

5. POLICE & PUBLIC SAFETY

TITLE 5

POLICE AND PUBLIC SAFETY

Subject	Chapter
Police Department	1
Civil Emergencies	2
Animal Control	3
General Offenses	4
Offenses Involving Property	4A
Offenses Against Peace, Safety And Persons	4B
Offenses Involving Weapons	4C
Minors	5
Skateboards And Toy Vehicles	6
Golf Carts And Utility-Terrain Vehicles	7
Bicycle Regulations	8
Regulation Of Residences Of Registered Sex Offenders	9

May 2021

CHAPTER 1

POLICE DEPARTMENT

SECTION:

- 5-1- 1: Department Established; Composition
- 5-1- 2: Chief Of Police
- 5-1- 3: Appointment And Term Of Police Officers
- 5-1- 4: Powers And Duties Of Police
- 5-1- 5: Mutual Aid Agreements
- 5-1- 6: Training
- 5-1- 7: Alcoholic Beverages; Limitation On Use
- 5-1- 8: Rules And Regulations
- 5-1- 9: Qualifications Of Part-Time Police
- 5-1-10: Duty To Assist Police
- 5-1-11: Resisting Police, Aid In Escape Prohibited

5-1-1: **DEPARTMENT ESTABLISHED; COMPOSITION:** There is hereby established a department of the City government which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of police officers as may be provided from time to time by the City Council. (2008 Code § 30-2-1)

5-1-2: **CHIEF OF POLICE:**

A. Office Established; Appointment And Term: There is hereby established the Office of the Chief of Police. The Chief of Police shall be appointed by the Mayor, with the advice and consent of the City Council, for a term of one year. (2008 Code § 30-2-2)

B. Duties:

1. Generally: The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the

Police Department and of all its functions. All persons who are members of the department shall serve subject to the orders of the Chief of Police. (2008 Code § 30-2-3)

2. Stolen Property: The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the City. (2008 Code § 30-2-18)

5-1-3: **APPOINTMENT AND TERM OF POLICE OFFICERS:** A sufficient number of police officers shall be appointed by the Mayor, by and with the advice and consent of the City Council, to serve for one year or until their successors are appointed and qualified. A police officer may be appointed to office by the Mayor and City Council if he meets the necessary qualifications, notwithstanding the fact that the police officer is not a resident of the City when appointed or when he is to serve as such an official. (2008 Code § 30-2-4)

5-1-4: **POWERS AND DUTIES OF POLICE:**

- A. Generally: The police officer shall devote his entire time to the performance of the duties of office and is hereby charged with the preservation of the peace, order and safety of the City and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the City Council. He shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor, the Chief of Police shall attend, either in person or by Deputy, all meetings of the City Council, execute all its orders and close the Council Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the City or laws of the State of Illinois. (2008 Code § 30-2-6; amd. 2019 Code)
- B. Serve Warrants And Process: All police shall have the power and authority to execute City warrants or other similar legal process outside the corporate limits of the City and within such distance therefrom as authorized by law in all cases when any ordinance of the City Council made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the City. (2008 Code § 30-2-9)

- C. **Assist Fire Department:** Every police officer shall aid the Fire Department by giving an alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firefighters shall not be hindered or obstructed in the performance of their duties. (2008 Code § 30-2-11)
- D. **Appear As Witness; Fees:** Any 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 service as witness in any action or suit to which the City is a party, and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the City Treasurer. (2008 Code § 30-2-15)

5-1-5: **MUTUAL AID AGREEMENTS:** The Police Department, with the approval of the City Council, may enter into an agreement to provide police protection to neighboring municipalities. (2008 Code § 30-2-7)

5-1-6: **TRAINING:** All police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures by the proper authorities as established by the State of Illinois for firearms training. Such courses of training shall not be less than four hundred (400) hours in duration. Upon completion of the course of training, the applicant shall file with the Mayor a certificate attesting to the completion of the course. (2008 Code § 30-2-17)

5-1-7: **ALCOHOLIC BEVERAGES; LIMITATION ON USE:** No member on an active tour of duty or while wearing the official police officer's badge of the City shall indulge in the use of intoxicating liquor of any kind, and intoxication at any time shall be sufficient cause for removal. (2008 Code § 30-2-14)

5-1-8: **RULES AND REGULATIONS:** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable, and such rules, when approved by the Mayor, shall be binding on such members. (2008 Code § 30-2-16)

5-1-9: QUALIFICATIONS OF PART-TIME POLICE:

- A. **Qualifications Enumerated:** A person hired as a part-time police officer shall have the following qualifications:
1. The person shall be twenty one (21) years of age.
 2. The person shall not have been convicted of any criminal felony or criminal misdemeanor offense.
 3. The person shall successfully complete a drug and alcohol test as prescribed by the department and shall undergo a background check conducted by the department.
 4. The person shall either:
 - a. Have completed the part-time police training course prescribed by the Illinois Police Training Board; or
 - b. Otherwise qualify as part-time officer pursuant to section 8.2 of the Police Training Act¹; or
 - c. Qualify as a full time police officer, having completed the basic training for full time officers as required by the Illinois Law Enforcement Training Standards Board pursuant to the Police Training Act. (Ord. 2014-17, 12-1-2014)
 5. The person shall have successfully completed that training required under the Illinois Peace Officer and Probation Officer Firearm Training Act². (Ord. 2014-17, 12-1-2014; amd. 2019 Code)
 6. The person shall have provided the Chief of Police with proof of qualification under subsections A4 and A5 of this section.
- B. **Application Of Provisions:** This section applies to any part-time officers presently employed by the City as well as to future hires. (Ord. 2014-17, 12-1-2014)

1. 50 ILCS 705/8.2.

2. 50 ILCS 710/0.01 et seq.

5-1-10: **DUTY TO ASSIST POLICE:** Every police officer of the City may, at any time, call upon any ablebodied person(s) above the age of eighteen (18) years to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act. (2008 Code § 30-2-10)

5-1-11: **RESISTING POLICE, AID IN ESCAPE PROHIBITED:** It shall be unlawful for any person in the City to resist or obstruct any member of the police force in the discharge of his duty or to endeavor to do so; in any manner, to assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody; or to attempt to rescue any such person in custody. (2008 Code § 30-2-13)

CHAPTER 2
CIVIL EMERGENCIES

SECTION:

- 5-2-1: Definitions
- 5-2-2: Declaration Of Emergency
- 5-2-3: Curfew
- 5-2-4: Emergency Orders
- 5-2-5: Duration Of Proclamation
- 5-2-6: Notice Requirements

5-2-1: DEFINITIONS:

- CIVIL EMERGENCY:**
- A. A riot or unlawful assembly characterized by the use of actual force or violence or any power to execute by three (3) or more persons acting together without authority of law; or
 - B. Any natural disaster or manmade calamity including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

- CURFEW:**
- A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency. (2008 Code § 30-1-1)

5-2-2: **DECLARATION OF EMERGENCY:** Whenever an emergency, as defined in section 5-2-1 of this chapter, exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency. (2008 Code § 30-1-2)

5-2-3: **CURFEW:** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. (2008 Code § 30-1-3)

5-2-4: **EMERGENCY ORDERS:** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders: (2008 Code § 30-1-4)

- A. Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of alcoholic liquor is permitted. (2008 Code § 30-1-4; amd. 2019 Code)
- B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- C. Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- D. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- E. Issue such other orders as are imminently necessary for the protection of life and property. (2008 Code § 30-1-4)

5-2-5: **DURATION OF PROCLAMATION:** The proclamation herein authorized shall be effective for a period of forty eight (48) hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each forty

eight (48) hour period during the time the civil emergency exists. (2008 Code § 30-1-5)

5-2-6: **NOTICE REQUIREMENTS:** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the City and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the following places within the City:

City Hall.

Post Office.

Police Station. (2008 Code § 30-1-6)

CHAPTER 3
ANIMAL CONTROL

SECTION:

- 5-3-1: County Regulations Adopted
- 5-3-2: Enforcement
- 5-3-3: Animals In City

5-3-1: COUNTY REGULATIONS ADOPTED:

The City hereby adopts and approves the enforcement of the Macoupin County Animal Control Ordinance which is made a part hereof by this reference. Three (3) copies of said ordinance are on file in the Office of the City Clerk for public use and inspection. (2008 Code § 3-5-1; amd. 2019 Code)

5-3-2: ENFORCEMENT:

The Macoupin County animal control officers are authorized to enforce the County ordinance adopted in section 5-3-1 of this chapter within the City. (2008 Code § 3-5-2)

5-3-3: ANIMALS IN CITY¹:

- A. **Certain Prohibitions:** Except as otherwise provided in this Chapter no person shall keep within the City any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.
- B. **Powers Of Police Chief:** The police chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public. (Ord. 2020-10, 11-2-2020)

May 2021

1. See 65 ILCS 5/11-1, 5/11-5-6, and 5/11-20-9.

/
Macoupin County Animal Control Ordinance
“Index”

Page 1,2 – Index to the Macoupin County Animal Control Ordinance

DIVISION I. GENERALLY

Page 3 – (ACO – 1.1).....	Purpose of Chapter
Page 3,4,5 – (ACO – 1.2).....	...Definitions
Page 6 – (ACO – 1.3).....	Administrator and County Board
Page 6 – (ACO – 1.4).....	Annual Report
Page 6 – (ACO – 1.5).....	Enforcement
Page 7 – (ACO – 1.6).....	Animals Running at Large
Page 7,8 – (ACO – 1.7).....	Impoundment and Redemption
Page 8 – (ACO – 1.8).....	Redemption other than owner
Page 8 – (ACO – 1.9).....	Right of Entry
Page 8 – (ACO – 1.10).....	Harboring stray animals restricted
Page 8 – (ACO – 1.11).....	Diseased or injured animals
Page 8 – (ACO – 1.12).....	Enforcement officers not responsible
Page 9 – (ACO – 1.13).....	Violations, penalties
Page 9 – (ACO – 1.14).....	Collection of monies
Page 9 – (ACO – 1.15).....	Fines and fees paid into AC fund
Page 10 – (ACO – 1.16).....	Animal considered a nuisance
Page 10 – (ACO – 1.17).....	Interference with AC personnel

DIVISION II. RABIES CONTROL

Page 10,11– (ACO – 2.1).....	Inoculation of dogs and cats
Page 11 – (ACO – 2.2).....	Inoculation tags
Page 11 – (ACO – 2.3).....	Confinement of animal that has bitten
Page 12 – (ACO – 2.4).....	Duties of owner for rabid/biting animal
Page 12 – (ACO – 2.5).....	Reimbursement to animal bite victims
Page 12 – (ACO – 2.6).....	Registration fees
Page 13 – (ACO – 2.7).....	Dangerous animals

