

**CHAPTER 43**  
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**43.01 DISORDERLY CONDUCT** *Amended 5/8/23*

- A. No person shall engage in disorderly conduct in the City. 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. Transmits in any manner to the fire department of any municipality or fire protection district a false alarm or fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;
  - 3. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground

for believing that such bomb or explosive is concealed in such place;

4. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;
5. Enters upon the property of another and for a lewd or unlawful purpose and deliberately looks into a dwelling on the property through any window or other opening in it;
6. With the purpose of causing public danger, alarm, disorder, nuisance, he commits any of the following acts in a public place;
  - a) Commits an act in a violent manner toward another whereby that other person is placed in danger of his life or health;
  - b) Commits an act in a violent manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
  - c) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, health or property of another;
  - d) Interferes with another's pursuit of a lawful occupation by acts of violence;
  - e) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic on a public way and refuses to clear such public way when ordered to do so by a peace officer or other lawful authority;
  - f) Incites, attempts to incite or is involved in attempting to incite a riot or unlawful disturbance;
  - g) Uses abusive language or threats to any peace officer or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;
  - h) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance in a public place or affecting a public place or another person's premises to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
  - i) Fails to obey a lawful order to disperse by a peace officer where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is threatened;
  - j) Uses abusive or obscene language or makes an obscene gesture in public;

- k) Assembles with three or more persons for the purpose of using force or violence to disturb the public peace;
  - l) Assembles with three or more persons for the purpose of violating any provision of this Code; and
  - m) Appears in any public place and is under the influence of alcohol or controlled substance, to the degree that he may endanger himself or other persons or property, or alarm or disturb other persons in his vicinity.
7. Permits any assembly of two or more persons for the purpose of committing any unlawful act or breach of the peace, or any riotous, offense or disorderly conduct, in or upon any premises owned or occupied by him or under his control.
8. Interrupts or disturbs any lawful assembly of people by making any loud or unusual noise, or by rude or indecent behavior, or by profane, obscene or improper discourse or conduct.
9. Engages in Mob Action: Mob action consists of any of the following:
- a) The use of force or violence disturbing the public peace by two or more persons acting together and without authority of law;
  - b) The assembly of two or more persons to commit an unlawful act; or
  - c) The assembly of two or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.
10. Disturbs, tends to disturb or aid in disturbing the peace of others by violent, tumultuous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by them or under their control.
11. Uses paint or other medium in any way to deface, damage or destroy property.
- B. PENALTY: Any person violating this Section 43.01 shall be fined not less than \$100 for each offense and be responsible for reimbursing the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### **43.02 RESISTING OR OBSTRUCTING A PEACE OFFICER**

- A. No person shall resist or obstruct a peace officer in the City. A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer of any authorized act within his official capacity commits the offense of resisting or obstructing a peace officer.
- B. PENALTY: Any person violating this Section 43.02 shall be fined not less than \$100 for each offense and be responsible for reimbursing the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### **43.03 BATTERY**

- A. No person shall commit a battery in the City. A person commits battery if he intentionally or knowingly, without legal justification and by any means:
  - 1. Causes bodily harm to an individual;
  - 2. Makes physical contact of an insulting or provoking nature with an individual.
- B. PENALTY: Any person violating this Section 43.03 shall be fined not less than \$100 for each offense and be responsible for reimbursing the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### **43.04 ASSAULT**

- A. No person shall commit an assault in the City. A person commits an assault when, without lawful authority, they engage in conduct which places another in reasonable apprehension of receiving a battery.
- B. PENALTY: Any person violating this Section 43.04 shall be fined not less than \$100 for each offense and be responsible for reimbursing the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### **43.05 WEAPONS** *Amended, 23-5-8, 14-3-5*

- A. **WEAPONS:** Unless authorized by law, no person shall wear under his clothing, or conceal about his person, or display in a threatening like manner, any dangerous or deadly weapon including, but not limited to any pistol, revolver, sling shot, knuckles, any bowie or similar knife, or any knife with a switch-blade or device whereby the blade or blades can be opened by a button, pressure on the handle or other mechanical contrivance.
- B. **DISCHARGE OF FIREARMS:** Except as provided in Section 43.05-C, no person shall discharge any firearms in the City. In addition to those firearms defined by the Illinois Compiled Statutes, for purposes of this Section, firearms shall include pump air rifles, potato guns, CO2 pellet guns and any other device capable of discharging a projectile if used with intent to inflict harm to person or property or to assault or threaten harm to a person or property or when used in a reckless manner
- C. **EXCEPTIONS:** For the purpose of protecting livestock against wildlife predators and hunting, the discharge of firearms is permitted in the AT Agricultural Transition District in the City, provide that persons discharging firearms are not in violation of 720 ILCS 5/24-1 et seq. as amended, and the Illinois Department of Natural Resources hunting regulations; or in connection with the use of a firearm at a lawfully established indoor shooting range.
- D. **DISPLAY AND SALE OF SPECIFIED WEAPONS:** No pawnbroker, second-hand dealer or other person engaged in business in the City shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm, with a barrel less than 12 inches in length, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billy club. Weapons displayed for sale shall be incapable of firing. In non-business hours said weapons shall be stored in a secured and locked vault, safe or security box.
- E. **PENALTY.** Any person violating this Section 43.05 shall be fined not less than \$100 for each offense and be responsible for the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

