

TITLE VI – POLICE REGULATIONS

CHAPTER 1: POLICE DEPARTMENT

Section 1. CREATION.

A Police Department is created as an executive department of the Village of Coal Valley. The Police Department shall consist of the Chief of Police and other members, as may be provided from time to time by the Board of Trustees.

Section 2. DUTIES.

Each member of the Police Department shall possess the authority of a Peace Officer in the State of Illinois. It shall be the duty of the members of the Police Department to see to the enforcement of all ordinances of the Village of Coal Valley, all statutes of the State of Illinois, and the laws of the United States government, that are effective in the Village, and to which the powers of enforcement are granted to the member by law; and to preserve order, to keep the peace, and to prevent infractions of the law; and to arrest offenders and to cooperate in the prosecution of the offense. Every member of the Police Department is declared to be a conservator of the peace.

Section 3. OFFICE OF CHIEF OF POLICE CREATED.

The Chief of Police shall be appointed by the Village President with the advice and consent of the Board of Trustees.

Section 4. DUTIES OF POLICE CHIEF.

The Chief shall direct all activities of the Police Department and shall be responsible for the performance of the Police Department and of all its functions. All members of the department shall serve to the orders of the Chief of Police and comply with all lawful directives.

Section 5. STOLEN PROPERTY-CUSTODY OF.

The Chief of Police shall be and act as the custodian of all property claimed to be stolen property which comes into the Chief's possession in the course of his duties as Chief of Police. The Chief of Police shall control and keep stolen property subject to all judicial orders pertaining to same by way of release or otherwise. The Chief of Police shall have the authority to release stolen property to the proper owner as he shall determine, upon taking receipt from the owner, if no judicial order issues in respect to the stolen property. The Chief of Police shall have the authority to dispose of stolen property after a reasonable period of time elapses, wherein no claim is made with respect to the property by any person, as provided by law.

Section 6. SERVING PROCESS.

The Chief of Police shall be authorized to serve writs, summons and other processes; but no patrolmen shall serve any such process except on the order of the Chief of Police or Village President.

Section 7. CONDUCT OF MEMBERS.

It shall be the duty of every member of the Police Department to conduct himself or herself in a proper and law abiding manner, and to avoid the use of any unnecessary force.

Section 8. WITNESS, FEES.

Every member of the Police Department shall appear as a witness whenever summoned or noticed by the court where it is necessary in a prosecution for a violation of a Village ordinance or of any state or federal law. But no such member shall receive any witness fees for services in any action or suit to which the Village is a party; all fees due for such services shall, if paid, be turned over to the Village Treasurer.

Section 9. RULES AND REGULATIONS.

The Village may prescribe rules, regulations and policies, in the form of a personnel policy manual, and other directives, for the guidance of the members of the department, as well as all Village employees, as deemed fitting and proper, and such rules and regulations and policies are binding of the members of the police department following their approval by the President and Board of Trustees. The Chief of Police has the authority, and may issue, as necessary, directives, memoranda and general orders, consistent with State Statute, Village Ordinance, and the policies of the Village of Coal Valley, in order to direct the day-to-day functions and activities of the Police Department. The Chief of Police and members of the Police Department shall conduct themselves, at all times in a manner consistent with the Village of Coal Valley Personnel Policy Manual as now written, or as revised from time to time, provided the Village of Coal Valley Personnel Policy Manual is not contrary to the express terms of the labor agreement.

Section 10. PART- TIME POLICE.

Whenever duties require it, the Village of Coal Valley may employ part-time police officers from time to time as they deem necessary.

- A. Duties. A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Coal Valley Police Department, but the number of hours a part-time officer may work within a calendar year is restricted to less than 1,248 hours and no more than 24 hours within a week. Part-time police officers shall not be assigned to supervise or direct fulltime police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et. seq.) and the rules and requirements of the ILETSB.
- B. Hiring Standards. Any person employed as a Part-Time police officer must meet the following standards:
 - 1. Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
 - 2. Be at least twenty-one (21) years of age.
 - 3. Pass a medical examination.
 - 4. Be certified by the Illinois Training and Standards Board to the minimum standards for part time officers OR possess sufficient experience to qualify for a waiver of training.
 - 5. Possess a high school diploma or GED certificate.
 - 6. Possess a valid driver's license from their resident State.
 - 7. Possess no prior felony convictions.
 - 8. Any individual who has served in the U.S. military must have been honorably discharged.

- C. Discipline. Part-time officers shall be under the disciplinary jurisdiction of the chief of police. Part-time police officers serve at the discretion of the Village authorities, shall not have any property rights in said employment, and may be removed by the Village authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

Section 11. POLICE OFFICER STANDARDS.

- a. All police officers, including those officers who shall be employed on a part-time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board, and,
- b. The aforesaid hiring standard shall be submitted to the Illinois Law Enforcement Training Standards Board as required by statute (65 ILCS 5/3.1-30-21).
- c. Police officers shall maintain yearly certification in hazardous materials awareness and firearms proficiency per Illinois statute.
- d. The Chief of Police may set and/or adopt reasonable performance standards that are binding on the members of the police department.

Section 12. DISCIPLINARY ACTION.

The Chief of Police has the authority to impose discipline on the members of the Police Department, up to and including dismissal from service, consistent with Village of Coal Valley labor agreement, policies and ordinances of the Village, and consistent with State Statute. The Uniform Police Officer Disciplinary Act will be followed as it pertains to all disciplinary matters within the Police Department. During the first full year of full-time employment, a member of the police department shall be considered to be on probationary status and as such his employment is subject to termination at the sole discretion of the Chief of Police.

CHAPTER 2: MISDEMEANORS

Section 1. DEFINITIONS.

For use in this Chapter the following terms are defined:

- OBSCENE: Whether to the average person, applying contemporary standards of the community in which the act in question occurred, the dominant theme of the material taken as whole, appeals to a shameful, unnatural, impure, unlawful or morbid interest in nudity, sex and excretion.
- PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.

Section 2. MISDEMEANORS.

1. INDECENT EXPOSURE.

- a. No person shall swim or bathe in any place exposed to public view, within the limits of the Village, being naked or otherwise indecently exposed.

- b. No person shall appear in any public place within the Village of Coal Valley in a state of nudity or in any indecent or lewd dress, or make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior, or shall exhibit or perform or in any way cause to be exhibited or performed, any indecent, immoral, or lewd play, or show, or representation of any sort.

2. OBSCENE LITERATURE.

No person shall knowingly exhibit, sell, print, offer to sell, give away, circulate, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play image, instrument, statue, drawing or other article which is obscene, to any person under the age of 18. No place of business will display any magazine, book, photograph, circular, poster, or any other thing depicting nudity or anything of an obscene nature, unless covered, in a place open to view by children under the age of 18.

3. DISORDERLY HOUSE.

No person shall keep or maintain a house of ill-fame or a place for the practice of prostitution or lewdness; nor shall any person patronize, let, own or be interested as a proprietor or landlord in any house, room or other premises used for any such purpose, or shall keep a common, ill-governed or disorderly house, to the encouragement of idleness, gaming, drinking, fornication or other misbehavior.