DIVISION III. VICIOUS AND DANGEROUS DOGS

Page 13 – (ACO – 3.1).....	Scope
Page 14 – (ACO – 3.2).....	Vicious dogs – control, impoundment
Page 14,15 – (ACO – 3.3).....	Dangerous dogs;nuisance,exception
Page 15,16 – (ACO – 3.4).....	Dangerous dog; appeal
Page 16 – (ACO – 3.5).....	Violations; penalties

DIVISION IV. PREVENTION OF CRUELTY TO ANIMALS

Page 16 – (ACO – 4.1).....	Humane care of animals
Page 16 – (ACO – 4.2).....	Abandonment of animal unlawful
Page 16,17 – (ACO – 4.3).....	Acts of cruelty to animals prohibited
Page 17 – (ACO – 4.4).....	Impoundment of victimized animals

Page 17,18 – (ACO – 4.5)..... .Animals for use in entertainment
Page 18 – (ACO – 4.6)..... Seizure and disposition of animals
Page 18,19 – (ACO – 4.7).....Diseased and injured animals
Page 19 – (ACO – 4.8)..... Keeping other animals
Page 19 – (ACO – 4.9)..... Dead animals prohibited
Page 19 – (ACO – 4.10).....Live animals for research prohibited
Page 19 – (ACO – 4.11).....Multiple pet license
Page 20 – (ACO – 4.12).....Multiple pet owner licensee requirement
Page 20 – (ACO – 4.13).....Revocation of multiple pet license
Page 21 – (ACO – 4.14).....Impoundment of multiple pets
Page 21 – (ACO – 4.15).....No feral cat colonies allowed
Page 21 – (ACO – 4.16).....Female dogs and cats in heat
Page 21 – (ACO – 4.17).....Responsibility of owner of rental home
Page 21 – (ACO – 4.18).....Normal husbandry practices
Page 21 – (ACO – 4.19).....Violations; penalties
Page 22 – Macoupin County Animal Control Ordinance Resolution

DIVISION 1. GENERALLY

1.1 Purposes of chapter.

The purposes of the animal control programs are as follows:

- (1) To protect the public health and safety:
 - a. From rabies in accordance with the animal control act;
 - b. From dangerous and vicious dogs;
 - c. By educating the public about state and local ordinances;
 - d. By controlling and impounding animals under its jurisdiction;
 - e. By enforcing state statutes and county ordinances; and
 - f. By enforcing local ordinances to intergovernmental agreements.
- (2) To promote the welfare of animals;
 - a. By adhering to the state humane care for animals act;
 - b. By educational programs about responsible pet ownership; and
 - c. By the humane care and maintenance of impounded animals.

1.2 Definitions.

As used in this article the following terms shall mean as indicated below:

Act: The Animal Control Act, 510 ILCS 5/1 through 5/27, as amended.

Administrator: A veterinarian licensed by the State of Illinois and appointed pursuant to this Act, or in the event a veterinarian cannot be found and appointed pursuant to this Act, a non-veterinarian may serve as administrator under this Act. In the event the administrator is not a veterinarian, the administrator shall defer to the veterinarian regarding all medical decisions.

State law references: Similar provisions, 510 ILCS 5/2.01.

Animal: Any animal both domestic and wild, other than man, which may be affected by rabies.

State law references: Similar provisions, 510 ILCS 5/2.03.

Animal control warden: Persons appointed by the administrator in such number as authorized by the county board to perform duties assigned by the administrator set forth in this chapter.

Animal control facility: may be used interchangeably and mean any facility approved by the Administrator for the purpose of enforcing the Animal Control Act and Humane Care for Animals Act and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals.

At large: Any dog or cat shall be deemed to be at large where it is off the premises of its owner's real property and not restrained by a competent person.

Breedable females: any dog or cat that is six (6) months or older and is not spayed.

Cat: All domestic members of the family *Felis catus domesticus* .

Competent person: A human being over the age of fifteen (15) years that is capable of controlling and governing the dog or cat in question, and to whose commands the dog or cat is obedient.

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

State law references: Similar provisions, 510 ILCS 5/2.05.

Dangerous dog: Any individual dog anywhere other than upon the property of the owner or custodian of the dog and 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 serious physical injury or death to a person or a companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury

Department: The department of agriculture of the state.

State law references: Similar provisions, 510 ILCS 5/2.06.

Deputy administrator: A veterinarian licensed by the State of Illinois, appointed by the administrator.

Director: The director of the department of agriculture of the state, or his duly appointed representative.

State law references: Similar provisions, 510 ILCS 5/2.08.

Dog: All domestic members of the family *Canis familiaris*.

Dwelling unit: means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation,

State law references: Similar provisions, 510 ILCS 5/2.11.

Enclosure: A fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious 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 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. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. Such enclosure must be approved by the administrator.

Feral cat: means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, or (ii) is a formerly owned cat that has been abandoned and is no longer socialized.

Has been bitten: Has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced. The phrase further includes contact of saliva with any break or abrasion of the skin.

State law references: Similar provisions, 510 ILCS 5/2.12.

Humanely dispatched: means the painless administration of a lethal dose of an agent which shall cause the painless death of an animal as prescribed in the Journal of the American Veterinary Medical Association, January 15, 1993. Said methods shall not destroy brain tissue necessary for laboratory examination for rabies. Animals shall be handled prior to administration of the agent in such a manner as to avoid undue apprehension by the animal.

Impounded: means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

Inoculations against rabies: The injection of an antirabies vaccine approved by the department.

State law references: Similar provisions, 510 ILCS 5/2.13.

Intact animal: means an animal that has not been spayed or neutered.

Kittens: All domestic members of the family *Felis catus domesticus*, male or female, under the age of four (4) months.

Leash: A cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.

State law references: Similar provisions, 510 ILCS 5/2.14.

Licensed veterinarian: A veterinarian licensed by the state in which he engages in the practice of veterinary medicine.

Multiple pet owner: means any person who harbors more than five dogs or cats, or any combination thereof, over four months of age on their property or in their dwelling unit.

State law references: Similar provisions, 510 ILCS 5/2.15.

Owner: 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, or who knowingly permits a domestic animal to remain on or about any premises occupied by him or her.

State law references: Similar provisions, 510 ILCS 5/2.16.

Person: Any individual, firm, corporation, partnership, society, association or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the state, or any other business unit.

Physical injury: The impairment of physical condition.

State law references: Similar provisions, 510 ILCS 5/2.18.

Puppy: All members of the family *Canis familiaris*, whether male or female, under four (4) months of age.

Registration certificate: A printed form prescribed by the department for the purpose of recording pertinent information as required by the department under this Act.

State law references: Similar provisions, 510 ILCS 5/2.19.

Restraint: An owned animal, off the premises of its owner's real property, is under restraint within the meaning of this chapter:

- (1) If it is controlled by a line or leash not more than six (6) feet in length when said line or leash is held by a competent person
- (2) Controlled by a leash of 50 feet or less during training session conducted by a competent person.
- (3) When within a vehicle being driven, parked, or stopped; or
- (4) Confined in a cage or other animal carrier
- (5) While utilized in the sport of hunting.

Rural: The unincorporated area of the county which has not been subdivided for residential purposes.

Serious physical injury: A physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

Shelter: A structure which has four sides, a roof, floor, bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.

Sterilized: means the surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of reproducing.

Stray means an animal which shall be considered a stray according to the ordinances that exist in the county in which the animal is found.

Straying means a dog or other animal not on the premises of the owner or not confined or under control by leash or other recognized control methods as set forth in 8 Ill. Adm. Code 30.140 (b)(1),(2) and (3) in the Animal Control Act.

Tag: A serially numbered medallion approved by the department to be issued, at a fee set by the county board, as evidence of inoculation against rabies.

Vicious dog: means a dog that, without justification, attacks a person and causes serious physical injury or death or any individual dog that has been found to be a "dangerous dog" upon three (3) separate occasions.

Wild animal: means a wolf, coyote, or the offspring of a mating between a wolf or coyote and a dog (hybrid names: coydog or wolf hybrid). There is no recognized vaccine approved for

use on wild animals; therefore, wild animals shall not be vaccinated against rabies and will be impounded for no rabies vaccination.

1.3 Administrator & County Board

The county board shall appoint a licensed veterinarian as administrator. In the event the appointed administrator is not a licensed veterinarian, the board shall appoint a licensed veterinarian as deputy administrator. Appointments shall be made as necessary to keep this position filled at all times. The administrator may appoint as many deputy administrators and animal control wardens to aid him/her as may be authorized and appointed by the board. The compensation of the administrator, deputy administrators and animal control wardens shall be fixed by the board. The administrators, deputies and animal control wardens may be removed from office by the board for cause. The Board shall provide necessary personnel, training, equipment, supplies, and facilities, and shall operate pounds or contract for their operation as necessary to effectuate the program. The Board shall be empowered to utilize monies from their General Corporate Fund to effectuate the intent of county ordinances. The Board is authorized by ordinance to require the registration of all dogs and cats. The Board will require any dog or cat that is involved in a bite case to be microchipped at the owner's expense. The Board shall impose an individual dog or cat registration fee with a minimum differential of \$10 for intact dogs or cats. The ten dollars of the differential shall be placed in a county pet population control fund. If the money is placed in the county pet population control fund it shall be used to (a) spay, neuter, or sterilize adopted dogs or cats or (b) spay or neuter dogs or cats owned by low income county residents who are eligible for the Food Stamp Program. All persons selling dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator as required by Board ordinance, including sales, number of litters, and ownership of dogs and cats.

(Ord. of 2-1-07)

State law references: Similar provisions, 510 ILCS 5/8.

1.4 Annual report.

The county board shall submit an annual report to the department showing the number of dogs or cats inoculated, fees and penalties collected, and the number of cases of rabies occurring in the county.

(Ord. of 2-1-07)

1.5 Enforcement.

It is the duty of the administrator, subject to the general supervision and regulations of the department, to enforce the provisions of this article and to inoculate dogs and cats or have the work done by his/her deputies or by licensed veterinarians. The administrator, his/her deputies, and animal control wardens are, in accordance with the Act and for the purpose of enforcing it clothed with power of the police officers in the county and within such county are peace officers in the enforcement of the provisions of the Act, including issuance and service of citations and orders, and, as such peace officers have the power to make arrests on view or on warrants for violation of the Act and to execute and serve all warrants and processes issued by, any circuit court, however, such peace officers are prohibited from carrying concealed weapons. The sheriff and his/her deputies and municipal police officers shall cooperate with the administrator in carrying out the provisions of the Act.