#### **43.06 FIREWORKS** *Amended, 12-10-2*

No person shall possess, sell, offer for sale, use or explode any fireworks in the City except, the City Administrator and the Chief of Police may grant a permit for a public display of fireworks under such conditions as they may impose under the provisions of 425 ILCS 35/0.01 *et seq.*

### **43.07 BARBED WIRE FENCES**

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

### **43.08 NOISE** *Amended, 08-11-1*

A. **DEFINITIONS:** In addition to the definitions found in Appendix A of this Code, for purposes of this Section 43.08, the following words and phrases, whether capitalized or not, shall have the following meanings:

**Construction:** Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

**Demolition:** Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

**Emergency:** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**Emergency Work:** Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**Impulsive Sound:** Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.

**Industrial Area:** As defined in the Marengo Zoning Code.

**Motor Carrier Vehicle Engaged in Interstate Commerce:** Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972 (P.L. 92-574), as amended, pertaining to motor carriers engaged in interstate commerce.

**Motor Vehicle:** Any vehicle that is propelled or drawn on land by a motor, such as, but not limited to, passenger car, truck, truck trailer, semitrailer, camper, go-cart, snowmobile, amphibious raft on land, dune buggy or racing vehicle, but not including motorcycles.

**Motorcycle:** An unenclosed motor vehicle having a saddle for the use of the operator and two or three wheels in contact with the ground, including, but not limited to, motor scooters and minibikes.

**Muffler or Sound Dissipative Device:** A device for abating the sound of escaping gases of an internal combustion engine.

**Noise:** Any sound which annoys or disturbs humans or which causes or tends to cause an adverse

psychological or physiological effect on humans.

**Noise Disturbance:** Any sound which either:

1. Endangers or injures the safety or health of humans or animals, or
2. Annoys or disturbs a reasonable person or normal sensitivities, or
3. Endangers or injures personal or real property.

**Person:** Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

**Powered Model Vehicle:** Any self-propelled airborne, waterborne or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

**Public Right-of-Way:** Any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

**Public Space:** Any real properties or structures thereon which are owned or controlled by a governmental entity.

**Real Property Boundary:** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

**Residential Area:** As defined in the Marengo Zoning Code.

**Weekday:** Any day Monday through Friday which is not a legal holiday.

B. NOISE SENSITIVE ZONE RECOMMENDATIONS: The City Council may designate the noise sensitive zone which contains noise sensitive activities. Existing quiet zones shall be considered noise sensitive zones until otherwise designated. Noise sensitive activities include, but are not limited to, operation of a school, public library, church, hospital and nursing home.

C. NOISE DISTURBANCES PROHIBITED: No person shall unreasonably make, continue or cause to be made or continued, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from this Section 43.08-C.

D. RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS AND SIMILAR DEVICES: No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which

produces, reproduces or amplifies sound:

1. Between the hours of 11 p.m. and 7 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone, except for activities open to the public and for which a permit has been issued by the City Council;
2. In such a manner as to create a noise disturbance at 50 feet or 15 meters from such a device, when operated in or on a motor vehicle on a public right-of-way or public space;
3. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;
4. This Section 43.08-D shall not apply to noncommercial spoken language covered until Section 43.08-E herein.

E. LOUDSPEAKER OR PUBLIC ADDRESS SYSTEMS: No person shall;

1. Use or operate for any noncommercial purpose any loudspeaker, public address system or similar device between the hours of 11 p.m. and 7 a.m. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.
2. Use or operate for any commercial purpose any loudspeaker, public address system or similar device as follows:
  - a. Such that the sound creates a noise disturbance across a real property boundary or within a noise sensitive zone; or
  - b. Between the hours of 11 p.m. and 7 a.m. the following day on a public right-of-way or public space.

F. STREET SALES: No person shall offer for sale or sell anything by shouting or outcry within any residential or commercial area except by permit issued by the City Council.

G. ANIMALS AND BIRDS: No person shall own, possess or harbor any animal or bird which frequently or for continued duration, howls, barks, meows, squawks or makes other sounds which create a noise disturbance across a residential real property boundary or within a noise sensitive zone.

H. LOADING AND UNLOADING: No person shall load, unload, open, close or otherwise handle boxes, crates, containers, building materials, garbage cans or similar objects



between the hours of 8 p.m. and 7 a.m. the following day in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.