4. GAMING.

- a. No person shall play for money or other valuable thing at any game with cards, dice, billiards, or with any other article, instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing of value, nor shall bet upon any game others may be playing except as allowed by State statute.
- b. No person shall keep a gaming house, or any building, or other place, by himself or agent, used or occupied, to procure or permit any person to frequent or come together to play for money or other valuable thing at any game, nor shall keep nor suffer to be kept any table or other apparatus or device for the purpose of playing at any game or sport for money, or any valuable thing, nor shall keep nor rent any such place for any such purpose, except as allowed by statute.
- c. Every clock, tape machine, slot machine or other machine or device for the reception of money on chance, or upon the action of which money is staked, hazarded, bet, won or lost is hereby declared a gambling device, and shall be subject to seizure, confiscation and destruction by any municipal or other local authority within whose jurisdiction the same be found with the exception of those gaming machines or devices authorized by the Illinois Legislature and licensed by the Illinois Gaming Board.
- d. In case of the conviction of any person for a violation of any of the provisions of Sections 2, 3 or 4, of this Chapter, such person shall, in addition to the penalty prescribed for such violation, incur a forfeiture of

any Village license or permit that he may hold.

5. POSSESSION OF EXPLOSIVE MATERIALS.

It shall be unlawful for any person to knowingly use, sell, manufacture, purchase, possess, or transport any explosive material or device, or any chemical or substance, used to mix with another chemical or substance, in order to create or cause an explosion, whether flammable or not. Explosive materials or devices shall include any bomb, bomb shell, grenade, bottle or other vessel containing an explosive material or substance such as, but not limited to: fireworks, black powder bombs, Molotov cocktails, artillery projectiles, or Mcgyver bombs. Provided, this Section shall not be construed to prohibit any officer of the law, or governmental employee from using or possessing explosive materials or substances in the performance of his duty; nor to prohibit any citizen of the United States from the use or possession of explosive materials or substances when properly licensed to do so, or when lawfully engaged in a duly licensed or regulated business or profession.

5.1 On a permitted basis as recommended by the Chief of Police and Fire Chief, the Village Board of Trustees may allow for pyrotechnic displays (fireworks) administered by a licensed pyrotechnic technician. The agency responsible for contract for pyrotechnic displays will also be responsible for contracting with the Coal Valley Fire Protection District to be on site during the display.

6. DANGEROUS ACTIVITIES IN STREETS. No person shall, on any public street or right of way, fly kites, throw stones or snowballs, play ball or games, embarrass the passage of vehicles, or obstruct the passage or business of other people; nor throw nor cast any stone, snowball, or other missile upon or at any building, tree or other public or private property, or at any person anywhere in the Village, or aid or abet the same, nor shall any person place, erect or allow to remain upon, any Village street or right of way, any skate ramp, pole, net, hoop, or any plaything or object of similar design.

7. GETTING ON OR HOLDING TO VEHICLES. No person shall seize, hang upon, get upon, hold, tie or fasten themselves to any vehicle, motor vehicle, or conveyance, while the same is in motion, or attempt to do so, or attach to any such vehicle or conveyance any sleigh, sled, bicycle, wagon, toy, skateboard, or other similar device, and ride on it, unless authorized by law to do so.

8. COASTING ON STREETS PROHIBITED /PRIVATE PROPERTY / SIDEWALKS.

a. No person shall coast, slide or ride on any sled, skateboard, scooter, roller skates or similar device, on any roadway or Village street, except on such streets as may be designated by the Village President.

b. No person shall ride a sled, skateboard, scooter, roller skates, or similar device on any private property without the permission of the owner or where clearly posted that such activity is prohibited.

c. No person shall ride any sled, skateboard, scooter, roller skates, or bicycle on any sidewalk in the Village in a manner that would endanger pedestrians or embarrass pedestrian movement.

9. **OBSTRUCTING PERSON IN HIGHWAY.** No person shall willfully and unnecessarily hinder, obstruct or delay, or willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon a street or highway within the Village, or offer or barter for sale merchandise, or solicit donations, on a street or highway so as to interfere with the movement of traffic, nor shall any person stand in the improved portion of any street or roadway for the purpose of soliciting a ride from the driver of any vehicle, nor shall any person be found on any street or highway who is under the influence of alcohol or any drug to a degree which renders himself a hazard.
10. **OPEN CONTAINER.** No person shall carry an open or unsealed container or vessel containing an alcoholic beverage upon a public street or highway, or upon the right of way, or upon a public sidewalk, unless during an organized event sanctioned by the President and Board of Trustees.
11. **ASSAULT; BATTERY.**
 - a. **Offense of Assault.** A person commits assault when, without lawful authority, he engages in conduct, which places another in reasonable apprehension of receiving a battery.
 - b. **Offense of 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.
12. **DISTURBING THE PEACE.** No person shall make or create any loud or unusual noises, by playing loud music, or loudly playing musical instruments, or by the beating of drums, or beating upon other sounding vessels or instruments, nor disturb the peace and quiet of any street or neighborhood by revving motor vehicle engines, squealing tires, or by boisterous laughing, singing, bellowing or whooping, nor by any other device or means whatever.
13. **LOITERING.**
 - a. **Definition.** As used in this Section, "loitering" shall mean remaining idle in essentially one location and shall include the colloquial expression "hanging around".
 - b. **Certain Types of Loitering Prohibited.** No person shall loiter in a public place in such matter as to:

Create or cause to be created a danger of a breach of the peace. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person. Obstruct the free passage of pedestrians or vehicles. Obstruct, molest or interfere with any person lawfully in any public place.

This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.
 - c. **Request to Leave.** Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection (b) above, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section.

Any person, firm or corporation violating the provisions of this Ordinance shall be subject to and in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

14. **DISORDERLY CONDUCT.** It shall be unlawful for any person to commit disorderly conduct.
 - a. A person commits disorderly conduct when he knowingly does any act in such an unreasonable manner as to alarm or disturb another; or to provoke a breach of the peace by loud or boisterous screaming, swearing, or cursing; or by conducting himself in a tumultuous, riotous, indecent, disorderly or offensive manner provoking a breach of the peace.
 - b. A person commits disorderly conduct when he knowingly transmits in any manner to any peace officer, public officer or public employee a report 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, or,
 - c. transmits in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false report of a fire, or 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,
 - d. places prank, nuisance or hang-up phone calls to any 911 emergency center.
15. **DISTURBING SCHOOL OR ASSEMBLY.** No person shall willfully interrupt or disturb any school or any congregation or any assembly or meeting for religious worship, or any other public meeting for any other lawful purpose, by making unnecessary noise or by rude or indecent behavior, or by profane discourse within such meeting, or so near the same as to disturb the order of solemnity of such meeting; nor shall any person protest, or organize a protest, within 500 feet of a funeral service or burial, less than one hour before said service or burial, or less than one hour following said service or burial.
16. **DEADLY WEAPONS.** No person shall carry on or about their person, in any public place or upon any street or highway within the Village limits, whether concealed or not, any loaded firearm, or any unloaded firearm not fully enclosed in a case; nor shall any person, carry or transport within a vehicle any loaded firearm, or any firearm that is not unloaded and enclosed in a case or unloaded and located in the vehicle in a place not readily accessible to the driver Unless that Person has a Valid Concealed Carry Permit issued or authorized by the State of Illinois or is otherwise authorized by the State to carry a concealed firearm.
 - a. It shall be unlawful to discharge any firearm or air gun, BB gun or any toy gun, propelling a lead or metal missile from the barrel, anywhere within the Village, excepting at a regularly established shooting gallery or range authorized by the Board of Trustees; nor shall any person discharge an

airgun that propels a paintball or paint capsule at any place in the Village excepting on private property with the permission of the owner or tenant.

