

## CHAPTER 3

### MISDEMEANOR CODE

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## ARTICLE I. GENERAL PROVISIONS

**6-3-1-1:** SHORT TITLE: This Chapter shall be known and may be cited as the "Misdemeanor Code of the Village of East Alton, Illinois. 1974".

**6-3-1-2: VILLAGE JURISDICTION:**

(A) A person is subject to prosecution by the Village for an Offense which he commits, while either within or outside the Village, by his own conduct or that of another for which he is legally accountable, if:

1. The offense is committed either wholly or partly within the Village; or
2. The conduct outside the Village constitutes an attempt to commit an offense within the Village; or
3. The conduct outside the Village constitutes a conspiracy to commit an offense within the Village and an act in furtherance of the conspiracy occurs in the Village; or
4. The conduct within the Village constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under the laws of both this Village and such other jurisdiction.

(B) An offense is committed partly within this Village if either the conduct which is an element of the offense or the result which is such an element, occurs within the Village.

(C) An offense which is based on an omission to perform a duty imposed by the laws of this Village is committed within the Village regardless of the location of the offender at the time of the omission.

**6-3-1-3: CIVIL REMEDIES PRESERVED:** This Chapter does not bar, suspend or otherwise affect any right of liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action for any conduct which this Chapter makes punishable; and the civil injury is not merged in the offense.

**6-3-1-4: PENALTIES:** Unless otherwise specifically provided in this Chapter, violations of any provision thereof shall be punishable as provided by Section 1-4-1 of this Village Code.

**6-3-1-5: DEFINITIONS:**

**ACT:** The word "act" includes a failure or omission to take action.

**AIR RIFLE:** The term "air rifle" means and includes any air gun, air pistol, spring gun, spring pistol, b-b gun or pellet gun which impels a pellet constructed of hard plastic, steel, lead, stone or other hard materials with force that reasonably is expected to cause bodily harm or property damage.

**ANOTHER:** The word "another" means a person or persons as defined in this Chapter other than the offender.

**PERSON:** The word "person" means any individual, public or private corporation, government, partnership or unincorporated association. The masculine gender shall include the feminine, and the singular shall include the plural.

**POLICE OFFICER:** The term "police officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrest for offenses, whether that extends to all offenses or is limited to specific offenses.

**PUBLIC EMPLOYEE:** The term "public employee" means a person, other than a public officer, who is authorized to perform any official function in behalf of, and is paid by, the Village or any of its subdivisions or agencies.

**PUBLIC OFFICER:** The term "public officer" means a person who is elected to office pursuant to a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute or ordinance to discharge a public duty for the City or any of its subdivisions or agencies.

**REASONABLE BELIEF or REASONABLY BELIEVES:** The term "reasonable belief" or "reasonably believes" means that the person concerned, acting as a reasonable man, believes that the described facts exist.

**6-3-1-6: SAVING CLAUSE:** If any part, article, Section or subdivision of this Chapter shall be held unconstitutional or invalid for any reason, such holding shall not be construed or impair the remaining provisions of this Chapter, which shall constitute in full force and effect notwithstanding such holding.

## **ARTICLE II. CIVIL EMERGENCY PROVISIONS**

**6-3-2-1: DEFINITIONS:** For the purpose of this Chapter:

**CIVIL EMERGENCY:** The term "civil emergency means:

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

**CURFEW:** The word "curfew" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

**6-3-2-2: DECLARATION OF EMERGENCY:** Whenever a civil emergency as defined in the preceding Section exists, the President shall declare its existence by means of a written declaration setting forth the facts which constitutes the emergency.

**6-3-2-3: GENERAL CURFEW:** After proclamation of a civil emergency by the President, he may order a general curfew applicable to such geographical areas of the Village or the Village as a whole as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

**6-3-2-4: GENERAL ORDERS:** After the proclamation of a civil emergency, the President may also in the interest of public safety and welfare make any or all of the following orders:

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

(F) Call out the State Militia to aid in suppressing riots or the carrying into effect of any law or ordinance subject to approval of the Governor of Illinois as provided in Illinois Revised Statutes, c. 24, section 3-11-4.

**6-3-2-5: DURATION OF PROCLAMATION:** The proclamation herein authorized shall be effective for a period of forty eight (48) hours unless sooner terminated by a proclamation of the President indicating that the civil emergency no longer exists. The Mayor shall have the power to re-proclaim the existence of a civil emergency at the end of each forty eight (48) hour period during the time the said civil emergency exists.

**6-3-2-6: NOTICE OF PROCLAMATION:** Upon issuing the proclamation herein authorized, the Chief of Police shall notify any news media situated within the Village and shall cause three (3) copies of the proclamation declaring the existence of the emergency to be posted at the Village Hall.

**6-3-2-7: CONSTRUCTION:** Nothing contained in this Chapter shall be construed to impair the powers contained in other Chapters of the Municipal Code of the Village or any rules or regulations pursuant thereto, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances that are now, or shall be, in effect for the safety and welfare of the citizens of the Village.

### **ARTICLE III. OFFENSES INVOLVING PUBLIC ORDER**

**6-3-3-1: DISORDERLY CONDUCT; BREACH OF PEACE:** It shall be unlawful for any person to engage in any violent, tumultuous, offensive or disorderly conduct; by threatening, traducing, quarreling, challenging to fight or fighting; or by using obscene, offensive, profane or unseemly language to the annoyance, disturbance or vexation of another; or be guilty of any conduct calculated to breach the peace.

**6-3-3-2: PUBLIC CONSUMPTION OR INTOXICATION:** It shall be unlawful for any person, whether an adult or minor in any public place to:

(A) Consume any intoxicating liquors, except at a location whose boundaries are clearly defined which is legally licensed to sell beer or intoxicating liquors; or,

(B) Be in such a state of intoxication that:

1. He is unreasonably loud, obscene or disorderly so as to breach the peace; or,
2. 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 conditions exist. (Amd. 6-2-81)

Violations of any provision thereof shall be punishable as provided by Section 1-4-1 of this Village Code.

**6-3-3-3: VAGRANCY:** It shall be unlawful for any person to be guilty of vagrancy as herein defined. The following persons shall be deemed vagrants:

(A) Burglar's Tools. Any person upon whose possession shall be found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony or misdemeanor or in the violation of any ordinance, and shall fail to account satisfactorily for the possession of the same.

(B) Unlawful Occupancy. Any person wandering aboard and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactorily account for himself.

(C) Begging. Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself.

(D) Loitering. Any person found loitering or strolling , in, about or upon any street, alley or other public way or public place, or at any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, lascivious manner in speech or behavior.

