misdemeanor pursuant to any federal or Illinois statute.
- (23) Violations of the City of Hickory Hills Municipal Code, Chapter 10, Health.
- (24) Violations of the City of Hickory Hills Municipal Code, Chapter 12, Nuisances.
- (25) Violations of the City of Hickory Hills Municipal Code, Chapter 13, Garbage and Refuse.
- (26) Violations of the City of Hickory Hills Municipal Code, Chapter 14, Dogs and other Animals
- (27) Violations of the City of Hickory Hills Municipal Code, Chapter 24, Building Code.
- (28) Violations of the City of Hickory Hills Municipal Code, Chapter 25, Election Code.
- (29) Violations of the City of Hickory Hills Municipal Code, Chapter 26, Plumbing Code.
- (30) Violations of the City of Hickory Hills Municipal Code, Chapter 29, Fire Prevention.
- (31) Violations of the City of Hickory Hills Municipal Code, Chapter 30, Housing and Property Maintenance.

*Occupant* means a person that resides in or occupies any real property.

*Owner* shall mean the person that holds legal title to real property, except: (1) if legal title is held by a land trust, owner shall also include the beneficial owner or owners of the land trust; and (2) if there is a purchaser or purchasers under a real estate installment sales contract, owner shall also include the purchaser or purchasers.

*Person* means any natural person, association, partnership, corporation, or other entity.

*Property manager* means a person that manages or operates any real property on behalf of an owner or who exercises control over any common area of real property including, but not limited to, a management company, condominium association, townhome association, homeowner association, or similar entity.

*Real property* means any land and anything affixed, incidental, or pertinent thereto, including but not limited to, any premises, house, building, or structure, or any separate part or portion thereof, including but not limited to any room, unit, apartment, condominium, and/or common area.

(b) **Violation.** It shall be unlawful for any real property to become a chronic nuisance property or, once established as a chronic nuisance property, be the site of, or the subject of, any further nuisance activities for a period of 18 months.

(c) **Classification Extension.** Each nuisance activity occurring on any real property within 18 months after said real property has been established as a chronic nuisance property shall extend the expiration of said classification to 18 months from the date of the most recent finding that a nuisance activity has occurred on the chronic nuisance property.

(d) **Liability; Defenses.** Owners, property managers, and occupants of real property shall be jointly and severally responsible for violations occurring on any real property under their control. It shall not be a defense that an owner, property manager, or occupant: 1) did not personally commit the nuisance activity(ies); 2) were not present when the nuisance activity(ies) took place; or 3) lack(s)(ed) knowledge that the nuisance activity(ies) was/were about to take or took place upon any real property.

(e) **Penalty.** Any person found to be in violation of this section shall be fined no less than \$500.00 nor more than \$750.00 for each violation. Each day on which a violation of this section exists or continues shall constitute a separate and distinct offense.

(f) **Procedure.** The following shall constitute the process governing determinations of chronic nuisance properties under this section:

(1) When the Chief of Police receives one or more police or other reports documenting the occurrence of a nuisance activity on or within any real property, he shall independently review such reports to determine whether or not they constitute nuisance activities as defined in this section.

(2) Upon a finding of at least two nuisance activities have occurred on any real property within a 18-month period, the Chief of Police shall issue a written notice to the owner, property manager, and/or occupant, as the case may be, notifying them that the real property is in danger of becoming a chronic nuisance property. The notification shall identify the address of the real property, any relevant portion thereof, a concise description of the nuisance activities and the date they occurred, a warning that the real property shall be declared a chronic nuisance property if any other nuisance activities take place on the real property within a specified period of time, and that fines and/or injunctive relief will be sought if the property is declared a chronic nuisance property.

(3) Upon a finding of at least three nuisance activities within a 18-month period, the Chief of Police may issue a written citation to the owner, property manager and/or occupant, as the case may be, which shall include the following information: (i) the street address of the real property and any relevant portion thereof; (ii) a declaration that the identified real property has been declared a chronic nuisance property; and (iii) a concise description of the nuisance activities that exist or have occurred which have caused the real property to be declared a chronic nuisance property and the date said nuisance activities occurred. Citations issued under this section shall be administered through Hickory Hills Municipal Code, § 3.38, Code Hearing Department (65 ILCS 5/1-2.2-1, *et seq.*).

(4) In the event any real property is found to be a chronic nuisance property, the owner, property manager and/or occupant shall be required to post in a conspicuous place a notice that the real property has been declared a chronic nuisance property by the City of Hickory Hills on a form to be provided by the Chief of Police which shall identify the specific nuisance activities that caused said classification to be found, and a warning that any further nuisance activities taking place on the real property by a specified date shall be cause for further fines and/or injunctive relief. It shall be unlawful for: (i) any owner, property manager, or occupant to suffer or permit any such posted notice to be removed, altered or defaced before or while the real property constitutes a chronic nuisance property; or (ii) any person to remove, alter or deface a posted notice before or while the real property constitutes a chronic nuisance property. In the event an owner and/or property manager has control over real property declared a chronic nuisance property in which occupants, other than themselves reside, copies of said notice shall also be sent to each occupant by certified mail return/receipt requested, within fifteen (15) days after the real property has been declared a chronic nuisance property. A copy of the letter and return receipts shall be filed with the City of Hickory Hills Police Department no later than thirty (30) days after the real property has been declared a chronic nuisance property. It shall be unlawful to fail to post and/or deliver and file the notices required by this subsection.

(5) Nothing herein shall constitute a waiver or prevent the City of Hickory Hills from instituting a civil action to: (i) seek an order to classify any real property a chronic nuisance property; (ii) seek an order imposing fines for violations of this section; (iii) seek injunctive relief requiring any owner, property manager and/or occupant to take action to abate any nuisance activity ongoing or existing on any chronic nuisance property; or, (iv) seek injunctive relief requiring an owner, property manager, and/or occupant to take certain action (or refrain from taking certain action) so as to prevent a chronic nuisance property from being the site of, or the subject of, any further nuisance activities for a period of 18 months.