I. CONSTRUCTION: Except as provided herein and except for emergency work of public service utilities, no person shall operate or permit the operation of any tools or equipment used in construction, drilling or demolition work so as to create a noise disturbance across a residential real property boundary or within a noise sensitive zone. The proper working hours shall be as follows:

1. Between the hours of 7 a.m. and 8 p.m. on weekdays.
2. Between the hours of 8 a.m. and 8 p.m. on Saturdays, Sundays and holidays.

J. VEHICLE OR MOTORBOAT REPAIRS AND TESTING: No person shall repair, rebuilt, modify or test any motor vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or within a noise sensitive zone.

K. PLACES OF PUBLIC ENTERTAINMENT: No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment at a sound level greater than 90 dBA as read by the slow response on a sound level meter at any point that is normally occupied by a customer, unless a conspicuous and legible sign is located outside such place, near the public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

L. POWERED MODEL VEHICLES: No person shall operate or permit the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise sensitive zone between the hours of 10 p.m. and 7 a.m. the following day. The maximum sound levels in a public space during the permitted period of operation shall be measured at a distance of 50 feet or 15 meters from any point on the path of the vehicle.

M. STATIONARY NON-EMERGENCY SIGNALING DEVICES: Except for devices used in conjunction with places of religious worship, no person shall sound or permit the sounding of any electronically amplified signal from any stationary bell, chime, siren, whistle or similar device intended primarily for non-emergency purposes, from any place for more than 10 minutes in any hourly period.

N. EMERGENCY SIGNALING DEVICES:

1. Except for emergency purposes or for testing, no person shall intentionally sound or permit the sounding outdoors of any fire, burglar or civil defense alarm siren, whistle or similar stationary emergency signaling devices.

2. Testing of a stationary emergency signaling device shall occur at the same time of day each time such test is performed but not before 7 a.m. or after 6 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.
3. Testing of a complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7 a.m. or after 6 p.m. A time limit shall be applicable to such complete system testing.

O. NOISE SENSITIVE ZONES: No person shall create or cause the creation of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone or disturb or annoy the patients of a hospital, nursing home or similar activity, provided that conspicuous signs are displayed indicating the presence of the zone.

P. DOMESTIC POWER TOOLS: No person shall operate or permit the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 11 p.m. and 7 a.m. the following day so as to create a noise disturbance across a residential real property boundary.

Q. EMERGENCY EXCEPTIONS: The provisions of this Section 43.08 shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

R. EXCEPTIONS: Exceptions to this Section 43.08 may be granted by the City Council upon the filing of an application. Said application shall contain information which demonstrates that bringing the source of sound or activity into compliance with this Section 43.10 would constitute an unreasonable hardship on the applicant, the City or on other persons.

S. MOTOR VEHICLES: No person shall operate or permit the operation of any motor vehicle with a gross vehicle weight rating (GVWT) in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion, on a public right-of-way or designated noise sensitive zone, between the hours of 11 p.m. and 7 a.m. the following day.

T. PENALTY: Any person, firm or corporation violating any provision of this Section 43.08, or willfully or knowingly violates any of its provisions, shall be fined not less than \$75 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which an offense occurs or continues.

#### **43.09 DAMAGING PROPERTY** *Amended 23/5/8, 01-8-3*

A. No person shall damage, befoul, disturb, destroy or deface any City property or any public or private property without permission of the owner.

B. **GRAFFITI DEFINED:** Graffiti is any permanent display of any name, identification, letter, numeral, figure, emblem, insignia, a picture, outline, character, spectacle, delineation, illustration, symbol or any combination thereof, which without authorization is marked, written, drawn, painted, scratched, inscribed or affixed, and which is a different color from the color of the exterior of those objects or structures described above and to which it is affixed.

C. **PROHIBITED:** It shall be unlawful, and is hereby declared a nuisance to place graffiti, or permit graffiti to remain upon any public or private curb stone, flagstone, brick, sidewalk or any portion of any part of any sidewalk or street, or upon any tree, lamp post, telephone pole, utility box, utility pole, stanchion, postal mail receptacle, sign, hydrant, fence, door, wall, window, garage or enclosure, vehicle, bridge, pier or upon any other public or private structure or building

D. **GRAFFITI REMOVAL:** It shall be the duty of the Chief of Police to serve or cause to be served, a notice upon the owner and person in possession of any such object or structure upon which graffiti is present and to demand the abatement of the nuisance within five days. All exterior surfaces shall be kept clean and free of graffiti. Surfaces which have been exposed to graffiti shall be cleaned, painted or in some manner covered, so as to effect the complete removal of the graffiti from that surface and return the surface to its prior condition within 5 days of receipt of the violation notice to the owner. The duty of the owner and person in possession shall be joint and several

E. **PENALTY:** Whoever violates any provision of this Section 43.09 shall be fined not less than \$100 for each offense and be responsible for the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to the owner of any property damaged or destroyed.

Nothing herein shall preclude such additional civil remedies available to the person whose property has been damaged or destroyed. Each day any violation or any provision of this Section shall continue shall constitute a separate violation.