- b. It shall be unlawful to shoot any bow or to discharge any arrow anywhere within the Village, excepting at a regularly established shooting gallery or range authorized by the Board of Trustees.
 - c. No person shall be found in possession of any firearm anywhere within the Village limits while not, at the same time, being in possession of a valid Firearms Owners ID card issued by the State of Illinois to that person.
 - d. Nothing in this Section shall be construed to prohibit any peace officer or officer of the law to carry or discharge any firearm in the performance of his duties; nor prohibit any citizen to discharge a firearm when lawfully defending his person or property.
17. **CARRYING CONCEALED WEAPONS.** No person shall wear under their clothes, or concealed about their person, any pistol, revolver, unless that Person has a Valid Concealed Carry Permit issued or authorized by the State of Illinois
- 1. No person shall carry under their clothes or concealed about their person any bowie knife, dirk or other deadly weapon, nor shall any person, in a threatening or boisterous manner, display or flourish knife or other deadly or dangerous weapon. Any such weapon or weapons worn, carried, or displayed by any person in violation of this section shall be kept and retained by the Chief of Police pending final adjudication of the violation. This section shall not apply to peace officers of the Village, nor peace officers of the county, State or Federal government.
18. **RESISTANCE TO OFFICER / OBSTRUCTING DUTIES OF OFFICERS.** No Person shall unlawfully resist any police officer in the discharge of his duties, nor refuse to follow any lawful direction or order given by any police officer or officer of the law, nor willfully refuse to assist any police officer in making an arrest when called upon do so, nor provide false information to an officer with the intent to obstruct his lawful duties, nor interfere with the President of the Village, with the Chief of Police or any police officer, or any Village Official or person authorized and required to enforce the laws of the Village, or prevent, hinder, or delay such persons in the execution of the duties required of him under the ordinance of the Village or laws of the State or Federal government.
19. **DESTRUCTION OR INJURY OF PROPERTY.**
- a. No person shall willfully or maliciously destroy, injure, deface or interfere with any property of the Village, Fire Protection District, State of Illinois, or any other public property or public work.
 - b. It shall be unlawful for any person to knowingly or recklessly damage any property of another, or for any person to spray or throw substances upon, tamper with, vandalize, or in any like manner injure or deface the property of another, without the consent of such other person.
20. **PROHIBITED EXCAVATIONS.** No person shall dig or make, any ditch, drain or other excavation, on any street, alley, right of way or public grounds, or remove any sod, earth, sand, gravel or stone from any street, alley, right of way or public grounds, nor shall any person fill, partly fill, alter the course, or attempt to alter

the course, of any ditch, waterway, creek or drain, whether natural or man made, anywhere within the Village, except by the permit from proper municipal, State or Federal authority.

21. **BREAKING OR OPENING INTO SEWERS FORBIDDEN.** No person shall break or make any opening in or in any manner injure or interfere with any of the main drains or sewers of the Village, or connect any drain sewer or pipe, without permission from the proper municipal authority.
22. **INJURY TO TREES, FENCES, STREET LIGHTS.** No person shall willfully or carelessly destroy or injure any tree, shrub, fence, railing, street lamp, electric light post or wire, or cause injury to the same, or shall tie or fasten any animal to or so near any tree, shrub, fence, railing, lamp post, electric light post or wire, on public property, or upon the public right of way, where destruction or injury of same could occur.
23. **BURNING RUBBISH IN STREET PROHIBITED.** No leaves or rubbish of any kind shall be burned upon the improved portion of any street or roadway within the limits of the Village.
24. **POSTING OF BILLS FORBIDDEN.** No person shall post, paste, or in any other way attach or affix to any telephone or electric light pole any bill, notice, announcement or other advertising medium, nor shall any person post, paste, or in any way display any bill, notice, announcement or other advertising medium upon any right of way in the Village limits.
25. **DEPOSITING LITTER, RUBBISH, INJURIOUS MATERIALS PROHIBITED.**
 - a. No person shall,
 1. place, deposit or throw, or cause to be placed, deposited or thrown, on any street, alley, or public place, any paper, rags, sticks, blocks, posts, boards, lumber, earthenware, metal, stones, concrete, or other building materials of any kind, or any shavings, dirt, tin cans, junk or other rubbish of any kind or description, nor shall any person sweep rubbish or debris from lawns or sidewalks on to the street or into the gutters, nor place litter of any sort in the streets or in gutters, nor deposit, sweep or blow leaves or lawn clippings on to a street or into the gutters without immediately destroying same.
 2. throw or place upon the surface of any of the streets, alleys or sidewalks any bottles, glass, nails or other articles or substances likely to cause injury to travelers or pedestrians or to vehicles or bicycles being used on the streets.
 3. place, or cause to be placed or allow to remain, upon any street or upon any sidewalk in the Village, or upon any public ground or right of way, or upon any part thereof, any box, barrel, container, dumpster, drop-off container, or other receptacle for dirt, ashes, paper, scrap, or other rubbish or materials, without the permission of the Village public works department.
 - b. All contractors, truckers, and others hauling dirt, sand, gravel, ashes, rubbish or other materials on streets or alleys shall so construct, keep and maintain their truck, wagon boxes, or dump boxes, to at all times prevent the spilling of materials. In case the above materials fall into the streets or are scattered in any street or avenue, they shall be removed

immediately.