**6-3-3-4: DISTURBING LAWFUL ASSEMBLIES:** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assemble met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

**6-3-3-5: DISTURBING ELECTIONS; PROCESS:** It shall be unlawful for any person to create any disturbance at an election poll or to interfere with the election process.

**6-3-3-6: ASSAULT, BATTERY AND AFFRAY:** It shall be unlawful for any person to knowingly start a fight, or to fight, or to commit any assault or assault and battery anywhere within the Village.

**6-3-3-7: ASSAULT DEFINED:** A person commits as assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

**6-3-3-8: BATTERY DEFINED:** A person commits battery if he intentionally or knowingly, without legal justification and by any means: (1) Causes bodily harm to any individual, or (2) makes physical contact of an insulting or provoking nature with an individual.

**6-3-3-9: RECKLESS CONDUCT:** A person who causes bodily harm to or endangers the bodily safety of an individual by any means commits reckless conduct if he performs recklessly the acts which cause the harm or endangers the safety of an individual, whether they are lawful or are unlawful.

**6-3-3-10: UNLAWFUL ASSEMBLIES:**

(A) It shall be unlawful for any two (2) or more persons to assemble together for any unlawful purpose or being assembled to act in concert to do an unlawful act against the property of the Village or the person or property of another or against the public peace, or to make any movement or preparation therefor.

(B) It shall be unlawful for any person to knowingly suffer or permit any assemblage for the purpose of committing any unlawful act or breach of the peace or any riotous, offensive or disorderly conduct in or upon premises owned or occupied by him, or under his control, within the Village.

**6-3-3-11: MOB ACTION:** It shall be unlawful for any person to participate in mob action, as defined herein:

(A) The use of force, violence or other disruptive conduct by two (2) or more persons acting together, without lawful authority, so as to constitute a breach of the peace; or

(B) The assembly of two (2) or more persons to do an unlawful act; or

(C) The assembly of two (2) or more persons without authority of law to do violence to the person or property of another.

**6-3-3-12: OBSTRUCTING STAIRWAYS OR EXITS:** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisles, corridor or exit in any office building, factory, hotel, school, church, theatre, assembly hall, lodge or other public hall or any building used by two (2) or more tenants or families in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit.

**6-3-3-13: RESISTING ARREST:** It shall be unlawful for any person knowingly or willfully resist an arrest which he knows is being made by a police officer, or by a private person summoned and directed by a police officer to make an arrest, even if he believes that the arrest is unlawful, and the arrest is in fact unlawful.

**6-3-3-14: POLICE AND FIRE OFFICERS; INTERFERING AND OBEYING:** It shall be unlawful for any person:

(A) To knowingly prevent, obstruct, harass or endanger, by any means, any police officer, fire officer or other official or employee or any military personnel on emergency duty within the Village, in the lawful performance of his duties.

(B) To knowingly or willfully refuse or neglect to obey, without reasonable justification therefor, any lawful order or direction of any police officer, fire officer or other official or employee or any military personnel on emergency duty within the Village.

**6-3-3-15: UNLAWFUL USE OF WEAPONS:**

(A) It shall be unlawful for any person to:

1. Possess or carry any bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles

or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

2. Carry or possess with the intent to use the same unlawful against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or
3. Carry on or about his person or in any vehicle a tear gas gun projector or bomb, or any abject containing noxious liquid gas or substances; or
4. Carry concealed in any vehicle or concealed on or about his person, except when on his land or in his own abode or fixed place of business, any pistol, revolver or other firearm; or
5. Set a spring gun; or
6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
7. Possess or carry any weapon from which more than one shot or bullet may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; or
8. Carry or possess any firearm or other deadly weapon in any place which is licensed to sell alcoholic liquor, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding any place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted within the limits of the Village.

(B) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection 7. above is *prima facie* evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

1. If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or
2. If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

**Exemptions:**

- A. (C) Subsections (A) 3. and (A) 4. above shall not be construed to apply to any duly authorized and appointed police officer or agent of this Village or of the State of Illinois, or of the United States, or to any member of the Armed Forces or Reserve Forces of the United States or the Illinois National Guard or any duly authorized and appointed Federal,

State, County or Municipal Government Agent while in the performance of their duties.

B. Nothing in this Ordinance is intended to prevent the lawful concealed carry of firearms established and defined by Illinois and or Federal Law.

**6-3-3-16: FIRING OR DISCHARGING WEAPONS:** It shall be unlawful for any person to fire or discharge any firearm, air gun, slingshot, bow, cross-bow or other device designed to fire, project or throw any stone, bullet or other hard substance within the Village;

Exemptions:

A. This Section shall not apply to any police officer discharging a firearm in the performance of his duty; nor any citizen from discharging any firearm when lawfully defending his person or property;

B. The authorized use of a firearm at a legally authorized firearms range under the supervision of a qualified law enforcement officer.

**6-3-3-17: CARRYING LOADED WEAPONS:** It shall be unlawful for any person, except persons permitted by law, to have or carry any shotgun or rifle or air gun in or on any vehicle, unless such shotgun or rifle or air gun is dismantled to render it incapable of being fired or is unloaded when enclosed in a case; the mere removal of the bolt from a bolt-action rifle shall not be construed as dismantled so as to render it incapable of firing.

**6-3-3-18: UNLAWFUL DISPLAY OF WEAPON:** It shall be unlawful for any person in possession of any weapon or device set forth in this Chapter to display or flourish any such weapon in a threatening or boisterous manner such as might alarm a reasonable man.

**6-3-3-19: CONFISCATION AND DISPOSITION OF WEAPONS:**

(A) Upon conviction of a violation of Section 6-3-3-15 through 6-3-3-18 of this Chapter, any weapon seized shall be confiscated by the trial court.

(B) Any stolen weapon so confiscated when no longer needed for evidentiary purposes shall be returned to the person entitled to possession if known. All other confiscated weapons when no longer needed for evidentiary purposes shall, in the discretion of the trial court, be destroyed or preserved as the property of the Village. (1975 Code)

**6-3-3-20: (RESERVED)**

**6-3-3-21: SUBWAYS, DAMAGE TO: Removed**

**6-3-3-22: ABUSING A POLICE OFFICER:** No person shall, by violent, tumultuous or obstreperous conduct or carriage, disturb any police officer in the discharge of his duties and no person shall use unseemly, profane, obscene or offensive language in the presence of a police officer in the discharge of his duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him or under his management and control.

Any person, firm or corporation violating any portion of ordinance 6-3-3-22 shall be fined not less than \$50.00 nor more than \$500.00 for each and every offense.

