

CHAPTER 6

OFFENSES

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8-6-1: OFFENSES RELATING TO THE PERSON:

8-6-1-1: DISORDERLY CONDUCT:

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Generally.

It is hereby declared to be unlawful for any person to engage in any type of disorderly conduct within the Village as further defined.

Definitions.

Any of the following acts shall, when knowingly committed within the Village be considered as disorderly conduct:

1. In an unreasonable manner to make, aid, countenance or assist in making any improper voice, riot, disturbance, breach of the peace or diversion tending to a breach of the peace in the streets or elsewhere in the Village.
2. To collect with others in groups or crowds for unlawful purposes to the annoyance or disturbance of citizens or travelers so as to provoke a breach of the peace.
3. To use any violent, threatening, profane or indecent language to the disturbance of any person, or to use any threatening or abusive language toward any other person so as to provoke a breach of the peace.
4. To be openly lewd or do any act of public indecency tending to debauch the public morals.
5. In an unreasonable manner to interrupt or disturb any lawful assembly or procession of people met for a lawful purpose so as to provoke a breach of the peace.
6. To injure, beat, torture or kill any animal or knowingly allow same to be done to any animal under one's personal control, unless such is necessary to protect the health or safety of oneself or another.
7. To injure, destroy or deface or assist in injuring, destroying or defacing any building, structure, bridge, fence, street, sidewalk, hydrant, street light, sign or property of any type.
8. To make or cause to be made any obscene phone calls.
9. To transmit in any manner to the Fire Department of any city, town, village 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.
10. To transmit 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.
11. To transmit in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed.

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12. To do any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.

8-6-1-2: ASSAULT AND BATTERY:

Assault: Any person who shall assault another person within the limits of the Village shall be deemed guilty of a violation of this Section.

Assault and Battery: Any person who shall commit an assault and battery upon the person of another within the limits of the Village, shall be deemed guilty of a violation of this Section.

8-6-1-3: FIGHTING; IMMORAL EXHIBITIONS:

Any person who shall instigate, cause or procure any dog fight, cock fight or any public or private fighting, or in any manner instigate, cause, procure or assist in any indecent or immoral show or exhibition of any animal, shall be deemed guilty of a violation of this Section.

8-6-1-4: DISTURBING RELIGIOUS WORSHIP:

Any person who shall disquiet or disturb any congregation or assembly met for religious worship by making a noise or by rude and indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, shall be deemed guilty of a violation of this Section.

8-6-1-5: DISTURBING SCHOOLS:

Whoever shall in this Village disturb any school or other assembly of people met for a lawful purpose, by rude and indecent behavior or otherwise, shall be deemed guilty of a violation of this Section. (Ord. 208, 4-23-60)

8-6-2: OFFENSES RELATING TO MORALS AND DECENCY:

8-6-2-1: OBSCENE MATERIAL:

Any material or performance is obscene if:

1. The average person, applying contemporary community standards, would find that, taken as a whole, it appeals to the prurient interest; and
2. The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or level exhibition of genitals; and
3. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

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A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

1. Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
2. Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or
3. Publishes, exhibits or otherwise makes available anything obscene; or
4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
5. Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
6. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

In any prosecution for an offense under this Section evidence shall be admissible to show:

1. The character of the audience for which the material was designed or to which it was directed;
2. What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
3. The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
4. The degree, if any, of public acceptance of the material in this State;
5. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
6. Purpose of the author, creator, publisher or disseminator.

8-6-2-2: HOUSES OF ILL FAME:

Any person who shall in any way keep or maintain or be an inmate of, or in any manner contribute to the support of any house of prostitution located in the Village shall be deemed guilty of a violation of this Section. (Ord. 208, 4-23-60; amd. 1981 Code)

8-6-3: OFFENSES RELATING TO ANIMALS:

8-6-3-1: CRUELTY TO ANIMALS:

Any person who shall inhumanely or cruelly beat, injure or otherwise abuse any dumb animal shall be deemed guilty of a violation of this Section.

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8-6-3-2: KILLING BIRDS OR ANIMALS:

Any person who shall wound or attempt to kill or wound any bird (except starlings, grackles and English sparrows) or any game animal within the Village limits, or shoot any arrow or bullet or throw a stone or club or other missile at any such bird or animal within any private grounds, or take the eggs or young of any such bird or the young of any such animal, or enter upon any private enclosure of any public grounds within the Village for the purpose of doing the same shall be deemed guilty of a violation of this Section. (Ord. 208, 4-23-60)

8-6-4: OFFENSES RELATING TO WEAPONS:

8-6-4-1: DISCHARGE OF FIREARMS:

Firearm shall mean any device by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding however:

1. Any pneumatic gun, spring or B-B gun which expels a single globular projectile not exceeding eighteen one-hundredths of an inch (.18") in diameter.
2. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.
3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition in the building and/or construction process.
4. Model rockets designed to propel a model vehicle in a vertical direction.