- c. Any person found in violation of this section, in addition to any penalties provided in this Code, shall be responsible for reasonable costs incurred for the removal or clean-up of the litter, rubbish, debris or materials.
26. **PLANTING OF TREES AND SHRUBS PROHIBITED.** No person shall plant trees or shrubs except as to those now planted and growing, in or upon public streets and right of ways of the Village without the permission of the Village Board of Trustees.
27. **TRIMMING OF TREES.** Every person having in their charge, or upon their property, any tree or shrub which extends over on any street or avenue, shall be responsible to remove all branches which are less than 14 feet from the ground, and over sidewalks less than 8 feet from the ground. All trees shall be trimmed so as not to obscure or obstruct the Village lights, fire hydrants or regulatory signs along the streets and avenues of the Village.
28. **SMOKING PROHIBITED.** It shall be a violation of this Code of Ordinances for any person to smoke in a public place where there is clearly posted a notice that smoking is prohibited, as determined by the property owner or other person in lawful control of the property, or to smoke, or to allow or permit another to smoke, anywhere smoking is prohibited by State law or regulation, or, for any person to violate the provisions of the Smoke Free Illinois Act (P.A. 95-0017) and its subsequent amendments and revisions as passed from time to time by the Illinois General Assembly and enacted into law.
29. **SPECIFICALLY ENUMERATED TRESPASSES.**
 - a. **Trespass to a Vehicle.** It shall be unlawful for any person to knowingly and without authority enter any vehicle, aircraft or watercraft or any part thereof without the consent of the owner.
 - b. **Trespass to Land - Failure to Depart.** It shall be unlawful for any person to enter upon the land or any part thereof of another after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden or to remain upon the land of another after receiving notice from the owner or occupant to depart. A person has received notice from the owner or occupant if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.
 - c. **Trespass to Residence-** It shall be unlawful for any person without authority to knowingly enter or remain within any residence of another, including a house trailer. For purposes of this Section, in the case of a multi-unit residential building or complex, "residence" shall only include the portion of the building or complex which is the actual dwelling place of any person and shall not include such places as common recreational areas or lobbies. This section shall not apply if at the time of unlawful entry, there is within the residence one or more occupants of that residence. [720 ILCS 5/19-4 (a) 1]
 - d. It shall be unlawful for any person to reside in or occupy a mobile home, located within a mobile home park in the Village, for any length of time, wherein that person holds no legal interest or authority in the mobile home, without the express permission of the park owner.

- e. A person shall be exempt from prosecution under this Section if he beautifies unoccupied or abandoned property within the Village limits. For the purposes of this subsection "unoccupied or abandoned" property shall mean any real estate that has been left unoccupied and abandoned for at least one year. "Beautifies" means to clean up litter, cut grass and weeds, and to repair dilapidated conditions. Nothing in this Section prohibits a person from entering a building, or upon the land of another, for emergency purposes.

30. PUBLIC FIGHTING.

It shall be unlawful for any person to knowingly start a fight, or attempt to fight, by use of language or actions reasonably assured to provoke another to fighting, or to fight with another, without legal justification in any public place in the Village.

31. THEFT.

- a. Definitions. All the terms and phrases used herein shall have the same meaning as ascribed to them in the Criminal Code (720 Illinois Compiled Statutes 5/15-1 et seq. and 5/16-1 et seq.) and amendments thereto; except should the term "person" be limited therein to natural persons who have attained the age of seventeen (17) years or more, said limitation is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

- b. Offense of Theft. A person commits the offense of theft when he knowingly:

Obtains or exerts unauthorized control over property of the owner; or obtains by deception control over property of the owner; or obtains by threat control over property of the owner, or obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and Intends to deprive the owner permanently of the use or benefit of the property; or Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

- c. Exceptions. It shall not be an offense under this Section whenever the property involved is a firearm or exceeds five hundred dollars \$500.00 in value or whenever the property is obtained by theft from a person.

32. THEFT FROM COIN-OPERATED MACHINES.

- a. Definitions. All the terms and phrases used herein shall have the same meaning as ascribed to them in the Criminal Code (720 Illinois Compiled Statutes 5/15-1 et seq. and 5/16-1 et seq.) and amendments thereto; except, should the term "person" be limited there to natural persons who have attained the age of eighteen (18) years or more, said limitations is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

- b. Offense of Theft from Coin-Operated Machines. A person commits the offense of theft from coin-operated machines when he knowingly and without authority and with intent to commit theft from such machine, opens, breaks into, tampers with or damages a coin-operated machine.
- c. No person shall insert, or attempt to insert into the coin box or money receptacle of any telephone, any slug, button or other substance or to manipulate or operate, or to attempt to manipulate or operate, in any manner whatever, any telephone instrument or any mechanism or device connected or commonly used with the intent to obtain telephone service without paying for it.
- d. No person shall insert, or attempt to insert into the coin box or money receptacle of any telephone, any slug, button, wire, hook, or other implements or substance with the intent to obtain from such coin box or money receptacle a legal tender coin of the United States.
- e. Penalty. Any person violating the provisions of this Ordinance shall be subject to a fine in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley.

33. RETAIL THEFT.

- a. Definitions. All the terms and phrases used herein shall have the same meaning ascribed to them in the Criminal Code (720 Illinois Compiled Statutes 5/16A-1 et Seq.) and amendments thereto; except should the term "person" be limited there to natural persons who have attained the age of seventeen (17) years or more, said limitations is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.
- b. Offense of Retail Theft. A person commits the offense of retail theft when he knowingly:

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 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 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 under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or removes a shopping cart or shopping basket from the premises of retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use, or benefit of such cart; or and with the intent to commit an offense as specified above in

subsections, he does any act which constitutes a substantial step toward the commission of that offense.

However, it is not an offense hereunder when the full retail value exceeds five Hundred dollars \$500.00.

c. Presumption. If any person conceals upon his person or among his belongings, unpurchased merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment and removes the 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. Detention. Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, in 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:

- To request identification.
- To verify such identification.

To make reasonable inquiry as to whether such person has in his possession any unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise.

To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer.

When Such person is a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.

A merchant may make a detention as permitted hereinabove off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

Affirmative Defense. A detention performed pursuant to and in accordance with this section does not constitute an arrest or an unlawful restraint and this Section may be pleaded in way of an affirmative defense to false arrest, false imprisonment, or any other cause of action for damages or liability where the essence of said cause is the detention made pursuant hereto.

Any person violating the Chapters and adopted Codes in this Ordinance shall be fined not less than \$45.00 or more than \$750.00 per individual violation. In the event of the continuation of such willful failure, neglect or refusal to comply with such order, each day's continuance is a separate offense. Ordinance citations issued for violations that are not paid within 14 (fourteen) days of the date of the citation will be taken to the Municipal Code Enforcement System (MUNICES) for adjudication.

34. UNLAWFUL USE OF LASER DEVICE.

- a. It shall be unlawful for any person, within the limits of the Village of Coal Valley, to direct light emitted from a laser pointer or any similar device that emits light amplified by the stimulated emission of radiation that is visible to the human eye, at any other person in a public place or on a public way; or direct light from a laser pointer or similar device into a private dwelling without the consent of the occupant; or direct light from a laser at any vehicle or aircraft, or direct light from a laser pointer or similar device at any peace officer, firefighter or rescue worker while engaged in their official duties.
- b. No person under the age of 18 may possess a laser pointer or similar device as defined in subsection (a.) within the limits of the Village of Coal Valley.
- c. No person shall be found guilty of a violation of this section when a laser pointer or similar device is possessed or used for a valid employment or school-related instructional purpose and such person, if under the age of 18, is under the supervision of his or her employer or under the supervision of a school instructor or school staff person and has not displayed it in a threatening or disorderly manner.

35. TOBACCO: POSSESSION / SALES TO MINOR

- a. It shall be unlawful for any person to sell or give away, directly or indirectly, to any person under the age of eighteen (18) years, any cigarettes, tobacco, tobacco product, or any compounds of tobacco used in filling up or making up of a cigarette or to give or sell any cigarette papers to minors.
- b. It shall be unlawful by anyone under the age of eighteen (18) years to use or possess cigarettes, tobacco, tobacco products, or cigarette papers within the Village Limits.
- c. Any Person found to be Violating the provisions of section 35 shall be fined as follows:
 - \$45.00 – First Offense
 - \$135.00 – Second Offense
 - \$500.00 – Third Offense

CHAPTER 3 PUBLIC HEALTH NUISANCES.