## **ARTICLE IV. OFFENSES INVOLVING HEALTH, SAFETY AND CHILDREN**

**6-3-4-1: DANGEROUS FIRES:** It shall be unlawful for any person to start by any means, or to permit another to start, any fire which endangers or damages the health, person or property of another.

**6-3-4-2: BONFIRES:** It shall be unlawful to build or light any bonfire so close to any building or other structure as to endanger such building or structure or upon any asphalt street or sidewalk pavement.

**6-3-4-3: NUISANCE; CREATING, MAINTAINING:**

(A) It shall be unlawful for any person to create or maintain anywhere within the Village any nuisance as declared or defined in Chapter 1 Title 7 of this Code, or to permit or direct another to do the same.

(B) Notice of such nuisance and violation thereof shall be given to the person responsible or his agent, and to the proper Village official whose duties include the abatement of such nuisances.

**6-3-4-4: LOUD, DISTURBING AND UNNECESSARY NOISE:** The creating of any unreasonable loud, disturbing and unnecessary noise within the limits of the Village is prohibited.

The following acts are declared to be loud, disturbing and unnecessary noise in violation of this Section, but this enumeration shall not be deemed to be exclusive, namely:

(A) Blowing Horns. The sounding of any horn or signal device on any automobile, motorcycle, truck or bus so as to create an unreasonable loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(B) Radios, Phonographs, Etc. The playing of any radio, phonograph or musical instrument with such volume, particularly, between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel or other such building.

(C) Yelling, Shouting, Hooting, Etc. Yelling, shouting, hooting, whistling or singing, particularly on the public streets between the hours of eleven o'clock (11:00) P.M. and (7:00) A.M. or at any other time or place as to unreasonably annoy or disturb the quiet, comfort or repose of any person in the vicinity.

(D) Pets. The keeping of any animal, bird or fowl which, by causing frequent or long continued noises, shall disturb the comfort or repose of any person in the vicinity.

(E) Blowing Whistles. The blowing of any steam whistle attached to any stationary boiler, other than to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Village authorities.

(F) Exhaust Discharge. The discharge into the open air of the exhaust of any steam engine,

stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(G) Building Operations. The erection (including excavation), demolition, alteration or repair of any building, or the excavation of street or public places in any residential area, other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Monday through Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a written permit from the Building Inspector.

(H) Noises Near Schools, Hospitals, Churches, Etc. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any hospital which unreasonably interferes with the workings of sessions thereof.

(I) Noise to Attract Attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale display of merchandise.

(J) Loud Speakers or Amplifiers. The unreasonable use of any amplifiers or loud speakers in the course of any public address.

(K) Motor Transport Engine or Compressors. To operate motor transport engines or compressors in the nighttime between the hours of eight o'clock (8:00) P.M. and six o'clock (6:00) A.M. in any place in which a majority of the buildings within a radius of four hundred (400) feet are used exclusively for residential purposes, excluding state and federal highways.

#### **6-3-4-5: STENCH BOMBS; NAUSEOUS GASES AND SUBSTANCES:**

(A) It shall be unlawful for any person to throw, drop, pour, deposit or discharge upon the person or the property of another any liquid, gaseous or solid substance which is injurious to persons or property or which is nauseous, sickening, irritating or offensive to any of the senses, with the intent to unlawfully injure, molest, discomfort or discommode another in the use, management, conduct or control of his personal property. No person shall attempt, or aid in the attempt or commissions of, any act prohibited herein.

(B) Accepted uses. The prohibitions of subsection (A) above shall not apply to police officers acting in the line of duty or to proprietors of business premises or to their employees using such substances for the protection of such business premises when the substances referred to herein are kept solely for the purpose of repelling robbers, thieves, burglars or other such person violating the law.

**6-3-4-6: THROWING MISSILES OR BOTTLES:** It shall be unlawful for any person purposely or recklessly to cast, throw, drop or break any stone, rock, brick, glass bottle or other missile or substance from any overpass or onto any street, alley or other public way or in, at or against any person, residence, building, car or other property.

**6-3-4-7: ARTICLES IN WINDOWS:** It shall be unlawful to place any moveable article on window ledges abutting a public street, alley or sidewalk, in such a manner that the same can be or is in danger of falling onto the street, alley or sidewalk.

**6-3-4-8: CURFEW FOR CHILDREN:**

(A) It shall be unlawful for any minor person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least eighteen (18) years of age approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of this State authorize a person of less than seventeen (17) years of age to perform.

1. Between 12:01 A.M. and 6:00 A.M. Saturday;
2. Between 12:01 A.M. and 6:00 A.M. Sundays; and
3. Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

(B) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the aforesaid subparagraph (A) of this Section.

A person convicted of a violation of any provision of this Section shall be guilty of petty offense and shall be punishable as provided by Section 1-4-1 of this Village Code.

**6-3-4-9: SALE OF ALCOHOLIC LIQUORS TO MINORS PROHIBITED:** It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

**6-3-4-9A: SALE OF NON-ALCOHOLIC BREW TO A MINOR:** It shall be unlawful for the sale or gift to anyone under 21 years of age of any non-alcoholic brew, which contains less than 0.5% alcohol by volume is hereby prohibited.

**6-3-4-10: POSSESSION OF ALCOHOLIC LIQUOR BY MINOR PROHIBITED:**

(A) It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited by this Chapter to purchase or accept a gift of alcoholic liquor in his possession..

(B) The presence in a vehicle other than a public omnibus of any alcoholic liquor shall be *prima facie* evidence that it is in the possession of, and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

1. If such liquor is found on the person of one occupants therein; or
2. If such vehicle contains at least one occupant over twenty-one (21) years of age.

**6-3-4-11: CONSUMPTION OF ALCOHOLIC LIQUOR BY MINORS PROHIBITED:** It shall be unlawful for any person under twenty-one (21) years of age to consume alcoholic liquor.

**6-3-4-12: EXCEPTIONS:**

(A) Nothing in Sections 6-3-4-9, 6-3-4-10 and 6-3-4-11 of this Code shall be deemed to prohibit the possession, dispensing or consumption of a minor of alcoholic liquor in the performance of a religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parent or parents or legal guardian of such minor in the privacy of a home.

**6-3-4-13: USE OF FORGED IDENTIFICATION CARD TO OBTAIN LIQUOR PROHIBITED:**

(A) It shall be unlawful for any person to display an identification card that:

1. Is altered or defaced in any manner; or
2. Is false or forged; or
3. Is the identification card of another; or
4. Was obtained by means of false information;

That would enable another to sell, give or deliver alcoholic liquor to the bearer.

(B) For the purpose of this Section, an "identification card" is defined as any document issued by a public officer in the performance of his duties which on its face purports to identify the name and age of the bearer.