No person shall discharge or fire a firearm within the Village of Orland Park, Illinois, except:

1. Peace officers while in performance of his/her official duties.
2. Members of the armed services or reserve forces of the United States or the National Guard, while in performance of their official duties.
3. The discharge of a firearm in a firearm range properly licensed and operated in accordance with Village ordinance.
4. Color guards in uniform and performing in parades or celebrations provided that the firearms are discharging blank cartridges.
5. A person discharging a firearm in self defense.
6. Properly trained and licensed security guards in the performance of their employment duties.

Any person who violates this Section shall upon conviction thereof, be subject to a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750-00). Each discharge shall be deemed a separate offense. (Ord. 1971, 3-5-90)

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8-6-4-2: DISCHARGE OF AIR RIFLES:

Definitions:

AIR RIFLE: Any air gun, air pistol, spring gun, spring pistol, B-B gun, pellet gun or any other implement that is not a firearm which impels a pellet constructed of hard plastic, steel, lead or other hard material of less than eighteen one-hundredths of an inch (.18") in diameter with a force that reasonably is expected to cause bodily harm.

DEALER: Any person, co-partnership, association or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of "air rifle".

Transfer to Children:

1. It is unlawful for any dealer to sell, lend, rent, give or otherwise transfer an air rifle to any person under the age of thirteen (13) years where the dealer knows or has cause to believe the person to be under thirteen (13) years of age or where such dealer has failed to make reasonable inquiry relative to the age of such person and such person is under thirteen (13) years of age.
2. It is unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under thirteen (13) years of age except where the relationship of parent and child, guardian and ward or adult instructor and pupil, exists between such person and the person under thirteen (13) years of age, or where such person stands in Loco Parentis to the person under thirteen (13) years of age.

Carrying or Discharging:

1. It is unlawful for any person under eighteen (18) years of age to carry any air rifle on the public streets, roads, highways, or public lands within the corporate limits of the Village unless such person under eighteen (18) years of age carries such rifle unloaded.
2. It is unlawful for any person to discharge any air rifle within the Village except as provided in this Section.

Permissive Possession: Notwithstanding any provision of this Section, it is lawful for any person under thirteen (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.
2. Used by the person under thirteen (13) years of age and he is a duly enrolled member of any club, team or society organization for educational purposes and maintaining as a 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 said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult.
3. Used in or on any private grounds or residence under circumstances when such air rifle is fired, discharged, or operated in such a manner as not to endanger persons or property, domesticated

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or wild animals or other wildlife or any type of birds, and then only if it is used in such manner as to prevent the projectile from passing over any grounds or space outside the limits of such grounds or residence.

Sales: The provisions of this Section do not prohibit sales of air rifles:

1. By wholesale dealers or jobbers in conformity with the provisions of this Section; or
2. To be shipped out of state; or
3. To be used at a target range operated in accordance with subsection D of this Section, by members of the armed services of the United States in their capacity as members of the specific branch of the armed services, or by law enforcement officers for official purposes.

Seizure and Removal: The Police Department 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 Section. Following seizure, the seized air rifle shall be inventoried and held by the Police Department as evidence for any hearing or court proceeding relating thereto, and will be released to the owner only upon full completion of such proceedings including orders of disposition and in conformity with the provisions of this Section.

Penalty: Any person who violates any provision of this Section shall upon conviction thereof, be subjected to a fine of not less than twenty five dollars (\$25.00) and not more than seven hundred fifty dollars (\$750.00). Each discharge of an air rifle shall be deemed a separate offense. (Ord. 2053, 10-1-90)

8-6-5: OFFENSES RELATING TO PROPERTY:

8-6-5-1: TRESPASSES:

Trespasses Prohibited.

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

Specifically Enumerated Trespasses; Suppression.

Without constituting any limitation upon the provisions of subsection A hereof, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of said subsection A, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Section, the aforesaid enumerated acts so included, being as follows:

1. An entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

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2. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, seaming or protest given orally or in writing by any owner or occupant thereof; or
3. A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
4. An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.
(Ord. 540, 4-9-73)

8-6-5-2: DEFACING LAMPPOSTS, SIGNS:

Any person who shall carelessly or maliciously break, deface or carry away, or in any way injure or destroy any public lamp or lamppost or any sign, gate, sidewalk or fence in the Village, or climb upon any public lamppost, or hang or place any goods or merchandise thereon, or place any goods, boxes, wood or any other material upon or against the same, shall be deemed guilty of a violation of this Section.

8-6-5-3: DEFACING TREES OR BUILDINGS:

Any person who shall cut, injure, mark or deface any building or property not his own, or any tree, grass, shrub or walk in any square, street or public park, shall be deemed guilty of a violation of this Section.