(Ord. of 2-1-07)

State law references: Similar provisions, 510 ILCS 5/5.

1.6 Animals running at large.

(a) Any dog or cat found running at large (being off its owner's or custodian's property) contrary to provisions of this Act may be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available animal control facility or licensed animal shelter.

(b) The provisions of subsections (a), shall not apply to:

- (1) Dogs being used in hunting, field trials; and
- (2) Dog shows while on public lands set aside for those purposes or a dog that is in a dog-friendly area or dog park is not considered to be running at large if the dog is monitored or supervised by a competent person.
- (3) Blood hounds or other dogs used for tracking in conjunction with police activities;
- (4) Dogs of the Canine Corps of any police force, the state police, any federal law enforcement agency, or the Armed Forces while being used to conduct official business or being used for official purposes.

(c) Failure to comply with this section is a violation for which such person shall pay a penalty of \$25 for first violation, \$50 for second violation occurring within any 12-month period and \$100.00 for the third and each subsequent violation within any 12-month period. The dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county or municipality. A dog found running at large to the provisions of this ordinance a second or subsequent time must be spayed or neutered within 7 days at the owner's expense after being reclaimed unless already spayed or neutered; failure to comply shall result in impoundment of animal.

State law references: Dogs running at large, 510 ILCS 5/9;

1.7 Impoundment and redemption.

(a) When any dog or cat is apprehended and impounded by the administrator or any of his/her representatives, the dog or cat must be scanned for the presence of a microchip.

(b) The administrator or any of his/her representatives shall give notice of not less than seven (7) business days to the owner prior to disposal of the animal, if known. Such notice shall be mailed to the last known address of the owner. An affidavit or testimony of the administrator or his deputy or agent who mails such notice shall be prima facie evidence of the receipt of such notice by the owner of such dog or cat.

(c) All dogs and cats which have been impounded in accordance with the provisions of this article shall be humanely dispatched or disposed of by the pound as stray dogs or cats in accordance with the laws that exist or may hereafter exist when not redeemed by the owner within a period of not less than five days from the date of impoundment, excepting Sundays and holidays. In case the owner of the impounded dog or cat desires to make redemption thereof, he may do so on the following conditions:

- (1) The owner shall present proof of current rabies inoculation and registration; or
- (2) The owner shall pay for the rabies inoculation and registration fee;
- (3) The owner shall pay the pound for the board, transportation cost, and medical expenses of the dog or cat, at such rate as is set by the board, for the period it was impounded;
- (4) The owner shall pay into the Animal Control Fund an additional impoundment fee as prescribed by the Board as a penalty for the first offense and for each subsequent offense. \$25

for the first offense, \$50 for the second offense, and \$100 for the third time and each successive time.

(5) The owner shall pay a \$25 public safety fine to be deposited into the Pet Population Control Fund; this fine will be returned if it's the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 7 days.

(6) The owner will pay for the dog or cat to be microchipped (not to exceed \$15 per animal, if done by the county) and registration if not already done.

(Ord. of 3-1-07)

State law references: Impoundment and redemption of dogs, 510 ILCS 5/9-5/11.

1.8 Redemption by person other than owner.

(a) When not redeemed by the owner, agent, or caretaker upon expiration of 7 days from the date of impoundment, except Sunday and holidays, a dog or cat must be scanned for a microchip. If a microchip is present, the registered owner must be notified. After contact has been made or attempted, an unclaimed dog or cat deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(b) The animal control facility or animal shelter shall not adopt or release any dog or cat to anyone other than the owner unless the animal has been rendered incapable of reproduction and microchipped, or the person wishing to adopt an animal prior to the surgical procedures having been performed shall have executed a written agreement promising to have such services performed, including microchipping, within a specified period of time not to exceed 30 days. Failure to fulfill the terms of the agreement shall result in seizure and impoundment of the animal and any offspring by the animal pound or shelter, and any monies which have been deposited shall be forfeited and submitted to the County Animal Control Fund. This Act shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Act and existing laws. No animal shelter or animal control facility shall release dogs or cats to an individual representing a rescue group, unless the group has been licensed or has a foster care permit issued by the Illinois Department of Agriculture or is a representative of a not-for-profit out-of-state organization. The Department may suspend or revoke the license of any animal shelter or animal control facility that fails to comply with the requirements set forth in this Section or that fails to report its intake and euthanasia statistics each year. **State law references:** Similar provisions, 510 ILCS 5/11.

1.9 Right of entry; inspections; refusal to deliver dog or other animal.

For the purpose of making inspections hereunder, the administrator, or his/her authorized representative, or any officer of the law may enter upon private premises, provided that the entry shall not be made into any building that is a person's residence, to apprehend a straying dog or other animal, a dangerous or vicious dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request by the administrator or his/her authorized representative, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Act.

(Ord. of 3-1-07)

State law references: Similar provisions, 510 ILCS 5/17.

1.10 Harboring stray animal(s) restricted.

No person shall harbor, keep, care for, feed or allow to remain on their property any stray domestic animal without notifying the Administrator or any of his/her representatives within 48 hours.

1.11 Diseased or injured animals.

Any animal which does not exhibit a valid vaccination or registration tag and which reveals the symptoms of an injury or disease, clearly not those of rabies, as determined by the administrator or his/her designated agent, may be subjected to disposal as provided in section 5-21 of this Code at the earliest possible time by the shelter personnel.

(Ord. of 3-1-07)

1.12 Enforcement officers not responsible for accident or disease to any dog or cat.

The administrator, manager, administrators, animal control wardens or anyone enforcing the provisions of this article shall not be held responsible for any accident or disease that may happen to any dog or cat.

(Ord. of 3-1-07)

1.13 Violations, penalties and settlement option.

(a) Any person violating or aiding the violation of this division or counterfeiting or forging any certificate, permit or tag, or making any misrepresentation in regard to any matter prescribed by the Act, or resisting, obstructing or impeding the administrator or any authorized officer in enforcing the Act, or who removes a tag from a dog for purposes of destroying or concealing its identity, shall pay a penalty of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) for the first violation, not less than seventy-five dollars (\$75.00) and not more than five hundred dollars (\$500.00) for the second violation occurring within a twelve-month period and not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00) for the third and each successive violation within a twelve-month period. Each day a person fails to comply constitutes a separate offense.

(b) The Administrator or any law enforcement officer may issue a ticket in those instances where an owner violates this chapter by permitting his/her animal to run at large; by failing to have his/her animal currently inoculated against rabies; by failing to register his/her animal; or by failing to have his/her animal wear evidence of current rabies inoculation; or harboring a barking dog. The ticket would allow the owner to satisfy the violation without a court appearance by a written plea of guilty and payment of the minimum fine prescribed in this chapter, along with the applicable costs. If the person wishes to contest the violation charged, he/she may enter a plea of not guilty on or before the court appearance date found on the ticket. Where the offense charged is for an animal not currently inoculated against rabies, not registered, not wearing evidence of current rabies inoculation, the owner of the animal must, in addition to payment of the fine, present evidence that the animal has been inoculated against rabies.

(c) Any county officer failing, refusing, or neglecting to carry out the provisions of this chapter or the Act shall be guilty of a petty offense and shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.

(Ord. of 3-1-07)

1.14 Collection of monies.

The Administrator of the county animal shelter shall have and perform the following duties enumerated in this section, in cases involving violations of the sections of this article:

- (1) Accept payment of designated fines, penalties and fees and issue receipts for the same.
- (2) Maintain records of all violations of the provisions of this chapter of which each person has been guilty during the preceding twenty-four (24) months whether such guilt was established in court or by payment of a fine into the animal control fund.

Whenever any person charged with an offense which is payable at the animal control facility shall fail to appear and pay his/her fine in the time prescribed, the administrator shall cause a complaint to be filed against such person for such violation in accordance with arrest procedures.

(Ord. of 3-1-07)

1.15 Fines and fees paid into animal control fund.

All fines, forfeitures, penalties and fees collected as a result of the enforcement of this chapter shall be paid into the animal control fund.

(Ord. of 3-1-07)

State law references: Animal Control Fund, 510 ILCS 5/7.

1.16 Animal considered a nuisance.

No person owning, possessing or harboring any animal within the county shall permit said animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if said animal:

- (1) Substantially damages property other than the owner's.
- (2) Causes unsanitary, dangerous or unreasonably offensive conditions (This subsection does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.)
- (3) Causes a disturbance by excessive barking, caterwauling or other noisemaking. (This subsection does not apply to animals defined as "livestock" in Chapters 505 through 510 ILCS.)
- (4) Chases vehicles.
- (5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
- (6) Chases, molests, attacks, bites, or interferes with other domestic animals while off the premises of the owner.

The administrator or animal shelter manager or delegate, upon reasonable grounds, shall impound any animal creating a nuisance by being in violation of subsections (5) or (6) above and not restrained by a competent person.

Any person found in violation of this section, except subsection (5), shall be penalized as set forth in section 1.12 above. Any person found in violation of this subsection (5) shall pay a penalty of (\$50) for the first violation, (\$100) for the second violation, and (\$500) for the third and subsequent violations. This section requires the support of the complainant for issuance of a violation complaint.

(Ord. of 3-1-07)

State law references: Animal Control Act, 510 ILCS 5/27; Criminal Jurisprudence Act, 740 ILCS 55/221.

1.17 Interference with animal control personnel.

It shall be unlawful for any person to obstruct, impede or interfere with the administrator or any of his/her delegates or the police in the performance of their duties, or to prevent or

attempt to prevent the administrator or any of his/her delegates or the police from capturing or impounding any animal within the county.
(Ord. of 3-1-07)

DIVISION II. RABIES CONTROL

2.1 Inoculation of dogs and cats.

(a) Every owner of a dog or cat four (4) or more months of age shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian annually or at such intervals as hereafter may be promulgated by the department. Evidence of such inoculation shall be entered upon a certificate, the form of which shall be approved by the county board, and the certificate shall be signed by the licensed veterinarian administering the vaccine.

(b) The veterinarian administering the vaccine shall cause the certificate of inoculation to be distributed as follows:

(1) One copy shall be given to the owner at the time of inoculation;

(2) One copy shall be filed with the office of the administrator, or such place as the county board shall designate, within thirty (30) days after the date of inoculation;

(3) One copy shall be retained by the veterinarian administering the inoculation for a period of five (5) years, or such period as set by the department or the county board.

(c) The type and brand of rabies vaccine used shall be licensed by the U. S. Department of Agriculture and approved by the department.