**6-3-4-14: SALE OF FIREARMS OR WEAPONS TO MINORS PROHIBITED:**

(A) It shall be unlawful for any person to sell to any minor person any firearm, bludgeon, black-jack, sling-shot, sand-club, sand-bag, metal knuckles, dagger, dirk, billy, dangerous knife, stiletto or any knife commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

(B) It shall be unlawful for any person to sell, lend, rent, give or otherwise transfer any "air rifle" to a person under thirteen (13) years of age except where the relationship of parent-child, guardian-ward, or adult instructor-pupil exist between such person and the person under thirteen (13) years of age.

(C) It shall be an affirmative defense for any person having sold such weapon that:

1. The minor procured the sale by use of false or forged identification cards; and
2. That he did not know, and could not reasonably have known, of the falsity or forgery; and
3. That he exercised reasonable diligence to determine the veracity of the representation.

**6-3-4-15: SNIFFING OR INHALING OF INTOXICANTS PROHIBITED:**

(A) It shall be unlawful for any person to sniff, inhale or breathe the vapors of any glue, kerosene, gasoline, cleaning fluid or other substance not manufactured or produced for such human consumption for the purpose of becoming intoxicated.

(B) It shall be unlawful for any person to command, encourage, request, aid or abet any other person to violate the provisions of this Section. (1975 Code)

**6-3-4-16: BARBED WIRE FENCES:** No person shall maintain any fence, railing or guard which has thereon any barbed wire, iron spikes, or other sharp pointed metal instruments, except the same will be allowed in any commercial or industrial area above a height of 6 feet. (Revised 1992 Code \* 41.05)

**6-3-4-17: TRUANCY:**

1. **Definitions.** As used in this Ordinance unless the context requires otherwise the following words or phrases shall mean:

**“Court”** means the Third Judicial Circuit, Madison County, Illinois.

**“Custodian”** means (1) a person who under court order is the custodian of the person of a minor; or (2) a public or private agency with which the court has placed a minor; or (3) a person acting in the role of a parent by reason of a private agreement, arrangement, custom, or habit.

**“Emergency”** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**“Establishment”** means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

**“Guardian”** means (1) a parent or (2) a person who under court order is the guardian of the person of a minor; or (3) a public or private agency with which the court has placed a minor.

**“Minor”** means a person under seventeen (17) years of age.

**“Parent”** means a person who is a natural parent, adoptive parent, or stepparent of another person.

**“Responsible adult”** means a person at least eighteen (18) years of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

**“Truancy hours”** means the period of the day when the school the minor would normally attend school as required by the Illinois compulsory Attendance statute (105 ILCS 5/26-1 et seq.)

**“Truancy Officer”** means any officer, appointee, employee or other agent of any school district or any federal, state or local government entity or any agency thereof performing the duties of a truant officer under the Illinois compulsory Attendance statute (105 ILCS 5/26-s et seq.)

**“Truancy Review Board”** means any agency or entity established by any school district located in whole or in part within the Village, or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the county and/or the court as an agency which provides service to improve education performance and/or attendance.

**“Truant Minor”** means any minor who violates any portion of this Truancy Code or any Truancy provisions of the Illinois School Code.

## 2. Truancy Restrictions

- (a) It is unlawful for any minor who is subject to compulsory school attendance by the Illinois School Code (105 ILCS 5/1-1 et seq.), or by court order, to be absent from such attendance; without a defense as stated in paragraph 2(d) below.
- (b) It is unlawful for any minor who is subject to compulsory school attendance by the Illinois School Code (105 ILCS 5/1-1 et seq.), or by court order, to be present in any public place or on the premises of any establishment during Truancy Hours; without a defense as stated in paragraph 2(d) below.
- (c) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, a minor to be Truant or to be present in any public place or on the premises of any establishment within the Village of East Alton during Truancy Hours, as prohibited in Section 2(a) and (b).
- (d) It is a defense to prosecution under Section 2(a) or 2(b) or 2(c) or Section 3 here after, that the minor was:
  - 1) Accompanied by a parent, guardian, or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
  - 2) Involved in an emergency;
  - 3) Going to or returning from a medical appointment without any detour or stop;
  - 4) Engaged in, going to or returning home from an employment activity pursuant to cooperative school vocation program without any detour or stop;
  - 5) In possession of valid proof that the minor is a student who has permission to leave the school campus;
  - 6) A bona fide participant in an alternative education or home schooling program;
  - 7) Engaged in or subject to an authorized or excused absence from the school which minor attends, including but not limited to lunch periods, field trips and school sponsored extracurricular activities.

## 3. Establishment Restrictions

It is unlawful for any owner, operator or any employee of an establishment to allow a minor

to be present or to remain upon the premises of the establishment in violation of paragraph 2 above during Truancy Hours. It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of paragraph 2, notified the Village of East Alton Police Department that a minor was present on the premises of the establishment during truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

#### **4. Enforcement**

- (a) Whenever a Truancy Officer or other school representative has knowledge based on reasonable grounds of a violation of this Ordinance, such person may be issued a citation. A complaint may be filed with the Police Department by a Truancy Officer or other school representative.
- (b) A citation issued hereunder shall be in writing and shall:
  - 1) State the name of the person being cited and the person's address if known;
  - 2) Set forth the specific section of this Ordinance that was violated, the date of the violation and a brief description of the violation;
  - 3) Be signed by the issuing Truant Officer, school representative or complaining party.
- (c) A minor cited for a citation under this Ordinance must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, guardian, custodian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

#### **5. Penalty**

- (a) Any person or minor who violates any provision of this Ordinance shall upon conviction thereof be fined accordance with Village Code 1-4-1, plus court costs; and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues.
- (b) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform ten (10) hours of court approved community service during times other than the minor's hours of school attendance and/or the minor's parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

- (c) In addition to any penalty imposed pursuant to (a) or (b) above, the minor's parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under paragraph 6 hereinafter.

## 6. **Civil Liability**

If a minor is detained for a period of time in excess of one (1) hour which requires the supervision of the minor by personnel of the Village of East Alton Police Department, the parent, guardian, custodian or other adult person having the legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, guardian, custodian or other adult person having the legal care or custody of a minor who has committed any offense of this Ordinance shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Ordinance or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Ordinance and subject the violator to the penalties described within paragraph 5 above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the Village in collecting the monies due.

## **ARTICLE V. OFFENSES INVOLVING PROPERTY**

**6-3-5-1: CRIMINAL HOUSING MANAGEMENT:** A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner, or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered.

**6-3-5-2: TRESPASS TO LAND AND BUSINESS:**

(A) **Trespasses Prohibited.** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property.

