

TITLE XIII: GENERAL OFFENSES

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or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.
(ILCS Ch. 720, Act 5 § 2-5)

Section

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§ 130.01 DEFINITIONS.

For the purpose of this title the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACQUITTAL." A verdict or finding of not guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (ILCS Ch. 720, Act 5 § 2-1)

"ACT." Includes a failure or omission to take action. (ILCS Ch. 720, Act 5 § 2-2)

"ANOTHER." A person or persons other than the offender. (ILCS Ch. 720, Act 5 § 2-3)

"CONDUCT." An act or a series of acts, and the accompanying mental state. (ILCS Ch. 720, Act 5 § 2-4)

"CONVICTION." A judgment of conviction or sentence entered upon a plea of guilty

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Department of the Treasury, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Customs Service;

"DWELLING." A building or portion thereof, a tent, a vehicle, or other enclosed space which is used or intended for use as a human habitation, home, or residence. (ILCS Ch. 720, Act 5 § 2-6)

"INCLUDED OFFENSE." An offense which:

(A) Is established by proof of the same or less than all of the facts or a less culpable mental state (or both), than that which is required to establish the commission of the offense charged; or

(B) Consists of an attempt to commit the offense charged or an offense included therein. (ILCS Ch. 720, Act 5 § 2-9)

"INCLUDES" or "INCLUDING."

Comprehending among other particulars, without limiting the generality of the foregoing word or phrase. (ILCS Ch. 720, Act 5 § 2-10)

"OFFENSE." A violation of any city ordinance, resolution, code, or regulation proscribing or requiring certain conduct or actions. (ILCS Ch. 720, Act 5 § 2-12)

"PEACE OFFICER."

(1) (a) 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 arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; or

(b) Any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any "PEACE OFFICER" employed by a law enforcement agency of this state.

(2) For purposes of sections concerning unlawful use of weapons, for the purposes of assisting a state peace officer in an arrest, or when the commission of any offense under state law is directly observed by the person, then officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered peace officers under this title, including, but not limited to, all criminal investigators of:

(a) The United States Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Agency, and the Department of Immigration and Naturalization;

(b) The United States

(c) The United States Internal Revenue Service;

(d) The United States General Services Administration;

(e) The United States Postal Service;

(f) All United States marshals or deputy marshals whose duties involve the enforcement of federal criminal laws; and

(g) The United States Department of Defense, who have at least the minimum training prescribed by the Illinois Enforcement Training Standards Board for peace officers of units of local government.

(ILCS Ch. 720, Act 5 § 2-13)

"PROSECUTION." All legal proceedings by which a person's liability for an offense is determined, commencing with the return of the indictment or the issuance of the information, and including the final disposition of the case upon appeal. (ILCS Ch. 720, Act 5 § 2-16)

"PUBLIC EMPLOYEE." A person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the state or any of its political subdivisions. (ILCS Ch. 720, Act 5 § 2-17)

"PUBLIC OFFICER." A person who is elected to office pursuant to statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute, to discharge a public duty for the state or any of its political subdivisions. (ILCS Ch. 720, Act 5 § 2-18)

"REASONABLE BELIEF" or "REASONABLY BELIEVES." The person concerned, acting as a reasonable man, believes that the described facts exist. (ILCS Ch. 720, Act 5 § 2-19)

"SOLICIT" or "SOLICITATION." To command, authorize, urge, incite, request, or advise another to commit an offense. (ILCS Ch. 720, Act 5 § 2-20)

"STATUTE." The constitution or an act of the General Assembly of this state. (ILCS Ch. 720, Act 5 § 2-22)

LIMITATIONS ON PROSECUTION

§ 130.02 GENERAL LIMITATIONS ON PROSECUTION.

Unless the section describing the offense provides otherwise, or the period of limitation is extended, a prosecution for any offense must be commenced within one year and six months after its commission.

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PRINCIPLES OF LIABILITY

§ 130.10 VOLUNTARY ACT.

A material element of every offense is a voluntary act, which includes an omission to perform a duty which the law imposes on the offender, and which he is physically capable of performing. (ILCS Ch. 720, Act 5 § 4-1)

§ 130.11 POSSESSION AS VOLUNTARY ACT.

Possession is a voluntary act if the offender knowingly procured or received the thing possessed, or was aware of his control thereof for a sufficient time to have been able to terminate his possession. (ILCS Ch. 720, Act 5 § 4-2)

§ 130.12 MENTAL STATE.

(A) A person is not guilty of an offense, other than an offense which involves absolute liability, unless, with respect to each element described by the section defining the offense, he acts while having one of the mental states described in §§ 130.13 through 130.16.

(B) If the section defining an offense prescribed a particular mental state with respect to the offense as a whole, without distinguishing among the elements thereof, the prescribed mental state applies to each such element. If the section does not prescribe a particular mental state applicable to an element of an offense (other than an offense which involves absolute liability), any mental state defined in §§ 130.13, 130.14, or 130.15 is applicable.

(C) Knowledge that certain conduct constitutes an offense, or knowledge of the existence, meaning, or application of the section defining an offense, is not an element of the offense unless the section clearly defines it as such. (S.H.A. Ch. 38, § 4-3)

§ 130.13 INTENT.

A person intends, or acts intentionally or with intent, to accomplish a result or

engage in conduct described by the section defining the offense, when his conscious objective or purpose is to accomplish that result or engage in that conduct.
(ILCS Ch. 720, Act 5 § 4-4)

Statutory reference:

Defenses concerning capacity, see
ILCS Ch. 720, Act 5 §§ 6-1 through
6-4

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§ 130.14 KNOWLEDGE.

(A) A person knows, or acts knowingly or with knowledge of:

(1) The nature or attendant circumstances of his or her conduct, described by the section defining the offense, when he or she is consciously aware that his or her conduct is of that nature or that those circumstances

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exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.

(2) The result of his or her conduct, described by the section defining the offense, when he or she is consciously aware that that result is practically certain to be caused by his or her conduct.

(B) Conduct performed knowingly or with knowledge is performed willfully, within the meaning of a statute using the term "willfully", unless the section clearly requires another meaning.

(C) When the law provides that acting knowingly suffices to establish an element of an offense, the element also is established if a person acts intentionally. (ILCS Ch. 720, Act 5 § 4-5)

§ 130.15 RECKLESSNESS.

A person is reckless or acts recklessly, when that person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense, and that disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a section using the term "wantonly", unless the statute clearly requires another meaning. (ILCS Ch. 720, Act 5 § 4-6)

§ 130.16 NEGLIGENCE.

A person is negligent, or acts negligently, when that person fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the statute defining the offense, and that failure constitutes a substantial deviation from the standard of care that a reasonable person would exercise in the situation. (ILCS Ch. 720, Act 5 § 4-7)

§ 130.17 IGNORANCE OR MISTAKE.

(A) A person's ignorance or mistake as to a matter of either fact or law, except as provided in § 130.12(C), is a defense if it negates the existence of the mental state which the section prescribes with respect to an element of the offense.

(B) A person's reasonable belief that his conduct does not constitute an offense is a defense if:

(1) The offense is defined by an

administrative regulation or order which is not known to him and has not been published or otherwise made reasonably available to

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him, and he could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him; or

(2) He acts in reliance upon a section which later is determined to be invalid; or

(3) He acts in reliance upon an order or opinion of an Illinois Appellate or Supreme Court, or a United States appellate court later overruled or reversed;

(4) He acts in reliance upon an official interpretation of the section, regulation, or order defining the offense, made by a public officer or agency legally authorized to interpret such section.

(C) Although a person's ignorance or mistake of fact or law, or reasonable belief, described in this section is a defense to the offense charged, he may be convicted of an included offense of which he would be guilty if the fact or law were as he believed it to be.

(D) A defense based upon this section is an affirmative defense.
(ILCS Ch. 720, Act 5 § 4-8)

§ 130.18 ABSOLUTE LIABILITY.

A person may be guilty of an offense without having, as to each element thereof, one of the mental states described in §§ 130.13 through 130.16 if the offense is not punishable by incarceration or by a fine exceeding \$500, or the section defining the offense clearly indicates a legislative purpose to impose absolute liability for the conduct described.
(ILCS Ch. 720, Act 5 § 4-9)

PARTIES TO CRIME

§ 130.20 ACCOUNTABILITY FOR CONDUCT OF ANOTHER.

A person is responsible for conduct which is an element of an offense if the conduct is either that of the person himself or that of another and he is legally accountable for such conduct as provided in § 130.21, or both.
(ILCS Ch. 720, Act 5 § 5-1) ('69 Code, § 18-1)

§ 130.21 WHEN ACCOUNTABILITY EXISTS.

A person is legally accountable for the conduct of another when:

(A) Having a mental state described by the statute defining the offense, he or she

causes another to perform the conduct, and the other person in fact or by reason of

legal incapacity lacks such mental state;

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ACCOUNTABLE.

(B) The section defining the offense makes him or her so accountable; or

(C) Either before or during the commission of an offense, and with the intent to promote or facilitate that commission, he or she solicits, aids, abets, agrees, or attempts to aid, that other person in the planning or commission of the offense.

A person who is legally accountable for the conduct of another which is an element of an offense may be convicted upon proof that the offense was committed and that he was so accountable, although the other person claimed to have committed the

When two or more persons engage in a common criminal design or agreement, any acts in the furtherance of that common design committed by one party are considered to be the acts of all parties to the common design or agreement and all are equally responsible for the consequences of those further acts. Mere presence at the scene of a crime does not render a person accountable for an offense; a person's presence at the scene of a crime, however, may be considered with other circumstances by the trier of fact when determining accountability.

A person is not so accountable, however, unless the section defining the offense provides otherwise, if:

(1) He or she is a victim of the offense committed;

(2) The offense is so defined that his or her conduct was inevitably incident to its commission; or

(3) Before the commission of the offense, he or she terminates his or her effort to promote or facilitate that commission, and does one of the following:

(a) Wholly deprives his or her prior efforts of effectiveness in that commission,

(b) Gives timely warning to the proper law enforcement authorities, or

(c) Otherwise makes proper effort to prevent the commission of the offense.

(ILCS Ch. 720, Act 5 § 5-2) ('69 Code, § 18-1)

Statutory reference:

Accountability of corporations and agents of corporations, ILCS Ch. 720, Act 5 §§ 5-3 through 5-5

§ 130.22 SEPARATE CONVICTION OF PERSON

offense, has not been prosecuted or convicted, or has been convicted of a different offense or degree of offense, or is not amenable to justice, or has been acquitted.
(ILCS Ch. 720, Act 5 § 5-3) ('69 Code, § 18-1)

INCHOATE OFFENSES

§ 130.25 SOLICITATION AND SOLICITATION OF MURDER.

(A) Solicitation. A person commits the offense of solicitation when, with intent that an offense be committed, other than first degree murder, he or she commands, encourages, or requests another to commit the offense.

(B) Solicitation of murder. A person commits the offense of solicitation of murder when he or she commits solicitation with the intent that the offense of first degree murder be committed.

(C) Sentence. A person convicted of solicitation may be fined not to exceed the maximum provided for the offense solicited.
(ILCS Ch. 720, Act 5 § 8-1)

§ 130.26 CONSPIRACY.

(A) Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

(B) Co-conspirators. It is not a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

(1) Have not been prosecuted or convicted,

(2) Have been convicted of a different offense,

(3) Are not amenable to justice,

(4) Have been acquitted,

(5) Lacked the capacity to commit an offense.

(C) Except as provided therein or in the code, a person convicted of conspiracy shall be sentenced as set forth in ILCS Ch. 720, Act 5 § 8-2(c).
(ILCS Ch. 720, Act 5 § 8-2)

§ 130.27 ATTEMPT.

(A) Elements of the offense. A person commits the offense of attempt when, with intent to commit a specific offense, he or she does any act that constitutes a substantial step toward the commission of that offense.

(B) Impossibility. It is not a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(C) A person convicted of an attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted.

(ILCS Ch. 720, Act 5 § 8-4)

§ 130.99 GENERAL PENALTY FOR TITLE XIII.

Any person who violates any provision of this title for which a penalty is not otherwise provided shall be fined not more than \$500.

Statutory reference:

Limitations on penalties, see ILCS
Ch. 65, Act 5 § 1-2-1

Authority to imprison for certain
ordinance violations, see ILCS
Ch. 65, Act 5 § 1-2-1.1

Section

Bodily Harm

- 131.01 Assault
- 131.02 Aggravated assault
- 131.03 Battery
- 131.04 Reckless conduct

BODILY HARM

§ 131.01 ASSAULT.

A person commits an assault when without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery. (ILCS Ch. 720, Act 5 § 12-1) ('69 Code, § 18-6) Penalty, see § 130.99

§ 131.02 AGGRAVATED ASSAULT.