Section 1. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

HEALTH AUTHORITY: The Building Inspector for the Village of Coal Valley, the Chief of Police or their duly authorized representative (s).

PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.

PROPERTY OWNER: Any individual, group of individuals, association, trust, partnership,

corporation, or any other entity in whose name legal title to the real estate is recorded.

Section 2. ENUMERATIONS

Health nuisance includes any act, omission to act, or condition on any real property which injures or threatens the health or safety of one or more persons and shall not be limited to, but shall include the following:

- a. The storage, collection, accumulation, discharge, or deposition of any offal, fecal matter filth, refuse, weeds, vegetation, animal carcass, dead organic material, garbage, scrap metal or scrap building materials, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threaten the health or safety of the individual or the public or to be conducive to the breeding of flies, rats, or other vermin, or to the prejudice of others.
- b. The presence of rats, flies, or other vermin.
- c. To discharge or deposit any offal, liquid waste, sewage effluent, dead animal(s), or other polluting material into or upon any watercourse, stream, river, lake, pond, spring, well, abandoned well, ground-surface, drainage ditch, storm sewer, field drain tile, street or public highways.
- d. To corrupt or render impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.
- e. To erect or continue to use any building or other place for the exercise of any trade, employment, or manufacture, which, by occasioning noxious exhalations, is dangerous to the health of individuals or to the public.
- f. To collect, store, deposit or discharge flammable refuse, liquid, or other material in any building or on any place in such manner as to constitute a hazard of fire injury to individuals or the public.
- g. To dump, abandon, deposit, dismantle, or burn upon any public or private property, right-of-way, highway, park, street, or parkway anywhere in the Village of Coal Valley, any trash, garbage, ashes, junk, junked or wrecked motor vehicles or non-motorized equipment, or parts thereof, or miscellaneous solid waste.
- h. The unlawful disposal of the carcasses of dead animals, fish, or fowl.
- i. The exposure of any person to any communicable disease by any unlawful act or practice.
- j. To own, maintain, or keep a dwelling unit unfit for human habitation or dangerous or detrimental to life, safety, or health because of lack of repair, defects in the sewage system, plumbing facilities, lighting, or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.
- k. Failure to secure areas, buildings, abandoned or derelict dwellings, equipment, storage lots, construction areas or any other place against unauthorized access where such access threatens the safety of individuals.
- l. Whatever renders food or drink detrimental to human beings, as determined by the Health Authority.

- m. Any attractive nuisance that may prove detrimental to life, health, or safety whether a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned well shaft, basement or other excavation, swimming pool, demolition site, mobile home or trailer coach, motor vehicle; or any discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers equipped with airtight door or lid, whereon the door has not been removed, blocked open or permanently fastened closed; or any other condition that is kept or suffered to be kept that may prove detrimental to the life, health or safety of others. The duties of this item are imposed alike on the owner of the nuisance and the owner or occupant of the premises where the nuisance is permitted to remain.
- n. To allow growth of weed and grass to exceed ten inches (10") in height upon any public or private property.
- o. For the owner or keeper of any lot or premises to keep, or allow to remain thereon, to the annoyance and detriment of other persons, outside of any buildings located on said premises, any appliances or furniture not designed for outdoor use.

Section 3. MOBILE HOME PARKS: HEALTH / SAFETY / RESPONSIBILITY TO ABATE NUISANCES

- a. It is the responsibility of a mobile home park owner or operator to abate or cause to be abated all public health nuisances as outlined in this Section or Code of Ordinances; to keep the property free of all attractive nuisances which may prove detrimental to the life, health and safety of his tenants or the public in general; to maintain all streets to be free of pot holes, mud, debris and injurious materials; to provide for snow and ice removal from the streets; to maintain all water systems, sewage systems, electrical distribution systems and community services in a fully functioning condition; to remove dead trees, dangerous tree limbs, noxious weeds, litter, rubbish, refuse, discarded appliances, tires, animal carcasses, junk, trash, garbage and similar waste materials from the mobile home park premises.
- b. It is the responsibility of a mobile home park owner or operator to remove or cause to be removed any mobile home substantially damaged by fire, winds, flooding, or similar causes, or those mobile homes abandoned on his property and as defined in the Illinois Abandoned Mobile Home Act. The owner or operator of a mobile home park will notify the Village offices in writing describing any mobile home found to be abandoned or materially destroyed by fire or other causes on his property and give therein a detailed plan and time-line for its removal from the park or its return to a habitable condition.
- c. The owner or operator of a mobile home park may enter into an agreement with the Village to act as the Village's agent under the Abandoned Mobile Home Act in order to facilitate the timely removal of abandoned mobile homes located on the premises. If the mobile home park owner or operator elects to proceed under the Abandoned Mobile Home Act in order to remove abandoned mobile homes under that Act, all expenses incurred or profits realized will be those of the park owner or operator.

Section 4. INVESTIGATION

The Health Authority shall investigate, upon complaint of any person, or on its own initiative, any alleged health nuisance in the Village of Coal Valley.

Section 5. INSPECTIONS

The Health Authority shall have the authority to enter any property at any reasonable time to inspect for health, sanitation, or safety purposes to determine compliance with the provisions of this Ordinance. In the event the Health Authority, in attempting to enter any premises for the purpose of making an inspection to carry out the provisions of this ordinance, shall be refused entry, an affidavit may be made under oath to any judge of the circuit court for a warrant authorizing the Health Authority named in the affidavit to enter upon or into such premises for the purpose of determining the existence of the conditions set forth in the affidavit.

Section 6. INTERFERENCE WITH PUBLIC OFFICIALS OR OFFICERS.

It shall be unlawful for any person to interfere with, hinder or refuse to allow a public official or police officer to carry out the provisions of this section or any other provision of this Code of Ordinances, or, to provide false information or in any way obstruct an investigation or inspection being conducted by a police officer or any other public official authorized to enforce the provisions of this Chapter or any other provision of this Code.

Section 7. ENFORCEMENT AND PENALTIES.

- a. Any person, firm or corporation found guilty of violating the provisions of this Section 3 shall be fined not less than \$45.00 nor more than \$750.00 for each offense except that a person, firm or corporation found violating Section 6 shall be fined not less than \$135.00 or more than \$750.00. Each person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of the section is committed, continued or permitted.
- b. In addition to the foregoing the Village may abate the nuisance in any reasonable manner including the removal of articles constituting the nuisance and may collect from such violators the reasonable cost thereof. The cost of removal shall become a lien on the real estate affected provided that a notice of lien is filed in the office of the Recorder of Deeds within sixty (60) days of the completion of the abatement of said nuisance. The lien notice shall set forth a description of the real estate involved, the amount of money representing the costs and expenses incurred in the abatement of the nuisance, and the dates when said costs and expenses were incurred by the Village.
- c. In addition to the foregoing, the Village Attorney is authorized and directed to initiate litigation in court to recover the costs incurred in abating the nuisance.
- d. A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.