(B) **Specifically Enumerated Trespassers, Suppression.** Without constituting any limitation upon the provisions of subsection (A) hereof, any of the following acts by any person, firm or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said subsection (A), and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violations of this Chapter, the aforesaid enumerated acts so included, being as follows:

1. To enter upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest, given orally or in writing, by any owner or occupant thereof; or
2. To pursue a course of conductor action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by the owner or occupant thereof; or

3. To fail or refuse to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
4. To enter 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.

**6-3-5-3: MALICIOUS MISCHIEF OR DESTRUCTION:**

- (A) It shall be unlawful for any person to willfully and maliciously tear up, injure, deface or destroy any property, real or personal, within the Village; or any property used in any business impresses with a public interest and usually designated as a public service corporation i.e., waterworks, gas, electric light, telephone, street, railroad or steam heating companies.
- (B) It shall be unlawful for any person to willfully and maliciously interfere or meddle in any way with the operation of any such business, as above enumerated.
- (C) It shall be unlawful for any person to willfully, maliciously or negligently break, deface, destroy or otherwise damage any property, public or private, real or personal, within the Village of East Alton, Illinois, without the consent of the owner or owners.

**6-3-5-4: COIN-OPERATED MACHINES; SLUGS, TAMPERING:**

- (A) It shall be unlawful for any person to insert, or attempt to insert, in any parking meter, vending machine or other coin-operated device, any slug, counterfeit coin or other foreign or metallic substance not a coin of the United States currency.
- (B) It shall be unlawful for any person to willfully and maliciously injure, deface, destroy or otherwise tamper with any parking meter, vending machine or other coin-operated device. (1975 Code)

**6-3-5-5: FIRE APPARATUS: DAMAGE, USE OF:**

- (A) Entering Fire Houses. No person shall enter the Fire Department house or any place where the equipment and apparatus of the Fire Department is stored except on business pertaining to the Fire Department or other Village Business. (1963 Code \* 41.27)
- (B) Fire Hydrants. No person shall in any manner obstruct the use of any fire hydrant, or place any material in front thereof, or within five feet (5') from either side thereof. Any material forming such an obstruction may be removed by any member of the Fire Department at the risk, cost and expense of the owner or claimant thereof. (1963 Code \* 41.28)
- (C) Damaging Fire Apparatus. No person shall willfully or negligently break, deface or in any manner injure any fire engine, hose, equipment or other fire apparatus belonging to the Village, or remove any part of such engine or other apparatus belonging to the Village, or remove any part of any such engine or other apparatus, or in any manner interfere with the use of any fire apparatus by an authorized person. (1963 Code \* 41.29)

(D) Private Use of Fire Equipment. No person shall use any fire engine apparatus belonging to the Village for any private purpose other than the extinguishment of fires, or remove the same or any part thereof from its place of deposit, or having the control thereof shall permit such apparatus to be used for any private purpose. (1963 Code \* 41.30)

**6-3-5-6: SHOPLIFTING:** No person shall obtain or exert unauthorized control over merchandise from a mercantile establishment by removing said merchandise from the mercantile establishment without completing to the approval of an authorized employee, agent or owner of the mercantile establishment a purchase transaction for said merchandise prior to its removal from the mercantile establishment.

**6-3-5-7: THEFT:** A person commits theft under one hundred fifty dollars (\$150) when he or she knowingly:

- (A) Obtains or exerts unauthorized control over property of the owner; or
- (B) Obtains by deception control over property of the owner; or
- (C) Obtains by threat control over property of the owner; or
- (D) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen, and
  - 1. Intends to deprive the owner permanently of the use or benefit of the property; or
  - 2. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
  - 3. Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

**6-3-5-8: SCRAP METAL**

**PURPOSE:** This chapter is enacted to protect, preserve and promote the health safety, welfare, peace and protection of private property of the citizens and businesses of the Village through the regulation of scrap metal dealers so as to more effectively prohibit a criminal from selling small amounts of scrap metal to a scrap metal dealer, which often times is the result of theft of property.

**6-3-5-8-1: DEFINITIONS:**

As used in this ordinance, the following terms shall have the meaning indicated in this section:

- A. **Scrap Metal:** Means any ferrous or nonferrous metal that is no longer used for its original purpose and is capable of being processed for reuse by a metal recycling facility, including, but not limited to, iron, brass, wire, cable, copper, bronze, aluminum, platinum, lead, solder, steel, stainless steel, catalytic converters, or other similar obsolete ferrous or

nonferrous materials, but shall not include recyclable aluminum cans.

B. Scrap Metal Dealer: Shall mean any entity (Person, firm, company, partnership, association, or corporation) who purchases products containing ferrous or nonferrous metals for recycling or resale. Ferrous metals contain iron, for example, mild steel, high-carbon steel, stainless steel and iron. Non-ferrous metals for example, aluminum, brass and copper or any other metal allow containing these materials, but shall not include recyclable aluminum cans.

**6-3-5-8-2: ELECTRONIC DATABASE REQUIREMENTS:**

A. By no later than July 1, 2012, every scrap metal dealer shall install and maintain a retrievable electronic database containing a consecutively numbered record of each and every purchase.

B. Any person selling, exchanging, or trading ferrous or nonferrous materials including but not limited to: catalytic converters, scrap iron, brass, wire, cable copper, lead or second-hand metals of any sort shall present valid driver's license and/or a picture identification form from a state or federal issuing agency (i.e., state issued identification or passport) to the scrap metal dealer

C. Scrap metal dealers shall, at the time of making the purchase, enter into the electronic database the following information:

1. Name, sex, date of birth, and residential address of the seller.
2. Date of the scrap metal purchase
3. Driver's license number and/or a picture identification from a state or federal issuing agency (i.e., state issued identification or passport) capable of identifying the seller.
4. Amount paid therefore.
5. Kind of material purchased or received.
6. Number of pounds of each kind.
7. License/ registration plate number of vehicle delivering material.

The information entered into the electronic database shall be completed in full without any missing data or information.

D. A transaction receipt shall consist of the same information required under subsection (C) of this section. The seller shall sign the transaction receipt and shall receive a copy of the transaction receipt. The scrap metal dealer shall also sign the transaction receipt. On the scrap metal dealer's copy of the record of the transaction, the seller shall reproduce his or her right thumbprint. In the event the right thumb is amputated, then such other fingerprint as required by the scrap metal dealer shall be taken and such fingerprint fully described on such record. This thumbprint shall be reproduced and taken in the usually approved manner and shall not be blurred or obliterated.

E. The electronic database shall at all times be open to the inspection of the police or other officer who may desire to see it, during normal business hours without warrant or subpoena and shall be kept in good faith and preserved on site by such dealer for convenient inspection for a period of three (3) years from the date of the scrap metal sale.