A person commits an aggravated assault when, in committing an assault, he:

(A) Uses a deadly weapon, an air rifle as defined in the Air Rifle Act, or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm in the direction of another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer, a private security officer, or a fireman or in the direction of a vehicle occupied by another person, a peace officer, a person summoned or directed by a peace officer, a correctional officer, a private security officer, or a fireman while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer or fireman from performing his official duties, or in retaliation for the officer or fireman performing his official duties;

(B) Is hooded, robed, or masked in such manner as to conceal his identity or any device manufactured and designed to be substantially similar in appearance to a firearm;

(C) Knows the individual assaulted to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;

(D) Knows the individual assaulted to be a supervisor, director, instructor, or other person employed in any park district and the supervisor, director, instructor, or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;

(E) Knows the individual assaulted to be a caseworker, investigator, or other person employed by the Department of

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Healthcare and Family Services (formerly State Department of Public Aid), a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;

(F) Knows the individual assaulted to be a peace officer, or a community policing volunteer, a private security officer, or a fireman, while the officer or fireman is engaged in the execution of any of his official duties, or to prevent the officer, community policing volunteer, or fireman from performing his official duties, or in retaliation for the officer, community policing volunteer, or fireman performing his official duties, and the assault is committed other than by the discharge of a firearm in the direction of the officer or fireman or in the direction of a vehicle occupied by the officer or fireman;

(G) Knows the individual assaulted to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel employed by a municipality or other governmental unit engaged in the execution of any of his official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver or other medical assistance or first aid personnel from performing his official duties, or in retaliation for the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel performing his official

duties;

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(H) Knows the individual assaulted to be the driver, operator, employee, or passenger of any transportation facility or system engaged in the business of transportation of the public for hire, and the individual assaulted is then performing in that capacity or then using the public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;

(I) (1) The individual assaulted is on or about a public way, public property, or public place of accommodation or amusement;

(2) The individual assaulted is in or about a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, amusement facility, or a special event center in a public park during any 24-hour period when a professional sporting event, the National Collegiate Athletic Association (NCAA) sanctioned sporting event, United States Olympic Committee sanctioned event or International Olympic Committee sanctioned sporting event is taking place in this venue;

(J) Knows the individual assaulted to be an employee of the state or the municipality, engaged in the performance of his authorized duties as such employee;

(K) Knowingly and without legal justification commits an assault on a physically handicapped person;

(L) Knowingly and without legal justification commits an assault on a person 60 years of age or older; or

(M) Discharges a firearm, other than from a motor vehicle;

(N) Discharges a firearm from a motor vehicle;

(O) Knows the individual assaulted to be a correctional officer, while the officer is engaged in the execution of any of his or her official duties, or to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties;

(P) Knows the individual assaulted to be a correctional employee or an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, while the employee is engaged in the execution of any of his or her official duties, or to prevent the employee from performing his or her official duties, or in retaliation for the employee performing his or her official duties, and the assault is committed other than by the discharge of a firearm in the direction of the employee or in the direction of a vehicle occupied by the employee;

(Q) Knows the individual assaulted to be an employee of a Police or Sheriff's Department, or a person who is employed by a municipality and whose duties include traffic control, engaged in the performance

of his or her official duties as such employee;

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(R) Knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this division, "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest;

(S) Knows the individual assaulted to be an emergency management worker, while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; and the assault is committed other than by the discharge of a firearm in the direction of the emergency management worker or in the direction of a vehicle occupied by the emergency management worker; or

(T) Knows the individual assaulted to be a utility worker, while the utility worker is engaged in the execution of his or her duties, or to prevent the utility worker from performing his or her duties, or in retaliation for the utility worker performing his or her duties. In this division, "UTILITY WORKER" means a person employed by a public utility as defined in § 3-105 of the Public Utilities Act (ILCS Ch. 220 Act 5, § 3-105), and also includes an employee of a municipally owned utility, an employee of a cable television company, an employee of an electric cooperative as defined in § 3-119 of the Public Utilities Act (ILCS Ch. 220 Act 5 § 3-119), an independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or an electric cooperative, or an employee of a telecommunications carrier as defined in § 13-202 of the Public Utilities Act (ILCS Ch. 220, Act 5 § 13-202), an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier, or an employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act (ILCS Ch. 220, Act 5 § 13-212), or an independent contractor or an employee of an independent contractor

working on behalf of a telephone or

telecommunications cooperative.

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(U) A person commits an aggravated assault when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(V) For the purpose of divisions (A) and (F). "PRIVATE SECURITY OFFICER" means a registered employee of a private security contractor agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor and Locksmith Act of 2004.
(ILCS Ch. 720, Act 5 § 12-2) Penalty, see § 130.99

§ 131.03 BATTERY.

A person commits battery if he intentionally or knowingly without legal justification and by any means, causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual.
(ILCS Ch. 720, Act 5 § 12-3) Penalty, see § 130.99

§ 131.04 RECKLESS CONDUCT.

(A) A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he or she performs recklessly the acts that cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

(B) A person who causes great bodily harm or permanent disability or disfigurement by any means, commits reckless conduct if he or she performs recklessly the acts that cause the harm, whether they otherwise are lawful or unlawful.
(ILCS Ch. 720, Act 5 § 12-5) Penalty, see § 130.99

(E) Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform

Section

132.01 Definitions

Theft Generally

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132.08 Theft of labor or services or use of property

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132.27 Criminal trespass to vehicles

132.28 Criminal trespass to land

§ 132.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"DECEPTION." Knowingly to:

(A) Create or confirm another's impression which is false and which the offender does not believe to be true; or

(B) Fail to correct a false impression which the offender previously has created or confirmed; or

(C) Prevent another from acquiring information pertinent to the disposition of the property involved; or

(D) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

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copies, descriptions, photographs,
prototypes, or

standing alone is not evidence that the
offender did not intend to perform.
(ILCS Ch. 720, Act 5 § 15-4)

"OBTAIN."

(A) In relation to property, to bring
about a transfer of interest or possession,
whether to the offender or to another, and

(B) In relation to labor or services,
to secure the performance thereof.
(ILCS Ch. 720, Act 5 § 15-7)

"OBTAIN OR EXERT CONTROL OVER
PROPERTY."

Includes but is not limited to the taking,
carrying away, or the sale, conveyance, or
transfer of title to, or interest in, or
possession of property. (ILCS Ch. 720, Act
5 § 15-8)

"OWNER." A person, other than the
offender, who has possession of, or any
other interest in the property involved,
even though the interest or possession is
unlawful, and without whose consent the
offender has no authority to exert control
over the property. (ILCS Ch. 720, Act 5 §
15-2)

"PERMANENTLY DEPRIVE."

(A) To defeat all recovery of the
property by the owner; or

(B) To deprive the owner permanently
of the beneficial use of the property; or

(C) To retain the property with intent
to restore it to the owner only if the
owner purchases or leases it back, or pays
a reward or other compensation for its
return; or

(D) To sell, give, pledge, or
otherwise transfer any interest in the
property or subject it to the claim of a
person other than the owner.
(ILCS Ch. 720, Act 5 § 15-3)

"PROPERTY." Anything of value;
including real estate, money, commercial
instruments, admission or transportation
tickets, written instruments representing
or embodying rights concerning anything of
value, labor, or services, or otherwise of
value to the owner; things growing on,
affixed to, or found on land, or part of or
affixed to any building; electricity, gas,
and water; telecommunications services;
birds, animals, and fish, which ordinarily
are kept in a state of confinement; food
and drink; samples, cultures,
microorganisms, specimens, records,
recordings, documents, blueprints,
drawings, maps, and whole or partial

models thereof, or any other articles, materials, devices, substances, and whole or partial copies, descriptions, photographs, prototypes, or models thereof which constitute, represent, evidence, reflect, or record a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention, or improvement. (ILCS Ch. 720, Act 5 § 15-1)

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"STOLEN PROPERTY." Property over which control has been obtained by theft. (ILCS Ch. 720, Act 5 § 15-6)

"THREAT." A menace, however communicated, to:

(A) Inflict physical harm on the person threatened or any other person or on property; or

(B) Subject any person to physical confinement or restraint; or

(C) Commit any criminal offense; or

(D) Accuse any person of a criminal offense; or

(E) Expose any person to hatred, contempt, or ridicule; or

(F) Harm the credit or business repute of any person; or

(G) Reveal any information sought to be concealed by the person threatened; or

(H) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or

(I) Bring about or continue a strike, boycott, or other similar collective action if the property is not demanded or received for the benefit of the group which he purports to represent; or

(J) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(K) Inflict any other harm which would not benefit the offender. (ILCS Ch. 720, Act 5 § 15-5)

"VALUE." Property consisting of any commercial instrument or any written instrument representing or embodying rights concerning anything of value, labor, or services or otherwise of value to the owner shall be:

(A) The "MARKET VALUE" of such

person "knowingly obtains or exerts unauthorized control over property of the owner" if a lessee of the personal property of another fails to return it to the owner within 10 days after written demand from the

(B) "ACTUAL VALUE" of such instrument if such instrument is not negotiable or is otherwise without a market value. For the purpose of establishing such "ACTUAL VALUE," the interest of any owner or owners entitled to part or all of the property represented by such instrument, by reasons of such instrument, may be shown, even if another "owner" may be named in the complaint, information, or indictment. (ILCS Ch. 720, Act 5 § 15-9)

THEFT GENERALLY

§ 132.05 THEFT.

A person commits theft when he 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 or under such circumstances as would reasonably induce him to believe that the property was stolen, or
- (E) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being 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 benefits; 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. (ILCS Ch. 720, Act 5 § 16-1) Penalty, see § 130.99

Statutory reference:
Theft of firearms, property from the person, or property over \$300, see ILCS Ch. 720, Act 5 § 16-1

§ 132.06 THEFT BY LESSEE; PRIMA FACIE EVIDENCE.

It shall be prima facie evidence that a

owner for its return or if a lessee of the personal property of another fails to return it to the owner within 24 hours after written demand from the owner for its return and the lessee had presented identification to the owner that contained a materially fictitious name, address, or telephone number. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed, by registered mail, to the lessee at the address given by him and shown on the leasing agreement shall constitute proper demand.

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(ILCS Ch. 720, Act 5 § 16-1.1)

§ 132.07 THEFT OF LOST OR MISLAID
PROPERTY.

A person who obtains control over lost or mislaid property commits theft when he:

(A) Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner, and

(B) Fails to take reasonable measures to restore the property to the owner, and

(C) Intends to deprive the owner permanently of the use or benefit of the property.

(ILCS Ch. 720, Act 5 § 16-2) Penalty, see § 130.99

§ 132.08 THEFT OF LABOR OR SERVICES OR USE OF PROPERTY.

A person commits theft when he obtains the temporary use of property, labor, or services of another which are available only for hire, by means of threat or deception, or knowing that such use is without the consent of the person providing the property, labor, or services.

(ILCS Ch. 720, Act 5 § 16-3) Penalty, see § 130.99

§ 132.09 OFFENDER'S INTEREST IN STOLEN PROPERTY; NO DEFENSE.

(A) It is no defense to a charge of theft of property that the offender has an interest therein, when the owner also has an interest to which the offender is not entitled.

(B) Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft.

(ILCS Ch. 720, Act 5 § 16-4)

§ 132.10 THEFT FROM COIN-OPERATED MACHINES.

(A) As used in this section, the term "COIN-OPERATED MACHINE" shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, or a money changer.

(B) A person commits theft from a coin-operated machine when he knowingly and without authority and with intent to commit a theft from the machine opens, breaks into, tampers with, or damages a coin-operated machine.

(ILCS Ch. 720, Act 5 § 16-5) Penalty, see § 130.99

§ 132.11 COIN-OPERATED MACHINES; POSSESSION OF KEY OR DEVICE.

(A) A person who possesses a key, a tool, an instrument, an explosive, a device, a substance, or a drawing, print,

or mold of a key, a tool, an instrument, an explosive, a device, or a substance designed to open, break into,

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tamper with, or damage a coin-operated machine as defined in § 132.10 (A) with intent to commit a theft from the machine, is guilty of an offense punishable by a fine as provided for in this code. A person using any of the devices or substances listed in this division with the intent to commit a theft from a coin-operated machine and who causes damage or loss to the coin-operated machine of more than \$300 is guilty of a Class 4 felony.

(B) The owner of a coin-operated machine may maintain a civil cause of action against a person engaged in the activities covered in this section and may recover treble actual damages, reasonable attorney's fees, and costs.

(C) As used in this section, "SUBSTANCE" means a corrosive or acidic liquid or solid but does not include items purchased through a coin-operated machine at the location or acquired as condiments at the location of the coin-operated machine. (ILCS Ch. 720, Act 5 § 16-6) Penalty, see § 130.99

RETAIL THEFT

§ 132.15 DEFINITIONS.