8-6-5-4: DAMAGING SHRUBBERY:

Any person who shall cut down, dig up, damage or destroy any fruit or ornamental tree or cultivated plant, standing or growing on the land or premises of another, or pick, destroy or carry away therefrom, any part, bud, flower or fruit of any cultivated tree, plant, vine or bush, without permission from the owner or occupant of said land or premises, or shall without lawful authority cut down, uproot, damage or destroy any fruit or ornamental tree or shrubbery, planted or growing on any street, highway, public thoroughfare, park or public grounds shall be deemed guilty of a violation of this Section.

8-6-5-5: DEFACING PUBLIC PROPERTY:

Any person who shall injure, destroy, deface or assist in injuring, destroying or defacing any bridge, fence, building, school house, church building, depot, house, public building, street sign, sidewalk, tree, lamppost or any other public property in the Village, shall be deemed guilty of a violation of this Section.

8-6-5-6: DAMAGING SEWERS, ETC.:

Any person who shall wilfully or carelessly break, damage, deface or destroy and sewer, cesspool, culvert, catch basin, manhole, water pipe or hydrant, laid or placed in, upon or under any street, sidewalk, highway, thoroughfare, or public place within the Village, shall be deemed guilty of a violation of this Section.

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8-6-5-7: THROWING STONES:

Any person who shall throw any stone or other missile upon or at any building, railroad car, tree or other public or private property, or upon or at any person in any street, avenue, alley, lane, public place or enclosed or unenclosed ground in the Village, or aid or abet in the same shall be deemed guilty of a violation of this Section.

8-6-5-8: REMOVING SOD FROM STREETS:

Any person who shall dig, cut or remove any sod, gravel, sand or earth from any street or other public place within the Village without a permit from the Building Department or from any premises not his own without the consent of the owner shall be deemed guilty of a violation of this Section.

8-6-5-9: DAMAGING STREET LIGHTS OR WIRES:

Any person who shall carelessly or maliciously break, deface, carry away or in any way damage, destroy or interfere with any electric light bulb or globe or any lamp or light of any kind, or any part or appurtenance thereof, used in or upon any street, alley or public place in the Village, or who shall carelessly or maliciously break, damage, destroy or in any manner interfere with any electric light, telephone or telegraph wire, or any appurtenance thereto, at any place within the limits of the Village, shall be deemed guilty of a violation of this Section.

8-6-5-10: DEFACING MARKERS:

Any person who shall purposely break, change, remove, deface or otherwise injure any sign, stake, post or stone, placed or set to designate the corner or line of any lot, block, land or street or to show the grade of any street or sidewalk in the Village shall be deemed guilty of a violation of this Section.

8-6-5-11: TAMPERING WITH TELEPHONE COIN BOXES:

Any person who shall insert or attempt to insert into the coin box or money receptacle of any telephone any slug, button, wire, hook or other implement of substance with the intent to obtain a legal tender coin of the United States shall be deemed guilty of a violation of this Section.

8-6-5-12: TRACTION ENGINES ON STREETS:

Any person who shall haul, drive or operate any tractor on or through any street or alley of the Village unless the wheels or tracks thereof are equipped with treads which will not damage the pavement shall be deemed guilty of a violation of this Section.

8-6-5-13: CLIMBING ON RAILROAD TRAINS:

Any person who shall, without having lawful authority so to do, mount or climb upon or hang to or enter any locomotive, engine, car or train of cars within the Village while the same is in motion or is standing upon any track within the limits of the Village, shall be deemed guilty of a violation of this Section.

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8-6-5-14: POSTING BILLS ON FENCES:

Any person who shall affix any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone or other part of any sidewalk, or upon any tree, lamppost, hitching post, telephone pole, telegraph pole, or hydrant within the streets or alleys or upon any Village property, or upon any private wall, window, fence, door or gate shall be deemed guilty of a violation of this Section.

8-6-5-15: THROWING ARTICLES IN STREETS:

Any person who shall throw, drop, place or leave in or on any street, alley, sidewalk or public place in the Village, any handbills, dodgers, posters or other advertising matter, or any stone, missiles, nails, ice, glass, iron or other metal, or any other article or thing, except cinders on unimproved streets or alleys, shall be guilty of a violation of this Section.

8-6-5-16: BLASTING:

Any person who shall blast or cause to be blasted any rock or rocks within the Village without permission of the Building Commissioner shall be deemed guilty of a violation of this Section.

8-6-5-17: RETAIL THEFT:

(A) **Definitions.** For purposes of this Section, the following words and phrases shall be defined as indicated:

- (1) **CONCEAL** - To "conceal" merchandise means that, although there may be some notice of its presence, the merchandise is not visible through ordinary observation.
- (2) **FULL RETAIL VALUE** means the merchant's stated or advertised price of the merchandise.
- (3) **MERCHANDISE** means any item of tangible personal property.
- (4) **MERCHANT** means 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.
- (5) **PERSON** means any natural person or individual.
- (6) **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.
- (7) **RETAIL MERCANTILE ESTABLISHMENT** means any place where merchandise is displayed, held, stored or offered for sale to the public.