(d) Every owner of a dog or cat shall comply with the provisions in this ordinance. Each day a person fails to comply constitutes a separate offense. If an animal is not inoculated and registered after its owner has been found to be in violation of this section or sections on (a) inoculation tags; (b) confinement of animal which has bitten someone; or (c) duties of owners of rabid or biting animals, two (2) times within a twelve-month period, said animal shall be impounded by the Administrator or his/her delegate and may be redeemed or disposed of in accordance with the provisions of this Code.

(e) Anyone that owns a dog or cat that is not vaccinated for rabies, will be issued a written warning and will be given 7 days to get the dog or cat vaccinated for rabies. If owner doesn't comply, the owner will be issued a \$50 ticket and dog or cat will be impounded.

(Ord. of 3-1-07)

State law references: Inoculation of dogs required, 510 ILCS 5/8.

2.2 Inoculation tags.

(a) The owner of a dog or cat shall, within ten (10) days after such dog or cat has been inoculated against rabies, procure an inoculation tag from the county. The cost of the tag shall be determined and set by the county board. The owner of a dog or cat shall cause the inoculation tag to be attached to a collar or harness to be worn by the animal whenever the animal is not confined in a secure enclosure place. Valid rabies inoculation tags and certificates from other counties shall be honored while the animals in transit or until the dog or cat owner has established residence in this county.

(b) A licensed veterinarian may procure serially numbered inoculation tags from the county, at a fee set by the board, and issue one tag with each inoculation certificate at the time of inoculation. A licensed veterinarian shall collect such tag fee from the owner at the time the inoculation tag is dispensed.

(Ord. of 3-1-07)

2.3 Confinement of animal that has bitten someone.

(a) When the administrator receives information that any person has been bitten by a dog or other animal, the administrator, or his/her authorized representative, shall have such dog or other animal confined under the observation of the county animal control facility or at a licensed veterinarian for a period of ten (10) days. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the administrator within twenty-four (24) hours after the dog or other animals is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age and sex of such dog or other animal, on appropriate forms approved by the department. The administrator shall notify the attending physician or responsible health agency. At the end of the confinement period, the veterinarian shall submit a written report to the administrator advising him/her of the final disposition of such dog or other animal on appropriate forms approved by the department.

(b) When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten (10) days, if the administrator, adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the administrator, or another licensed veterinarian.

(Ord. of 3-1-07)

State law references: Similar provisions, 510 ILCS 5/13.

2.4 Duties of owners of rabid or biting animals.

(a) The owner of any dog or other animal which exhibits symptoms of rabies and any dog or other animal in direct contact with such dog or other animal, whether or not such dog or other animal has been vaccinated, shall immediately notify the administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation, for a period of at least ten (10) days, unless officially authorized by the administrator, in writing, to release it sooner.

(b) It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the administrator, or his/her authorized representative.

(c) It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written, or printed instructions made by the administrator, or his/her authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony of the administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his/her responsibilities.

(d) Any expense incurred in the handling of any dog or other animal under this section shall be borne by the owner.

(e) For the purpose of this section, the word "immediately" means by telephone, in person, or by other than use of the mail.

(f) The owner of a biting animal must also remit to the state Department of Public Health, for the deposit into the Pet Population Control Fund, a \$25 public safety fine within 7 days after notice.

(g) Any dog or cat that bites a person will be microchipped before the animal is released to the owner or if the animal is already rabies vaccinated and quarantined at home, the animal will need to be microchipped after the 10 day quarantine period is finished. The owner is

responsible for the microchip expense, not to exceed \$15 fee. If owner doesn't comply, the dog or cat will be impounded and owner charged for the impoundment fee, any boarding fees, and the microchip fee.

(Ord. of 3-1-07)

State law references: Similar provisions, 510 ILCS 5/12.

2.5 Reimbursement to animal bite victims.

The county is not obligated to pay to any person or resident of the county from the animal control fund any amount for the purchase of human rabies antiserum, the purchase of human vaccine, any costs for the administration of the serum or vaccine or any amount for medical care which may have been provided to human bite victims.

(Ord. of 2-1-07)

2.6 Registration fees.

The registration fee to be charged to the owner of animals in the county shall be:

- (1) For an annual registration, ten dollars (\$10.00) for each animal which is neutered or spayed;
- (2) For an annual registration, twenty-five dollars (\$25.00) for each animal which is not neutered or spayed.

2.7 Dangerous animals.

Any animal running at large within the county whose capture endangers or threatens the safety of an animal control officer, police officer, sheriff or deputy sheriff, or endangers the safety of any person within the county, may be slain by an animal control officer, police officer, sheriff, or deputy sheriff.

(Ord. of 3-1-07)

DIVISION 3. VICIOUS AND DANGEROUS DOGS

3.1 Scope.

(a) In order to have a dog deemed "vicious" as defined in section 1.1 of this Code, the administrator, deputy administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records or behavioral evidence, and make a detailed report finding that the dog is a vicious dog and give the report to the States Attorney Office and the owner.. The Administrator, States Attorney, or any citizen of the county in which the dog exist may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a board certified veterinarian or another recognized expert may be relevant to the court's determination of whether the dog's behavior is justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The administrator will determine where the animal shall be confined during the pendency of the case.

(b) A dog may not be declared vicious if the court determines the conduct of the dog was justified because:

- (1) The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or upon the property of the owner or custodian of the dog;
- (2) The injured, threatened, or killed person was abusing or assaulting the dog.
- (3) The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel, or offspring.

No dog shall be declared "vicious" if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If the burden of proof has been met, the court shall deem the dog to be a vicious dog

(c) No landlord or landlord's agent shall knowingly permit any tenant to move a vicious dog into or keep a vicious dog in any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any tenant to keep a vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent thereof learning of any vicious dog in any building or premises owned or controlled by such a landlord or agent thereof shall notify the person having such dog to remove the dog from the premises immediately.

(d) Owner of rental property, landlord, or landlord's agent that allows or permits a vicious dog on his rental property, to stay in any of rental buildings, or helps hide a vicious dog in any of the rental buildings, will be responsible for any damage that the dog may cause if the animal attacks a person or companion animal. The dog will be impounded and euthanized.

(Ord. of 3-1-07) **State law references:** Similar provisions, 510 ILCS 5/15.

3.2 Vicious dogs- control, impoundment, appeal

(a) Any dog which has been found to be a vicious dog shall be impounded by the administrator, animal control warden, or the law enforcement authority having jurisdiction in such area.

If a dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and microchipped, if not already, and the dog is subject to enclosure. If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized. A dog found to be a vicious dog will not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of County Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.

(b) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are (1) if it is necessary for the owner or keeper to obtain veterinary care for the dog, (2) in the case of an emergency or natural disaster where the dog's life is threatened, or (3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 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.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be

impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area. If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 days, the dog may be euthanized.

Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs 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 exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

(c) If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.

(d) Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.

(e) If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization. **State law references:** Similar provisions, 510 ILCS5/15.

3.3 Dangerous dogs; nuisance; exceptions.

(a) After a thorough investigation, including: sending notifications to the owner of the alleged infractions within 10 business days, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the administrator or director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the administrator, or his/her designee, or the director, to deem a dog to be "dangerous". The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process. A dog may not be declared dangerous if the administrator, or his/her designee, or the director determines the conduct of the dog was justified because:

(1) The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog; or custodian of the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal.

(2) The threatened person was abusing or assaulting the dog; or physically threatening the dog or its offspring.

(3) The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or

(4) The dog was responding to pain or injury; or was protecting itself, its owner, custodian, or a member of its household, kennel or offspring.

Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court's determination of whether the dog's behavior was justified pursuant to the provisions of this section.

(b) If deemed dangerous, the administrator, or his or her designee, or the director shall order:

- (1) The dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund,
- (2) the dog to be spayed or neutered within seven (7) days at the owner's expense and microchipped, if not already, and
- (3) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
 - (a) evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
 - (b) direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

(c) The administrator may order a dangerous dog to be muzzled and leashed whenever it is on public premise in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(d) All owners or keepers of dogs found to be dangerous must post in clear view at all times, and in the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous dog on the premises. Such sign shall be least eight and one-half (8 1/2) inches by eleven (11) inches in size, and shall contain in words and pictures, a clear indication that a dangerous dog is on the premises.

(e) The owner of a dog deemed dangerous shall supply a certificate of insurance naming the host agency in the amount of \$100,000 and has to keep the insurance as long as the person owns the dog. If the owner allows the insurance to lapse, the dog will be impounded.

(f) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry guard, or police-owned dogs are exempted from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies in accordance with division 2 of this article. It shall be the duty of the owner of such exempted dog to notify the administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the administrator advised of the location where such dog will be stationed. The administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him..

(g) The Administrator or animal control officer has the right to impound a dangerous dog if the owner fails to comply with the requirements of this section. (Ord. of 3-01-07) **State law references:** Similar provisions, 510 ILCS 5/15.1.

3.4 Dangerous dog; appeal.

(a) The owner of a dog found to be a dangerous dog pursuant to this Act by an administrator may file a complaint against the administrator in the circuit court within thirty-five (35) days of receipt of notification of the determination, for a de novo hearing on the determination. The proceeding shall be conducted as a civil hearing pursuant to the Illinois Rules of Evidence and

the Code of Civil Procedures, including the discovery provisions. After hearing both parties' evidence, the court may make a determination that the dog is a dangerous dog if the administrator meets his or her burden of proof of clear and convincing evidence. The final order of the circuit court may be appealed pursuant to the civil appeals provisions of the Illinois Supreme Court Rules.

(b) The owner of a dog found to be a dangerous dog pursuant to this Act by the director may, within fourteen (14) days of receipt of notification of the determination, request an administrative hearing to appeal the determination. The administrative hearing shall be conducted pursuant to the department of agriculture's rules applicable to formal administrative proceedings, 8 Ill. Adm. Code Part 1, Subparts A and B. An owner desiring a hearing shall make his or her request for a hearing to the Illinois Department of Agriculture. The final administrative decision of the department may be reviewed judicially by the circuit court of the county wherein the person resides, or in the case of a corporation, the county where its registered office is located. The administrator review law and all amendments and modifications thereof, and the rules adopted thereto, apply to and govern all proceedings for the judicial review of final administrative decisions of the department hereunder.

(c) Until the order has been reviewed and at all times during the appeal process, the owner shall comply with the requirements set forth by the administrator, the court, or the director.

(d) At any time after a final order has been entered, the owner may petition the circuit court to reverse the designation of dangerous dog.

(Ord. of 3-01-07)**State law references:** Similar provisions, 510 ILCS 5/15.3.

3.5 Violations; penalties.

Any person found guilty of a violation of section 3.1(c),3.2(a),or of section 3.3(b)subsection(1-3),(c),or(d) in a court of law shall pay a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00). A penalty under this section shall be in addition to and not in lieu of any action taken under section 3.2(b), or section 3.3(g).