F. The scrap metal dealer shall inquire as to where the scrap metal was obtained for the purpose of determining if purchasing scrap metal from that person is a lawful transaction. If the seller presents a bill of sale, receipt or other documentation indicating that the person is in lawful possession of the scrap metal, or was other lawfully acquired, the dealer shall photocopy such document and maintain it with the transaction information otherwise required by this section.

G. No scrap metal dealer shall purchase or otherwise receive from a minor under the age of eighteen (18) any personal property of any kind with the exception of aluminum cans. No voucher shall be required for the sale and purchase of aluminum cans.

**6-3-5-8-3: PURCHASE OF HVAC SCRAP METAL – REQUIREMENTS:**

A. It is an offense for a scrap metal dealer to knowingly accept any HVAC components unless accompanied by a written authorization from a licensed HVAC business evidencing that the components were legally removed and the seller has the legal right to sell the material.

B. Payment for scrap metal described in subsection (A) shall be:

1. No payment shall be made in the form of cash
2. Made by check or money order to a licensed HVAC contractor named by the seller; and
3. After a period of three (3) business days from the date of the scrap transaction such check or money order shall be mailed to the business address of the licensed HVAC contractor; and
4. The payee on the check shall be the name of such licensed HVAC contractor; and
5. Checks may not be converted to cash by a scrap metal dealer or by any related entity.

**6-3-5-8-4: RESTRICTED PURCHASE EXCEPTIONS:**

A. It is an offense to knowingly sell or attempt to sell to a scrap metal dealer or for a scrap metal dealer to knowingly purchase or attempt to purchase the following types of scrap metal:

1. Materials sold by a business but brought in by an individual, such as new materials that are part of a manufacturing process.
2. Property which is often used by government, utilities, railroads or other specific industries such as guardrails, manhole covers, traffic signs, railroad signs, copper gutters or downspouts, certain cables used only in high voltage transmission lines, historical markers and cemetery plaques.
3. Full sized, new materials, such as those used in construction, equipment or tools used by contractors.
4. Property which might not be new but are clearly suspect, such as traffic signs or 20' lengths of copper or aluminum spouts or gutters
5. Materials which are clearly marked as property belonging to a business or someone else other than the seller
6. Catalytic converters unless purchased directly from a vehicle repair business.

B. An exception to this section is if the person attempting to sell the scrap metal provides reasonable, written documentation that the seller is the owner of the scrap metal or in an employee, agent or other person authorized to sell the scrap metal on behalf of the owner. The dealer shall make a photo copy of any documentation provided pursuant to this subsection and retain the copy as part of the transaction record, and maintain such photocopy for a period of three (3) years following the transaction. All photocopies shall be made available for inspection upon request by law enforcement officials.

**6-3-5-8-5: PURCHASE OF SCRAP METAL – REQUIREMENTS:**

- A. It is an offense for a scrap metal dealer to pay cash to a person who presents scrap metal at the time of the transaction.
- B. After a period of three (3) business days from the date of the scrap transaction such check or money order shall be mailed to the seller's address listed on the government issued identification card used in the transaction.
- C. The payee on the check shall be the name of the seller who conducted the transaction.
- D. The business will issue a check for all industrial accounts under the company name. No cash will be issued to employees or the owner.
- E. No scrap dealers shall buy copper wire that was burned in whole or in part to remove the insulation unless the seller can produce written proof to the scrap metal dealer that the wire was lawfully burned.

**6-3-5-8-6: HOLD NOTICE:**

If the scrap dealer suspects copper or metal property in their possession to be stolen or lost they shall immediately notify the East Alton Police Department and provide the owner's name, if known, and provide the seller's personal information. If there is reasonable suspicion that the property may be stolen, a ten (10) day hold over will be placed on the property.

**6-3-5-8-7: PENALTY FOR VIOLATION:**

- A. Every transaction conducted by a scrap metal merchant in violation of the provision of this ordinance shall be deemed a separate violation. A person convicted of a violation of any provision of this Section shall be guilty of petty offense and shall be punishable as provided by Section 1-4-1 of this Village Code.
- B. In addition to the penalties described in this section the Village may revoke any license or permit issued for the business of the scrap metal merchant.
- C. Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any applicable criminal offense.

#### **6-3-5-8-8: VIDEO SURVEILLANCE SYSTEM:**

A video surveillance system shall be required onsite which includes sufficient cameras and angles to capture at minimum a resolution of 640X480 pixels per camera and a minimum of the following angles/identification information relevant to each transaction:

1. The vehicle with which the scrap metal was delivered in.
2. The license/registration tag plate of each vehicle delivering the scrap metals.
3. Full frame face and torso video of the individual selling scrap metal, supplying identification, and receiving payment for the sale.

#### **6-3-5-8-9: USE OF SCRAP THEFT ALERT SYSTEM:**

- A. A scrap metal dealer shall register with or subscribe to, and maintain that registration or subscription with, an internet-based alert system available to dealers, law enforcement agencies, and the general public that lists and tracks, at a minimum, theft of nonferrous metal and articles containing nonferrous metals. The alert system may be reasonably limited in terms of time and geographical location.
- B. The existing alert system established by the Institute of Scrap Recycling Industries, Inc., referred to as the IRSI Scrap Theft Alert System, is considered an appropriate internet-based alert system. A dealer may register with or subscribe to any other alert system that provides substantially the same services as the alert system described in subsection (A).

#### **6-3-5-9: THEFT OF PARCELS**

**6-3-5-9: Theft of Parcels:** A person commits Theft of Parcels when he or she knowingly:

- (A) Obtains or exerts unauthorized control over a parcel or package not addressed to them; or
- (B) Obtains or exerts control over a parcel that was mistakenly delivered to their home, which was clearly addressed to a person not a resident of the address where the package was mistakenly delivered;
- (C) A person who receives a package clearly not addressed to the residence at which it was delivered shall: (1) contact the parcel delivery service and request that the package be removed, **or** (2) contact the person whom the package is addressed to, if known, and request that he or she retrieve the package; **or** (3) contact the East Alton Police Department to retrieve the package.
- (D) All persons residing at an address who exerts unauthorized control over a parcel, as stated above, may be charged under this section.

#### **ARTICLE VI. OFFENSES INVOLVING MORALITY**

**6-3-6-1: PROSTITUTION DEFINED:** Any person who performs or offers or agrees to perform any of the following acts for money commits an act of prostitution:

(A) Any act of sexual intercourse (See Illinois Compiled Statutes 720 ILCS 5/11.01); or

1. See Criminal Law and Procedure, Chapter 38, \* 16.1 for further provisions.

(B) Any act of deviate sexual conduct, meaning any act of sexual gratification involving the sex organs of one person and the mouth or anus of another.