#### **43.10 LITTERING**

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

### **43.11 TRESPASSES**

A. PROHIBITED: It shall be unlawful for any person to commit a trespass within this City upon either public or private property.

B. SPECIFICALLY ENUMERATED TRESPASSES; SUPPRESSION: Without constituting and limitation upon the provisions of this Section 43.11, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of this Section 43.11, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Section 43.11, the aforesaid enumerated acts so included, being as follows, to-wit:

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

### **43.12 COMBUSTIBLE REFUSE**

It shall be unlawful to permit or store any combustible refuse in such manner as to create a fire hazard, or to throw or deposit, or cause to thrown or deposited, any such refuse of any kind on or in any street, highway, or alley or other public place within the corporate limits of the City.

### **43.13 PARADES AND DEMONSTRATIONS**

A. No person shall participate in or promote any parade or demonstration on any street or other public property unless a permit has been issued by the City Council.

B. Application for such permit shall provide such information as the Chief of Police shall require for proper protection of the public.

C. No such parade or demonstration shall be held during the night time, or in any such manner as to obstruct the orderly use by the public of any street or public place.

D. The City Council may issue such permit subject to such reasonable restrictions as it shall deem necessary to safeguard the residents of the City and to protect private and public property.

#### **43.14 BATHING**

It shall be unlawful for any person to bathe at any public place, or in any place open to public view, unless such person is adequately or decently clothed or garbed in a bathing suit; and it shall be unlawful for any person to robe or disrobe at any public place or in any place open to public view, or to change clothing, or to change into or out of a bathing suit at any public place or in any place open to public view, or in an automobile or other motor vehicle on or in any street, highway, alley or other public place within the corporate limits of the City.

#### **43.15 POSSESSION, USE OF TOBACCO, SMOKELESS TOBACCO, TOBACCO ACCESSORIES AND SMOKING HERBS** *Amended, 23-5-8, 10-8-2, 15-3-1*

- A. **DEFINITIONS:** In addition to those terms defined in Appendix A of this Code, terms used in this Section 43.15 are defined as follows:

**Alternative Nicotine Product:** A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. Said products include, but are not limited to, Electronic Cigarettes, Vapor Pens, and other similar devices.

**Bidi Cigarette:** A product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Illinois Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

**Electronic Cigarette or E-Cigarette:** An electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provides a gas derived from liquid nicotine, vaping liquids, and/or other substances which is inhaled by a user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name, generally manufactured to resemble cigarette, cigars, pipes, or other smoking devices.

**Smoking Herbs:** All substances of plant origin and their derivatives, including but not limited to, broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed, and other members of the Datura genus, passion flower, and wild lettuce, which are processed or sold primarily for use as smoking materials.

**Smokeless Tobacco:** Any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity; any tobacco product that is suitable for dipping or chewing.

**Tobacco Accessories:** Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter, or exchange is unlawful.

**Tobacco Products:** Cigars, cigarettes, smokeless tobacco, or tobacco.

**Vaping Liquids:** Any liquid product composed either in whole or part of nicotine, propylene glycol and/or other similar substances and manufactured for use with an e-cigarette, a vapor pen, or any other device that converts the liquid into gas for inhaling.

**B. PURCHASE AND USE OF BIDI CIGARETTES, SMOKING HERBS, TOBACCO ACCESSORIES, AND TOBACCO PRODUCTS:**

1. No person under 21 years of age shall purchase any tobacco product in any of its forms. No person shall sell, purchase for, distribute samples of, or furnish any tobacco product in any of its forms to any person under 21 years of age. Tobacco products may be sold through a vending machine only when such tobacco products are not sold along with non-tobacco products in the vending machine and only in the following locations:
  - a. Factories, businesses, offices, private clubs, and other places not open to the general public.
  - b. Places to which persons under 21 years of age are not permitted access.
  - c. Places where alcoholic beverages are sold and consumed on the premises.
  - d. Places where the vending machine is under the direct supervision (which means that the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or an employee over 18 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person.

- e. Places where the vending machine can only be operated by the owner or an employee over age 18 either directly or through a remote control device if the device is inaccessible to all customers.
2. PENALTY: Any person violating any provision of this Section 43.15-B is guilty of a petty offense and for the first offense shall be fined \$200, \$400 for the second offense in a 12-month period, and \$600 for the third or any subsequent offense in a 12-month period and be responsible for the City's cost of prosecution, including reasonable attorney fees.

#### C. POSSESSION OF TOBACCO PRODUCTS:

1. No person under 21 years of age shall possess any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms.
2. PENALTY: If a minor violates this Section 43.15-C the minor shall be guilty of a petty offense and may be fined \$25 or sentenced to 15 hours of community service for the first offense. If a second violation occurs within a 12-month period after the first offense, the fine shall be \$50 and 25 hours of community service. For a third or subsequent violation that occurs within a 12-month period after the first offense, the fine shall be \$100 and 30 hours of community service. If there is a second or subsequent violation not within a 12-month time period after the first violation, a fine of \$25 or 15 hours of community service shall be assessed. For any violation, the violator shall be responsible for the City's cost of prosecution, including reasonable attorney fees.