(Ord. of 3-1-07)

State law references: Authority, counties, 55 ILCS 5/5-1071.1; source, animals, 510 ILCS 5/15.

DIVISION 4. PREVENTION OF CRUELTY TO ANIMALS

4.1 Humane care of animals.

No owner shall fail to provide his/her animal(s) with:

(1) Sufficient, nutritious food.

(2) Fresh, clean water at all times.

(3) A shelter which has four sides, a roof, floor, and bedding. The shelter shall be of sufficient size to permit such animal to stand up and turn around inside when fully grown and allow retention of body heat. The shelter shall be placed to provide shade from the sun and protection from the weather.

(4) Regular and sufficient veterinary care to prevent suffering and maintain health.

(Ord. of 3-1-07)

4.2 Abandonment of animal unlawful.

It shall be unlawful for any person to abandon any animal within the county.

(Ord. of 3-1-07)

4.3 Acts of cruelty to animals prohibited.

Unless justifiable in defense of person or property, no person shall:

- (1) Kill, wound, or attempt to kill or wound, or poison any domestic animal.
 - (2) Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the State of Illinois.
 - (3) Beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse a domestic animal.
 - (4) Cause, instigate, permit, or attend any dogfight, cockfight, bullfight, or other combat between animals and humans.
 - (5) Crop an animal's ears, an animal's tail or perform similar surgeries except as a licensed veterinarian of the State of Illinois.
 - (6) Allow any animal to remain unattended in a motor vehicle by a competent person when the animal's life, health, or safety is threatened.
- (Ord. of 3-1-07)

4.4 Impoundment of victimized animals; owner's appeal.

(a) In the event that the administrator, animal control officer, or any law enforcement officer finds a domestic companion animal(s) to be a victim of cruelty, neglect, or abandonment as defined by sections with animal cruelty, he/she shall have the right to forthwith remove or cause to have removed any such animal(s) to a safe place for care or to euthanize said animal(s) when necessary to prevent further suffering, all at the owner's expense. Return to the owner may be denied or withheld until the owner shall have made full payment for all expenses incurred. Treatment of an animal by any method specified herein does not relieve the owner of liability for violations and for any accrued charges.

(b) The owner of an animal that has been impounded may appeal, in writing, the impoundment to the States Attorney within seven (7) days of impoundment. After proper notice, a hearing shall be held to determine if said animal was the victim of cruelty, neglect or abandonment. The States Attorney may find that the animal is a victim of cruelty, neglect or abandonment if:

- (1) Said animal was abandoned;
- (2) Said animal was not provided by the owner (or agent) with sufficient water, proper food, shelter to provide protection from the weather, or veterinary care to prevent suffering; or
- (3) Said animal was a victim of an act cited in section 4.3 and 4.5.

(c) The States Attorney may find that the animal is a victim of cruelty, neglect, or abandonment, then he or she shall order appropriate remedies, including, but not limited to, proper veterinary care, humane destruction of the animal, or refusal to return said animal to the owner and shall assess all costs to the owner for enforcement of the appropriate remedy, and for impoundment and boarding of the animal.

(d) Any owner convicted of aggravated cruelty charges, or any of the cruelty listed in section 4.3 (4), will not be allowed to own or reside in a household where there are any animal(s) as long as they live in the county.

(e) Any one that violates this section (d) will be prosecuted and the animal(s) will be impounded.

(Ord. of 3-1-07)

State law references: Authority, 510 ILCS 70/10.

4.5 Animals for use in entertainment.

(a) No person may use, own, capture, breed, train or lease any animal which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and other animal or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall own, possess, offer for sale, ship, or transport any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for purposes of sport, wagering, or entertainment.

(c) No person shall make available any site, structure, or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(d) No person shall attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for the purposes of sport, wagering, or entertainment.

(Ord. of 3-1-07)

4.6 Seizure and disposition of animals and other items illegally used in entertainment.

(a) Law enforcement officers and the Administrator shall seize and impound any and all animals and seize any equipment, money, or other proceeds utilized in or directly related to any violation of the sections on animals used in entertainment. Animals and other items impounded or seized shall be held for evidence and for final disposition by the Court.

(b) The county shall give notice to the person from whom the animals, equipment, money or other proceeds were seized pursuant to paragraph (a) above, or to the person in possession as owner, or lessee of the premises where said items were found, or if the names of any of these persons are unknown to the county, by posting notice upon the outer door of the premises. The notice shall be directed to any person claiming interest in the property or money, to come before the Court on a specified date, not less than three (3) days from the date of the notice, and to show cause, if any, why the items should not be sold at public auction as contraband or otherwise be forfeited as contraband to the county for disposition as authorized herein.

(c) If in the Court's opinion, after a full hearing, or upon the default of those notified to appear, it appears to the Court that the items seized are in fact contraband, the Court shall order disposition of said items in one or more of the following ways:

(1) Any animal(s) forfeited under this section shall be either humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling county ordinances, or provisions of state law.

(2) Any money forfeited under this section shall be forfeited to the county treasury.

(3) Any other items forfeited under this section shall be sold at a public auction to the highest bidder for cash, and the proceeds paid to the county treasury.

(4) No equipment used for training, fighting, or killing the animals will be sold at auction, it shall be retained and made available for use in training peace officers in detecting and identifying violations of Animals used in entertainment.

(Ord. of 2-1-07)

4.7 Diseased and injured animals.

(a) No diseased or sickly horse, cow, hog, dog, cat or other animal nor any that has been exposed to any disease that is contagious among such animals shall be brought into the county unless under veterinary care.

(b) Any animal, being in any street, highway or public place within the county, appearing, in the estimation of the administrator, animal shelter manager, or animal control warden, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or

animal control officer within one hour after being found or left in such condition, may be deprived of life by such officer, or as he/she may direct.

(c) No person, other than the Administrator or law enforcement officers, animal control wardens, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick or injured animal in such street or place. No person shall skin or wound such animal in any street, highway, or public place, unless to terminate its life as herein authorized, except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or the administrator, animal shelter manager or animal control warden.

(Ord. of 3-1-07)

4.8 Keeping animals other than domesticated pets.

(a) No person shall keep, harbor, or allow to be kept within the county any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf, wolf-hybrid, venomous reptiles, or other animal normally wild and dangerous to human life. It is no defense to a violation of this section that the owner or keeper of the animal has attempted to domesticate the animal.

(b) Animals maintained by a zoological park, animal control facility, federally licensed exhibit, veterinary hospital, or educational institutions shall not be regulated by the provisions of this chapter.

4.9 Dead animals prohibited.

No person shall:

(1) Allow the body, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.

(2) Skin, dismember, butcher, dress, or exhibit any dead animal in view of the public in areas of the county which have been subdivided for residential purposes.

The owner of an animal shall be responsible for the immediate disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains.

(Ord. of 3-1-07)

4.10 Live animals for research prohibited.

No live animals in the possession of the animal shelter shall be released, sold, or given to any institution or private firm or individual for the purposes of medical or scientific research.

(Ord. of 3-1-07)

4.11 Multiple-pet license.

(a) Multiple-pet owners must obtain an annual license from the county upon payment of a fee of \$25.00. Such license shall be obtained no later than 30 days after assuming ownership of a sixth animal and must be renewed annually by January 1st. The annual renewal fee shall be \$10 if the owner receives an inspection of excellent. Payment by a multiple-pet owner shall not exempt such licensee from payment of county registration fees for each dog or cat owned by him/her.

(b) Multiple-pet ownership without obtaining such license shall be in violation of law for which, upon conviction thereof, such owner shall be penalized not less than \$50.00 and not more than \$500.00.

(c) If someone has five or more "breedable females" (dogs or cats) and are selling the offspring and/or the adults, the owner of the animals would need to be licensed with Illinois Department of Agriculture. If the owner has a license with the Department, they

would not need a multiple-pet license with the county. The owners will still have to comply with county ordinances in regards to rabies vaccination and registration of the animals. Anyone found in violation of this section would be charged with operating a kennel without a license.

4.12 Multiple pet-owner licensee requirements.

An applicant for a multiple-pet license shall consent to the inspection of the premises where his animals are kept or maintained. Such inspection shall be performed before issuance of the license or upon receipt of a complaint. Annual inspections may be required for multiple-pet owners with marginally acceptable standards. Such inspection may be performed by the Administrator. Failure to comply with a request for inspection is a violation of this article. Holders of multiple-pet licenses shall conform to the following requirements:

- (1) All dogs and/or cats over four months of age must be inoculated against rabies and registered pursuant to this article.
- (2) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from the weather and sufficient veterinary care to prevent suffering.
- (3) If the dogs and/or cats are kept or maintained within a structure or building, such building shall:
 - a) Be kept clean, free of feces and urine.
 - b) Not constitute a nuisance or danger to the health or welfare of its inhabitants nor surrounding residents.
 - c) Be well ventilated and maintain appropriate temperature (follow USDA guidelines) to prevent suffering.
- (4) If the dogs and/or cats are kept or maintained outside a building;
 - a) A shelter of sufficient size to permit such animal to stand up and turn around inside when fully grown shall be provided at all times
 - b) The shelter shall have four sides, a roof, floor, bedding, and an opening large enough for the animal to enter the shelter. The shelter shall be placed to provide shade from the sun and protection from the weather.
 - c) The shelter shall be placed at least ten feet from all property lines except where there is an alley.
 - d) A dog shall be deemed to be housed outside if said dog is outside for more than eight hours in the aggregate during any 24-hour period or is outside for more than 30 minutes between the hours of 11:00 p.m. to 7:00 a.m.
- (5) The dogs and/or cats shall be prevented from running at large.
- (6) The dogs and/or cats shall be prevented from causing a nuisance pursuant to section 1.16 of this act.
- (7) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.
- (8) The applicant shall not have been found guilty of more than three violations of the animal control ordinance within the previous three years from the date of application.
- (9) The owner shall immediately notify the Animal Control Administrator of any change in the animals governed by the multiple pet license including the rabies vaccination and registration required pursuant to this article.

4.13 Revocation of multiple-pet license.

- (a) Upon conviction of a second violation of the requirements pursuant to this article, the administrator shall revoke the multiple pet license for a period of not less than three months not more than five years, the length of the revocation period to be determined by the number and severity of the violations. After expiration of the revocation period, the license shall not be automatically reinstated. The former licensee must reapply for the license and show an ability to conform to the existing ordinances before he may be issued a multiple pet license.
- (b) Upon revocation of the license, the owner shall relinquish ownership of his/her animals to the Administrator.