CHAPTER 4: ANIMAL CONTROL

Section 1. DEFINITIONS

PERSON: Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.

DOG OR CAT: Under this section Dog or Cat means any dog or cat over the age of four (4) months.

DANGEROUS DOG:

- a. Dangerous dog means any individual dog that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to any person or companion animal, or,
- b. A dog, that has attacked on two (2) separate occasions, in an unprovoked manner, any person or animal, resulting in injury to that person or animal, or,
- c. Any dog that has a trait, characteristic, or known reputation for viciousness, dangerousness, or unprovoked attacks upon human beings or other animals, or,
- d. Any dog owned or kept primarily, or in part, for the purpose of fighting; or any dog trained or bred for fighting.

VICIOUS DOG:

- a. A Vicious dog is any "Dangerous Dog" that has attacked, in an unprovoked manner, any person or domestic animal, whether an injury is sustained or not, or,
- b. Any dog that, in an unprovoked and vicious manner, attacks any person resulting in serious injury or death to that person.

SERIOUS INJURY:

Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Section 2. EXCLUSIONS:

The provisions of this chapter do not apply to: Veterinary Hospitals, Properly Licensed Boarding Kennels, Pet Shops, Animal Shelters, Properly Maintained and Licensed Zoological Park, Circus, Scientific Educational Institute or research laboratory. Police dogs which means an animal owned or used by a law enforcement department or agency in the course of the department or agency's work.

Section 3. FARM ANIMALS

No person shall keep any farm animals or livestock such as cattle, sheep, horses, swine, goats or poultry at any place or upon any premises within the Village.

Section 4. EXOTIC ANIMALS

No person shall keep any exotic animals such as lions, tigers, bears, leopards, ocelots, jaguars, cheetahs, margays, mountain lions, Canada lynx, bobcats, hyenas, wolves, coyotes, constricting or poisonous snakes or any other animal, which is inherently dangerous because of the nature of the animal in relation to persons or domestic animals.

Section 5. DOG AT LARGE

The owner, possessor, or keeper of any dog shall not permit the dog to be at large off the premises or property of such owner, possessor or keeper unless the dog is under restraint at all times. A dog is under restraint within the meaning of this Chapter if the dog is

controlled by a leash “at heel” beside a competent person, and is obedient to that person’s commands; or under the control of a competent person while on or within a vehicle being driven or parked on the streets.

Section 6. CATS AT LARGE

The owner, possessor or keeper of a cat shall not allow a cat to stray or in any manner, or to run at large, on or upon, any public street, other public property, or the property of another, unless the cat is properly restrained. A cat is under restraint, within the meaning of this Chapter, if the cat is properly leashed.

Section 7. NUMBER OF CATS AND DOGS

No person shall permit more than two (2) cats, nor permit more than two (2) dogs, to remain in or about any residence, building, lot or mobile home located in a mobile home park anywhere within the Village.

Section 8. FAILURE TO REMOVE ANIMAL WASTE

It shall be unlawful for any person having control of any dog or other animal which deposits any solid excrement or feces upon any public way, sidewalk, street or right-of-way; or, upon the property of another without the consent of the property owner, to leave said excrement or feces without causing its immediate and complete removal.

Section 9. BARKING OR HOWLING DOGS

No person shall keep any dog, or any other animal, which by barking, howling, or other noises, shall disturb the peace and quiet of the neighborhood.

Section 10. CRUELTY TO ANIMALS/UNLAWFUL ACTS

No person shall overload, overdrive, overwork, cruelly beat, torture, torment, mutilate, maim, or cruelly kill any animal or cause to knowingly allow the same to be done. No person shall abandon or leave any animal any place without making provisions for its proper care such as food, potable water, protection from the elements, opportunity for exercise and other care that is needed for the health or well-being of such animal; nor willfully or maliciously administer or cause to be administered, poison of any kind whatsoever, to any dog, cat or domestic animal.

Section 11. DANGEROUS DOGS

The owner or keeper of a dog declared to be a “Dangerous Dog” must comply with the following:

- a. Outdoor confinement: The dog shall be subject to enclosure. “Enclosure” means a fence or structure no larger than ten (10) feet wide and no longer than twenty (20) feet in depth, measured perpendicular from the width. The height of the fencing will be six (6) feet in height, and the material shall be limited to chain link fencing material suitable to prevent the entry of young children, and suitable to confine a dangerous dog. Such structure should have a secure bottom or floor made from concrete that is attached to the sides of the enclosure. All confinement structures shall comply with all building codes for the Village of Coal Valley, and once completed shall be inspected by the Village of Coal Valley Building Inspector. All enclosures must be kept in a clean and sanitary manner and signs stating “Beware of Dog” shall be posted on all sides of the enclosure.

- b. Indoor Confinement: No dangerous dog may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the dog to exit such residence or building on its own volition. In addition, no such animal may be kept in a residence or building when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure. A sign shall be posted on or near the front door of the residence or building stating "Beware of Dog".
- c. Muzzle/Leash: No person shall permit a dog that has been deemed "dangerous" to go outside its enclosure unless, such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals, and is securely leashed with a leash no longer than four feet in length. No person shall permit a "dangerous" dog to be kept on a chain, rope, or other type of leash outside its enclosure or any building unless an adult person is in physical control of the leash. Such dogs may not be leashed to any inanimate object such as trees, posts, or buildings.
- d. Photographs: Once a dog has been deemed "dangerous" a photograph will be taken within five (5) days and kept on file at the Police Department.
- e. Spay/Neuter/Microchip: Once a dog has been deemed "dangerous", the owner of the dog will have fourteen days to have the dog spayed or neutered and microchipped.

Section 12. DANGEROUS AND VICIOUS DOG – HEARING AND DETERMINATION

- a. If a Police officer or Animal Control Officer determines that probable cause exists to believe that a dog is a dangerous dog, the Police Officer or Animal Control Officer shall order the dog's owner or keeper to confine the dog pending an administrative hearing. Failure to obey said order constitutes a violation of this section at which time the Village may have the dog impounded at an Animal Control Facility approved for that purpose, at the owners expense pending an administrative hearing.
- b. Whenever a Police Officer or Animal Control officer has reason to believe a dog is vicious under this Chapter, that Police Officer or Animal Control Officer will immediately impound said dog at the owners expense, in an Animal Control Facility approved for that purpose by the County Animal Control Director pending an administrative hearing. A dog impounded under this section will not be returned to the owner or keeper or any other person unless, following an administrative hearing the dog is found not to be vicious. Dogs found to be vicious will be euthanized by the County Animal Control. Any owner or keeper shall further be responsible for all costs incurred by the Village in euthanizing the vicious dog.
- c. Administrative Hearing to be conducted. An administrative hearing shall be conducted to determine whether or not the dog is dangerous or vicious.
- d. Notice and time for hearing. The owner or keeper of the dog shall be served with a notice of administrative hearing, either personally or by first class mail to the owner or keeper's last known address. The administrative hearing shall be held promptly not less than five (5) working days nor more than fifteen (15) working days following service of the notice upon the owner or keeper of the dog.
- e. Conduct of hearing. The administrative hearing shall be open to the public and shall be recorded by a tape recorder, stenographer, or other reliable means. The

Village Administrator shall serve as the hearing officer. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, and live testimony. The hearing officer shall determine, based upon a preponderance of the evidence, whether or not the dog is dangerous or vicious.