For the purpose of §§ 132.15 through 132.19 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONCEAL." Although there may be some notice of its presence, merchandise is not visible through ordinary observation. (ILCS Ch. 720, Act 5 § 16A-2.1)

"FULL RETAIL VALUE." The merchant's stated or advertised price of the merchandise. (ILCS Ch. 720, Act 5 § 16A-2.2)

"MERCHANDISE." Any item of tangible personal property. (ILCS Ch. 720, Act 5 § 16A-2.3)

"MERCHANT." An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator. (ILCS Ch. 720, Act 5 § 16A-2.4)

"MINOR." A person who is less than 19 years of age, is unemancipated, and resides with his parents or legal guardian. (ILCS Ch. 720, Act 5 § 16A-2.5)

"PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT." Includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for

the convenience of the patrons of such retail mercantile establishment. (ILCS Ch. 720, Act 5 § 16A-2.8)

"RETAIL MERCANTILE ESTABLISHMENT." Any place where merchandise is displayed, held, stored, or offered for sale to the public. (ILCS Ch. 720, Act 5 § 16A-2.9)

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"SHOPPING CART." Push carts of the type or types which are commonly provided by grocery stores, drug stores, or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store. (ILCS Ch. 720, Act 5 § 16A-2.10)

"UNDER-RING." To cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise. (ILCS Ch. 720, Act 5 § 16A-2.11)

§ 132.16 RETAIL THEFT.

(A) A person commits the offense of retail theft when he 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 the merchandise or with the intention of depriving the merchant permanently of the possession, use, or benefit of the merchandise without paying the full retail value of the merchandise; or

(2) Alters, transfers, or removes any label, price tag, marking, indication of value, or any other markings which aid in determining the value affixed to any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment, and attempts to purchase the 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 the merchandise; or

(3) Transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment, from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of the merchandise; or

(4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of removal with the intention of depriving the merchant permanently of the possession, use, or benefit of the cart.

(B) A person commits a theft by emergency exit when he or she commits a retail theft as defined above and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit.
(ILCS Ch. 720, Act 5 §§ 16A-3, 16A-10)
Penalty, see § 130.99

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§ 132.17 PRESUMPTIONS CONCERNING RETAIL THEFT.

If any person:

(A) Conceals upon his person or among his 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 payments for the merchandise in that retail mercantile establishment, that person shall be presumed to have possessed, carried away, or transferred the merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use, or benefit of the merchandise without paying the full retail value of the merchandise.
(ILCS Ch. 720, Act 5 § 16A-4)

§ 132.18 DETENTION OF SUSPECTS BY MERCHANTS.

(A) Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain that person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(1) To request identification;

(2) To verify identification;

(3) To make reasonable inquiry as to whether the person has in his possession unpurchased merchandise and, to make reasonable investigation of the ownership of the merchandise;

(4) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(5) In the case of a minor, to immediately make a reasonable attempt to inform the parents, guardian, or other private person interested in the welfare of that minor and, at the merchant's discretion, a peace officer, of this detention and to surrender custody of the minor to the person.

(B) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if detention is pursuant to an immediate pursuit of the person.
(ILCS Ch. 720, Act 5 § 16A-5)

Statutory reference:

Detention not an arrest or unlawful
restraint, see ILCS Ch. 720, Act 5
§ 16A-6

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§ 132.19 CIVIL LIABILITY OF PARENTS.

The parents or legal guardian of a minor who commits the offense of retail theft shall be civilly liable for the full retail value or cost of repair or cost of replacement of the merchandise and actual damages not to exceed the limitations provided by ILCS Ch. 740, Act 115 § 5. A conviction or plea of guilty of the retail theft is not a prerequisite to the bringing of a civil suit hereunder. Recovery under this section may be had in addition to, and is not limited by, any other provision of law which limits the liability of a parent or legal guardian for tortious conduct of a minor.
(ILCS Ch. 720, Act 5 § 16A-7)

DAMAGE AND TRESPASS TO PROPERTY

§ 132.25 CRIMINAL DAMAGE TO PROPERTY.

Any of the following acts is an offense punishable by a fine as provided for in this code, and any act enumerated in (A) or (F) below, when the damage to property exceeds \$300, is a felony and shall be prosecuted under appropriate state law:

(A) Knowingly to damage any property of another without his consent; or

(B) Recklessly by means of fire or explosive to damage property of another; or

(C) Knowingly to start a fire on the land of another without his consent; or

(D) Knowingly to injure a domestic animal of another without his consent; or

(E) Knowingly to deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound, thereby intending to interfere with the use by another of the land or building; or

(F) To damage any property, other than property described in ILCS Ch. 720, Act 5 § 20-1, with intent to defraud an insurer.
(ILCS Ch. 720, Act 5 § 21-1) (Am. Ord. 82-0-8, passed 3-24-82)

(G) To throw or deposit any glass bottles, crockery or earthenware, tacks, nails, tin cans, or other rubbish whatsoever in or upon any sidewalk, street, alley, or other public place within the city; or ('69 Code, § 18-42)

(H) To cast or throw any stone or other missile from or into any public place, or at any person, or at, upon, against or into any building, premises, tree, or other property; or ('69 Code, §

(I) To walk or climb upon the top or cap of any fence or railing, or climb into any shade or ornamental tree without the consent of the owner; or ('69 Code, § 18-22)

(J) To knowingly or recklessly break or damage any street lamp, city pump, well, or cistern; or ('69 Code, § 18-23)

(K) To knowingly or recklessly cut, carve, peel bark, deface or injure any tree, shrub, plant, or flower in any street, park, or public ground, or damage, destroy, take or carry away any tree, shrub, plant, flower, vase or statuary in any public ground or park; or ('69 Code, § 18-23)

(L) To knowingly, recklessly or negligently injure or destroy any ornamental or shade tree or boxing around the tree, or any shrub, fence railing, gate or sign upon any public grounds, sidewalks or private premises, or ('69 Code § 18-21)

(M) To knowingly or recklessly cut, mark, carve, deface, injure or damage any pavilion or building in any park or public ground or belonging to the city, or any church or schoolhouse or any fence surrounding a church, schoolgrounds, park or public grounds; or ('69 Code, § 18-23)

(N) To cut, break, mark, damage or injure any telegraph post or wire, telephone post or wire, or electric light pole, wire or bulbs; or ('69 Code, § 18-24)

(O) To post or affix any notice, bill, advertisement or placard, whether painted, printed or written on any public or private building, fence, telephone, telegraph or electric light pole or other structure, without the consent of the owner; provided, that this division shall not apply to public officers whose duty it is to post legal notices or bills. ('69 Code, §§ 18-2, 18-3) Penalty, see § 130.99

Statutory reference:

Criminal damage to state-supported property, see ILCS Ch. 720, Act 5 § 21-4

§ 132.26 CRIMINAL DAMAGE TO FIRE-FIGHTING EQUIPMENT.

Whoever willfully and maliciously cuts, injures, damages, tampers with, or destroys or defaces any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment, or any apparatus appertaining to such equipment, or intentionally opens any fire hydrant without proper authorization, is guilty of an offense punishable by a fine as provided for in this code.

(ILCS Ch. 720, Act 5 § 21-1.1) Penalty,
see § 130.99

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§ 132.27 CRIMINAL TRESPASS TO VEHICLES.

Whoever knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft, or snowmobile commits an offense punishable by a fine as provided for in this code.

(ILCS Ch. 720, Act 5 § 21-2) Penalty, see § 130.99

§ 132.28 CRIMINAL TRESPASS TO LAND.

(A) (1) Except as provided in subsection (A)(2) below whoever does any of the following commits a Class B misdemeanor:

(a) Knowingly and without lawful authority enters or remains within or on a building; or

(b) Enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

(c) Remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(d) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land.

(2) For the purposes of division(A)(1)(a), this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(3) Except as otherwise provided in this subsection, whoever enters upon any of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart commits a Class A misdemeanor.

(a) A field that is used for growing crops or that is capable of being used for growing crops;

(b) An enclosed area containing livestock;

(c) An orchard; or

(d) A barn or other agricultural building containing livestock.

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(B) A person has received notice from the owner or occupant within the meaning of (A) above, if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding an entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodation for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him at the place he is so living on the land.

(D) A person shall be exempt from prosecution under this section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the
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(a) The actual damages, but not less than \$250 if the vehicle is operated in a nature preserve or registered area as defined in the Illinois Natural Areas Preservation Act;

(b) Twice the actual damages if the owner has previously notified the person to cease trespassing; or

(c) In any other case, the actual damages, but not less than \$50.

(2) If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable.

(3) For purposes of this division (H):

LAND. Includes but is not limited to, land used for crop land, fallow

purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate in which the taxes have not been paid for a period of at least two years; and which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(E) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D) above.

(F) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For the purposes of this subsection, "EMERGENCY" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(G) Subsection (A) (1) (d) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(H) (1) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under division (A) (3) above. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be:
land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. LAND does not include driveways or private roadways upon which the owner allows the public to drive.

OWNER. The person who has the right to possession of the land, including the owner, operator or tenant.

VEHICLE. The same meaning as provided under the Illinois Vehicle Code. (ILCS Ch. 720, Act 5 § 21-3) Penalty, see § 130.99

Statutory reference:

Criminal trespass to state-supported land, see ILCS Ch. 720, Act 5 § 21-5

Section

- 133.01 Definitions
- 133.02 Gambling
- 133.03 Keeping a gambling place
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- 133.05 Seizure of gambling devices and gambling funds

(2) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.

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§ 133.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"GAMBLING DEVICE." Any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing 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. A "GAMBLING DEVICE" does not include:

(A) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation 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.

(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.

(C) A crane game. For the purposes of this division (C), a "CRANE GAME" is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than \$25.

(D) A redemption machine. For the purposes of this division (D), a "REDEMPTION MACHINE" is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object into, upon, or against a hole or other target, provided that all of the following conditions are met:

(1) The outcome of the game is predominantly determined by the skill of

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person registered with the Secretary of State pursuant to ILCS Ch. 815, Act 5 § 8 or by or through a person exempt from such

(3) Only merchandise prizes are awarded.

(4) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed \$25.

(5) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, does not exceed the amount charged for a single play of the device.

"LOTTERY." 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, sale, or some other name.

"POLICY GAME." Any scheme or procedure whereby a person promises or guarantees by any 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 debt.
(ILCS Ch. 720, Act 5 § 28-2)

§ 133.02 GAMBLING.

(A) A person commits gambling when he:

(1) Plays a game of chance or skill for money or other thing of value, unless excepted in division (B) of this section; or

(2) Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or

(3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device; or

(4) Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement, or guarantee, by or through a

registration thereunder, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under ILCS Ch. 815, Act 5 § 3 is not gambling within the meaning of this subdivision; or

(5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded, or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

(6) Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election; or

(7) Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery; or ('69 Code, § 18-30)

(8) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device; or

(9) Knowingly advertises any lottery or policy game or drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, or any advertisement of any lottery or policy game; or

(10) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; however, nothing in this subdivision prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(11) Knowingly manages, uses, or practices any trick, sleight of hand, game, or device whatever with the intent of winning or procuring the property or money of another person or with the intent to defraud another person by inducing him to bet, loan, deposit, or stake money or other property upon the result of such game, trick, or device. ('69 Code, § 18-17)

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to pay a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or

election by means of the Internet. This division does not apply to activities referenced in divisions (B) (6) and (6a) of this section.

(B) Participants in any of the following activities shall not be convicted of gambling:

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conducted under ILCS Ch. 230, Act 20 §§ 1 et seq.;

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and

(11) Gambling games conducted on riverboats when authorized by the Riverboat Gambling Act;

(2) Offers of prizes, award, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance, or to the owners of animals or vehicles entered in such contest; and

(3) Pari-mutual betting as authorized by the law of this state; and

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law; or the manufacture, distribution or possession of video gaming terminals, as defined in the Video Gaming Act, by manufacturers, distributors and terminal operators licensed to do so under the Video Gaming Act;

(5) The game commonly known as "bingo", when conducted in accordance with ILCS Ch. 230, Act 25 §§ 1 et seq.;

(6) Lotteries when conducted by the State of Illinois or a third party pursuant to a management agreement with the State of Illinois in accordance with ILCS Ch. 20, Act 1605 §§ 1 et seq. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules;

(6a) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established under the Illinois Lottery Law;

(7) Possession of an "antique slot machine" that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subdivision, an "antique slot machine" is one manufactured 25 years ago or earlier;

(8) Raffles when conducted in accordance with ILCS Ch. 230, Act 15 §§ 1 et seq.;

(9) Charitable games when conducted in accordance with ILCS Ch. 230, Act 30 §§ 1 et seq.;

(10) Pull tabs and jar games when

§ 133.04 RESTRICTIONS ON CONDUCT OF BINGO.

(12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment or licensed veteran's establishment when conducted in accordance with the Video Gaming Act. (ILCS Ch. 720, Act 5 § 28-1) ('69 Code, § 18-16) Penalty, see § 130.99

The conducting of bingo is subject to the following restrictions:

Statutory reference:

Syndicated gambling, see ILCS Ch. 720, Act 5 § 28-1.1

§ 133.03 KEEPING A GAMBLING PLACE.

(A) For purposes of this section, a "GAMBLING PLACE" is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling other than the gambling conducted in the manner authorized by the Riverboat Gambling Act or the Video Gaming Act.