(B) **Offense of Retail Theft.** A person commits the offense of retail theft when he or she knowingly:

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- (1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
- (2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or
- (3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
- (4) Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when a lessee of the personal property of another fails to return it to the owner, or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such, within thirty (30) days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, by registered mail, to the lessee at the address given by the lessee and shown on the leasing agreement shall constitute proper demand; and
- (5) The full retail value of the property in question under either subsection (1), (2), (3) or (4) above is less than FIFTY AND NO/100 DOLLARS (\$50.00).

(C) **Presumptions.** If any person:

- (1) conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
- (2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment; such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise.

(D) **Repeat Offenders.** Any person arrested for or convicted of retail theft under this Section or State Statute, who is arrested for retail theft a second or further time, shall not be charged under this Section, but shall be charged under the State Statute provisions relating to retail theft, 720 ILCS 5/16A-1 et seq.

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(E) Any person convicted of a violation of this subsection shall be fined not less than ONE HUNDRED AND NO/100 DOLLARS (\$100.00) nor more than SEVEN HUNDRED FIFTY AND NO/100 DOLLARS (\$750.00). In addition to, or in lieu of a fine, any person convicted of a violation of this subsection may be required by the Court to perform public/community service work.
(3362, 6-5-00)

8-6-6: OFFENSES RELATING TO PUBLIC HEALTH AND PROTECTION:

8-6-6-1: POISONOUS MEDICINE; LABELS:

Any person who shall sell or hold for sale any poisonous medicine, substance or compound for unlawful purposes or who shall sell or deliver the same to any person unless the container thereof is marked "Poison" shall be deemed guilty of a violation of this Section.

8-6-6-2: BARBED WIRE:

Any person who, being the owner, lessee or agent of any building in the Village, shall erect or maintain or permit to be erected or maintained on or about the stairway in or the entrance to such building or on or about its exterior building line or upon any portion of the sidewalk adjacent to such building any railing, fence, guard or protection of any kind, constructed of barbed wire, or upon any part of which there shall be affixed or placed any spike, nail or other pointed instrument of any kind shall be deemed guilty of a violation of this Section. Each and every day any such person shall fail or neglect to remove such barbed wire or to remove from such railing, fence or other protection, any such spike, nail or other pointed instrument, after notice in writing from any officer of the Village so to do, shall constitute a separate offense.

8-6-6-3: INSECURE GRATINGS OR DOORS:

Any person who shall keep or leave open any cellar door or grating of any vault in any street, highway, thoroughfare or sidewalk, or shall suffer any such door or grating belonging to premises owned or occupied by him or under his control to be in an insecure condition whereby persons may be in danger of falling into such cellar or vault, shall be deemed guilty of a violation of this Section.

8-6-6-4: SPITTING ON SIDEWALKS:

Any person who shall spit upon any public sidewalk or upon the floor of any hall, assembly room or public building in the Village shall be deemed guilty of a violation of this Section. (Ord. 208, 4-23-60)

8-6-6-5: STAGNANT WATER:

Any person who allows stagnant water to accumulate or stand on any premises under his ownership or control without treating the water so as to effectively prevent the breeding of mosquitoes shall be deemed guilty of a violation of this section, and shall be subject to a fine of not less than \$500.00. For purposes of this section, stagnant water shall mean any accumulation of water which does not circulate at all times with sufficient velocity to prevent the existence of any "dead" or non-moving spots. (Ord. 3774, 7-7-03)

8-6-7: OFFENSES RELATING TO DRUG-RELATED EQUIPMENT AND PARAPHERNALIA

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8-6-7-1: DEFINITIONS:

For the purposes of this Section, the following words and terms shall have the meanings ascribed to them herein:

CLOSE PROXIMITY: Within two thousand feet (2,000') on a straight line commencing at the property lines nearest to each other.

CONTROLLED SUBSTANCE: Any drug or other substance as defined in the Illinois Controlled Substance Act, and cannabis as defined in the Illinois Cannabis Control Act.

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

1. 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;
2. Kits used, intended for use, or designated for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing, the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining controlled substances, particularly cannabis;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;

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11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing controlled substances, particularly cannabis, cocaine, hashish, or hashish oil, into the human body, such as:
 - (a). Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (b). Water pipes;
 - (c). Carburetion tubes and devices;
 - (d). Smoking and carburetion masks;
 - (e). Roach clips: meaning 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;
 - (f). Miniature cocaine spoons, and cocaine vials;
 - (g). Chamber pipes;
 - (h). Carburetor pipes;
 - (i). Electric pipes;
 - (j). Air-driven pipes;
 - (k). Chillums;
 - (l). Bonges;
 - (m). Ice pipes or chillers.

