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## CHAPTER 5: MISDEMEANORS

### Article 1 - Offenses Against Persons and Property

**Sec. 5.101 Reckless Conduct:** It shall be unlawful for any person to cause bodily harm or to endanger the bodily safety of an individual by any means if he performs recklessly the acts, which cause the harm, or endangers safety.

**Sec. 5.102 Battery:** It shall be unlawful for any person to knowingly or intentionally, without legal justification and by any means to commit a battery.

A person commits a battery if he:

- (a) Causes bodily harm to an individual, or
- (b) Makes physical contact of an insulting or provoking nature with an individual.

**Sec. 5.103 Assault:** It shall be unlawful for any person without lawful authority to engage in any conduct, which places another in reasonable apprehension of receiving a battery.

**Sec. 5.104 Criminal Damage to Public or Private Property:** It shall be unlawful for anyone in the Village of Deer Creek to willfully, maliciously or negligently damage any property of another without his consent.

**Sec. 5.105 Trespass to Land:** It shall be unlawful to enter upon the land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart. A person has received notice from the owner or occupant if he has been notified personally by any of the following means:

- (a) orally or in writing, or by
- (b) printed or written notice conspicuously posted or exhibited on the forbidden land.

**Sec. 5.106 Trespass to Vehicle:** It shall be unlawful to knowingly and without authority to enter any vehicle or any part thereof belonging to another without his consent.

**Sec. 5.107 Posting Bills:** It shall be unlawful for any person, firm or corporation to post any bills or advertisements on any public property without the authority of the Village; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

**Sec. 5.108 Penalty:** Whoever violates any of the sections of this Article shall be punished by a fine of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00).

### Article 2 - Offenses Affecting Public Health, Safety, and Decency

**Sec. 5.201 Weapons:** It shall be unlawful to carry any concealed weapons in the Village in violation of the laws of this State.

**Sec. 5.202 Discharge of Weapons:** It shall be unlawful to discharge any firearms or airgun, bb gun, or any toy gun, projecting lead or any missiles; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property.

**Sec. 5.203 Fires:** It shall be unlawful to build or light any fire so close to any building or other structure as to endanger such building or structure, or on any asphalt street or sidewalk pavement.

**Sec. 5.204 Disorderly Conduct:** It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise or shouting or yelling shall be considered disorderly conduct.

**Sec. 5.205 Fighting:** It shall be unlawful for any person to knowingly start a fight, or to fight in any public place in the Village.

**Sec. 5.206 Gambling:** It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose; and any such device or paraphernalia with such intent may be confiscated by any member of the police department. It shall be unlawful to gamble or to make any bet, lottery or gambling hazard or to buy or sell any chances or tickets in any gambling game, arrangement or device.

**Sec. 5.207 False Alarm:** It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village.

**Sec. 5.208 Abandoned Refrigerator:** It shall be unlawful to abandon any refrigerator, freezer or icebox or other device having an automatic lock or a compartment large enough to enclose a human being in any place accessible to children.

**Sec. 5.209 Combustible Refuse:** It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard.

**Sec. 5.210 Debris:** It shall be unlawful to throw or deposit any glass, tacks, nails or other similar articles on any street, alley or sidewalk or other place in the Village. In addition, it shall be unlawful to throw or deposit any concrete, junk, debris or blacktop on any property in the Village. Further, it shall be unlawful to throw or deposit any object that interferes with the natural flow of water on any property owned by the Village. If any person, firm or entity refuses to remove concrete, junk, debris or blacktop from any property within seven (7) days after receipt of a written request for removal, the Village may remove any said concrete, junk, debris or blacktop and bill the responsible party therefore. If said bill is not paid within thirty (30) days after the date of said bill it may be filed as a lien, foreclosed upon and all costs recovered therefrom as provided for in Section 13.107 (b) of this Village Code.