(B) Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place commits an offense punishable by a fine as provided for in this code. Each subsequent offense is a felony and shall be prosecuted under appropriate state law.

(C) When any premises are determined by the circuit court to be a gambling place:

(1) Such premises is a public nuisance and may be proceeded against as such; and

(2) All licenses, permits, or certificates issued by the municipality or any agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit, or certificate so canceled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license; and

(3) Such premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter. (ILCS Ch. 720, Act 5 § 28-3) ('69 Code, § 18-16) Penalty, see § 130.99

Cross-reference:

Maintaining a public nuisance, see

GAMBLING OFFENSES

§ 133.04

(A) The entire net proceeds of any game must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(B) Reserved.

(C) No person except a bona fide member or employee of the sponsoring organization may participate in the management or operation of bingo.

(D) No person may receive any remuneration or profit for participating in the management or operation of the game.

(E) The aggregate retail value of all prizes or merchandise awarded in any single day of bingo may not exceed \$2,250. The prize awarded for any one game may not exceed \$500 cash or its equivalent.

(F) The number of games, including regular and special games, may not exceed 25 in any one day.

(G) The price paid for a single card under the license may not exceed \$1 and such card is valid for all regular games on that day of bingo. A maximum of five special games may be held on each bingo day. The price for a single special game card may not exceed \$.50.

(H) The number of bingo days conducted by a licensee under ILCS Ch. 230, Act 25 §§ 1 et seq. is limited to one per week, except as follows:

(1) Bingo may be conducted in accordance with the terms of a special operator's permit or limited license issued pursuant to subdivision (7) or (8) of ILCS Ch. 230, Act 25 § 1.3.

(2) Bingo may be conducted at the Illinois State Fair or any county fair held in Illinois under subdivision (6) of ILCS Ch. 230, Act 25 § 1.3.

(3) A licensee which cancels a day of bingo because of inclement weather or because the day is a holiday or the eve of a holiday may, after giving notice to the Department, conduct bingo on an additional date which falls on a day of the week other than the day authorized under the license.

(I) A licensee may rent a premises on which to conduct bingo only from an organization which is licensed as a provider of premises or exempt from license requirements under ILCS Ch. 230, Act 25 §§ 1 et seq. If the organization providing the premises is a metropolitan exposition, auditorium, and office building authority created by state law, a licensee may enter into a rental agreement with the organization authorizing the licensee and the organization to share the gross

incapable of lawful use is contraband and shall be subject to seizure, confiscation, and destruction by municipal authorities.

proceeds of bingo games; however, the organization shall not receive more than 50% of the gross proceeds.

(C) Every gambling device shall be seized and forfeited as contraband to the county wherein such seizure occurs. Any

(J) No person under the age of 18 years may play or participate in the conducting of bingo. Any person under the age of 18 years may be within the area where bingo is being played only when accompanied by his parent or guardian.

(K) The promoter of bingo games must have a proprietary interest in the game mentioned.

(L) Raffles or other forms of gambling prohibited by law shall not be conducted on the premises where bingo is being conducted, except that pull tabs and jar games conducted under ILCS Ch. 230, Act 20 §§ 1 et seq.; may be conducted on the premises where bingo is being conducted. Prizes awarded in pull tabs and jar games shall not be included in the bingo prize limitation.

(M) Organizations may be issued a special permit or limited license not more than two times in any year. An organization holding a special operator's permit or a limited license may, as one of the occasions allowed by such permit or license, conduct bingo for a maximum of two consecutive days. If an organization conducts bingo pursuant to a limited license or special permit, then the number of games played during each day may exceed 25, and regular game cards need not be valid for all regular games. If only noncash prizes are awarded during such occasions, the prize limits stated in division (E) above shall not apply, provided that the retail value of noncash prizes for any single game shall not exceed \$150.
(ILCS Ch. 230, Act 25 § 2)

Statutory reference:

- Licenses for conducting of bingo, see ILCS Ch. 230, Act 25 § 1
- Tax on gross proceeds of bingo games, see ILCS Ch. 230, Act 5 § 3

§ 133.05 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) As used in this section, a "GAMBLING DEVICE WHICH IS INCAPABLE OF LAWFUL USE" includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return on chance to the player thereof money, property, or a right to receive money or property.

(B) Every gambling device which is

money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein such seizure occurs.

Statutory reference:

Hearing to determine if seized property contraband at seizure, see ILCS Ch. 720, Act 5 § 28-5

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CHAPTER 134:

deliberately looks into a dwelling on the property through any window or other opening in it; or

Section

- 134.01 Disorderly conduct
- 134.02 Curfew for minors
- 134.03 Disturbing the peace
- 134.04 Dogfights and cockfights
- 134.05 Prohibition on the manufacture, distribution, advertisement or possession of look-alike substances

(F) While acting as a collection agency as defined in ILCS Ch. 225, Act 425 §§ 1 et seq., or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy, or intimidate the alleged debtor.

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(G) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under ILCS Ch. 325, Act 5 § 4; or

§ 134.01 DISORDERLY CONDUCT.

A person commits disorderly conduct when he knowingly:

(A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(B) Transmits or causes to be transmitted in any manner to the Fire Department or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(C) Transmits or causes to be transmitted 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; or

(D) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed or has been committed; or

(E) Enters upon the property of another and for a lewd or unlawful purpose

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(H) Transmits or causes to be transmitted a false report to the Department of Public Health under ILCS Ch. 210, Act 45 §§ 1-101 et seq. or the MR/DD Community Care Act; or

(I) Transmits or causes to be transmitted in any manner to the Police Department or Fire Department or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance, or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or

(J) Transmits or causes to be transmitted a false report under ILCS Ch. 320, Act 15 §§ 1 et seq; or

(K) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(L) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making

the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency; or

(M) Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death or bodily harm directed against persons at a school, school function or school event, whether or not school is in session.
(ILCS Ch. 720, Act 5 § 26-1) ('69 Code, § 1-7) Penalty, see § 130.99

Statutory reference:

Transmission of false alarm to Fire Department, see ILCS Ch. 720, Act 5 § 26-1

§ 134.02 CURFEW FOR MINORS.

(A) It shall be unlawful for a person less than 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 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of the state authorize a person less than 17 years of age to perform.

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fighting, shall be punished as provided in § 130.99. ('69 Code, § 18-9)

(1) Between 12:01 a.m. and 6:00 a.m. Saturday;

(2) Between 12:01 a.m. and 6:00 a.m. Sunday;

(3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

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(B) 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 division (A) of this section.

(C) A person convicted of a violation of any provision of this section shall be fined not less than \$15 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this section, the court may order a parent, legal guardian, or other person convicted of a violation of division (B) of this section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of division (B) of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation.
(ILCS Ch. 720, Act 555 § 1) ('69 Code, § 18-31)

§ 134.03 DISTURBING THE PEACE.

(A) It shall be unlawful to disturb the peace or good order of society by any play or amusement, or loud or unusual noises on Sunday. ('69 Code, § 18-41)

(B) It shall be unlawful for any person by menace, profane swearing, vulgar language, or any disorderly or unusual conduct to interrupt or disturb any assembly of people met for the worship of God. ('69 Code, § 18-10)

(C) It shall be unlawful for any person to willfully interrupt or disturb a funeral assembly or procession. ('69 Code, § 18-8)

(D) Whoever willfully disturbs the peace and quiet of any neighborhood or family by loud or unusual noises or offensive carriage, threatening, traducing, quarrelling, challenging to fight or

§ 134.04 DOGFIGHTS AND COCKFIGHTS.

Any person who instigates, causes, procures or in any way aids, abets, encourages or assists any dog fight, cockfight, or main, either in a public or private place shall be guilty of an offense punishable by a fine as provided for in this code. ('69 Code, § 18-11) Penalty, see § 130.99

Cross-reference:

Cruelty to animals, see § 90.04

§ 134.05 PROHIBITION ON THE MANUFACTURE, DISTRIBUTION, ADVERTISEMENT OR POSSESSION OF LOOK-ALIKE SUBSTANCES.

(A) It is unlawful for any person to knowingly manufacture, distribute, advertise or possess a look-alike substance, as hereinafter defined.

"LOOK-ALIKE SUBSTANCE." A substance, other than a controlled substance which, by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristics of the substance would lead a reasonable person to believe that the substance is a controlled substance; or is expressly or impliably represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause, the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(1) Statements made by the owner or person in control of the substance concerning its nature, use or affects;

(2) Statements made to the buyer or recipient of the substance that it may be resold for profit;

(3) Where the substance is packaged in a manner normally used for illegal distribution of controlled substances;

(4) Whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and where the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

This definition shall not apply to a non-controlled substance in its finished

any provision of § 134.05 shall be fined not less than \$15 nor more than \$500. (Ord. 90-0-4, passed 5-29-90)

into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble. Nothing in this definition prohibits the dispensing or distributing of non-controlled substances by persons authorized to dispense and distribute controlled substances under this act, provided that such action would be deemed to be carried out in good faith if the substances involved were controlled substances. Nothing in this division prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug and Cosmetic Act.

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"ADVERTISE." The attempt, by publication, dissemination, solicitation or circulation, to induce directly or indirectly any person to acquire, or enter into an obligation to acquire, any substance within the scope of this section.

"DISTRIBUTE." To deliver, other than administering or dispensing, a controlled substance.

"MANUFACTURE." The producing, preparing, compounding, processing, encapsulating, packaging, repackaging, labelling or relabelling of a look-alike substance.

(B) This section applies to any prosecution brought under this section. It is not a defense to a violation of this section that the defendant believed the look-alike substance actually to be a controlled substance.

(C) Nothing in this section applies to:

(1) The manufacture, processing, packaging, distribution or sale of non-controlled substances to licensed medical practitioners for use as placebos in professional practice or research;

(2) Persons acting in the course and legitimate scope of their employment as law enforcement officers; and

(3) The lawful manufacture, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug and Cosmetic Act. (Ord. 90-0-4, passed 5-29-90) Penalty, see § 134.99

§ 134.99 PENALTY.

A person convicted of a violation of

Section

Interference with Public Officers

- 135.01 Resisting or obstructing a peace officer, firefighter or correctional institution employee
- 135.02 Refusing to aid a peace officer
- 135.03 False personation of attorney, judicial or governmental officials.

INTERFERENCE WITH PUBLIC OFFICERS

§ 135.01 RESISTING OR OBSTRUCTING A PEACE OFFICER, FIREFIGHTER OR CORRECTIONAL INSTITUTION EMPLOYEE.

(A) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter or correctional institution employee of any authorized act within his official capacity commits an offense punishable by a fine as provided for in this code.

(B) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(C) A person convicted for a violation of this section whose violation was the proximate cause of an injury to a peace officer, firefighter or correctional institution employee is guilty of a Class 4 felony.

(B) For purposes of this section, "CORRECTIONAL INSTITUTION EMPLOYEE" means any person employed to supervise and control inmates incarcerated in a penitentiary, state farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons and FIREFIGHTER means any individual, either as an employee or volunteer, of a regularly constituted fire

department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief,

himself or herself to be a public officer or a public employee commits a Class 4 felony if that false representation was for the purpose of effectuating identity theft as defined in ILCS Ch. 720, Act 5 § 16G-15. (ILCS Ch. 720, Act 5 § 32-5) ('69 Code, § 18-18) Penalty, see § 130.99

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captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department; FIREFIGHTER also means a person employed by the Office of State Fire Marshal to conduct arson investigations. (ILCS Ch. 720, Act 5 § 31-1) Penalty, see § 130.99

Statutory reference:

Peace officer's use of force in making arrest, see ILCS Ch. 720, Act 5 § 7-5

Private person's use of force in resisting arrest, see ILCS Ch. 720, Act 5 § 7-7

§ 135.02 REFUSING TO AID A PEACE OFFICER.

Whoever, upon command, refuses or knowingly reasonably fails to aid a person known by him to be a peace officer in:

(A) Apprehending a person whom the officer is authorized to apprehend; or

(B) Preventing the commission by another of any offense, commits an offense punishable by a fine as provided for in this code. (ILCS Ch. 720, Act 5 § 31-8) Penalty, see § 130.99

§ 135.03 FALSE PERSONATION OF ATTORNEY, JUDICIAL OR GOVERNMENTAL OFFICIALS.

(A) A person who falsely represents himself or herself to be an attorney authorized to practice law for purposes of compensation or consideration commits a Class 4 felony. This subsection does not apply to a person who unintentionally fails to pay attorney registration fees established by Supreme Court Rule.

(B) A person who falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government commits a Class A misdemeanor. If the false representation is made in furtherance of the commission of a felony, the penalty for a violation of this subsection is a Class 4 felony.