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:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
3. The proximity of the object to controlled substances;
4. The existence of any residue of controlled substances on the object;

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5. 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 for ingesting controlled substances; the innocence of an owner, or of anyone in control of the object, shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
6. Instructions, oral or written, provided with the object concerning its use;
7. Descriptive materials accompanying the object which explain or depict its use;
8. National and local advertising concerning its use;
9. The manner in which the object is displayed for sale;
10. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
11. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
12. The existence and scope of legitimate uses for the object in the community;
13. Expert testimony concerning its use.

MINOR: Any person who has not attained eighteen (18) years of age.

PARK AND RECREATIONAL FACILITY: Any land, space, equipment or building which is owned, operated and maintained by the Village or its departments and boards for use by the general public for recreational, athletic, programs, classes or other such activities whether supervised or not.

PLACE OF DISPLAY: Any museum, library, school or other similar public place upon which business is not transacted for a profit.

PREMISES OPEN TO MINORS: Any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

SCHOOL: Any public, private or parochial elementary junior high or high school.

8-6-7-2: PROHIBITION OF POSSESSION AND RELATED ACTIVITIES:

It shall be unlawful for any person, firm or corporation to use or to 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.

It shall be unlawful for any person, firm or corporation to deliver, sell, or manufacture, or possess with intent to

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deliver, sell or manufacture drug paraphernalia, knowing, or under circumstances where one reasonably should know, 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.

It shall be unlawful for any person, firm or corporation to sell or display any drug paraphernalia in or upon any premises which:

1. Is a premises open to minors; or
2. Is in close proximity to a school, park or recreational facility, unless such place is a place of display.

8-6-7-3: PROCEDURES ON VIOLATION OF PROVISIONS:

Penalty: Any person violating this Section 8-6-7 shall be fined as provided in this Village Code; and in cases of unlawful display, a separate offense shall be deemed committed for each and every day during which an unlawful display of drug paraphernalia continues or exists.

Revocation of License: In addition to the penalty set forth above, any person convicted of violating Section 8-6-7 of this Code shall be subject to revocation of the business license issued to the owner or operator of any such business by the Village in accordance with applicable Village ordinances.

Declaration of Public Nuisance: A violation of Section 8-6-7 is hereby declared to be a public nuisance and shall be subject to abatement as provided by law. (Ord. 1026, 3-17-80)

8-6-8: MISCELLANEOUS OFFENSES:

8-6-8-1: HANDBILLS AND SAMPLES:

Any person who shall, personally or by agent, distribute (other than hand to hand), throw or place in or upon any street, sidewalk, alley or public place in the Village, or upon the porches or in the vestibules, entries or yards of private residences, dwelling houses, apartment buildings or office buildings therein where the premises are posted "No Solicitors", any handbills, pamphlets, circulars, books, advertisements or samples of merchandise for the purpose or with the intent of advertising, any business, occupation, profession, medicinal treatment, medicine, entertainment or merchandise of any kind shall be deemed guilty of a violation of this Section. (Ord. 208, 4-23-60)

8-6-8-2: CAMPGROUNDS PROHIBITED:

Definition.

For the purpose of this Section the words "camp car or trailer" and the words "campgrounds" are hereby defined as follows:

A camp car or trailer is any unit used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting said unit from place to place, whether by motive power or other means. A campground is any place, area or tract of land upon which is located any camp car or trailer, which is in actual use as the habitation of any human being or beings.

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Prohibition.

No campground as hereinabove defined shall be established or located within the limits of the Village.
(Ord. 12, 3-25-46)

8-6-9: CANNABIS; POSSESSION OF PROHIBITED:

8-6-9-1: DEFINITION:

For the purpose of this Section, cannabis is defined as:

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.

8-6-9-2: POSSESSION PROHIBITED:

It shall be unlawful for any person knowingly to possess any quantity of any substance containing cannabis, except that the application of this section shall be limited to persons knowingly possessing less than thirty (30) grams of any substance containing cannabis.

8-6-9-3: EXCEPTIONS:

The provisions of this Section shall not apply to:

Any person who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Department of Law Enforcement, to possess and deliver substances containing cannabis;

or

Persons registered under Federal law to conduct research with cannabis.

8-6-9-4: NOTICE TO PARENTS:

Whenever a minor is charged with a violation of this Section, the parent or legal guardian thereof shall be required to appear at all court appearances with said minor, unless excused therefrom by the court. The Chief of Police of the Village shall notify the parents or legal guardian of a minor charged with a violation of this Section of this requirement by mailing or delivering a notice thereto in substantially the following form at least five (5) days prior to the first scheduled court hearing:

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LEGAL NOTICE

TO:(Parents' Names)
(Address)

FROM: Village of Orland Park, Illinois

Please take notice that (minor's name) has been charged with violating an ordinance prohibiting the possession of cannabis. This requires the minor's appearance in Court on _____ 19- , at 14415 Beacon Avenue, Orland Park, Illinois.