**6-3-6-2: KEEPING A PLACE OF PROSTITUTION:** Any person who keeps, maintains, or exercises control over the use of any premises which could offer seclusion or shelter for the practice of prostitution, and who performs any of the following acts, shall be deemed to keep a place of prostitution:

(A) Knowingly grants or permits the use of such premises for the purpose of prostitution; or

(B) Grants or permits the use of such premises under circumstances from which he should reasonably be aware that such premises are used or about to be used for purposes of prostitution; or

(C) Permits the continued use of premises after becoming aware of facts or circumstances from which he should reasonably know that such premises are being used for purposes of prostitution.

**6-3-6-3: PATRONIZING A PROSTITUTE:** Any person who performs any of the following acts with a person not his spouse commits the offense of patronizing a prostitute:

(A) Engages in an act of sexual intercourse or deviate sexual conduct with a prostitute; or

(B) Enters or remains in a place of prostitution in the company of a prostitute with the intent to engage in an act of sexual intercourse or deviate sexual conduct.

**6-3-6-4: SOLICITING FOR A PROSTITUTE:** Any person who performs any of the following acts commits soliciting for a prostitute:

(A) Solicit another person for the purpose of prostitution; or

(B) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or

(C) Directs another person to place knowing such direction is for the purpose of prostitution.

**6-3-6-5: PANDERING:** A person who performs any of the following acts for money commits pandering:

(A) Compels a female to become a prostitute; or

(B) Arranges or offers to arrange a situation in which a female may commit prostitution.

**6-3-6-6: PIMPING:** Any person who receives money or other property from a prostitute, not for a lawful consideration, knowing it was earned in whole or part from an act of prostitution commits pimping.

**6-3-6-7: PUBLIC INDECENCY; ACTS OR LANGUAGE PROHIBITED:**

- (A) It shall be unlawful for any person to commit any indecent, lewd or lascivious act in any public place in the Village, or to utter any lewd or offensive words or to use any threatening or abusive language publicly and within the hearing of another person.
- (B) It shall be unlawful for any person to appear in a public place in a state of nudity, or to make any indecent exposure of his person or to be guilty of any other lewd or indecent act or behavior.
- (C) "Public Place" for purposes of this Section, means any place where such conduct may reasonably be expected to be viewed by others.

**6-3-6-8: OBSCENITY DEFINED; PROHIBITED:**

- (A) It shall be unlawful for any person knowingly to exhibit, sell, print, offer to sell, give away, circulate, publish; distribute or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statue, drawing or other article which is obscene.

- (B) "Obscene" for the purpose of this Section, is defined as follows: Whether to a reasonable person applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest, and is without redeeming social value.

**6-3-6-9: OBSCENE MARKING IN A PUBLIC VIEW PROHIBITED:** It shall be unlawful for any person to write, mark, draw, cut or make any profane or indecent words, sentence, design or figure in any place open to public view.

**6-3-6-10: OBSCENITY; AFFIRMATIVE DEFENSE:** It shall be an affirmative defense to charge under the preceding Sections 6-3-6-8 and 6-3-6-9 that the dissemination:

- (A) Was not for sale or gain, and was made only to personal associates other than children under eighteen (18) years of age; or
- (B) Was to institutions or individuals having scientific or other special education purpose for possession of such material.

**6-3-6-11: WINDOW PEEPING PROHIBITED:** It shall be unlawful for any person to look, peer, peep into or be found loitering about and within view of any window within a building occupied as a residence of another, with the intent of watching or observing the activities of persons therein.

**6-3-6-12: GAMBLING PROHIBITED:**

- (A) It shall be unlawful for any person to gamble within the Village, provided nothing contained herein shall be deemed to prohibit an activity lawful under the laws of the State of Illinois.

(B) It shall be unlawful for any person to knowingly permit any premises owned, occupied or controlled by him to be used as an unlawful gambling place within the Village.

(C) For the purpose of this Section:

1. "Gambling" occurs when any person:

- (a) Plays a game of chance or skill for money or other things of value; or
- (b) Makes a wager upon the result of any game, contest or any political nomination, appointment or election; or
- (c) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of any gambling device; or
- (d) Knowingly owns or possess any book, instruments or apparatus by means of which bets or wagers have been or are recorded or registered; or
- (e) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or
- (f) Sets up or promotes any lottery or sells, offers to sell or offers or transfers any ticket or share for any lottery; or
- (g) Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket or other similar device; or
- (h) Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share or any policy ticket or similar device or any advertisement of any lottery or policy game; or
- (i) Knowingly transmits information as to wagers, betting odds or chances in betting odds by telephone, telegraph, radio, semaphore or similar means, or knowingly installs equipment for the transmission or receipt of such information; except that nothing in this subsection (i) shall prohibit transmission or receipt of such information for the use of news reporting of sporting events or contests.

2. "Gambling Place" means any real estate, vehicle, boat or any other property whatsoever used for the purpose of gambling.

3. "Gambling Device" means any clock, tape machine, slot machine or other machines or devices for the reception of money or other things of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost, or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. However, a gambling device does not include:

- (a) A coin-operated mechanical device played for amusement which awards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operations thereof depend in part upon the skill of the player and which returns to the player thereof no money,

property or right to receive money or property, and which is commonly known as a pinball machine; or

(b) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

4. "Lottery" means any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift or sale of some other name.

5. "Policy Game" means any scheme or procedure whereby a person promises or guarantees by an instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of dept.

(D) Food and Liquor Licenses. Whenever any premises are determined by a court of competent jurisdiction to be an unlawful gambling place, all Village license or permits issued authorizing the serving of food or alcoholic liquor on such premises shall become void; and no license or permit so voided shall be reissued for such premises for a period of sixty (60) days thereafter nor shall any person convicted of keeping a gambling place be reissued any such license or permit for one year from date of his conviction and after a second conviction of keeping a gambling place, any such person shall not be reissued any such license or permit.

(E) Seizure of Gambling Devices and Gambling Funds. Every gambling device which is incapable of lawful use constitutes contraband and shall be subject to seizure and confiscation by Village police officers. Any money or other thing of value intricately related to acts of gambling shall be seized and forfeited as contraband to the Village. Disposition of such gambling devices seized or confiscated shall be made according to law.

**6-3-6-13: VIDEO GAMING:**

The use of video gaming equipment as described in the Video Gaming Act (230 ILCS 40/1) is authorized within the Village Limits of East Alton. The Video gaming equipment will operate only at locations with a valid Village of East Alton Liquor License in good standing. The operations of the video gaming equipment will coincide with the operating hours established for the sale of alcoholic beverages within the Village

**6-3-6-13.1: FEES:** Video gaming equipment will require a licensing fee of \$25.00. The fee will be collected prior to the use of the equipment, and then paid annually in conjunction with the Village Liquor License.