(C) A person who falsely represents

DRUG OFFENSES

Section

§ 136.01 DEFINITIONS.Drug Offenses

For the purpose of §§ 136.01 through 136.22 the following definitions shall

- 136.01 Definitions
- 136.02 Possession of cannabis
- 136.03 Manufacture or delivery of cannabis
- 136.04 Casual delivery of cannabis as possession
- 136.05 Production of Cannabis Sativa plant
- 136.06 Possession of drug use instruments prohibited; exceptions
- 136.07 Sale or exchange of drug use instruments
- 136.08 Records of sale of drug use instruments required; inspection
- 136.09 Prescription of drug use instruments by licensed physician; refills; certificates
- 136.10 Use of intoxicating compounds
- 136.11 Sale of intoxicating compounds
- 136.12 Permitted use or sale of intoxicating compounds
- 136.13 Sale of tobacco to minors

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Drug Paraphernalia

- 136.20 Definitions
- 136.21 Possession, manufacture, and sale

Litter

- 136.25 Definitions
- 136.26 Dumping of litter prohibited; exemptions
- 136.27 Dumping litter from motor vehicles; private use of public receptacles
- 136.28 Dumping litter from motor vehicles; presumption
- 136.29 Accumulation of junk, trash, rubbish, or refuse prohibited
- 136.30 Placing and maintenance of litter receptacles in places open to the public
- 136.31 Abandonment of motor vehicle; presumption
- 136.32 Court may order removal of litter by violator
- 136.33 Mandatory use of city-authorized hauler

Public Nuisance

- 136.35 Maintaining a public nuisance
- 136.36 Revocation of licenses, permits, and certificates
- 136.98 Option to impose fine for violations of sections 136.01 through 136.05

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Illinois Controlled Substance Act, ILCS Ch. 720, Act 570 §§ 100 et seq. (ILCS Ch. 720, Act 550 § 3)

apply unless the context clearly indicates or requires a different meaning.

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

"CASUAL DELIVERY." The delivery of not more than 10 grams of any substance containing cannabis without consideration.

"DELIVER" or "DELIVERY." The actual, constructive, or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

"MANUFACTURE." The production, preparation, propagation, compounding, conversion, or processing of cannabis, either directly or indirectly, by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of cannabis, or labeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of cannabis as an incident to lawful research, teaching, or chemical analysis, and not for sale.

"PRODUCE" or "PRODUCTION." Planting, cultivating, tending, or harvesting.

"SUBSEQUENT OFFENSE." An offense under §§ 136.02 through 136.05 the offender of which, prior to his conviction of the offense, has at any time been convicted under these sections or under any laws of the United States, this state, or of any state relating to cannabis or any controlled substance as defined in the

§ 136.02

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respects as possession of cannabis for purposes of penalties. (ILCS Ch. 720, Act 550 § 6) (Ord. 80-0-4, passed 4-28-80) Penalty, see § 136.98

§ 136.02 POSSESSION OF CANNABIS.

(A) It is unlawful for any person knowingly to possess cannabis. Any person who violates this section with respect to up to 30 grams of any substance containing cannabis is guilty of an offense punishable by a fine as provided for in this code.

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(B) Persons who are found guilty of subsequent offenses or who violate this section with respect to amounts greater than 30 grams of any substance containing cannabis are guilty of a felony and shall be prosecuted under appropriate state law. (ILCS Ch. 720, Act 550 § 4) (Ord. 80-0-4, passed 4-28-80) Penalty, see §§ 130.99 and 136.98

Statutory reference:

Lawful possession of cannabis for research purposes, see ILCS Ch. 720,

Act 550 § 11

Violator under 18 years of age subject to Juvenile Court Act, see ILCS Ch. 720, Act 550 § 7

Probation for first offenses relating to cannabis, see ILCS Ch. 720, Act 550 § 10

Federal or state prosecution bar to municipal prosecution, see ILCS Ch. 720, Act 550 § 13

§ 136.03 MANUFACTURE OR DELIVERY OF CANNABIS.

(A) It is unlawful for any person, firm, or corporation to grow, possess, sell, give away, barter, deliver, exchange, distribute or administer up to ten grams of cannabis. (Ord. 80-0-4, passed 4-28-80)

(B) Any person who violates this section with respect to not more than ten grams of cannabis is guilty of an offense under this code and shall be fined not less than \$50 nor more than \$500. (Ord. 80-0-4, passed 4-28-80)

(C) Any person who violates this section with respect to more than 10 grams of any substance containing cannabis is guilty of a felony and shall be prosecuted under appropriate state law. (ILCS Ch. 720, Act 550 § 5) Penalty, see § 136.98

Statutory reference:

Delivery to persons under 18 years of age, see ILCS Ch. 720, Act 550 § 7

§ 136.04 CASUAL DELIVERY OF CANNABIS AS POSSESSION.

Any delivery of cannabis which is a casual delivery shall be treated in all

veterinarian, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, industrial user, a nurse upon the written order of a physician

§ 136.05 PRODUCTION OF CANNABIS SATIVA PLANT.

Any person who knowingly produces the Cannabis Sativa plant is guilty of an offense punishable by a fine as provided for in this code.
(ILCS Ch. 720, Act 550 § 8) (Ord. 80-0-4, passed 4-28-80) Penalty, see §§ 130.99 and 136.98

§ 136.06 POSSESSION OF DRUG USE INSTRUMENTS PROHIBITED; EXCEPTIONS.

(A) (1) Except as provided in division (A)(2) of this section, no person, not being a physician, dentist, chiropodist, veterinarian licensed under the laws of this state or of the state where he resides, registered professional nurse, or a registered embalmer, manufacturer, or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, registered pharmacist, manufacturer of surgical instruments, industrial user, official of any government having possession of the articles hereinafter mentioned by reason of his official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employee of an incorporated hospital acting under the direction of its superintendent or official in immediate charge, or a carrier or messenger engaged in the transportation of such articles, or the holder of a permit issued under ILCS Ch. 720, Act 635 § 5, farmer engaged in the use of such instruments on livestock, or person engaged in chemical, clinical, pharmaceutical, or other scientific research, shall have in his possession a hypodermic syringe, hypodermic needle, or any instrument adapted for the use of controlled substances or cannabis by subcutaneous injection.

(2) A person who is at least 18 years of age may purchase from a pharmacy and have in his or her possession up to 20 hypodermic syringes or needles.

(B) Violation of this section is an offense punishable by a fine as provided for in this code for the first offense. Any second or succeeding offense is a felony and shall be prosecuted under appropriate state law.
(ILCS Ch. 720, Act 635 §§ 1, 4) Penalty, see § 130.99

§ 136.07 SALE OR EXCHANGE OF DRUG USE INSTRUMENTS.

(A) No syringe, needle, or instrument shall be delivered or sold to, or exchanged with, any person except a registered pharmacist, physician, dentist,

or dentist, the holder of a permit used under ILCS Ch. 720, Act 635 § 5, a registered chiropractor, or an employee of an incorporated hospital upon the written order of its superintendent or officer in immediate charge. However, the provisions of §§ 136.06 through 136.09 shall not prohibit the sale, possession, or use of hypodermic syringes or hypodermic needles for treatment of livestock or poultry by the owner or keeper thereof or a person engaged in chemical, clinical, pharmaceutical, or other scientific research.

(B) Violation of this section is an offense punishable by a fine as provided for in this code for the first offense. Any second or succeeding offense is a felony and shall be prosecuted under appropriate state law.
(ILCS Ch. 720, Act 550 §§ 2, 4) Penalty, see § 130.99

§ 136.08 RECORDS OF SALE OF DRUG USE INSTRUMENTS REQUIRED; INSPECTION.

(A) A record shall be kept by the person selling a syringe, needle, or instrument which shall give the date of the sale, the name and address of the purchaser, and a description of the instrument. This record shall at all times be open to inspection by the Police Department.

(B) Violation of this section is an offense punishable by a fine as provided for in this code for the first offense. Any second or succeeding offense is a felony and shall be prosecuted under appropriate state law.
(ILCS Ch. 720, Act 550 § 3, 4)

§ 136.09 PRESCRIPTION OF DRUG USE INSTRUMENTS BY LICENSED PHYSICIAN; REFILLS; CERTIFICATES.

(A) A licensed physician may direct a patient under his immediate charge to have in possession any of the instruments specified in §§ 136.06 and 136.07 which may be dispensed by a registered pharmacist or assistant registered pharmacist in this state only:

(1) Upon a written prescription of the physician; or

(2) Upon an oral order of the physician, which order is reduced promptly to writing and filed by the pharmacist; or

(3) By refilling any written or oral prescription if the refilling is authorized by the prescriber either in the original prescription or by oral order

which is reduced promptly to writing and filed by the pharmacist in the same manner and under the same conditions as any other prescription issued by a practitioner licensed by law to write prescriptions; or

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distorting or distributing the auditory, visual, or mental processes. For the purposes of §§ 136.10 through 136.12, any condition so induced shall be deemed to be an intoxicated condition.

(4) Upon a signed statement of the patient, upon proper identification, stating that the prescriptions or instruments specified in §§ 136.06 and 136.07 were lost or broken, as the case may be; the name and address of the prescriber, the name and address of the patient, and the purpose for which the prescription was ordered. Written or oral prescriptions when reduced to writing, for instruments specified in §§ 136.06 and 136.07, shall contain the date of such prescription, the name and address of the prescriber, the name and address of the patient, the purpose for which the prescription is ordered, and the date when dispensed and by whom dispensed.

(B) A licensed physician or other allied medical practitioner, authorized by the laws of the state to prescribe or administer controlled substances or cannabis to human beings or animals, may authorize any person, or the owner of any animal, to purchase and have in his possession any of the instruments specified in §§ 136.06 and 136.07, which may be sold to him without a specific written or oral prescription or order, by any person authorized by the laws of the state to sell and dispense controlled substances or cannabis, if the authorization is in the form of a certificate giving the name and address of the licensed physician or other allied medical practitioner, the name, address, and signature of the person, or of the owner of the animal, so authorized, the purpose or reason of the authorization, and the date of the certificate, and in that event, no other prescription, writing or record shall be required to authorize the possession or sale of the instruments. (ILCS Ch. 720, Act 635 § 5) Penalty, see § 130.99

Statutory reference:

Pharmacists to send copy of patient's statement to Department of Law Enforcement, see ILCS Ch. 720, Act 635
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§ 136.10 USE OF INTOXICATING COMPOUNDS.

(A) No person shall ingest, breathe, inhale, or drink any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, the alkaloids, atropine, hyoscyamine, or scopolamine, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis, or irrational behavior, or in any manner changing,

(B) (1) Except as otherwise provided in subsection (2), violation of this section is an offense punishable by a fine as provided for in this code.

(2) (a) The knowing ingestion of any compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine is a Class A misdemeanor.

(b) The sale, offer for sale, delivery, or giving to any person of a compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine is a Class 4 felony.

(c) This subsection (2) does not prohibit the sale, offer for sale, delivery, giving, or ingestion of a compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine under the direction or prescription of a practitioner authorized to so direct or prescribe as provided. (ILCS Ch. 720, Act 690 §§ 1, 4) Penalty, see § 130.99

(b) The sale, offer for sale, delivery, or giving to any person of a compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine is a Class 4 felony.

(c) This subsection (2) does not prohibit the sale, offer for sale, delivery, giving, or ingestion of a compound, liquid, or chemical containing the
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§ 136.11 SALE OF INTOXICATING COMPOUNDS.

(A) (1) No person shall knowingly sell or offer for sale, deliver, or give to any person under 17 years of age, unless upon written order of such person's parent or guardian, any compound, liquid, or chemical containing toluol, hexane, trichloro-ethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which will induce an intoxicated condition, as defined herein, when the seller, offeror, or deliverer knows or has reason to know that the compound is intended for use to induce such condition.

(2) No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical containing alkaloids atropine, hyoscyamine, or scopolamine when the seller, offeror, or deliverer knows or has reason to know that the compound, liquid, or chemical is intended for use to induce an intoxicated condition.

(B) (1) Except as otherwise provided in subsection (2), violation of this section is an offense punishable by a fine as provided for in this code.

(2) (a) The knowing ingestion of any compound, liquid, or chemical containing the alkaloids atropine, hyoscyamine, or scopolamine is a Class A misdemeanor.

alkaloids atropine, hyoscyamine, or scopolamine under the direction or prescription of a practitioner authorized to so direct or prescribe as provided. (ILCS Ch. 720, Act 690 §§ 2, 4) Penalty, see § 130.99

§ 136.12 PERMITTED USE OR SALE OF INTOXICATING COMPOUNDS.

§§ 136.10 and 136.11 shall not apply to any person who commits any act described therein pursuant to the direction or prescription of a practitioner authorized to so direct or prescribe. For purposes of this section, "PRACTITIONER" shall mean any person authorized by law to practice medicine in all its branches in this state, to practice dentistry in this state, to practice veterinary medicine in this state, or to practice chiropractic in this state. (ILCS Ch. 720, Act 690 § 3)

§ 136.13 SALE OF TOBACCO TO MINORS.

(A) No person shall sell, buy for or furnish any cigar or cigarette or tobacco in any of its forms to any minor under 18 years of age, unless upon the written order of the minor's parent or guardian or unless sold in the presence of the parent or guardian.

(B) No minor under 18 years of age shall buy any cigar or cigarette or tobacco in any of its forms, unless upon the written consent of the minor's parent or guardian.