#### D. TOBACCO ACCESSORIES AND SMOKING HERBS:

1. SALE TO MINORS PROHIBITED: No person shall knowingly sell, barter, exchange, deliver, or give away, or cause or permit, or procure to be sold, bartered, exchanged, delivered, or given away tobacco accessories or smoking herbs to any person under 21 years of age.
2. SALE OF BIDI CIGARETTES: No person shall knowingly sell, barter, exchange, deliver, or give away a bidi cigarette to another person, nor shall a person cause, or permit, or procure a bidi cigarette to be sold, bartered, exchanged, delivered, or given away to another person.
3. SALE OF CIGARETTE PAPER: No person shall knowingly offer, sell, barter, exchange, deliver, or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given

away except from premises or an establishment where other tobacco products are sold.

4. SALE OF CIGARETTE PAPER FROM VENDING MACHINES: No person shall knowingly offer, sell, barter, exchange, deliver, or give away cigarette paper or cause, permit, or procure cigarette paper to be sold, offered, bartered, exchanged, delivered, or given away by use of a vending or coin-operated machine or device. For purposes of this Section 43.15-D4, cigarette paper shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 *et seq.*)
5. USE OF IDENTIFICATION CARDS: No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter, or deface an identification card.
6. WARNING TO MINORS: Any person, firm, partnership, company, or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign which there shall be imprinted the following statement: SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW. The sign shall be printed on a white card in red letters at least one-half inch in height.
7. PENALTY:
  - a. Except for Section 43.15-D2, any person who knowingly violates or shall knowingly cause the violation of any provision of this Section 43.15-D shall be guilty of a Class C misdemeanor and shall be fined pursuant to 730 ILCS 5/5-4.5-65(e). The violator shall be responsible for the City's cost of prosecution, including reasonable attorney fees.
  - b. Any person who knowingly violates or shall knowingly cause the violation of Section 43.15-D2 shall be guilty of a petty offense for which the offender shall be fined as follows: for the first offense, not less than \$100 or more than \$500, for a second offense within a 2-year period of the first offense, not less than \$250 or more than \$600, and for a third or subsequent offense within a 2-year period of the first offense, not less than \$500 or more than \$1,000. In addition, the violator shall be responsible for the City's cost of prosecution, including reasonable attorney fees.



## E. PURCHASE, SALE, AND POSSESSION OF ALTERNATIVE NICOTINE PRODUCTS

1. PURCHASE BY MINORS: No person under 21 years of age shall purchase any alternative nicotine product or vaping liquids, in any of their forms.

2. SALE/DELIVERY TO MINORS: No person shall sell, purchase for, distribute samples of, or furnish any alternative nicotine product or vaping liquids in any of its forms to any person under 21 years of age.

3. SALE/DELIVERY BY MINORS: No person under 18 years of age shall sell, deliver, barter, give, or exchange alternative nicotine products or vaping liquids.

4. POSSESSION BY MINORS: No person under 21 years of age shall possess any alternative nicotine products or vaping liquids.

5. VENDING MACHINE SALES: Any sales of alternative nicotine products or vaping liquids by way of vending machine shall comply with the provisions of Chapter 43, Section 15(B)(1).

6. USE OF IDENTIFICATION CARDS: No person in the furtherance or facilitation of obtaining an alternative nicotine product or vaping liquids shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

7. WARNING TO MINORS: Any person, firm, partnership, company, or corporation operating a place of business where alternative nicotine products and vaping liquids are sold or offered for sale shall post in a conspicuous place upon the premises a sign which there shall be imprinted the following statement: SALE OF ALTERNATIVE NICOTINE PRODUCTS AND VAPING LIQUIDS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW. The sign shall be printed on a white card in red letters at least one-half inch in height.

8. PENALTY:

- a. If a minor violates Sections 43.15(E)(1) or (4), the minor shall be guilty of a petty offense and may be fined \$25 or sentenced to 15 hours of community service for the first offense. If a second violation occurs within a 12-month period after the first offense, the fine shall be \$50

and 25 hours of community service. For a third or subsequent violation that occurs within a 12-month period after the first offense, the fine shall be \$100 and 30 hours of community service. If there is a second or subsequent violation not within a 12-month time period after the first violation, a fine of \$25 or 15 hours of community service shall be assessed. For any violation, the violator shall be responsible for the City's cost of prosecution, including reasonable attorneys' fees.

- b. Any person who violates Sections 43.15(E)(2),(3), (6), or (7) shall be guilty of a petty offense for which the offender shall be fined as follows: for the first offense, not less than \$100 or more than \$500, for a second offense within a 2-year period of the first offense, not less than \$250 or more than \$600, and for a third or subsequent offense within a 2-year period of the first offense, not less than \$500 or more than \$1000. In addition, the violator shall be responsible for the City's cost of prosecution, including reasonable attorney's fees.