Please take further notice that this ordinance requires the appearance of one parent or legal guardian in Court at that time and at any later Court dates. If you fail to appear, a subpoena for your appearance will be issued and served upon you. Failure to obey the command of a subpoena can result in a finding of contempt of Court, with a fine or imprisonment as the penalty.

The attorney representing the Village in the prosecution of any such ordinance violation is authorized and directed to secure the issuance of a subpoena to any parent or legal guardian of any minor charged with violating this Section, whenever said parent or legal guardian fails to appear in court pursuant to this Legal Notice. (Ord. 994, 10-1-79)

8-6-10: FIREWORKS, POSSESSION, SALE AND USE PROHIBITED – Repealed
(Ord. 4265, 7-2-07)

8-6-10a: FIREWORKS, POSSESSION, SALE AND USE PROHIBITED WITHOUT PERMIT:

8-6-10a-1: DEFINITIONS:

As used in this Chapter, the following words and terms shall have the following definitions and meanings:

1.3G fireworks means those fireworks used for professional outdoor displays and classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101.

Consumer distributor means any person who distributes, offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois to another distributor or directly to any retailer or person for resale.

Consumer fireworks means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they

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are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

Consumer fireworks display or **consumer display** means the detonation, ignition, or deflagration of consumer fireworks to produce a visual or audible effect.

Consumer operator means an adult individual who is responsible for the safety, setup, and discharge of the consumer fireworks display and who has completed the training required in Section 2.2 of the Fireworks Use Act.

Consumer retailer means any person who offers for sale, sells, or exchanges for consideration consumer fireworks in Illinois directly to any person with a consumer display permit.

Display fireworks means 1.3G or special effects fireworks or as further defined in the Pyrotechnic Operator Licensing Act.

Flame effect means the detonation, ignition, or deflagration of flammable gases, liquids, or special materials to produce a thermal, physical, visual, or audible effect before the public, invitees, or licensees, regardless of whether admission is charged, in accordance with National Fire Protection Association 160 guidelines, and as may be further defined in the Pyrotechnic Operator Licensing Act.

Lead pyrotechnic operator means an individual who is responsible for the safety, setup, and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

Person means an individual, firm, corporation, association, partnership, company, consortium, joint venture, or commercial entity.

Pyrotechnic display means the detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Fireworks Use Act and Pyrotechnic Operator Licensing Act.

Special effects fireworks means pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as "intended for indoor use". "Special effects fireworks" are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.

State Acts means the Illinois Fireworks Use Act (425 ILCS 35) and the Illinois Pyrotechnic Distribution and Operator Licensing Act (225 ILCS 227).

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**8-6-10a-2: POSSESSION, SALE, AND USE OF FIREWORKS OR PYROTECHNICS PROHIBITED
EXCEPT AS PROVIDED:**

It shall be unlawful for any person to possess, offer for sale, expose for sale, sell at retail, store, use, discharge, set-off or explode any display fireworks, flame effects, or consumer fireworks in the Village at any time, or to allow any such acts on property owned by that person within the Village, without a permit having been issued by the Village in compliance with this Chapter, the State Acts and applicable State and local regulations.

8-6-10a-3: PYROTECHNIC DISPLAYS:

A. Pyrotechnic Display Permits Required. A pyrotechnic display permit is required and shall be issued by the Village Clerk upon compliance with the following conditions:

1. Applications for pyrotechnic display permits shall be made to the Village Clerk in writing at least 15 days in advance of the date of the proposed pyrotechnic display, unless such 15 day requirement is waived by the Village Clerk and the Chief of the Respective Fire Protection District.
2. Applicants for pyrotechnic display permits must be adult individuals eighteen years of age or older.
3. Applications for pyrotechnic display permits must identify the licensed lead pyrotechnic operator who will be conducting the display, and a current and valid copy of his or her license shall be attached to the application.
4. Applications for pyrotechnic display permits must identify the licensed pyrotechnic distributor from whom the pyrotechnics will be obtained, and a current and valid copy of the pyrotechnic distributor's license shall be attached to the application.
5. Applications for pyrotechnic display permits must verify that all pyrotechnic assistants will be 18 years of age or older at the time of the display.
6. Applicants for pyrotechnic display permits must provide proof of liability insurance in a sum not less than \$1,000,000 to the Village before issuance of the permit. The insurance coverage shall be an occurrence- based policy and shall cover all periods of time when pyrotechnic materials are in the insureds actual and constructive possession.
7. Pyrotechnic display permits shall be issued only after the Chief of the Respective Fire Protection District, or his or her designee, has inspected the proposed display site and determined, in writing, that the display can be performed in full compliance with the rules adopted by the State Fire Marshal and that the display shall not be hazardous to property or endanger any person or persons.
8. Pyrotechnic display permits shall be signed by the Village Clerk, or his or her designee, and the Chief of the Respective Fire Protection District, or his or her designee, and must identify the lead pyrotechnic operator and pyrotechnic distributor.