(C) Any person who violates this section shall, upon conviction thereof, be fined for a first offense not to exceed \$50 and for a second or subsequent offense not to exceed \$100. (Ord. 80-0-5, passed 4-28-80)

Statutory reference:

City's authority to promote health,
see ILCS Ch. 65, Act 5 § 11-20-5

DRUG PARAPHERNALIA

§ 136.20 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONTROLLED SUBSTANCE." Any drug or controlled substance as defined under any law of the state or of the United States of America.

"DRUG PARAPHERNALIA."

(1) All equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

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(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(I) Capsules, balloons, envelopes, or other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(k) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. "ROACH CLIPS." Objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

6. "COCAINE VIALS" and "COCAINE SPOONS." Spoons with bowls so small that the primary use for which they are reasonably adapted or designed is to hold or administer cocaine, and which are so small as to be unsuited for the typical lawful uses of a spoon;

7. Chamber pipes;

8. Carburetor pipes;

9. Electric pipes;

10. Air-driven pipes;

11. Chillums;

12. Bonges;

13. Ice pipes or chillers;

(2) In determining whether an object is "DRUG PARAPHERNALIA", a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any city, state, or federal law relating to any controlled substance;

(c) The proximity of the object to controlled substances;

(d) The existence of any residue of controlled substances on the object;

(e) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of any city, state, or federal law relating to any controlled substance, the innocence of an owner or of anyone in control of the object, as to a direct violation of city, state, or federal law shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(f) Instruction, oral or written, provided with the object concerning its use;

(g) Descriptive materials accompanying the object which explain or depict its use;

(h) National or local advertising concerning its use;

(I) The manner in which the object is displayed for sale;

(j) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(k) The existence and scope of legitimate uses for the object in the community;

(l) Expert testimony concerning its use.
(Ord. 80-0-9, passed 5-27-80)

SALE.

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(A) It is unlawful for any person to use, or possess with intent to use, drug

paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

(B) It is unlawful for any person to deliver, sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

(C) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one should reasonably know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(D) Any person 18 years of age or over who violates division (B) by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a special offense.

(E) This section does not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiroprodists, veterinarians, pharmacists, or embalmers in the normal lawful course of their respective businesses or professions, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

(F) Any drug paraphernalia used in violation of this section shall be seized and forfeited to the city.
(Ord. 80-0-9, passed 5-27-80) Penalty, see § 130.99

LITTER

§ 136.25 DEFINITIONS.

For the purpose of §§ 136.25 through 136.32 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"LITTER." Any discarded, used, or

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may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, abandoned vehicle, (as defined in the Illinois Vehicle Code), motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard; potentially infectious medical waste as defined in section 3.84 of the Environmental Protection Act, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly.

"MOTOR VEHICLE." Has the same meaning in ILCS Ch. 625, Act 5 § 1-146. (ILCS Ch. 415, Act 105 § 3)

§ 136.26 DUMPING OF LITTER PROHIBITED; EXEMPTIONS.

No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in the municipality, or upon or into any river, lake, pond, or other stream or body of water in the municipality unless:

(A) The property has been designated by the municipality or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;

(B) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(C) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(D) The person is acting under the direction of proper public officials during special cleanup days; or

(E) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter when the emergency situation no longer exists, including, but not limited to,

potentially infectious medical waste as defined in section 3.84 of the Environmental Protection Act. (ILCS Ch. 415, Act 105 § 4)

(F) (1) On public property, owned by the City, where the City has posted a sign

indicating "Private Landscape Waste Only," people may dump, deposit, drop, leave or discard private landscape waste only, but nothing else, during the hours and on the days so specified on said sign or signs.

(2) Private landscape waste is hereby defined as leaves, brush, grass clippings, timber smaller than four inches in diameter from any private property located in the City of Tuscola, County of Douglas, and State of Illinois. Any of said specified items generated or emanating from private or public property located outside the City of Tuscola, County of Douglas, and State of Illinois, for purpose of this exemption, shall not be considered private landscape waste and its deposit on public property within the City is hereby prohibited.

(Am. Ord. 98-05, passed 5-26-98)
Penalty, see § 136.99

§ 136.27 DUMPING LITTER FROM MOTOR VEHICLES; PRIVATE USE OF PUBLIC RECEPTACLES.

No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in the municipality except as permitted under § 136.26(A), (B), or (C). Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.

(ILCS Ch. 415, Act 105 § 5) Penalty, see § 136.99

§ 136.28 DUMPING LITTER FROM MOTOR VEHICLES; PRESUMPTION.

Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated § 136.27 but that presumption may be rebutted.

(ILCS Ch. 415, Act 105 § 5) Penalty, see § 136.99

§ 136.29 ACCUMULATION OF JUNK, RUBBISH, OR REFUSE PROHIBITED.

(A) No person, group of individuals, owner, tenant, or entity shall allow the accumulation of junk, trash, rubbish, or refuse outside of an enclosed structure upon real property upon which the person, persons, or entity has ownership or control.

(B) For the purposes of this section, an enclosed structure shall have four sides or four walls and a ceiling or lid.

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(C) For the purposes of this section "JUNK, TRASH, RUBBISH, OR REFUSE" shall be defined as construction and demolition debris, such as bricks, concrete, masonry materials, plaster, drywall, plumbing fixtures, electrical fixtures, roofing shingles and other roof coverings, and asphalt; the scattered remains of something broken or destroyed; animal and vegetable wastes; hazardous waste; items of no practical or functional utility; discarded, used or unconsumed substances or waste, such as paper products, cardboard, glass, plastic or metal products, discarded or nonfunctional automotive parts and tires, discarded furniture or furniture not designed for or modified to withstand the elements and outdoor use, abandoned or nonfunctional appliances; construction materials that have been exposed to outdoor elements for such a period of time that such material has substantially deteriorated; or any other item that has been exposed to outdoor elements for such a period of time that such material has substantially deteriorated.

(D) The owner or owners of the real estate on which the junk, trash, rubbish, or refuse is found, the owner or owners of the offending property or junk, the person, persons, or entity residing at the real estate where the junk, trash, rubbish, or refuse is found, and the person, persons or entity who placed the junk, trash, rubbish, or refuse upon the property shall each be individually and jointly and severally liable and responsible for the junk, trash, rubbish, or refuse.

(E) All responsible persons or entities shall be guilty of a violation of this section and, upon conviction, shall be fined pursuant to § 136.99. Each day the junk, trash, rubbish, or refuse remains on the real property after the time permitted for abatement expires shall be a separate offense.

(F) The City Attorney may seek a court order for the removal and disposal of the junk, trash, rubbish, or refuse pursuant to § 136.32.

(G) Nothing in this section shall be construed so as to limit or detract from the provisions of state laws, and this section shall not be construed so to legalize conditions which are nuisances at common law, or to preclude any remedies available at common law or in equity. (Am. Ord. 2007-0-12, passed 10-8-07) Penalty, see § 136.99

§ 136.30 PLACING AND MAINTENANCE OF LITTER RECEPTACLES IN PLACES OPEN TO THE PUBLIC.

(A) For the purpose of this section, the following definitions shall apply.

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"PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS." Includes, but is not limited to, commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls.

"PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR AS A PUBLIC WAY."

Includes, but is not limited to, any property that is publicly owned or operated for any of the purposes stated in the definition of "PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS", but excludes state highway rights-of-way and rest areas located thereon.

(B) The owner or person in control of any property, which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter, of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

(C) If no litter receptacles are placed on property described in this section, the owner or person in control of the property may be convicted of an offense under this code and fined \$100 for violating this section. If the owner or person in control of the property has placed litter receptacles on his property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within 10 days after being made aware of that fact by written notice from the police, he may be convicted of an offense under this code and fined \$25 for each receptacle not so provided and maintained. (ILCS Ch. 415, Act 105 § 10)

§ 136.31 ABANDONMENT OF MOTOR VEHICLE; PRESUMPTION.

No person shall abandon a motor vehicle on any highway, on any public property, or on any private property of which he is not the owner or tenant in lawful possession in the municipality. The person to whom last was issued the certificate of title to the vehicle by the Secretary of State is presumed to be the person to have abandoned

that vehicle, but this presumption may be rebutted.
(ILCS Ch. 415, Act 105 § 7) Penalty, see § 136.99

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§ 136.32 COURT MAY ORDER REMOVAL OF LITTER BY VIOLATOR.

In addition to any fine imposed under §§ 136.26 through 136.31, the court may order that the person convicted of a violation remove and properly dispose of the litter, may employ special bailiffs to supervise the removal and disposal, and may tax the costs of the supervision as costs against the person so convicted.
(ILCS Ch. 415, Act 105 § 8)

§ 136.33 MANDATORY USE OF CITY-AUTHORIZED HAULER.

(A) All generators of solid waste within the corporate limits of the city shall subscribe to and use the services of only the hauler who is under contract with the city to dispose of solid waste, and no other hauler. The only exception is if the generator engages in personal disposition of his solid waste directly to a certified sanitary landfill without benefit of any private hauling firm or any other entity who for compensation collects or disposes of solid waste, other than the city's designated hauler, or otherwise disposes of his solid waste in a manner consistent with local, state and federal laws and regulations concerning the disposition of solid waste, or, in the alternative, verifies that he does not generate solid waste such that he needs solid waste disposal services.

(B) All generators of solid waste shall be billed for solid waste hauling from the solid waste hauler then under contract with the city pursuant to the fee schedule set forth in the then current solid waste contract. Any current generator who feels he is exempt from the mandate to utilize the city's designated method of disposing of solid waste must apply for and receive an exemption from the city within 30 days from the effective date of this section; otherwise, it shall be irrebuttably presumed that the person does not have a valid exemption from the mandates of this section. Future generators of solid waste shall have 30 days from the date they initiate solid waste to apply for an exemption.

(C) Any generator of solid waste disposing said solid waste in a receptacle or collection route stop other than one paid for by the user, unless so consented to in writing with the solid waste hauler, shall be deemed guilty of theft of labor or services contrary to § 132.08.
(Ord. 91-0-2, passed 4-22-91; Am. Ord. 91-0-16, passed 11-25-91) Penalty, see § 136.99(A)

PUBLIC NUISANCE

§ 136.35 MAINTAINING A PUBLIC NUISANCE.

(A) Any building used in the commission of offenses prohibited by §§ 132.05, 133.10 through 133.12, 136.02 through 136.05, 137.03, 138.02, or 138.03, or by ILCS Ch. 720, Act 5 §§ 9-1, 10-1, 10-2, 11-16, 11-20, 11-20.1, 11-21, 11-22, 12-5.1, 20-2, 24-1(a) (7), or 31-5, or by ILCS Ch. 720, Act 570 §§ 100 et seq., the Methamphetamine Control and Community Protection Act or the Cannabis Control Act or used in the commission of an inchoate offense relative to any of the aforesaid principal offenses, or any real property erected, established, maintained, owned, leased, or used by a streetgang for the purpose of conducting streetgang related activity as defined in ILCS Ch. 740, Act 147 § 10 is a public nuisance.

(B) A person convicted of knowingly maintaining such a public nuisance commits an offense punishable by a fine as provided for in this code. Each subsequent offense under this section is a felony and shall be prosecuted under appropriate state law. (ILCS Ch. 720, Act 5 § 37-1) Penalty, see § 130.99

§ 136.36 REVOCATION OF LICENSES, PERMITS, AND CERTIFICATES.

All licenses, permits, or certificates issued by the municipality authorizing the serving of food or liquor on any premises found to constitute a public nuisance as described in § 136.35 shall be void and shall be revoked by the issuing authority; and no license, permit, or certificate so revoked shall be reissued for the premises for a period of 60 days thereafter; nor shall any person convicted of knowingly maintaining the nuisance be reissued a license, permit, or certificate for one year from his conviction. No license, permit, or certificate shall be revoked pursuant to this section without a full hearing conducted by the commission or agency which issued the license. (ILCS Ch. 720, Act 5 § 37-3)

§ 136.98 OPTION TO IMPOSE FINE FOR VIOLATIONS OF SECTIONS 136.01 THROUGH 136.05.

(A) For provisions concerning the authority of the appropriate court to levy a fine in addition to other penalties for violation of §§ 136.01 through 136.05 see ILCS Ch. 720, Act 550 § 10.1.

(B) For provisions concerning the disposition of such fine amounts, see ILCS

§ 136.99 PENALTY.

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(A) Any person convicted of a violation of §§ 136.26 through 136.29, 136.31, or § 136.33 is guilty of a petty offense and shall be fined not less than \$10 nor more than \$500.

(B) The penalties prescribed in this section are in addition to, and not in lieu of, any penalties, rights, remedies, duties, or liabilities otherwise imposed or conferred by law.

