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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 One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

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:

- A. It shall be unlawful for any person, firm or corporation, to be guilty of disorderly conduct within the limits of the Village, or upon any property owned by the Village.
- B. A person commits disorderly conduct when he knowingly:
 - 1. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
 - 2. With the intent to annoy another, makes a telephone call, whether or not a conversation thereby ensues;
 - 3. Transmits in any manner to the fire Protection district a false alarm of fire knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;
 - 4. Enters upon the property of another, and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;
 - 5. Transmits or causes to be transmitted in any manner to the Police Department or the Fire Protection District or any privately-owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance, or emergency medical technician-paramedic, knowing at the time there is no reasonable ground for believing that such assistance is required;
 - 6. Throws or discards upon any public street, public sidewalk, public property, or upon the private property of another without the consent of the owner or tenant being had, except in a container provided for that purpose, any paper, cartons, cans, bottles, garbage, refuse, trash or junk;
 - 7. Mars, injures, destroy, defaces or aids in marring, injuring, destroying or defacing any public or private property; or mars, injures, destroys or causes to be marred, destroyed, injured or defaced any bridge, fence, tree, street sign, awning, lamp post, electric light post, or apparatus or any other property, not belonging to the person so offending, whether public or private;
 - 8. Transmits or causes to be transmitted a false report to the Department of children and Family Services under the Abused and Neglected Child Reporting Act, 325 ILCS 5/4;
 - 9. Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, 210 ILCS 45/1-101 et seq;
 - 10. Transmits or causes to be transmitted a false report under 320 ILCS 15/0.01 et seq;
 - 11. Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public;
 - 12. Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;
 - 13. Does any act that is prohibited by 720 ILCS 5/26-1 through and including 720 ILCS 5/26-6.

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.

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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 Alcoholic Liquor:

- A. It shall be unlawful for any person to consume or have in his or her possession in other than the original package with the seal unbroken, any alcoholic liquor on any public right-of-way, street, or sidewalk, or in any public place other than a liquor establishments appropriately licensed under the Village Code of the Village of Deer Creek as amended, and in such cases, only during the hours which the sale of alcoholic liquor is permitted. No person shall possess alcoholic liquor, whether open or sealed, in any public park.

- B. It shall be unlawful for any person under the age of 21 years to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.
- C. It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor.
- D. It shall be unlawful for any person under the age of 21 years to represent that he or she is 21 years of age or over for the purpose of buying, accepting, or receiving alcoholic liquor.
- E. It shall be unlawful for any person under the age of 21 years to present or offer to any licensee, agent or employee any written, printed, or photo static evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure and alcoholic beverage.
- F. It shall be unlawful for any person under the age of 21 years to have in his or her possession, any false or fraudulent written, printed, or photo static evidence of age and identity.
- G. No person, after purchasing or otherwise obtaining alcoholic liquor, shall give or deliver such alcoholic liquor to another person under the age of 21 years.
- H. It shall be unlawful for any clerk or employee of a licensed liquor establishment to give, deliver, or sell alcoholic liquor to another person under the age of 21 years.
- I. No person shall sell any alcoholic liquor to any other person unless the seller has a license to sell liquor in the Village of Deer Creek.

Sec. 5.216 Penalty: Whoever violates any of the Sections of this Article shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

Article 3 - Drug Paraphernalia, Cannabis and Controlled Substances

Section 5.301 Definitions: For purposes of this Article the following words and phrases shall have the following meanings respectively assigned to them:

- a. "Drug Paraphernalia" means all equipment, products, and materials of any kind which are used or intended to be used in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a control substances, in violation of the Cannabis Control Act (720 ILCS 550 § 1 et. seq.) or the Illinois controlled Substance Act (720 570 § 100 et. seq.). The above definition includes, but is not limited to objects used or intended to be used in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or derivatives of any of said substances, into the human body, including, but not limited to, where applicable the following items:
 - 1.) Water Pipes;
 - 2.) Carburetion tubes and devices;
 - 3.) Smoking and carburetion masks;
 - 4.) Miniature cocaine spoons and cocaine vials;
 - 5.) Carburetor pipes;
 - 6.) Electric pipes;
 - 7.) Air-driven pipes;
 - 8.) Chillums;
 - 9.) Bongs;
 - 10.) Ice pipes or chillers

- b. "Cannabis" is hereby defined as said word is defined in the Cannabis Control Act 720 ILCS 550 § et. seq. as that act may be amended from time to time.
- c. "A Controlled Substance" is hereby defined as said words are defined in the Illinois Controlled Substance Act 720 ILCS 570 § 100 et. seq. as that act may be amended from time to time.
- d. "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.

Section 5.302 Transportation of Cannabis, Controlled Substance, or Drug Paraphernalia: No driver of a motor vehicle may knowingly transport, carry, possess or have any cannabis, controlled substance, or drug paraphernalia, within any motor vehicle upon a public street or public property in the Village of Deer Creek.

Section 5.303 Possession and Sale of Drug Paraphernalia: It shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, to use an item of drug paraphernalia in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or to use an item of drug paraphernalia in preparing cannabis or a controlled substance for the purpose of ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body. In determining intent, the trier of fact may take in to consideration the proximity of the cannabis or controlled substance to the drug paraphernalia and/or the presence of cannabis or a controlled substance, or residue of the same, on the drug paraphernalia. In addition, it shall be unlawful for any person to have, possess, sell, offer to sell, dispense or give away any cannabis or controlled substance.

Sec. 5.304 Possession of cannabis: 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. 5.305 Penalties for cannabis possession: Any violation of this article 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) nor more than Seven Hundred Fifty Dollars (\$750); (b) more than 2.5 grams but not more than 10 grams of any substance containing cannabis shall be fined not less than Two Hundred Fifty Dollars (\$250) nor more than Seven Hundred Fifty Dollars (\$750); (c) more than 10 grams but not more than 30 grams of any substance containing cannabis shall be fined not less than Five Hundred Dollars (\$500) nor more than Seven Hundred Fifty Dollars (\$750).

Section 5.306 Penalties for possession of a controlled substance or drug paraphernalia: Any violation of this article with respect to possession of a controlled substance or drug paraphernalia will be punishable by a fine of not less than One Hundred Dollars (\$100) nor more than Seven Hundred Fifty Dollars (\$750). In addition, to the foregoing penalty, any person convicted of violation of this article that holds a license issued by the Village of Deer Creek shall be subject to revocation of any such license issued by the Village of Deer Creek.

Sec. 5.307 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. 5.308 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 One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

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