- f. Notice of determination. The dog's owner or keeper shall be notified in writing of the hearing officer's determination either personally or by first class mail to the owner or keeper's last known address.
 - (1) If the hearing officer determines that the dog is neither dangerous nor vicious, owner or keeper may redeem the dog, if impounded, as otherwise provided in this chapter. The owner or keeper shall not be required to pay those daily impoundment fees that are attributable solely to the administrative hearing but shall be required to pay all other fees. If the dog has been determined to be a dangerous dog, the owner or keeper shall comply with all restrictions for a dangerous dog in section 11 of this ordinance.
 - (2) If the hearing officer determines that the dog is vicious, the animal may not be redeemed, and the notice of determination shall also state that the dog shall be euthanized within five (5) working days of the date of the notice unless the owner or keeper requests a stay of ten (10) working days during which to file a complaint for a court review of the hearing officers determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto.
- g. Failure to appear. If the dog's owner or keeper cannot be found or fails to appear in person or by legal counsel for the administrative hearing, the hearing officer shall make a determination by default, without the need of any testimony or other evidence, that the dog is vicious or dangerous, as well as abandoned, and the dog shall be euthanized without further notice to the owner or keeper.
- h. Time for euthanasia – stay. Upon the hearing officers determination that the dog is vicious, it shall be euthanized after five (5) working days from the date of the notice of determination to the owner or keeper, unless the owner or keeper within that time period delivers to the office of the Chief of Police a request to stay the euthanasia for a period of ten (10) working days for the purpose of filing a complaint for court review of the hearing officer's determination pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101 et. Seq., and amendments thereto. If, at the end of that period, the Village has not received notice that a complaint has been filed, the dog shall be euthanized without further notice to the owner or keeper.
- i. Appeal. Any person aggrieved by the hearing officer's decision may appeal to the Circuit Court pursuant to the provisions of the Illinois Administrative Review Law, 735 ILCS 5/3-101et. Seq., and amendments thereto.
- j. Vicious Dog. It shall be unlawful for any person to keep, or suffer to be kept, any dog determined to be vicious within the limits of the Village of Coal Valley.

Section 13. VACCINATIONS

Every owner of a dog or cat four (4) months of age, within the Village of Coal Valley, shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian and shall keep current such vaccinations as long as the dog or cat is within the Village limits. Evidence of such rabies inoculation shall be entered on a certificate, which shall be signed by the veterinarian administering the vaccine and name of the clinic, hospital, or facility with which said veterinarian is affiliated.

Section 14. PENALTY.

A person convicted for a violation of any of the provisions of this chapter will be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each separate offense. Each day a violation is permitted or allowed to continue shall be considered a separate offense. The owner of any dog that injures another person or domestic animal, in violation of this code, is responsible for the cost of all reasonable medical or veterinary attention received by the injured party.

CHAPTER 5: CONTROLLED SUBSTANCES

Section 1. DRUG PARAPHERNALIA.

a. DEFINITIONS:

The term "drug paraphernalia" means 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 in violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100.

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

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

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

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

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

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

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;

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

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

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

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

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: Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; carburetion tubes and devices; water pipes; smoking and carburetion masks; 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; miniature cocaine spoons, and cocaine vials; chamber pipes; electric pipes; air-driven pipes; chillums; bongos; ice pipes or chillers.

b. DETERMINATION:

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:

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

Prior convictions, if any, of any owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;

The proximity of the object, in time and space, to a direct violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100;

The proximity of the object to controlled substances;

The existence of any residue of controlled substances on the object;

Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intends to use the object to facilitate a violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100; the innocence of an owner, or of anyone in control of the object, as to a direct violation of 720 Illinois Compiled Statutes 550/1 et seq. and 570/100, shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

Instructions, oral or written, provided with the object concerning its use;

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

National and local advertising concerning its use;

The manner in which the object is displayed for sale;

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;

Direct or circumstantial evidence of the ratio of sales of the objects(s) to the total sales of the business enterprise;

The existence and scope of legitimate uses for the objects in the community;

Expert testimony concerning its use;

c. POSSESSION OF DRUG PARAPHERNALIA

It is unlawful for any person 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 in violation of the Illinois Compiled Statutes.

d. MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.

It is unlawful for any person to deliver, possess with intent to deliver, 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 in violation of the Illinois Compiled Statutes.

e. DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.

Any person eighteen (18) years of age or over who violates Title 6, Chapter 5, Section 1(d), by selling or delivering drug paraphernalia to a person under eighteen (18) years of age, for commercial consideration, is guilty of a special offense, for which, upon conviction, that person shall be subject to a penalty in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley

f. ADVERTISEMENT OF DRUG PARAPHERNALIA.

It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should 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.

g. PENALTY.

Any person violating the provisions of this Section shall be subject to a fine in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley

h. FORFEITURE.

All drug paraphernalia as defined by Title 6, Chapter 5, Section 1(a), of this Code shall be subject to forfeiture as provided in 560 Illinois Compiled Statutes 550/12 and 570/505.

Section 2. POSSESSION OF CANNABIS

a. Definitions. All the terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act (720 Illinois Compiled Statutes 550/1 et seq.) and amendments thereto; except, should the term "person" be limited therein to natural persons who have attained the age of eighteen (18) years or more, said limitations is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

b. Offense of Possession of Cannabis. A person commits the offense of

possession of cannabis by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 Illinois Compiled Statutes 550/1 et seq.)

- c. Any person violating the provisions of this Section shall be subject to a fine in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley

CHAPTER 6: CURFEW

Section 1. TERMS.

No person less than 17 years of age shall be present at or upon any public assembly, Building, place street or highway at the following times:

- a. Between 12:01 a.m. and 6:00 a.m. Saturday;
 - b. Between 12:01 a.m. and 6:00 a.m. Sunday;
- and
- c. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day, unless:
 - 1. Accompanied or supervised by a parent, legal guardian, or other responsible companion of the age of 21 years of age approved by a parent or legal guardian, or,
 - 2. Participating in, going to, or returning from:
 - a. lawful employment; or
 - d. a school sanctioned activity; or
 - e. a religious event; or
 - f. any emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage; or
 - g. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution for Article 1, Section 3, 4 and 5 of the Constitution of the State of Illinois, or both, such as religious freedom, freedom of speech and the right of assembly; or
 - h. an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
 - 1. Engaged in interstate or international travel from a location outside Illinois to another location outside Illinois."

Section 2. PERMITTING CHILDREN TO VIOLATE CURFEW.

It shall be unlawful for any person having the legal care and custody of a child under 17 years of age to allow or permit the child to go or be upon any public street, alley or public

assembly, building or highway in the Village in the night time as restricted in the preceding section, except in case of necessity.

Section 3. DETAINING CHILD.

Every member of the Police Department while on duty is authorized to detain any such minor willfully violating the provisions of this Chapter until the parent or guardian of the child shall take him or her into custody. The officer shall immediately upon taking custody of the child communicate with the parent or guardian.