4.14 Impoundment of multiple pets.

- (a) The Administrator may impound the dogs and/or cats of any multiple-pet owner if such owner does not hold a multiple-pet license.
- (b) Such animals shall be redeemed by the owner upon payment to the Administrator the lawful fees accrued pursuant to this chapter and after application and approval for a multiple-pet owner license.

4.15 No feral cat colonies are allowed.

No person shall feed, keep, harbor, permit, or start up any feral cat colonies in the county. The cats will be impounded and euthanized.

4.16 Female dogs and cats in heat.

Every owner of a female dog or cat shall cause such dog or cat to be confined in a secure enclosure while in heat.

4.17 Responsibility of owner of rental property.

Owner of rental property who rents to a person who owns an animal that attacks another person or companion animal will be responsible for damages if renter has no insurance to cover the costs of damages.

4.18 Normal husbandry practices--Construction with other laws.

Nothing in this division affects normal, good husbandry practices utilized by any person in the production of food, companion or work animals, or in the extermination of undesirable pests. In case of any alleged conflict between this division, and the Wildlife Code of Illinois (520 ILCS 5/1.1 et seq.), or "An Act to define and require the use of humane methods in the handling, preparation for slaughter, and slaughter of livestock for meat or meat products to be offered for sale" (510 ILCS 75/1 et seq.), approved July 26, 1967, as amended, the provisions of those acts shall prevail.

(Ord. of 3-1-07)

4.19 Violations; penalties.

Any person found guilty of a violation of this chapter, in a court of law shall pay a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00). A penalty under this section shall be in addition to and not in lieu of any action taken.

(Ord. of 3-1-07)

State law references: Authority, counties, 55 ILCS 5/5-1005.4.

PASSED AND APPROVED THIS 13TH DAY OF MARCH, 2007.

Andrew Manar
Chairman
Macoupin County Board

Michele Zippay
County Clerk and Recorder

VOTING AYE: Judy Bacon, Darrell Bellm, Raymond Coatney, Morrie Fraser, Frances Goodman, Bill Harding, Lyndal Herschelman, Lance Jubeltl, Bernie Kiel, Frank long, Larry Lux, Glenn Nichelson, Joe Novak, Ruth Pomatto, Vera Pratt, Robert Quarton, Paul Quirk, Ollie Schwallenstecker, David Thomas, Robert Vojas, Julia Watson, Francis Wieseman, Tony Wiggins, Chris Yowell, Michael Allen Zippay, and James Zirkelbach.

VOTING NAY: NONE

ABSENT: Andrew Manar.

CHAPTER 4

GENERAL OFFENSES

ARTICLE A. OFFENSES INVOLVING PROPERTY

SECTION:

- 5-4A-1: Posting Bills, Signs And Advertisements
- 5-4A-2: Depositing Snow And Ice
- 5-4A-3: Open Wells And Excavations
- 5-4A-4: Use Of Metal Detectors On Public Property

5-4A-1: **POSTING BILLS, SIGNS AND ADVERTISEMENTS:** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any City property, including, but not limited to, any City-owned curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this section shall not prevent posting by proper City and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections; except, they may not be attached to a tree. (2008 Code § 27-2-15; amd. 2019 Code)

5-4A-2: **DEPOSITING SNOW AND ICE:** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system; except, that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in Business Districts. (2008 Code § 27-2-30)

5-4A-3: **OPEN WELLS AND EXCAVATIONS:**

- A. No person, corporation or partnership shall own, maintain, use, or abandon any open well, cesspool, cistern, quarry, recharging basin,

catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing. (2008 Code § 27-2-31; amd. 2019 Code)

- B. The provisions of this section shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as watchman to guard such location. (2008 Code § 27-2-31)

5-4A-4: **USE OF METAL DETECTORS ON PUBLIC PROPERTY:** No person shall use any metal detectors on any property of the City except agents or employees of utilities or contractors using such metal detectors for the purpose of locating underground utilities. (2008 Code § 27-2-32)

CHAPTER 4

GENERAL OFFENSES

ARTICLE B. OFFENSES AGAINST PEACE, SAFETY AND PERSONS

SECTION:

- 5-4B- 1: Abandoned Containers
- 5-4B- 2: Playing Games In Streets
- 5-4B- 3: Noise From Devices That Kill Insects
- 5-4B- 4: Storage Of Explosives
- 5-4B- 5: Public Intoxication
- 5-4B- 6: Disturbing The Peace And/Or Challenge To Fight
- 5-4B- 7: Throwing Rocks
- 5-4B- 8: Abandoned Refrigerators Or Iceboxes
- 5-4B- 9: Sanctity Of Funeral And Memorial Services
- 5-4B-10: Injury To Utility Wires And Poles
- 5-4B-11: Damage Or Destruction Of Street Signs Prohibited

5-4B-1: ABANDONED CONTAINERS:

It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of one and one-half (1½) cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. (2008 Code § 27-2-25)

5-4B-2: PLAYING GAMES IN STREETS:

No person shall, upon any City street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks. (2008 Code § 27-2-20)

5-4B-3: NOISE FROM DEVICES THAT KILL INSECTS:

No person shall operate, between the hours of one minute after twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. of any day, on any residential property any electrical device which emits an audible sound and is designed or used for the purpose of killing insects out of doors. (2008 Code § 27-3-7; amd. 2019 Code)

May 2021

5-4B-4: STORAGE OF EXPLOSIVES:

- A. No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.
- B. No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding five (5) pounds. (2008 Code § 27-2-21)

5-4B-5: PUBLIC INTOXICATION:

No person shall, in the City, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk, lying or roving about the streets, alleys, or sidewalks of the City or the private grounds of any of the inhabitants thereof, or being drunk, as aforesaid, shall disturb the peace, order and quiet of the City, or the peace and quiet of the citizens thereof, by loud and unusual noises, disorderly conduct, indecent language or behavior, or in any other manner, or shall pose any danger to himself or others. (2008 Code § 27-2-16; amd. 2019 Code)

5-4B-6: DISTURBING THE PEACE AND/OR CHALLENGE TO FIGHT:

- A. No person shall disturb the peace of any individual or private family, or of any lawful congregation within the city by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct.¹
- B. It shall be unlawful for any person within the City to challenge another to fight, or to threaten or induce another by the use of any profane, obscene or offensive language, or to indulge in any conduct toward another tending to provoke a disturbance or breach of the peace. (Ord. 2020-10, 11-2-2020)

5-4B-7: THROWING ROCKS:

No person in the City shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place. (Ord. 2020-10, 11-2-2020)

5-4B-8: ABANDONED REFRIGERATORS OR ICEBOXES:

It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of one and one-half (1

May 2021

1. See 65 ILCS 5/11-5-2.

1/2) cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this code.¹ (Ord. 2020-10, 11-2-2020)

5-4B-9: SANCTITY OF FUNERAL AND MEMORIAL SERVICES:

It shall be unlawful for a person to violate any of the following provisions of this section:

- A. Engaging in any loud protest of singing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within three hundred feet (300') of any entrance of a facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates; or
- B. Displaying any visual images that convey fighting words, actual or veiled threats against any other person within three hundred feet (300') of any entrance of a facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates; or
- C. Blocking access to any facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates; or
- D. Ending in a directed protest march or picket at any public location within three hundred feet (300') of any entrance of a facility being used for a funeral or memorial service at any time during the period starting thirty (30) minutes before any funeral or memorial service is scheduled to begin and ending thirty (30) minutes after the funeral or memorial service terminates. (Ord. 2020-10, 11-2-2020)

5-4B-10: INJURY TO UTILITY WIRES AND POLES:

It shall be unlawful to willfully, maliciously, or negligently break, deface, or injure or destroy any telegraph or telephone pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas

May 2021

1. See 65 ILCS 5/11-1-5.

5-4B-10

5-4B-11

main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them. (Ord. 2020-10, 11-2-2020)

5-4B-11: DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED:

It shall be unlawful for any person in any manner or form, to deface, disfigure, dismantle, damage, or destroy any of the street signs or parts thereof located in the City. (Ord. 2020-10, 11-2-2020)

May 2021

City of Virden

CHAPTER 4

GENERAL OFFENSES

ARTICLE C. OFFENSES INVOLVING WEAPONS

SECTION:

- 5-4C-1: Concealed Weapons
- 5-4C-2: Discharge Of Certain Weapons
- 5-4C-3: Brandishing Weapons

5-4C-1: **CONCEALED WEAPONS:** No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or colt, or slingshot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This section does not apply to the officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal, nor to anyone with a "concealed carry" permit. (2008 Code § 27-2-18; amd. 2019 Code)

5-4C-2: **DISCHARGE OF CERTAIN WEAPONS:** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the City or so that the bullet, arrow, missile or projectile therefrom enters the City; 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 prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of a bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel; nor to a properly licensed shooting range and the discharge of firearms therein. (2008 Code § 27-2-19; amd. 2019 Code)

5-4C-3: BRANDISHING WEAPONS:

- A. It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, replica firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons. A "replica firearm", as used in this subsection, includes, but is not limited to, toy guns, starter pistols, air guns and inoperative firearms or any other device which gives the appearance of an operable firearm.
- B. Subsection A of this section shall not apply to the following:
1. Officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal;
 2. Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
 3. Any person making or assisting in making a lawful arrest for the commission of a felony;
 4. Any person engaged in a show or theatrical production;
 5. Any person engaged in military activities sponsored by the Federal or State government; or
 6. Any person engaged in ceremonial activities sponsored by a recognized civic organization. (2008 Code § 27-2-34)

CHAPTER 5

MINORS

SECTION:

- 5-5-1: Nighttime Curfew
 5-5-2: Halloween Curfew
 5-5-3: Truancy

5-5-1: **NIGHTTIME CURFEW:**

- A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

- CURFEW HOURS:**
1. Eleven o'clock (11:00) P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until six o'clock (6:00) A.M. of the following day; and
 2. One minute after twelve o'clock (12:01) A.M. until six o'clock (6:00) A.M. on Saturday; and
 3. One minute after twelve o'clock (12:01) A.M. until six o'clock (6:00) A.M. on Sunday.

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT: 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.