(C) An individual convicted of violating § 136.26 or § 136.27 by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, the site where the offense occurred, as provided in Section 50 of the Illinois Adopt-A-Highway Act, ILCS Ch. 605, Act 120 § 50.
(ILCS Ch. 415, Act 105 § 8)

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Section

Deadly Weapons

- 137.01 Unlawful use of weapons
- 137.02 Exemptions to § 137.01 prohibitions
- 137.03 Unlawful sale of firearms
- 137.04 Register of sales by dealer
- 137.05 Unlawful possession of firearms and firearm ammunition
- 137.06 [Reserved]
- 137.07 Confiscation and disposition of weapons

Air Rifles

- 137.10 Definitions
- 137.11 Selling, renting, or transferring to children
- 137.12 Carrying or discharging on public streets
- 137.13 Permissive possession
- 137.14 Permissive sales
- 137.15 Seizure and removal

Statutory reference:

Firearms and ammunition registration, see ILCS Ch. 430, Act 65 §§ 1 through 16-3

DEADLY WEAPONS

§ 137.01 UNLAWFUL USE OF WEAPONS.

(A) For the purpose of this section, a "STUN GUN OR TASER" shall mean:

(1) Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

(B) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, 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 a ballistic knife, which is a device that propels a knifelike

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blade as a projectile by means of a coil spring, elastic material or compressed gas; or

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(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser, or other firearm, except that this subsection (B) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a non-functioning state;

(b) Are not immediately accessible;

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(5) Sets a spring gun; or

(6) Carries or possesses any firearm, stun gun or taser, or other deadly weapon in any place which is licensed to sell intoxicating beverages, 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 a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted. This subsection (B) (6) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(7) Carries or possesses on or about his person upon any public street,

alley, or other public lands within the corporate limits of the municipality, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own

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abode or fixed place of business, any pistol, revolver, stun gun or taser, or other firearm, except that this subsection (B) (7) does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a non-functioning state;

(b) Are not immediately accessible;

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(8) Sells, manufactures, or purchases any explosive bullet. For purposes of this division (8) "EXPLOSIVE BULLET" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "CARTRIDGE" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(9) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For purposes of this section BILLY CLUB means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material.

(C) Crossbows, common or compound bows, and underwater spearguns are exempted from the definition of ballistic knife as defined in division (B) (1) above. (ILCS Ch. 720, Act 5 § 24-1) ('69 Code, § 18-50) Penalty, see § 130.99

Statutory reference:

Offenses involving rapid-fire, sawed-off, or explosive weapons; possession of weapons while disguised, see ILCS Ch. 720, Act 5 § 24-1

§ 137.02 EXEMPTIONS TO § 137.01 PROHIBITIONS.

(A) Section 137.01(B) (3), (4), (7), and (9) does not apply to or affect any of the following:

(1) Peace officers or any person summoned by those officers to assist in making arrests or preserving the peace while actually engaged in assisting the officer.

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(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and place of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions or guards of armored car companies while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment;

(5) Persons licensed as private security contractors, private detectives, private alarm contractors, or employed by an agency certified by the Department of Professional Regulation if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subsection shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation for the protection of persons employed and private property related to such commercial or

industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer of such security guards, and who, as such security guards are members of a security force of 5 persons or more registered with the Department of Professional Regulation, provided, that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which shall include theory of law enforcement, liability for acts and the handling of weapons. A person shall be considered to be in compliance with this section who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm control card by the Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in § 137.01(B) (3) and (4) while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be in compliance with this section who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm control card by the Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this section shall be the same as for

those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control card shall be carried by the person so trained at all times when such person is

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in possession of a concealable weapon. For purposes of this subsection, "FINANCIAL INSTITUTION" means a bank, savings and loan association or credit union, or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to "An Act relating to fire protection, amending certain Acts herein named", enacted by the 82nd General Assembly (ILCS Ch. 20, Act 2910 §§ 1 et seq.).

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the "State's Attorneys Appellate Prosecutor's Act," approved December 3, 1977, as amended (ILCS Ch. 725, Act 210 § 7.06).

(12) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13) A person employed as an armed security guard at a nuclear energy,

storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under (A)(1) through (13) of this section to possess those weapons.

(B) Section 137.01(B)(4) and (7) do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, or patrons of the ranges while the members or patrons are using their firearms on those target ranges;

(2) Duly authorized military or civil organizations while parading with the special permission of the governor;

(3) Hunters, trappers, or fishermen with a license or permit while engaged in hunting, trapping, or fishing;

(4) Transportation of weapons broken down in a nonfunctioning state or not immediately accessible.

(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

(C) Section 137.01(B) (1) does not apply to the purchase, possession, or carrying of a blackjack or slung-shot by a peace officer.

(D) Section 137.01(B) (6) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer.

(E) Section 137.01(B) (4) and (7) do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(F) Sections 137.01(B) (8) and 137.05(G) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bona fide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (F) (1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(5) Persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not

authorize the general private possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this

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division. During transportation, those devices shall be detached from any weapon or not immediately accessible.

(6) Sections 137.02(A)(4) and (10) do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in § 3-24-1.5 of the Unified Code of Corrections.

(7) Sections 137.02(A)(4), (8) and (10) do not apply to an athlete's possession, transport on official Olympic and Paralympic transit systems established for athletes, or use of competition firearms sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athlete's training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(G) An information or indictment based upon a violation of any section of this subchapter need not negative any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(H) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession, of § 137.04 TUSCOLA

□FIREARM.□ Has the same meaning as ILCS Ch. 430, Act 65 §§ 1 et seq.

□HANDGUN.□ A firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

□WITH THE PRINCIPAL OBJECTIVE OF LIVELIHOOD AND PROFIT.□ The intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection. However, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(B) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:

(1) Sells or gives any firearm of a size which may be concealed upon the person

any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the state or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by ILCS Ch. 720, Act 5 § 24-1(a)(7) or ILCS Ch. 720, Act 5 § 24-2(c), which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid firearm owners identification card. (ILCS Ch. 720, Act 5 § 24-2)

§ 137.03 UNLAWFUL SALE OF FIREARMS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

□ENGAGED IN THE BUSINESS.□ A person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

to any person under 18 years of age.

(2) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense, or adjudged delinquent.

(3) Sells or gives any firearm to any narcotic addict.

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five years.

(6) Sells or gives any firearm to any person who is mentally retarded.

(7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun, or other long gun, or a stun gun or taser, incidental to a sale, without

withholding delivery of the rifle, shotgun, or other long gun, or a stun gun or taser for at least 24 hours after application for its purchase has been made. However, this subdivision does not apply to:

(a) The sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public

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interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment;

(b) A mail order sale of a firearm to a nonresident of Illinois under which firearm is mailed to a point outside the boundaries of Illinois;

(c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police;

(d) The sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). For purposes of this division, APPLICATION means when the buyer and seller reach an agreement to purchase a firearm.

(8) While holding any license as a dealer, importer, manufacturer, or pawnbroker under the Federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800°F.

(9) Division (B)(8) of this section shall not include firearms sold within six months, after October 1, 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within six months after October 1, 1973, be subject to confiscation or seizure under the provisions of this section. Nothing in this chapter shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within six months after October 1, 1973.

(10) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(11) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
(ILCS Ch. 720, Act 5 § 24-3) ('69 Code, § 18-51)

Statutory reference:

Felonious sale or gift of firearms,
see ILCS Ch. 720, Act 5 § 24-3(k)

§ 137.04 REGISTER OF SALES BY DEALER.

(A) Any seller of firearms of a size which may be concealed upon the person,

other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

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(B) The register shall contain the date of the sale or gift, the name, address, age, and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, and the purpose for which it is purchased and obtained.

(C) The seller, on demand of a peace officer, shall produce for inspection the register and allow the peace officer to inspect the register and all stock on hand. (ILCS Ch. 720, Act 5 § 24-4) Penalty, see § 130.99

§ 137.05 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(A) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(B) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession; or

(C) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(D) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or

(E) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(F) He has in his possession any explosive bullet. For purposes of this division "EXPLOSIVE BULLET" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "CARTRIDGE" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

Nothing in division (A) of this section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code. (ILCS Ch. 720, Act 5 § 24-3.1) Penalty, see § 130.99

Statutory reference:

Unauthorized possession or storage of weapons on government-funded land, see ILCS Ch. 720, Act 5 § 21-6

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§ 137.06 [RESERVED].

§ 137.07 CONFISCATION AND DISPOSITION OF WEAPONS.

(A) Upon conviction of an offense in which a weapon was used or possessed by the offender, 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. After the disposition of a criminal case or in any criminal case where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for the weapon, the court may in its discretion order the weapon preserved as property of the Police Department or may order the weapon to be transferred to the Department of State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed by the Department. If, after the disposition of a criminal case, a need still exists for the use of the confiscated weapon for evidentiary purposes, the court may transfer the weapon to the custody of the Illinois State Department of Corrections for preservation. The court may not order the transfer of the weapon to any private individual or private organization other than to return a stolen weapon to its rightful owner.

(C) The provision of this section shall not apply to violations of ILCS Ch. 515, Act 5 §§ 1-1 et seq. or ILCS Ch. 520, Act 5 §§ 1.1 et seq. Confiscation of weapons for violations of ILCS Ch. 515 shall be only as provided in that chapter. (ILCS Ch. 720, Act 5 § 24-6)

AIR RIFLES

§ 137.10 DEFINITIONS.

For the purpose of §§ 137.10 through 137.15 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"AIR RIFLE." Any air gun, air pistol, spring gun, spring pistol, B.B. gun, paint ball gun, pellet gun, or any implement that is not a firearm, which impels a breakable
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§ 137.11 SELLING, RENTING, OR TRANSFERRING TO CHILDREN.

(A) It is unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where the dealer has failed to make reasonable inquiry relative to the age of the person and the person is under 13 years of age.

(B) It is unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between the person and the person under 13 years of age, or where the person stands in loco parentis to the person under 13 years of age.

(C) Any dealer violating this section is guilty of an offense punishable by a fine as provided for in this code. Any other person violating this section commits an offense and shall pay a fine not to exceed \$50.
(ILCS Ch. 720, Act 535 § 2) ('69 Code, § 18-46) Penalty, see § 130.99

§ 137.12 CARRYING OR DISCHARGING ON PUBLIC STREETS.

(A) It is unlawful for any person under 13 years of age to carry any air rifle on the public streets, roads, highways, or public lands within this city, unless the person under 13 years of age carries the rifle unloaded.

(B) It is unlawful for any person to discharge any air rifle from or across any street, sidewalk, road, highway, or public land or any public place except on a safely constructed target range.

(C) Any person violating any provisions of this section commits petty offense.
(ILCS Ch. 720, Act 535 §§ 3, 7) ('69 Code, § 18-46) Penalty, see § 130.99

paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead, or other hard materials with a force that reasonably is expected to cause bodily harm.

"DEALER." Any person, copartnership, association, or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of "AIR RIFLE."
(ILCS Ch. 720, Act 535 § 1)

§ 137.13 PERMISSIVE POSSESSION.

(A) Notwithstanding any provision of this chapter, it is lawful for any person under 13 years of age to have in his possession any air rifle if it is:

(1) Kept within his house of residence or other private enclosure;

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(2) Used by the person under 13 years of age and he is a duly enrolled member of any club, team, or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance, and instruction of a responsible adult, and then only if the air rifle is actually being used in connection with the activities of the club, team, or society under the supervision of a responsible adult; or

(3) Used in or on any private grounds or residence under circumstances when the air rifle is fired, discharged, or operated in a manner as not to endanger persons or property and then only if it is used in a manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

(B) Any person violating any provision of this section commits a petty offense.
(ILCS Ch. 720, Act 535 §§ 4, 7) Penalty, see § 130.99

§ 137.14 PERMISSIVE SALES.

The provisions of §§ 137.10 through 137.13 do not prohibit sales of air rifles:

- (1) By wholesale dealers or jobbers;
- (2) To be shipped out of the state;
- (3) To be used at a target range operated in accordance with ILCS Ch. 720, Act 535 § 4 or by members of the Armed Services of the United States or Veteran's organizations.
(ILCS Ch. 720, Act 535 § 5)

§ 137.15 SEIZURE AND REMOVAL.

Any police officer shall seize, take, remove, or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this chapter.
(ILCS Ch. 720, Act 535 § 6)

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§ 138.10 CONTROL.

The control of the parks and property of the city shall be vested in the Mayor and City Council who may delegate, and who does hereby delegate, day to day control to any officer or employee of the city, and any police officer of the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.11 HOURS.

All parks of the city shall be closed to the public from 11:00 p.m., prevailing local time, until 7:00 a.m., prevailing local

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time, on the following morning Sunday through Thursday, and from 11:59 to 7:00 a.m. Friday and Saturday. All persons, except employees of duties require their presence, shall leave the parks promptly at closing time and shall not return before 7:00 a.m. the following day, unless permission for extended use has been obtained from the City Administrator in the manner provided in § 138.13 of this code. As an exception to the foregoing, Festive Corner shall be closed to the public from 9:00 p.m. prevailing local time until 7:00 a.m. prevailing local time on each day of the week.

(Ord. 96-0-6, passed 8-12-96; Am. Ord. 2001-0-10, passed 5-29-01)

§ 138.12 PUBLIC ASSEMBLIES.

