CHAPTER 27

OFFENSES

ARTICLE I - DEFINITIONS

27-1-1 **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20,** as approved, adopted and amended are hereby adopted by the City, as fully as if set out herein.

27-1-2 **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720,** as passed, approved and amended by the Illinois General Assembly is hereby adopted by the City; the provisions thereof shall be controlling within the corporate limits of the City; provided, however, the penalties as provided by this Code shall apply.

ARTICLE II - GENERALLY

27-2-1 **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties and no person shall use obscene or offensive language in the presence of a police officer; nor shall any person assault, strike, or fight with any police officer in the discharge of his duties or permit such conduct in or upon any house or premises in the City owned or possessed by him or under his management and control.

27-2-2 **IMPERSONATION OF OFFICER.** No person in the City shall falsely represent himself to be an officer of the City or shall, without being duly authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of the City officer, or hinder, obstruct, resist or otherwise interfere with any City officer in the discharge of the duties of his office, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any person in his custody, or impersonate any of the members of the Police Force of this City, or maliciously or with the intention of deceiving any person, wear the uniform of or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department.

27-2-3 **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

27-2-4 **UNLAWFUL ASSEMBLY.**

(A) Whenever **twelve (12)** or more persons, any of them armed with clubs or dangerous weapons, or **thirty (30)** or more persons armed or unarmed are unlawfully, riotously, or tumultuously assembled in the City, it shall be the duty of each of the City Police Officers to go among the persons so assembled, or as near them as safety will permit, and in the name of the State command them immediately to disperse; and if they do not obey, every person refusing to disperse shall be deemed guilty of unlawful assembly.

(B) When persons so unlawfully assembled neglect or refuse on command to disperse, it shall be the duty of the Police to forthwith suppress such assembly and disperse the person composing it in such a manner as may be most expedient. **(See 20 ILCS Sec. 1815/40)**

27-2-5 **DISTURBING THE PEACE.** No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the City by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct.

27-2-6 **BARBED WIRE AND ELECTRIC FENCES.** It shall be unlawful for any person to erect or maintain any barbed wire or other such sharp, pointed fence below **eight (8) feet** in height and no electrically charged fence shall be erected or maintained, except in an agricultural zone district.

27-2-7 **ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-8 **SALE OF CIGARETTES OR TOBACCO TO MINORS.** It shall be unlawful for any person(s) to sell, buy for, or furnish any cigar, cigarette, or tobacco in any of its forms to any minor under **sixteen (16) years** of age unless upon the written order of the parent or guardian.

27-2-9 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-10 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge.

27-2-11 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.

27-2-12 FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-13 RENTING PREMISES FOR UNLAWFUL PURPOSES. It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-14 AID TO AN OFFENSE. It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-15 <u>PUBLIC EXHIBITIONS – PERMIT APPLICATION – CONTENT.</u> An applicant for a permit for a public exhibition or display of fireworks shall file with the City Clerk a written application therefor, duly subscribed and sworn by the applicant. Such application shall set forth the following:

(A) The name of the association, organization, or corporation sponsoring the display, together with the names of the persons to be in charge of the display.

(B) The date and time of day at which the display is to be held.

(C) The exact location planned for the display.

(D) A description setting forth the name, age, address, and experience of the persons who are to do the actual firing and discharging of the fireworks.

(E) The number and kinds of fireworks to be discharged.

(F) The manner and place of the storage of such fireworks between the date of purchase and the date of display.

(G) A diagram or sketch of the grounds on which the fireworks are to be discharged, the location of all buildings, streets, trees, telephone, or telegraph lines or overhead obstructions within a distance of **fifty (50) yards** of the point of discharge, and the lines behind which the public will be restrained.

27-2-16 <u>PUBLIC EXHIBITIONS – PERMIT APPLICATIONS - FILING.</u> An application for a permit for a public exhibition or display of fireworks shall be filed with the City Clerk at least **twenty (20) days** before the date set for the display. A copy of such application shall be sent at once to the Chief of Police, who shall make or cause to be made, an investigation of the site of the proposed display and investigate the competence and skill of the persons in charge of the firing and discharge of the fireworks. If satisfied that the display will be conducted lawfully and in accordance with this Article, he shall so advise the City Clerk within **ten (10) days**, at which time, the City Clerk shall issue the permit. The applicant for a permit shall, at the time of filing application therefor, pay to the City Clerk a fee of **One Hundred Dollars ($100.00)**, which sum shall be refunded in the event the application for such permit is denied. Each applicant shall also pay to the City Clerk a nonrefundable investigation fee of **Thirty Dollars ($30.00)**.

27-2-17 <u>CRIMINAL HOUSING MANAGEMENT.</u> It shall be unlawful for any person in the City to commit the offense of criminal housing management. A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as legal or equitable owner, or

as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any person is endangered.