**6-3-6-13.2: MINORS;** Video gaming terminals must be located in an area restricted to persons over 21 years of age the entrance to which is within the view of at least one employee, who is over 21 years of age, of the establishment in which they are located.

**6-3-6-13.3: VIOLATIONS:** Any establishment found in violation of this ordinance will be subject to the suspension or revocation of their Village Liquor License.

**6-3-6-13.4:** If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Trustees that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which has been invalid is longer invalid, said provision shall thereupon return to full force and effect without further action by the Village and shall thereafter be binding.

## **ARTICLE VII. MISCELLANEOUS PROVISIONS**

**6-3-7-1: VIOLATION OF CIVIL RIGHTS; ELEMENTS:** A person commits a violation of civil rights when:

- (A) He prevents, interferes with or denies to another, or conspires to do the same, the full and equal access to and enjoyment of the facilities and services of any office, place, business, accommodation, amusement or conveyance because of race, religion, color or national ancestry; or
- (B) As an official, he refuses to employ, discriminates in employment, or participates in a scheme which discriminates in employment for any work, job office or project because of race, religion, color or national ancestors; or
- (C) As an official, he denies or refuses to any person the full and equal access, use or employment of the services, facilities, accommodations, advantages or privileges of his office, or of any other property accommodations or facilities under his care, because of race, religion, color or national ancestry.

**6-3-7-2: SAME; SANCTIONS:**

- (A) Enjoining as a Public Nuisance. Any violation of civil rights occurring in any public office, accommodations or amusement is declared to be a public nuisance and may be abated in any manner provided by this Code for the abatement of public nuisances.
- (B) Discharge of Public Officials. Whenever any public official shall be found guilty of a violation of civil rights, the person aggrieved, or the Village Attorney on his behalf, may file a petition with the Village Board of Trustees to discharge such official from office. The Village Board of Trustees may order that such official be immediately relieved of his duties and may order such official to resign or be removed or discharged. Any person violating or refusing to enforce any such court order or decree may be deemed in contempt of this Board and shall be deemed guilty of a Municipal Ordinance Violation hereunder.
- (C) The penalties and remedies herein provided shall not be deemed mutually exclusive.

**6-3-7-3: NECESSITY AS AFFIRMATIVE DEFENSES:** Conduct which would otherwise be an offense under this Chapter is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation, and he reasonably believed such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from his own conduct.

**6-3-7-4: BRIBERY; OFFERING OR ACCEPTING:** It shall be unlawful for any person:

- (A) To offer, promise or give to any official officer or employee of the Village any money, reward, service, privilege or thing of value which he may not otherwise lawfully accept, with the intent to influence the performance or nonperformance of any official act, function, duty or employment.
- (B) To agree to accept, receive or retain any money, reward, service, privilege or thing of value which he may not otherwise lawfully accept, knowing or with reason to know that such benefit was offered, promised or given with intent to influence him in the performance or nonperformance of any official act, function, duty or employment.

**6-3-7-5: SOLICITATION TO COMMIT OFFENSE:** A person commits solicitation when, with intent that an offense be committed, he commands, encourages or requests another person to commit that offense.

**6-3-7-6: CONSPIRACY TO COMMIT OFFENSE:** A person commits conspiracy when, with intent that an offense be committed, he agrees with another person to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of such agreement is alleged and proved to have been committed by him or by a co-conspirator.

**6-3-7-7: SOLICITATION AND CONSPIRACY; AFFIRMATIVE DEFENSE:** It shall be a defense to charge of solicitation or conspiracy that if the criminal objects were achieved and accused would not be guilty of an offense

**6-3-7-8: TELEPHONE SOLICITATION OR PROMOTION; REGISTRATION REQUIRED:**

(A) It shall be unlawful for any person in his own name, or in the name of or for the benefit of any other person to conduct any sales campaign or sales promotion of any nature whatsoever through the use of the telephone, without having first obtaining a certificate of registration from the Village Clerk.

(B) Application for such registration shall be made to the Clerk, setting forth the name of the applicant, his employer or organization, the article or goods proposed to be sold, terms of sale, length of time such campaign or promotion is sought to be continued, and names and address of all persons assisting in such campaign or promotion within the Village.

**6-3-7-9: TELEPHONES; OBSCENE, ANONYMOUS, MISREPRESENTED CALLS:** It shall be unlawful for any person to make, or permit another to make, any obscene, anonymous or falsely represented telephone calls to another person for the purpose or reason of nuisance or harassment.

**6-3-7-10: FALSE ALARMS; POLICE, FIRE, AMBULANCE:** It shall be unlawful to intentionally make, turn in or give any false alarm of fire or of need of police or ambulance assistance, or to aid or abet in the commission of such act.

**6-3-7-11: CLIMBING UTILITY POLES:** It shall be unlawful for any person to climb upon any telegraph pole, telephone pole, electric light pole or sign pole unless in the performance of his duties.

**6-3-7-12: INTIMIDATION DEFINED; PROHIBITED:** A person commits intimidation when, with intent to cause another person to perform or to omit the performance of any act, he communicates to another without otherwise lawful authority a threat to perform any of the following acts:

- (A) Inflict physical harm on the person threatened or any other person or property; or
- (B) Subject any person to physical confinement or restraint; or
- (C) Commit any criminal offense; or
- (D) Accuse any person of an offense; or
- (E) Expose any person to hatred, contempt or ridicule; or
- (F) Take action as a public official against anyone or anything or withhold official action, or cause such action or withholding; or
- (G) Bring about or continue any strike, boycott or other collective or mob action. (1975 Code)

**6-3-7-13: GAMES IN STREETS:** No person shall pursue or play any game, amusement or exercise on the street, alley or public grounds in such manner as to impede travel or injure or annoy any person passing along the street or sidewalk. (1963 Code, \*41.03)

**6-3-7-14: HEDGE GROWTHS:** No fence or hedge growth or any other tree growth within the Village, higher than four feet (4') from the ground, shall be maintained along the line of any street, alley, public walk or in any public ground. (1963 Code, 41.06)

**6-3-7-15: ENCOURAGING UNLAWFUL ACTS:** No person shall abet or encourage any unlawful act or the violation of any ordinance of the Village. (1963 Code, 41.33)

Any person counseling, advising or encouraging any child, lunatic, idiot or other person in the violation of any ordinance shall be prosecuted for such offense as principal and be subject to the same penalty as if he had committed the offense directly. (1963 Code, 41.32)