GUARDIAN:	<p>1. A person who, under court order, is the guardian of the person of a minor; or</p> <p>2. A public or private agency with whom a minor has been placed by a court.</p>
MINOR:	Any person under seventeen (17) years of age.
OPERATOR:	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:	<p>A person who is:</p> <p>1. A natural parent, adoptive parent, or step-parent of another person; or</p> <p>2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.</p>
PUBLIC PLACE:	Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
REMAIN:	<p>To:</p> <p>1. Linger or stay; or</p> <p>2. Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.</p>
SERIOUS BODILY INJURY:	Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. (2008 Code § 27-2-33; amd. 2019 Code)

B. Offenses:

1. A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
2. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
3. The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

C. Defenses:

1. It is a defense to prosecution under subsection B of this section that the minor was:
 - a. Accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty one (21) years of age who has been approved by the parent or legal guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization or another similar entity that takes responsibility for the minor;

h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or (2008 Code § 27-2-33)

i. Married or had been married or is an emancipated minor under the Emancipation of Minors Act, as amended. (2008 Code § 27-2-33; amd. 2019 Code)

2. It is a defense to prosecution under subsection B3 of this section that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

- D. Enforcement: Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection C of this section is present. (2008 Code § 27-2-33)
- E. Penalty: A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00). (2008 Code § 27-2-33; amd. 2019 Code)

5-5-2: **HALLOWEEN CURFEW:** It shall be illegal for any person to engage in Halloween practice, commonly called "trick or treat", by calling at the homes or dwelling places within the City, either masked or unmasked, except on the days and times approved by the City Council. (2008 Code § 27-2-26; amd. 2019 Code)

5-5-3: **TRUANCY:**

- A. Definitions: As used in this section, unless the context requires otherwise, the following words and phrases shall have the following meanings:

COURT: The Judicial Circuit Court of Macoupin or Sangamon County, Illinois.

- CUSTODIAN:**
1. A person who, under court order, is the custodian of the person of a minor; or
 2. A public or private agency with which the court has placed a minor; or
 3. A person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.
- EMERGENCY:** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- ESTABLISHMENT:** Any privately owned place of business to which the public is invited including, but not limited to, any place of amusement or entertainment.
- GUARDIAN:**
1. Parent; or
 2. A person who, under court order, is the guardian of the person of a minor; or
 3. A public or private agency with which the court has placed a minor.
- MINOR:** A person under seventeen (17) years of age.
- PARENT:** A person who is a natural parent, adoptive parent, or stepparent of another person.
- PUBLIC PLACE:** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

RESPONSIBLE ADULT:	A person at least eighteen (18) years of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.
SERIOUS BODILY INJURY:	Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
TRUANCY CURFEW HOURS:	The period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.
TRUANCY REVIEW BOARD:	Any agency or entity established by any school district or any Federal, State or local governmental entity or any counseling or social agency, or any combination thereof, recognized by the City and/or the court as an agency which provides service to improve education performance and/or attendance.
TRUANT OFFICER:	Any officer, appointee, employee or other agency of any school district or any Federal, State or local government entity, or any agency thereof, performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. (2008 Code § 27-8-1; amd. 2019 Code)

B. Offenses:

1. It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the City during truancy curfew hours.
2. It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during truancy curfew hours. (2008 Code § 27-8-3)
3. It is unlawful for any owner, operator or employee of an establishment to allow a minor to be present or to remain upon the premises

of the establishment during truancy curfew hours. (2008 Code § 27-8-4; amd. 2019 Code)

C. Defenses:

1. It is a defense to prosecution under subsection B of this section that the minor was:

a. Accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;

b. Involved in an emergency;

c. Going to or returning from a medical appointment without any detour or stop;

d. Engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;

e. In possession of valid proof that the minor is a student who has permission to leave the school campus;

f. A bona fide participant in an alternative education or home schooling program;

g. Engaged in or subject to an authorized or excused absence from the school which the minor attends including, but not limited to, lunch periods. (2008 Code § 27-8-3)

2. It is a defense to prosecution under subsection B3 of this section if the owner, operator or employee of the establishment immediately, upon discovery of a minor reasonably believed to be in violation of subsection B1 or B2 of this section, notified a law enforcement agency that a minor was present on the premises of the establishment during truancy curfew hours and refused to leave the establishment after being advised to do so by the owner, operator or employee. (2008 Code § 27-8-4; amd. 2019 Code)

D. Enforcement: Every member of the Police Department, while on duty, is hereby authorized as follows:

1. For the first offense of any minor violating the provisions of this section, to issue to the minor a citation, in writing, in the same form as described in subsection D2 of this section. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this section (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately, upon taking custody of the minor, reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subsection D5 of this section is applicable. A parent, custodian or guardian must take custody of the minor within one hour of the time of notice or be subject to a charge of twenty five dollars (\$25.00) per hour as hereinafter provided.

2. Whenever a police officer or truant officer witnesses or has knowledge based on reasonable grounds of a violation of this section by any person, such person may be issued a citation. A citation or complaint may be made to a police officer or truant officer by any person. A citation issued hereunder shall be in writing and shall:

a. State the name of the person being cited and the person's address if known; (2008 Code § 27-8-5)

b. Set forth that this section was violated, the date of the violation and a brief description of the violation; (2008 Code § 27-8-5; amd. 2019 Code)

c. Be signed by the issuing police officer, truant officer or complaining party.

3. In each instance where a citation is issued to a minor for violation of this section, a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

4. A minor cited for a citation under this section must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a notice or a rule to show cause to the person directing that said person appear at the continued hearing with the minor. Failure of the person

to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

5. Every member of the Police Department, while on duty, is hereby authorized to temporarily detain any minor violating the provisions of this section regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend. (2008 Code § 27-8-5)

E. Penalties:

1. A truant who is thirteen (13) years of age or older, or his or her parent(s), guardian(s), or legal custodian(s), but not both, who violate the provisions of this section is subject to a fine of up to one hundred dollars (\$100.00) for each violation and/or subject to not more than fifty (50) hours of public service work for each violation.

2. The parent(s), guardian(s), or legal custodian(s) of a truant who is under thirteen (13) years of age is subject to a fine of up to one hundred dollars (\$100.00) for each violation and/or subject to not more than fifty (50) hours of public service work for each violation, if the minor, or his or her parent(s), guardian(s), or legal custodian(s), violates the provisions of this section. (2019 Code)

CHAPTER 6

SKATEBOARDS AND TOY VEHICLES

SECTION:

- 5-6-1: Definitions
5-6-2: Operation On Public Ways And Property
5-6-3: Operation On Private Property
5-6-4: Impoundment Provisions

5-6-1: **DEFINITIONS:** As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates that a different meaning is intended:

BUSINESS DISTRICT: The City Business District.

SKATEBOARD: A device with wheels for riding upon, usually standing, including, without limitations, skateboards of all types.

TOY VEHICLES: Coasters, scooters, roller skates, or any other nonmotorized device with wheels or rollers upon which a person may ride. This definition does not apply, so long as they are used for the purposes for which they are intended, to wagons, wheelchairs and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or to bicycles, or to carts or other devices intended and used for transporting merchandise or materials. (2008 Code § 27-10-1)

5-6-2: **OPERATION ON PUBLIC WAYS AND PROPERTY:**

A. Generally:

1. No person shall operate a skateboard or toy vehicle on a public street if there is a sidewalk adjacent to such street. If no sidewalk

exists, skateboards may be ridden on the street, provided street riding shall be done as far to the right side of the road as possible and in the same direction as traffic. (2008 Code § 27-10-2)

2. No person shall operate a skateboard or toy vehicle in, upon, or on the grounds of any public property, except those areas designated for skateboarding. (2008 Code § 27-10-6)

- B. Clinging To Vehicle: No person operating a skateboard, toy vehicle, or other nonmotorized device shall attach himself or herself to any vehicle upon a roadway. (2008 Code § 27-10-3)
- C. Yield Right-Of-Way: Any person operating a skateboard or other toy vehicle must yield the right-of-way to any pedestrian or motor vehicle. (2008 Code § 27-10-4)
- D. Business District: No person shall operate a skateboard or toy vehicle around the City Square as follows:
 - One block east of the City Square on Jackson Street;
 - One block west of the City Square on Jackson Street; and
 - One block north of the City Square on Springfield Street. (2008 Code § 27-10-7; amd. 2019 Code)
- E. Damaging City Property: No person shall operate a skateboard or toy vehicle on or against any City-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other improvement which may suffer damage by such use. (2008 Code § 27-10-8)

5-6-3: OPERATION ON PRIVATE PROPERTY:

- A. No person shall operate a skateboard or toy vehicle on the premises of any business, residence, or other private property in violation of a sign complying with this section.
- B. Areas in which skateboarding or operation of a toy vehicle is prohibited must be indicated by one or more signs which are positioned to provide notice and which contain the words "No Skateboarding" or any other word or combination of words indicating that skateboarding or operation of a toy vehicle is prohibited. Letters on the sign must be clearly legible. (2008 Code § 27-10-5)

5-6-4: **IMPOUNDMENT PROVISIONS:** In place of any other penalty provided by law, any person violating this chapter may, for a first offense, agree to have the skateboard or toy vehicle impounded by the Police Department for one week. (2008 Code § 27-10-9; amd. 2019 Code)

CHAPTER 7

GOLF CARTS AND UTILITY-TERRAIN VEHICLES

SECTION:

5-7-1:	Generally
5-7-2:	Definitions
5-7-3:	Requirements
5-7-4:	Permits
5-7-5:	Violations
5-7-6:	Miscellaneous

5-7-1: **GENERALLY:**

Golf carts and utility-terrain vehicles, as defined and qualified herein shall be allowed on City streets under the conditions as stated herein. (Ord. 2020-10, 11-2-2020)

5-7-2: **DEFINITIONS:**

CITY STREETS:	Any of the streets or alleys within the boundaries of the City.
GOLF CART:	A vehicle specifically designed and intended for the purposes of transporting one (1) or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf or maintaining the condition of the grounds on a public or private golf course.
UTILITY-TERRAIN VEHICLE:	A self-propelled, electrically powered four (4) wheeled motor vehicle or a self-propelled gasoline powered four (4) wheeled motor vehicle with an engine displacement under one thousand two hundred (1,200) cubic centimeters which is capable of attaining in one (1) mile a speed of more than twenty (20) miles per hour but not more than twenty-five (25) miles per hour and which conforms to the federal regulations under Title 49 CFR Part 571.500. (Ord. 2020-10, 11-2-2020)

May 2021

5-7-3: REQUIREMENTS:

All persons wishing to operate a golf cart or a utility-terrain vehicle on the City streets must ensure compliance with the following requirements:

- A. Proof of current liability insurance.
- B. Must be certified with the City and have the vehicles certified with the City by inspection by the Police Chief or designated representative.
- C. Must comply with the published "Rules Concerning Alternate Transportation for the City of Virden" as periodically updated.
- D. Must display City decal on the rear of the vehicle.
- E. Must have a current, valid Illinois drivers license.
- F. Golf carts must be equipped as follows:
 - 1. Horn;
 - 2. Brakes and brake lights;
 - 3. Turn signals;
 - 4. A steering wheel apparatus;
 - 5. Tires;
 - 6. Rearview mirror;
 - 7. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle¹;
 - 8. Headlight that emits a white light visible from a distance of five hundred feet (500') to the front which must illuminate when in operation;
 - 9. Tail lamp that emits a red light visible from at least one hundred feet (100') from the rear which must be illuminated when in operation;
 - 10. Any additional requirements which may be amended to 65 Illinois Compiled Statutes 5/11-1428 or the Illinois Motor Vehicle Code.
- G. Utility-terrain vehicles must be equipped as follows:
 - 1. Brakes and brake lights;

May 2021

1. 625ILCS 5/12-709.