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9. After a pyrotechnic display permit has been granted, sales, possession, use, and distribution of display fireworks for the display shall be lawful for that purpose only.
 10. No pyrotechnic display permit granted hereunder shall be transferable.
 11. The application fee for a pyrotechnic display permit shall be \$100.00 payable to the Village Clerk; no application fee is required for pyrotechnic displays held in conjunction with events sponsored by the Village of Orland Park.
- B. Indoor Pyrotechnic Displays:** An indoor pyrotechnic display shall be permitted upon compliance with the foregoing conditions. In addition, all indoor pyrotechnic displays shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the State Fire Marshal pursuant to the Fireworks Use Act.
- C. State/County Fair Association Exception:** No pyrotechnic display permit shall be required under this Chapter for supervised public displays by State or County fair associations.

8-6-10a-4: CONSUMER DISPLAYS:

- A. Consumer Display Permits:** A consumer display permit is required and shall be issued by the Village Clerk upon compliance with the following conditions:
1. Applications for consumer display permits shall be made to the Village Clerk in writing at least 15 days in advance of the date of the proposed display, unless such 15 day requirement is waived by the Village Clerk and the Chief of the Respective Fire Protection District.
 2. The applicant applying for the consumer display permit must be an adult individual eighteen years of age or older.
 3. Application for consumer display permits must identify the competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal and who will be handling the display. In addition, proof that the competent individual handling the consumer display has received the requisite training shall be attached to the application.
 4. A criminal background check of applicants shall be conducted before issuance of a consumer display permit. No consumer display permit shall be issued to applicants who have been convicted of a felony or any violation of a criminal statute or local ordinance related to the illegal sale of fireworks.
 5. Applicants for consumer display permits must provide proof of liability insurance in a sum not less than \$250,000 to the Village before issuance of the permit. The insurance coverage shall be an occurrence-based policy and shall cover all periods of time when consumer fireworks are in the insured actual and constructive possession.
 6. A consumer display permit shall be issued only after inspection of the display site by the Chief of the Respective Fire Protection District, or his or her designee, to

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determine, in writing, that the display is in full compliance with the rules adopted by the State Fire Marshal.

7. Consumer display permits shall be signed by the Village Clerk, or his or her designee, and the Chief of the Respective Fire Protection District or his or her designee, and must identify the trained individual handling the consumer display.
8. After a consumer display permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only.
9. No consumer display permit granted hereunder shall be transferable.
10. The application fee for a consumer display permit shall be \$100.00.

8-6-10a-5: 600 FOOT RULE:

No pyrotechnics or fireworks shall be discharged, ignited or exploded at any point in the Village within 600 feet of any hospital, asylum, infirmary, school, church, retirement community, assisted living center or complex where more than three senior citizens are residing.

8-6-10a-5: THEATERS OR PUBLIC HALLS:

The use of what are technically known as fireworks showers or any mixture containing potassium chlorate, and sulphur in theatres or public halls is prohibited.

8-6-10a-7: RAILROAD, TRUCK AND AIRCRAFT INDUSTRY:

Nothing herein shall be construed as prohibiting the manufacture, storage or use of signals or fuses necessary for the safe operation of railroads, trucks, aircraft, or other instrumentalities of transportation.

8-6-10a-8: SPARKLERS:

The sale and/or use of sparklers in the Village is prohibited.

8-6-10a-9: FORMS:

All applications, permits and site inspection records shall be on forms approved by the State Fire Marshal.

8-6-10a-10: CLASS A MISDEMEANOR:

Any person violating these provisions shall be guilty of a Class A misdemeanor.

8-6-10a-11: PENALTY:

Any person who violates the prohibitions of this Chapter shall be subject to a fine of not to exceed \$750.00 and confiscation of the prohibited materials. Each and every violation of this Chapter and every day of a violation shall constitute a separate offense.