*Revised: September 1991 Ord. #356*

**Sec. 5.211 Barbed Wire Fences:** It shall be unlawful to erect or maintain anywhere in the Village a fence equipped with or having barbed wire, spikes or similar device or any electric charge sufficient to cause shock.

**Sec. 5.212 Offensive Odors:** It shall be unlawful to operate any business or conduct any activity in a manner or under conditions that create offensive odors within the Village.

**Sec. 5.213 Indecent Conduct:** It shall be unlawful for any person to lewdly expose his body in a public place. A public place for purposes of this section means any place where the conduct may reasonably be expected to be viewed by others.

**Sec. 5.214 Prostitution:** It shall be unlawful for any person to perform or offer or agree to perform any sex act for money.

**Sec. 5.215 Public Intoxication:** It shall be unlawful for any person, in any public place, to be in such a state of intoxication that:

- a). He is unreasonably loud, obscene, or disorderly so as to breach the peace, or
- b). He is incoherent, incapacitated, or asleep so as not to be able to control, direct, or protect himself.

It shall be the duty of police officers to arrest any such person when they reasonably believe such condition exists.

**Sec. 5.216 Drinking Intoxicating Liquors in a Public Place:** It shall be unlawful for any person to consume alcoholic beverages in or upon any public street or park within the Village.

**Sec. 5.217 Penalty:** Whoever violates any of the Sections of this Article shall be punished by a fine of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00).

### **Article 3 - Possession of Cannabis**

**Sec. 5.301 Definition of Words:** As used in this Ordinance, unless the context otherwise requires:

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

(2) "Person" means any individual, corporation, business trust, estate trust, partnership, association or entity, but it does not include government or any agency thereof or a municipal corporation, and it does not include any law enforcement officer having possession of cannabis as evidence and for law enforcement purposes.

**Sec. 5.302 Possession:** It shall be unlawful for any person knowingly to possess not more than thirty (30) grams of any substance containing cannabis within the territorial limits of the Village or within the territorial limits of any real property owned or leased by the Village or otherwise within the jurisdiction of the Village.

**Sec. 5.303 Penalties:** Any person who violates Sec. 5.302 with respect to possession of:

- (a) not more than 2.5 grams of any substance containing cannabis shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00);
- (b) more than 2.5 grams but not more than 10 grams of any substance containing cannabis shall be fined not less than One Fifty Hundred Dollars (\$150.00) nor more than Five Hundred Dollars (\$500.00);

(c) more than 10 grams but not more than 30 grams of any substance containing cannabis shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00).

**Sec. 5.304 Complaint:** Any police officer of this Village who has reasonable grounds to believe that any person has violated this Ordinance is directed to cause a complaint to be filed through the courts charging an offense under this Ordinance. Any police officer of this Village who has reasonable ground to believe that any person has knowingly done any of the following within the territorial limits of the Village or within the territorial limits of any real property owned or leased by the Village or otherwise within the jurisdiction of the Village:

- (a) had in his possession more than thirty (30) grams of any substance containing cannabis;
- (b) has delivered or manufactured cannabis; or
- (c) has possessed cannabis with intent to deliver or manufacture cannabis;

in violation of the “Cannabis Control Act” of the State of Illinois, is directed to initiate action to have such person charged through the courts with violation of the “Cannabis Control Act” of the State of Illinois.

**Sec. 5.305 Severability:** In the event that any section, provision, or part of this Ordinance shall be held to be invalid, the rest of this Ordinance shall nevertheless remain in full force and effect.

#### **Article 4 - Other Offenses**

**Sec. 5.401 Resisting or Obstructing a Peace Officer:** It shall be unlawful for a person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity.

**Sec. 5.402 Hitchhiking:** It shall be unlawful for any person or persons to stand or loiter upon any sidewalk, street, avenue or public highway or grounds within the limits of the Village of Deer Creek for the purpose of soliciting a ride from the driver of any vehicle.

**Sec. 5.403 Penalty:** Whoever violates any of the Sections of this Article shall be punished by a fine of not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00).