No person, group of persons, associations or corporations shall permit, gather, take part, or be a member in any assemblage or meeting involving 25 or more people or give or conduct any concert, performance or public exhibition or entertainment of any kind in any of the parks or public places unless a permit therefor has been obtained. (Ord. 96-0-6, passed 8-12-96)

§ 138.13 PERMIT APPLICATIONS.

Application for assembly or park use permits shall be made in writing to the City Administrator two weeks prior to the requested use date. Such written application shall contain, among other things:

(A) The name and address and telephone number of the person and/or organization seeking the permit.

(B) A detailed description of the activity and an estimate of the number of people who will attend.

(C) The date and time when the activity will commence and when it shall end.

(D) A statement that the planned activity will not interfere with the right of others to make use of the parks.

(E) An agreement that the applicant will assume responsibility and liability for any damage done to any city property or property of private individuals using or adjacent to the parks, for the acts of all persons participating in such activity, and for any injury sustained by any person participating in the activity.

(F) An agreement to indemnify and hold harmless the city and its agents or employees against all claims of any kind arising out of the use of the parks pursuant to such application.

(G) Any additional information which the City Administrator shall find reasonably necessary to a fair determination as to whether a permit shall be issued.

(Ord. 96-0-6, passed 8-12-96)

§ 138.14 PERMIT FEE AND BOND.

There shall be paid at the time of filing the application a reasonable fee as prescribed by the Park Board and should the Park Board require it necessary, the applicant shall furnish an indemnifying bond, with acceptable sureties, in an amount sufficient to indemnify the city against any loss, damage, expense, or litigation it may incur or sustain by reason of the activity covered by the permit.

(Ord. 96-0-6, passed 8-12-96)

§ 138.15 ISSUANCE OF PERMIT.

The City Administrator may issue a permit if the above conditions have been met or will be complied with.

(Ord. 96-0-6, passed 8-12-96)

§ 138.16 REVOCATION OF PERMIT.

The Park Board or the City Administrator may revoke any permit previously granted, at any time, if it is determined that the application for permit contained any misrepresentation or false statement, or that any condition set forth in the section or sections governing the permit requested is not being complied with, or that the safety of the participants in the activities of the applicant or other patrons of or visitors to the parks is endangered by the continuation of such activity.

(Ord. 96-0-6, passed 8-12-96)

§ 138.17 DISORDERLY CONDUCT.

Any person who, while in any of the public places of the city, does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace shall be guilty of disorderly conduct. Actions which shall be deemed to constitute disorderly conduct shall include but not be limited to:

(A) Doing any act in such manner as to cause another to reasonably fear that he may be injured.

(B) Knowingly starting a fight, or fighting.

(C) Making or causing to be made loud and disturbing noises, including the operation of any loud speaker or amplifier connected with any radio, phonograph, microphone or other device by which sounds are magnified unless a permit is obtained for such operation from the city.

(D) Intentionally interfering with the work of any employee or concessionaire of the city or with the lawful use of the parks by others.
(Ord. 96-0-6, passed 8-12-96)

§ 138.18 DEFACING PROPERTY.

No person shall climb any trees, pluck any flowers or fruit, either wild or cultivated, or break, cut down, tramp upon, remove or in any manner deface, mar, injure, mutilate any trees, shrubs, flower beds, turf, fence, statue, ornament, gate, building, structures, tools, implements, vehicles, cars, light standards, play equipment, or other property within any park, boulevard, or public places of the city, over which the city has jurisdiction by ownership, lease, or appropriation, whether within our outside the boundary of the city, or any such property of any patron of, or visitor to, the parks of the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.19 LURK OR LIE IN WAIT.

No person shall lurk, lie in wait, or be concealed in any place with intent to do any mischief or commit any crime or other illegal act.
(Ord. 96-0-6, passed 8-12-96)

§ 138.20 LOITERING.

No person shall loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a park or park facility in such a manner as to:

(A) Obstruct or hinder the use of the park or facility by others.

(B) Obstruct or interfere in the carrying out of duties of a city or county or state employee performing duties in the park or park facility.
(Ord. 96-0-6, passed 8-12-96)

§ 138.21 FIREARMS AND OTHER MISSILES.

No person shall fire or discharge any air-guns, gun, pistol, rocket, torpedo or other firearms, nor throw any stones, rocks or other missiles except recreational or athletic equipment or devices when properly used, nor carry any firearms within any of the parks, boulevards or public places under the jurisdiction of the city or City Administrator, Chief of Police or other officers authorized to give such permission. No person shall shoot any bow and arrow, toss any darts, or other missiles within any of the parks over which the city has jurisdiction, except at such places as may be designated and provided for that purpose and under the property supervision.
(Ord. 96-0-6, passed 8-12-96)

§ 138.22 INTOXICATION.

No person shall be in an intoxicated condition in any of the parks or park facilities in the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.23 INTOXICATING LIQUORS, DRUGS.

No person shall bring into the parks or other public places of the city any malt, spirituous, vinous, fermented or intoxicating liquors, beverages or drugs, nor shall any person while in any of the parks under the jurisdiction of the city have in his possession any such malt, spirituous, vinous, fermented, intoxicating liquors, beverages, or drugs, nor shall any person drink any liquor, intoxicating beverages or use drugs while in any park or facility under the jurisdiction of the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.24 FIRES.

Fires are not permitted in any parks except in designated places. Fires must be completely extinguished before the user leaves. Open fires may be permitted in special cases by the City Administrator.
(Ord. 96-0-6, passed 8-12-96)

§ 138.25 LITTER.

No person shall throw, place, deposit or cause to be thrown, placed or deposited, litter or any dangerous or offensive substances in or upon any public place in the parks or park facilities except in receptacles provided therefor.
(Ord. 96-0-6, passed 8-12-96)

§ 138.26 DUMPING REFUSE.

No person shall dump or deposit or cause to be dumped or deposited any grass, leaves, branches, cans, paper, bottles, garbage, or other refuse or debris in the parks or park facilities; and no person shall use park trash receptacles for the deposit of refuse, debris or garbage of any kind brought from his or her residence, place of work or elsewhere, to the parks of said city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.27 BRINE.

No person shall pour, cause, or allow to be poured any brine, briny water, automobile radiator drainage, crank case drainage or any other injurious substance upon any grass, shrubbery or trees within any park of the city. Included is a prohibition against washing and polishing any vehicle in any park, walkway or driveway in the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.28 SPITTING PROHIBITED.

No person shall expectorate on any public sidewalk or public place in the parks or park facilities.
(Ord. 96-0-6, passed 8-12-96)

§ 138.29 LEWD AND INDECENT ACTS.

No person shall commit, or perform a lewd, lascivious, indecent, or lustful act in any of the parks of the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.30 INDECENT EXPOSURE.

No person shall appear in any public place in the parks or park facilities in a state of nudity or otherwise make any indecent exposure of his or her person.
(Ord. 96-0-6, passed 8-12-96)

§ 138.31 CLOTHING.

No person shall enter nor remain in any park or public place of the city unless fully clothed in a manner generally considered to be appropriate for the game, sport or amusement in which such person is engaged, and if such sport or amusement is authorized by the city.
(Ord. 96-0-6, passed 8-12-96)

§ 138.32 SOLICITATION, OFFERING FOR SALE OR SELL.

No person shall solicit alms or contributions for any purpose whatsoever, whether public or private, within any of the parks of the city, nor shall any person offer to sell, sale or exchange any article or thing, or do any hawking, peddling or soliciting of sales, or buy, or offer to buy any article or thing, or to make up, receive, or solicit for contributions of money or any other thing of value, in any of the parks, under the jurisdiction of the city, except when authorized so to do, by the City Council, City Administrator, or by special permit granted for that purpose, or when acting under any contract, or concession entered into with the city, as provided herein and provided by law.
(Ord. 96-0-6, passed 8-12-96)

§ 138.33 ADVERTISING AND PROMOTION.

The advertising or promotion of any business, product, service or event of a profit-making nature is not allowed in any park, facility or publication of the city except when authorized by the city. Advertising or promotion of public service activities shall no be allowed except when authorized by the City Administrator.
(Ord. 96-0-6, passed 8-12-96)

§ 138.34 GAMBLING PROHIBITED.

No person shall deal, carry on, operate or conduct any lottery or game of cards, dice, or any other device for money, checks, merchandise credits or any thing of value in the parks or park facilities.
(Ord. 96-0-6, passed 8-12-96)

§ 138.35 ANIMALS.

Except as part of an organized, authorized or supervised city program, no animals shall be taken into, or allowed to enter the parks or facilities of the city

except on a leash and when accompanied by the owner or other person. Such owner or other person shall be responsible for cleaning up and removing any animal waste from the animal. Animals running at large within the parks or public places of the city may be apprehended and impounded. No person shall ride or otherwise bring any horse, mule, pony or other such riding animal in any of the parks of the city, except as part of an organized, authorized and supervised city program. (Ord. 96-0-6, passed 8-12-96)

§ 138.36 SPORTS.

No person shall practice or play golf, fly model airplanes, play baseball (hardball) except at such places as may be designated and provided for that purpose. (Ord. 96-0-6, passed 8-12-96)

§ 138.37 FISHING.

No fishing shall be done in any lake or other waterway of the city except from places along the banks of such lake or waterways duly designated for that purpose. (Ord. 96-0-6, passed 8-12-96)

§ 138.40 BOATS AND BOATING.

No person shall use any boat or other watercraft, with the exception of personal canoes or kayaks for which a park use permit has been granted, nor provided by the city upon any lagoon or other water area of the city except in conjunction with a city organized, authorized, and supervised recreation program, as approved by the City Administrator. (Ord. 96-0-6, passed 8-12-96)

§ 138.41 TENTS.

No tents shall be erected in any of the parks owned, leased, controlled or supervised by the city except in conjunction with a city organized, authorized and supervised program as approved by the City Administrator. (Ord. 96-0-6, passed 8-12-96)

§ 138.42 SWIMMING.

No person shall wade, bathe, swim, or enter any water in any place in any of the parks of the city, except in swimming pools provided by the city, and then only at times as such pools shall be open to the public. Neither shall any person enter the enclosed area around any pool, except through an entrance way provided by the city during the times when the pool is open to the public.

§ 138.38 SKATING.

No person shall skate upon any lake or other waterway of the city, except during specific times fixed by the City Administrator and at such places as are designated for that purpose. (Ord. 96-0-6, passed 8-12-96)

§ 138.39 VEHICLES IN PARKS.

No person except authorized agents or employees of the city shall drive any automobile, or other motor vehicle, bicycle or any other vehicle in any of the parks of the city, except upon the driveways and other places provided for driving or parking the same. No person shall drive any automobiles, motor bicycle or other motor vehicle upon any of the driveways or boulevards under the control of the city at a greater rate of speed than is authorized by state law, is posted or is reasonable and proper, having regard to the traffic and use of such driveways and boulevards, or so as to endanger the life, limb, or property of any persons using the same, or upon the property of the city, adjoining or adjacent to such driveways and boulevards. (Ord. 96-0-6, passed 8-12-96)

(Ord. 96-0-6, passed 8-12-96)

§ 138.43 METAL DETECTORS.

No person shall be allowed to use a metal detector or similar device in any of the city's parks. (Ord. 96-0-6, passed 8-12-96)

§ 138.44 EVICTION.

Any person violating any of the provisions of this chapter may be forthwith evicted from the parks, park facilities and other places under control of the city. Any person having more than one violation of this chapter within any calendar year shall be suspended from use of the park and from entering or remaining upon the property constituting the city park for the balance of that calendar year. (Ord. 96-0-6, passed 8-12-96)

USE OF CITY PARKS

§ 138.99

Pride Playground, and within the confines of the tennis courts and basketball courts. (Ord. 96-0-6, passed 8-12-96)

§ 138.45 DEFINITION.

For purpose of this chapter, a "PARK," as owned by the city and subject to this regulation, represents any publicly owned land that is open to the general public, from time to time, for general recreational areas. As of the passage of this chapter, and as amended thereafter, the city has three public parks, one being Ervin Park on the north end of Tuscola, the second being Wimple Park on the south side of Tuscola, and the third being Festival Corner at the intersection of Main and Sale Streets. (Ord. 96-0-6, passed 8-12-96; Am. Ord. 2001-0-10, passed 5-29-01)

§ 138.46 NO SMOKING.

Smoking is prohibited in the swimming pool area, within confines of Prairieland

§ 138.47 BICYCLES, SKATEBOARDS, AND WHEELED VEHICLES.

No person shall ride, use, or wear any wheeled vehicle or conveyance including, but not limited to, bicycles, skateboards, roller skates, roller blades, scooters, and unicycles, on any part of Festival Corner. (Ord. 2001-0-010, passed 5-20-01)

§ 138.99 PENALTIES.

Any person violating any of the provisions of this chapter shall, upon conviction, pay a fine of not more than \$500 nor less than \$10 to be recovered in manner and form as is provided by law. (Ord. 96-0-6, passed 8-12-96)