#### **43.16 CURFEW** *Amended, 23-5-8, 04-4-2*

A. CURFEW: It shall be unlawful for any person less than 17 years of age to be present or upon any public road, street, alley or park, or other lands used for public purposes or in any public place of business or amusement in the City at the following times unless such person is accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the statutes of the state authorize a person less than 17 years of age to perform:

1. Between 12:01 a.m. and 6 a.m. Friday;
2. Between 12:01 a.m. and 6 a.m. Saturday;
3. Between 11 p.m. on Sunday to Thursday, inclusive, and 6 a.m. on the following day.

It shall be unlawful for a parent, legal guardian or other person to knowingly allow or permit a person in his custody or legal control to violate this Section 43.16.

B. EXCEPTIONS: The following shall constitute valid exceptions to the operation of the curfew:

1. At any time when accompanied by his or her parent, guardian or other adult person responsible for or having the legal care, custody and control of the individual, or an authorized adult;

2. If participating in, going to or returning from, without any detour or stop:
  - (a) an emergency as defined herein;
  - (b) lawful employment;
  - (c) attending an official school, religious or other social or recreational activity supervised by adults and sponsored by a unit of government, civic organization or other similar entity that takes responsibility for the attendees;
  - (d) an activity involving the exercise of First Amendment rights protected by the United States Constitution (or those similar rights protected by the State of Illinois Constitution), such as free exercise of religion, freedom of speech and the right of assembly.
3. Is married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended (750 ILCS 30/1 *et seq.*).

C. ESTABLISHMENTS: The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours or fails to promptly notify the Police Department that a minor is present on the premises of the establishment during curfew hours and refuses to leave.

D. ENFORCEMENT: Before taking any enforcement action under this Section 43.16, a police officer shall ask the suspected offender's age and reason for being in the public place or on the premises. The police officer shall not issue a citation or make an arrest under this Section 43.16 unless the police officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception in Section 43.16-B applies.

E. PENALTY: Any person, firm or corporation violating this Section 43.16 shall be fined in not more than \$500 for each offense and be responsible for the City's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

#### **43.17 PARENTAL RESPONSIBILITY** *Amended 23/5/8*

A. It shall be unlawful for a parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to knowingly allow or permit said minor to commit any violation of a City ordinance or state statute concerning vandalism, battery, fireworks, obscene conduct, trespass, possession of weapons or alcoholic liquor, curfew, disorderly street gang conduct, or any other offense or willful or malicious acts to persons or property.

B. The parent or guardian responsible for the willful or malicious acts of the minor child pursuant to this Section 43.17 shall make full restitution to the injured or damaged party or parties within 10 days after notification by mail. Parents and guardians shall be responsible individually and jointly.

C. **PENALTY:** Whoever violates any provision of this Section 43.17 shall be fined not less than \$100 for each offense and be responsible for the City's cost of prosecution including attorney fees incurred by the City. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to the owner of any property damaged or destroyed. Nothing herein shall preclude such additional civil remedies available to the person whose property has been damaged or destroyed. Each day any violation or any provision of this Section shall continue shall constitute a separate violation.

#### **43.18 THEFT OF SERVICE**

A. **UNAUTHORIZED CONNECTION PROHIBITED:** No person shall make any unauthorized connection, physically, electrically, acoustically, inductively or otherwise, with any part of the cable television system existing in the City for the purpose of enabling himself or others to receive television signals, radio signals, pictures, programs, sounds or any other information or intelligence transmitted over said cable television system without payment to the owner of the cable television system.

No person shall, without the consent of the owner of the cable television system, willfully tamper with, remove or injure any cable, wires, or other equipment used for the distribution programs, sounds, or any other information or intelligence transmitted over said cable television system.

B. **PENALTY:** Any person violating any provision of this Section 43.18 shall, upon conviction, be fined not less than \$25 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### **43.19 BICYCLES, TRICYCLES, SKATEBOARDS or SIMILAR MOTORIZED and NON-MOTORIZED RECREATIONAL DEVICES** *Amended, 04-5-2*

A. **DEFINITIONS:** In addition to the terms defined in Appendix A of this Code, the following words, when used in this Section 43.19, shall have the following meanings:

**Central Business District:** The B-1 Central Business District as identified in the Marengo Zoning Code.

**City property:** Any sidewalk, street right-of-way, City park, City parking lot/area or any other public property owned by the City.

**Motorized wheelchair:** As defined in 625 ILCS 5/1-148.3, as amended.

**Personal use vehicle and personal use device:** Vehicles, devices or means of transportation or recreation which include, but are not limited to, the following: skateboard, bicycle, tricycle, roller blade, roller skate, or other similar device, whether non-motorized or motorized (electric, gasoline engine or other form of external power), mini-bike, pedalcycle, recreational device or vehicle, snowmobile, go-kart, moped, all-terrain vehicles (ATV), golf cart or other such motorized or non-motorized devices or vehicles or modes of transportation.