(Ord. 3018, 6-17-97; Amd. Ord. 4265, 7-2-07)

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8-6-11: REPLICAS FIREARMS, POSSESSION OR USE PROHIBITED:

8-6-11-1: PROHIBITION:

It shall be unlawful for any person to possess on their person, or use as if it were a real firearm, a replica firearm on the public ways, streets, parks or other locations within the corporate limits of the Village of Orland Park other than as prescribed by law. (Ord. 4016, 5-2-05; Amd. Ord. 4035, 6-6-05)

8-6-11-2: DEFINITION:

For the purposes of this Ordinance, the following term shall have the following meaning:

"Replica firearm" means any device, object or facsimile made of plastic, wood, metal or any other material, that a person could reasonably perceive as a real firearm. The term shall not include any replica of an antique firearm as defined in the Orland Park Village Code Section 7-3-7-7(a)(5) A and B. (Ord. 4016, 5-2-05; Amd. Ord. 4035, 6-6-05)

8-6-11-3: EXCEPTION:

The possession of a replica firearm is permitted on private property with the permission of the owner or if the device is solely for use in theatrical productions, including motion picture, television and stage productions. (Ord. 4016, 5-2-05; Amd. Ord. 4035, 6-6-05)

8-6-11-4: PENALTY:

Any person who violates the provisions of this section, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$750.00 for each offense. Each possession or use of any such replica firearm shall be deemed a separate and distinct offense. (Ord. 4016, 5-2-05; Amd. Ord. 4035, 6-6-05)

8-6-12: MARIJUANA FLAVORED CANDY

8-6-12-1: DEFINITIONS:

(a) "Person" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association or other entity or business organization of any kind.

(b) "Marijuana Flavored Candy" shall mean a lollipop, gumdrop or other candy which is flavored to taste like marijuana including, but not limited to, "Chronic Candy®."

8-6-12-2: PROHIBITION:

It shall be unlawful for any person to sell, offer for sale, expose for sale, give away, barter, exchange or otherwise furnish or provide any Marijuana Flavored Candy or other confection, dessert or food item which is flavored to taste like marijuana within the Village of Orland Park.

8-6-12-3: PENALTY:

Any person who violates this section upon conviction shall be punished as follows for each offense:

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- (a) a fine of not less than \$100.00 nor more than \$750.00 for each offense;
- (b) any repeat violations of any provision of Section 8-6-12 by a licensee shall be grounds for revocation or suspension of such license. For purposes of this section, "license" includes any and all licenses issued by any officer, department or agency of the Village of Orland Park required for retail or other business operations at the location at which the offense occurred, and includes but is not limited to business licenses; and
- (c) for purposes of this section, each sale equals one violation of this subsection."

8-6-13: FISHING, BOATING AND SWIMMING:

8-6-13-1: FISHING:

Any person taking or attempting to take any fish, including minnows and crayfish, by any means whatever, in any waters or adjacent lands wholly or in part within the jurisdiction of the Village of Orland Park, shall first obtain and have in his/her possession a valid State of Illinois fishing license as described in Chapter 515, Act 5, Section 20-5, Illinois Compiled Statutes.

8-6-13-2: FISHING REGULATIONS:

All State of Illinois regulations apply when fishing within the Village of Orland Park. The taking of frogs, turtles and mussels is prohibited. Each angler is restricted to two (2) poles with fishing line. No seines or nets are allowed. Fishing from Village boat docks is prohibited.

Catch and release is encouraged. It shall be prohibited for any person to carry away or keep fish not in accordance with the following species and minimum size limits:

<u>Fish Species</u>	<u>Daily Limit</u>	<u>Minimum Size Requirement</u>
Bluegill/Sunfish	10	None
Bullhead	6	None
Carp	No Limit	None
Crappie	10	8"
Largemouth Bass	1	14"
Northern Pike	3	24"
Walleye	3	14"

8-6-13-3: BOATING REGULATIONS ON LAKE SEDGEWICK:

Only watercraft that comply with this section and with State of Illinois and United States Coast Guard registration requirements and safety regulations will be allowed. All boaters sixteen (16) years of age and younger must wear a United States Coast Guard approved personal floatation device at all times. Boats must leave the bay area while fishing and no more than twelve (12) boats are allowed on the lake at one time. Boats may only be launched and retrieved at the Village designated boat launch. Boats must not exceed sixteen feet (16') in length. Except for boats with electric trolling motors, no inflatable boats, powerboats or jet skis are allowed on the lake.

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8-6-13-4: BOAT LAUNCH HOURS AND FEES ON LAKE SEDGEWICK:

Boats may be launched at the Village designated boat launch sunrise to dusk, weather permitting.

Fees to Launch

Residents three dollars (\$3.00) per boat

Non-residents six dollars (\$6.00) per boat

8-6-13-5: SWIMMING IN LAKE SEDGEWICK:

No person shall knowingly wade, swim, float or otherwise immerse all or any part of his or her body on or in the waters of Lake Sedgewick.

8-6-13-6: PENALTY:

Any person who violates this section shall upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00).

(Ord. 4280, 8-20-07)

8-6-99: PENALTY:

Any violation of any provision this chapter for which another penalty is not specifically provided shall be fined not more than seven hundred fifty dollars (\$750.00) for each and every violation thereof, and every day a violation continues shall constitute a separate offense.

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