Section 4. DELINQUENT OR MENDICANT CHILDREN.

If it shall appear that any child taken into custody for a violation of Section 1 of this Chapter is growing up in mendicancy, or vagrancy or is incorrigible, for the lack of proper parental care or has no home, proper proceedings shall be taken to have the child placed in the care of appropriate and legally constituted agencies of the State of Illinois for the care of such minor child.

Section 5. PENALTY.

Any person violating any provision of this Chapter shall be fined in accordance with Title I Division V Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense.

CHAPTER 7: ABANDONED AND DERELICT VEHICLES

Section 1. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the meanings ascribed to them as follows:

ABANDONED All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its present condition; or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

DERELICT Any inoperable, unregistered or discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 1 of this Chapter.

Section 2. VILLAGE POLICY.

The Board of Trustees finds that derelict and abandoned vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village of Coal Valley; represent a resource out of place and an energy loss to the Coal Valley economy, and require governmental attention, in order to assure the expeditious removal and recycling of the derelict and abandoned vehicles.

The Board of Trustees declares that it is the policy of the Village of Coal Valley, to:

- a. Prohibit the abandonment of vehicles and the retention of derelicts, and enforced

such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles.

- b. Encourage the development of procedures and techniques to facilitate the expeditious removal of derelict and abandoned vehicles from public or private premises.

Section 3. STORING, PARKING OR LEAVING DERELICT OR ABANDONED VEHICLES PROHIBITED; AND DECLARED NUISANCES; EXCEPTIONS

- a. **Storing, Parking or Leaving Vehicles.** It is a violation for any person to park, store, leave or permit the parking, storing or leaving of any motor vehicles of any kind which, as defined above, is a "derelict vehicle" or an "abandoned vehicle," whether attended or not, upon any property, private or public, within the Village limits, for a period of time in excess of 72 hours. The presence of a derelict or abandoned vehicle, or its parts, on private or public property, is hereby declared a public nuisance, which may be abated as such in accordance with the provisions of this Chapter.

- 1. This Section, relating to the declaration and abatement of nuisances, is enacted pursuant to the powers vested in the Village of Coal Valley by and through the provisions of 65 ILCS 5/11-60-2, entitled, "Definition and Abatement of Nuisances," and Title Six, Chapter 3, Coal Valley Code of Ordinances, entitled, "Public Health Nuisances."

- b. **Not Applicable.** This Section shall not apply to any vehicle enclosed within a building on private property or to any vehicle stored or parked on the premises of a business enterprise, actively operated with an office on the subject premises, and being properly operated in the appropriate business zone, pursuant to the zoning ordinances of the Village, or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways.

Section 4. NOTICE TO REMOVE.

Whenever it comes to the attention of the Chief of Police that any nuisance (as defined in this Chapter) exists in the Village of Coal Valley, a notice in writing giving notice of the existence of the nuisance and demanding its removal shall be given as provided in Section 6 of this Chapter.

Section 5. RESPONSIBILITY FOR REMOVAL.

Upon proper notice and opportunity to be heard, the owner of the derelict or abandoned vehicle and the owner or occupant of the private property on which the same is located, whichever having been so notified, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

Section 6. NOTICE PROCEDURE.

The Chief of Police shall give notice of removal to the registered owner of the vehicle, if the owner can be ascertained and to the owner or occupant of the private property where the vehicle is located at least 10 days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted upon the vehicle itself or on a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the registered owner of the vehicle if the owner can be ascertained and the owner or occupant of the private property at his last known address.

Section 7. CONTENT OF NOTICE.

The notice shall contain the request for removal within the time specified in this Chapter, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

Section 8. REQUEST FOR HEARING.

The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Village Board of Trustees within the 10 day period of compliance for the defending the charges by the Village.

- a. Practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least 3 days in advance. At any such hearing the Village and the person(s) to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

Section 9. REMOVAL OF MOTOR VEHICLE FROM PROPERTY.

If the violation described in the notice has not been remedied within the 10 day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Board of Trustees, then the Chief of Police or his designee shall have the right to take possession of the derelict or abandoned vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.

Section 10. NOTICE OF REMOVAL.

Within 48 hours of the removal of the vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle, or vehicles, has been impounded and stored for violation of this Chapter. The notice shall give the location of where the vehicle(s), is stored and the costs incurred by the Village for removal.

Section 11. DISPOSITION OF VEHICLES.

Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with the disposal procedures of 625 ILCS 5/4-203.

Section 12. PENALTY.

Any person in violation of this Chapter shall be guilty of a misdemeanor and upon conviction, the person shall be subject to a fine of not more than \$750.00. Each act in violation of any of the provisions shall be deemed a separate offense.

CHAPTER 8: PENALTIES

Section 1. WHERE NO PENALTY PROVIDED.

- a. Whenever in any Section or Title the doing of any act is declared to be forbidden, and no fine or penalty is specifically provided, any person convicted of any violation shall be judged to pay a penalty in accordance with Title I Division V

Chapter 1 Section 3 of the Code of Ordinance for the Village of Coal Valley for each offense

- b. When any act is declared to be forbidden, a police officer or other Village Official charged with the enforcement of that provision may, in lieu of making an arrest or causing a complaint to be filled in the Circuit Court, issue a Compliance ticket to the person found in violation. Any person receiving a Compliance ticket from a police officer or Village Official charged with the enforcement of a provision of this Code may then thereafter pay a penalty fee of \$45.00 at the Office of the Village Clerk and consider the matter settled. If said penalty fee is not received at the Office of the Village Clerk within 14 days from the issuance of the Compliance Ticket the matter shall be considered contested and the Chief of Police or his representative shall cause a complaint to be filed with MUNICES or in the Circuit Court of proper jurisdiction charging the violator with a violation of the appropriate provision of this Code of Ordinances and the matter shall proceed as provided by law.

Nothing herein shall prohibit the filing of a complaint in the Circuit Court for a subsequent violation of the same provision. The Chief of Police by his authority may reasonably extend the period by which the penalty fee called for on this section may be paid. The Chief of Police has the authority to void any Compliance Ticket issued for a violation of the Code of Ordinances if after careful consideration he deems such action is in the best interest of the Village.

Section 2. HOW ACTIONS ARE BROUGHT.

All actions and prosecutions to recover any fine or to enforce any penalty under any ordinance of this Village shall be brought and the proceedings conducted as provided by law in such cases; and when there is no provision relating, then, as near as may be, in the manner prescribed by law in other cases before the court of this jurisdiction.

Section 3. HOW COSTS ARE FIXED.

The presiding judge before whom any such actions may be tried shall be entitled to recover the same costs as are fixed by the statutes of the State of Illinois for similar cases.

Section 4. PUNISHING OFFENSES.

In all cases when the same act or offense may be punishable under different ordinances or different clauses of the same ordinance of the Village, the prosecuting officer may elect under which ordinances or clauses to proceed, but no more than one recovery shall be had against the same person for the same offense.

Section 5. PUBLIC SERVICE WORK.

A penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or the maintenance of public facilities.