B. USE OF PERSONAL USE VEHICLES AND DEVICES: Except as provided in Section 43.19-C herein, it shall be unlawful and is hereby declared a nuisance for any person to operate, ride on, be pushed on or traverse on a personal use vehicle or personal use device on any City property or on any private property without the permission of the property owner.

C. EXEMPTIONS:

1. Motorized wheelchairs shall be permitted to operate on any City property so long as operated in a safe and orderly manner.
2. Non-motorized bicycles, tricycles, skateboards and other non-motorized recreational devices or vehicles may be operated on sidewalks in residential zoning districts provided the operators remain in single file, yield the right-of-way to pedestrians, and, when approaching a pedestrian, reduce the speed of the device to a speed which is no greater than necessary to continue the safe operation of the device, and without impairing the right-of-way of the pedestrian or without causing alarm or danger and/or damage to the pedestrian and/or property.
3. Non-motorized tricycles, operated by children accompanied by an adult, shall be permitted in Calvin Spencer Park.
4. Special events that are conducted with a written permit issued by the Chief of Police.
5. Any personal use vehicle or device licensed and registered pursuant to the Illinois Vehicle Code shall be permitted on any City street or parking lot/area.
6. Any employee of any unit of government may operate any personal use

vehicle or device owned by a unit of government in the course of his or her duties on any City property.

D. PENALTIES: Any person, firm or corporation violating any provision of this Section 43.19 shall be fined not less than \$25, nor more than \$500, for each offense. A separate offense shall be deemed committed on each day during which the violation occurs or continues.

#### **43.20 NON-SMOKING ENVIRONMENT**

The City does hereby concur in the policy as set forth by the Illinois General Assembly in the Illinois Clean Indoor Air Act that tobacco smoke is annoying, harmful and dangerous to human beings and a hazard to public health. Pursuant to the requirements of the Illinois Clean Indoor Air Act, no person shall smoke on premises owned and controlled by the City nor in a public place which is any enclosed indoor area used by the public or serving as a place of work.

#### **43.21 REMOTE CONTROL DEVICES**

No remote control device shall be operated on any City sidewalk, street, parking lot or park.

#### **43.22 TRUANCY 06-5-1**

A. For purposes of this Section 43.22, the term “truant” is (1) any person between the ages of 7 and 16 who is subject to compulsory school attendance and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program established pursuant to 105 ILCS 5/10-22.33B; and (2) any person who is 16, 17 or 18 years of age and enrolled in a public school and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program.

The following children are not considered truant:

1. Any child attending a private or parochial school where children are taught the branches of education taught to children or corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;
2. Any child who is not enrolled in a public school and is instructed by a legal guardian in a manner equal or superior to that obtainable in the public schools;
3. Any child who is physically or mentally unable to attend school, such disability being certified to either Marengo Community High School District 154 or Marengo-Union Elementary School District 165 (hereinafter “school district”) truancy officer or McHenry County Regional Office of Education truancy officer, by a licensed physician or by a

Christian Science practitioner residing in Illinois and listed with the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends; the exemptions in this Section 43.22-A2 do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the school district truancy officer or McHenry County Regional Office of Education truancy officer by a competent physician;

4. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the school district Superintendent of Schools or by the Regional Superintendent of Schools, on certification of the facts by and the recommendation of either the school district Board of Education. If a part-time continuation school is run in either school district, children so excused shall attend the continuation school at least 8 hours each week;
5. Any child over 12 and under 14 years of age while in attendance at confirmation classes;
6. Any child absent from school on a particular day or days or at a particular time of day for the reason that he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his religion forbid secular activity on a particular day or days or at a particular time of day; and
7. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental or legal guardian permission shall not constitute truancy if permission for such absence has been obtained from the parent or legal guardian and such permission is submitted to the proper school authorities within 24 hours of such absence.

B. TRUANCY PROHIBITED: Upon a complaint signed by an authorized school district official, it shall be unlawful for any person to be truant. Any person who is truant shall be guilty of the offense of truancy and be subject to the penalties hereinafter set forth in this Section 43.22.

C. PERMITTING MINOR TO BE TRUANT PROHIBITED: It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody or control to violate this Section 43.22.

D. PENALTY: Upon a complaint being signed by an authorized school district

official, any person, firm or corporation violating any provision of this Section 43.22 shall be fined not less than \$50 nor more than \$500 for each offense. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.

#### **43.23 PUBLIC INDECENCY 19-4-1**

A. It shall be unlawful, and constitute the offense of public indecency, for any person to defecate or urinate on any public sidewalk, street, alley, park, right-of-way or any other publicly owned property, or anywhere in the City in public view.

C. Penalty: Any person violating any provision of this Section shall be fined pursuant to Chapter 1 of this Code for each offense in a sum not less than \$100 and be responsible for the City's cost of prosecution, including reasonable attorneys' fees.