2. Turn signals on the front and rear;
 3. A steering wheel apparatus;
 4. Tires;
 5. Rearview mirror;
 6. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle¹;
 7. Headlight that emits a white light visible from a distance of five hundred feet (500') to the front which must illuminate when in operation;
 8. Tail lamp that emits a red light visible from at least one hundred feet (100') from the rear which must be illuminated when in operation;
 9. Any additional requirements which may be amended to 65 Illinois Compiled Statutes 5/11-1426.1 or the Illinois Motor Vehicle Code.
- H. Must obey all traffic laws of the State of Illinois and the City of Virden
- I. Must be operated only on City streets, except where prohibited.
- J. May not be operated on Route 4, except at specifically designated crossing points.
- K. Must not be operated in excess of posted speed limit and, with respect to utility-terrain vehicles, may not exceed thirty-five (35) miles per hour.
- L. May only be operated between sunrise and sunset.
- M. A person operating or who is in actual physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence is subject to section 11-500 through 11-502 of the Illinois Compiled Statutes (625 Illinois Compiled Statutes 5/11-500 through 11-502).
- N. Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in City parks other than parking areas.
- O. Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation or the County Highway Department except to cross at designated streets. (Ord. 2020-10, 11-2-2020)

May 2021

1. 625 ILCS 5/12-709.

5-7-4: PERMITS:

- A. No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Chief of Police as provided herein. Permits shall be granted for a period of one (1) year and renewed annually. The cost of the permit is thirty-five dollars (\$35.00). Insurance coverage is to be verified to be in effect by the Police Department when obtaining and renewing a permit.
- B. Every application for a permit shall be made on a form supplied by the City and shall contain the following information:
1. Name and address of applicant;
 2. Name of liability insurance carrier;
 3. The serial number, make, model and description of golf cart or utility-terrain vehicle;
 4. Signed waiver of liability by applicant releasing the City and agreeing to indemnify and hold the City harmless from any and all future claims resulting from the operation of their golf cart or utility-terrain vehicle on the City streets;
 5. Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
 6. Such other information as the City may require.
- C. No permit shall be granted unless the following conditions are met:
1. The vehicle must be inspected by the Chief of Police (or designee) to insure that the vehicle is safe to operate on city streets and is in compliance with this chapter and with the State of Illinois Motor Vehicle Code;
 2. A physically handicapped applicant must submit a certificate signed by the physician, certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on City streets;
 3. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois,
- D. The City may suspend or revoke a permit granted hereunder upon a finding the holder thereof has violated any provision of this chapter or there is evidence that permittee cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways. (Ord. 2020-10, 11-2-2020)

May 2021

5-7-5: VIOLATIONS:

Any person who violates any provision of this chapter shall be guilty of a petty misdemeanor and shall be punished by a fine of seventy-five dollars (\$75.00). Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three (3) nor more than five (5) years. To the extent that any violation of the chapter also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution. (Ord. 2020-10, 11-2-2020)

5-7-6: MISCELLANEOUS:

- A. In the event that a court of competent jurisdiction declares any particular provision of this chapter to be invalid or unenforceable, the remaining provisions to this chapter shall be construed to be valid and enforceable. The invalidity of any part of this chapter shall not affect any part or parts thereof.
- B. This chapter shall be in full force and effect from and after passage and approval as provided by law.
- C. Any chapter, or portion thereof, of the City Code which is contrary to this chapter shall be deemed to be repealed. (Ord. 2020-10, 11-2-2020)

CHAPTER 8
BICYCLE REGULATIONS

SECTION:

5-8-1: Bicycles

5-8-2: Lamps And Other Equipment On Bicycles

5-8-1: **BICYCLES:**

- A. All persons riding bicycles shall obey the provisions of the Illinois Vehicle Code, 625 Illinois Compiled Statutes 5/1-101 et seq., and all amendments, from time to time, made therein.
- B. Every bicycle when in use shall be equipped with a horn or bell which when used or sounded shall emit a sound capable of being heard at a distance of at least one hundred feet (100').
- C. No person shall ride or operate a bicycle, unicycle, skateboard, roller skates, roller blades, scooter or motorized vehicles, on or over the sidewalks on either side of the street:
 - 1. On Springfield Street between Prairie Street and the east/west alley located between Green and Dean Streets;
 - 2. On Dean Street between Masterson Street and the north/south alley between Springfield and Church Streets;
 - 3. On Dey Street between Prairie Street and the east/west alley between Green and Dean Streets;
 - 4. On Jackson Street between Masterson and Church Streets.
- D. When a person propelling a bicycle approaches a pedestrian or other vehicle, the person propelling such bicycle shall give an audible signal of his approach during, not more than, the last one hundred feet (100'), nor less than the last fifty feet (50') traveled by the bicycle before overtaking or passing such person or other vehicle.
- E. No person shall ride or propel a bicycle at a speed greater than ten (10) miles per hour.

May 2021

- F. No vehicles other than human powered bicycles shall be ridden or driven on or along those portions of Old Illinois Traction System railway right of way or that portion of the walk path on the east side of Springfield Street north of Prairie Trail, which has been designated as a "bike path" by this City and posted by signs for bicycles only. (Ord. 2020-10, 11-2-2020)

5-8-2: LAMPS AND OTHER EQUIPMENT ON BICYCLES:

- A. Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of one hundred feet (100') to six hundred feet (600') to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.
- B. A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.
- C. Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.
- D. No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of two hundred feet (200').
- E. No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of five hundred feet (500') and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least three-sixteenths (3/16) of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.
- F. No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.
- G. Any person charged with a violation of this section shall upon conviction, be fined in accordance with section 1-1-20 of the City Code.¹ (Ord. 2020-10, 11-2-2020)

May 2021

¹. See 625 ILCS Sec. 5/11-1507.

CHAPTER 9

REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

SECTION:

- 5-9-1: Definitions
5-9-2: Prohibited Acts
5-9-3: Penalty
5-9-4: Other Provisions

5-9-1: **DEFINITIONS:**

The following definitions apply to this section.

**CHILD SEX
OFFENDER:**

Includes any person required to register his or her residence address with any State, or with the Federal government, as a result of his or her conviction as a sex offender, where the victim of the sex offense was under the age of eighteen (18) years at the time of the offense. A "Child Sex Offender" includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, 730 Illinois Compiled Statutes 150/1 et seq., as now or as hereafter amended, where the victim was under the age of eighteen (18) years at the time of the offense. A "Child Sex Offender" further includes, but is not limited to, any person who has been convicted of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of eighteen (18) years:

1. Sexual exploitation of a child (720 Illinois Compiled Statutes 5/11-9.1);
2. Predatory criminal sexual assault of a child (720 Illinois Compiled Statutes 5/12-14.1);
3. Indecent solicitation of a child (720 Illinois Compiled Statutes 5/11-6);

May 2021

4. Public indecency committed on school property (702 Illinois Compiled Statutes 5/11-9);
5. Child luring (720 Illinois Compiled Statutes 5/10-5(b)(10));
6. Aiding and abetting child abduction (720 Illinois Compiled Statutes 5/10-7 or 720 Illinois Compiled Statutes 5/10-(b)(10));
7. Soliciting for a juvenile prostitute (720 Illinois Compiled Statutes 5/11-15.1);
8. Patronizing a juvenile prostitute (720 Illinois Compiled Statutes 5/11-18.1);
9. Exploitation of a child (720 Illinois Compiled Statutes 5/11-19.2);
10. Child pornography (720 Illinois Compiled Statutes 5/11-20.1);
11. Criminal sexual assault (720 Illinois Compiled Statutes 5/12-13);
12. Aggravated criminal sexual assault (720 Illinois Compiled Statutes 5/12/14);
13. Aggravated criminal sexual abuse (720 Illinois Compiled Statutes 5/12-16);
14. Kidnaping or aggravated Kidnaping (720 Illinois Compiled Statutes 5/10-1 or 5/10-2);
15. Unlawful restraint or aggravated unlawful restraint (720 Illinois Compiled Statutes 5/10-3 or 5/10-3.1).

LOITER: Standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of eighteen (18) years.

PARK: Includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or

May 2021

unit of a local government, that is designated primarily for recreation. The term "park" shall also include any privately owned recreational area upon which the City has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

SCHOOL: Any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools. (Ord. 2020-10, 11-2-2020)

5-9-2: PROHIBITED ACTS:

- A. It is unlawful for a child sex offender to reside within one thousand five hundred feet (1,500') of any of the following:
 - 1. The real property comprising any school attended by persons under the age of eighteen (18) years; or
 - 2. The real property comprising any park.
- B. It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within one thousand five hundred feet (1,500') of any of the following, unless the person loitering is with a child under the age of eighteen (18) years and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of eighteen (18) years;
 - 1. The real property comprising any school attended by persons under the age of eighteen (18) years; or
 - 2. The real property comprising any park.
- C. It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity to employ a sex offender within one thousand five hundred feet (1,500') of any festival or other event which is open to the public.
- D. It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease

May 2021

agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within one thousand five hundred feet (1,500') of any of the following:

1. The real property comprising any school attended by person under the age of eighteen (18) years; or
2. The real property comprising any park. (Ord. 2020-10, 11-2-2020)

5-9-3: PENALTY:

Any person found guilty of violating subsections 5-9-2A and B shall be subject to a fine between one hundred dollars (\$100.00) and seven hundred fifty dollars (\$750.00), with each day a violation constitutes constitution a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating subsections 5-9-2C or D shall be subject to a fine between one hundred dollars (\$100.00) and seven hundred fifty dollars (\$750.00), revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating subsections 5-9-2C or D shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, 730 Illinois Compiled Statutes 152-101 et seq., as now and hereafter amended. (Ord. 2020-10, 11-2-2020)

5-9-4: OTHER PROVISIONS:

- A. In the event a court of competent jurisdiction should declare the terms of any portion of this chapter invalid or unenforceable the remainder of this chapter shall remain in full force and effect.
- B. All distance designated in this chapter shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.
- C. Nothing in this chapter prohibits a child sex offender before the effective date of this chapter. This chapter is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this chapter. (Ord. 2020-10, 11-2-2020)