#### **43.24 THEFT 19-4-1**

A. Retail Theft: It shall be unlawful to commit the offense of retail theft of property, not exceeding \$300 in value. A person commits the offense of retail theft when such person knowingly:

1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise;
2. Alters, transfers or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise;
3. Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise;
4. Under-rings a sale with the intention of depriving the merchant of the full retail value of the merchandise;
5. Removes a shopping cart from the premises of a retail merchandise establishment without the consent of the merchant given at the time of



such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or

6. Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise.
7. If any person:
  - a. Conceals upon their person or among their belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
  - b. Removes that merchandise beyond the last known station for receiving payment for that merchandise in that retail mercantile establishment.

Any person who violates any provision of this Section shall be guilty and subject to a fine pursuant to Chapter 1 of this Code of not less than \$100.

B. General Theft: It shall be unlawful to commit the offense of theft of property not exceeding \$500 in value. A person commits the offense of theft when such person knowingly:

1. Obtains or exerts unauthorized control over property of the owner;
2. Obtains by deception control over property of the owner;
3. Obtains by threat control over property of the owner; or
4. Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him to believe that the property was stolen.

Any person who violates any provision of this Section shall be guilty and subject to a fine pursuant to Chapter 1 of this Code, not less than \$100.

#### **43.25 CANNABIS 20-01-01**

##### **A. POSSESSION:**

1. It shall be unlawful for anyone under 21 years of age to knowingly possess any amount of cannabis, as defined in the Cannabis Control Act, 720 ILCS 550/1, *et seq.*, as amended.

2. It shall be unlawful for anyone 21 years of age or older and a resident of the State of Illinois to knowingly possess more than:

- a. 30 grams of cannabis flower;
- b. 500 milligrams of THC contained in a cannabis-infused product;  
and
- c. 5 grams of cannabis concentrate.

The possession limits above are to be considered cumulative.

3. It shall be unlawful for anyone 21 years of age or older and not a resident of the State of Illinois to knowingly possess more than:

- a. 15 grams of cannabis flower;
- b. 250 milligrams of THC contained in a cannabis-infused product;  
and
- c. 2.5 grams of cannabis concentrate.

The possession limits above are to be considered cumulative.

B. EXEMPTIONS: The prohibitions in Section 43.25-A shall not apply when otherwise allowed under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, *et seq.*, or the Cannabis Regulation and Tax Act, 410 ILCS 705/1-1, *et seq.*

C. USE: No person shall use cannabis in or about any public place or places. As used in this Section 43.25-C, “public place” means any place where a person could reasonably be expected to be observed by others. “Public place” includes all parts of buildings owned in whole or part, or leased, by the State, the City, or a unit of local government. “Public place” includes all areas in a park, recreation area, wildlife area, or playgrounds owned in whole or in part, leased, or managed by the State, the City, or a unit of local government.

D. PENALTY: Whoever violates Section 43.25-A-1 shall be fined not less than \$100 for each offense and be responsible for the City’s cost of prosecution including attorney fees incurred by the City. Sections 43.25-A-2 and A-3 shall be fined not less than \$100 for first offense, \$200 for any second offense in a 12-month period, and not less than \$300 for any third offense in a 12-month period, for each offense and be responsible for the City’s cost of prosecution including attorney fees incurred by the City.

Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to the owner of any property damaged or destroyed. Nothing herein shall preclude such additional civil remedies available to the person whose property has been damaged or destroyed. Each day any violation or any provision of this Section shall continue shall constitute a separate violation.

**43.26 PENALTY** *Amended 23/5/8*

- A. Unless otherwise provided in this Chapter 43, any person, firm or corporation violating any section of this Chapter 43 shall be fined not less than \$25 for each offense and be responsible for the City's cost of prosecution. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.
- B. A defendant who has been found guilty and ordered to pay a fine under this Chapter 43 may petition the court to convert all or part of the fine into court-approved public or community service, to be performed as directed by and to be verified by the Department of Court Services.
- C. The public or community service work assigned shall be, whenever available, for the benefit of the City, or agency or department thereof. If no public or community service work opportunities are available for the benefit of the City or agency or department thereof, the defendant shall be assigned to perform public or community service work for a not-for-profit organization or agency which provides service to or otherwise benefits the citizens of the City.
- D. One hour of public or community service shall be equivalent to \$5 of fine, upon conversion.
- E. Neither restitution obligations nor mandatory court costs or attorney's fees may be converted to or discharged by public or community service work.
- F. Neither the City nor any agency or department thereof, the Department of Court Services, public or community service programs or site, nor any official or employee thereof acting in the course of their official duties shall be liable for any injury or loss a person may receive while performing public or community service as ordered by the court pursuant to this Section 43.27, nor shall they be liable for any tortious acts of any person performing public or community service, except for willful wanton misconduct or gross negligence on the part of such governmental unit, official or employee.
- G. No person assigned to a public or community service program shall be considered an employee for any purpose, nor shall the City, McHenry County or not-for-profit organization or agency be obligated to provide any compensation to such person.