27-2-18 **BEGGING.** No person shall beg or solicit alms within the City without having obtained permission in writing from the Mayor.

27-2-19 **CONCEALED WEAPONS.** No person shall, within the City, carry or wear under his clothes, or concealed about his person, any pistol or colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly weapon. This Section does not apply to the officers or members of the Police Department, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

27-2-20 **DISCHARGE OF FIREARMS.** It shall be unlawful to discharge within the City limits any firearms or weapon or instrument of the type commonly known as BB or air gun or rifle, whether powered by compressed air, gas or springs or other mechanical contrivances, capable of firing or discharging BBs, pellets, or darts; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, nor to any citizen to discharge a firearm when lawfully defending his person or property. It shall be unlawful to permit any child to use or handle such weapon or firearm enumerated above with the City limits.

27-2-21 **SHOOTING BOWS AND ARROWS AND OTHER MISSILES.** It shall be unlawful to shoot arrows from a bow, or missiles from a slingshot or other device in, across or upon any public street, sidewalk or alley within the City unless the point or tip of said arrow or missile is equipped with a rubber or other soft cushion of a diameter of at least **three-fourths (3/4) of an inch**.

27-2-22 **GAMES IN STREET.** No person shall, upon any City street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-23 STORAGE OF EXPLOSIVES.

(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the City, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the City in any quantity exceeding **five (5) pounds. (See 65 ILCS Sec. 5/11-8-4)**

27-2-24 THROWING ROCKS. No person in the City shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-25 DESTRUCTION OF PUBLIC PROPERTY. No person in the City shall deface, destroy, or in any way, injure any public property, or any other apparatus of the City.

27-2-26 DISCARDED REFRIGERATORS. It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building, or other structure, or within an unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an air-tight door or lid, snap-lock or other locking device which may not be released from the inside without first removing the door or lid, snap-lock or other device from the ice box, refrigerator or container.

27-2-27 HALLOWEEN CURFEW. It shall be illegal for any person to engage in Halloween practice, commonly called **"Trick or Treat",** by calling at the homes or dwelling places within the City, either masked or unmasked, except **October 31** and no later than **9:00 P.M.** that evening, unless otherwise provided by the City Council.

27-2-28 CURFEW.

(A) **Children on Streets at Night.** It is unlawful for a person less than **eighteen (18) years of age** to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least **twenty-one (21) years of age** approved by a parent or legal guardian or unless

engaged in a business or occupation which the laws of this State authorize a person less than **eighteen (18) years** of age to perform:

(1) Between 12:01 A.M. and 6:00 A.M. Saturday;

(2) Between 12:01 A.M. and 6:00 A.M. Sunday; and

(3) Between 11:00 P.M. on Sunday to Thursday, inclusive and 6:00 A.M. on the following day.

(B) **Permitting Children to Violate Curfew.** It shall be unlawful for any one having legal care and custody as described above to allow or permit any person to be present at or upon any public assembly, building, place, street or highway in the City in the night time as restricted in the preceding section, except in case of necessity.

(C) **Detaining Child.** Every member of the police force while on duty is hereby authorized to detain any such minor willfully violating the provisions of the first section of this Article until the parent or guardian of the child shall take him or her into custody; but such officer shall immediately upon taking custody of the child communicate with the parent or guardian.

(D) **Delinquent or Mendicant Children.** If it shall appear that any child taken into custody for a violation of the first section of this Article is growing up in mendicancy or vagrancy, or incorrigible for lack of a proper parental care or has no home, proper proceedings shall be taken to have such child placed in the care of a state or county institution as provided by statute.

(See 720 ILCS Sec. 555/1 and 65 ILCS Sec. 5/11-1-5)

27-2-29 ABETTING OR ENCOURAGING VIOLATION. No person shall abet or encourage any unlawful act or any violation of any provision of the City Code.

27-2-30 WIND FARMS PROHIBITED.

(A) The City hereby exercises its authority under Section 11-13-26 of the Illinois Municipal Code, **65 ILCS 5/11-13-26**, to regulate wind farms and electric generating wind devices within its zoning jurisdiction and within a **one and one-half (1 ½) mile radius** surrounding its zoning jurisdiction.

(B) The development of wind farms and the installation of electric generating wind devices within the City's corporate limits and within the **one and one-half (1 ½) mile radius** surrounding the City's corporate limits shall not be permitted and are prohibited except wind farms or electric generating wind devices with an aggregate generating capacity of **ten (10) kilowatts** or less.

(Ord. No. 11-13; 08-29-11)

ARTICLE III - OPEN BURNING

27-3-1 **DEFINITIONS.**

(A) **Domicile Waste.** Any refuse generated on single family domiciliary property as a result of domiciliary activity. The term includes landscape wastes but excludes garbage and trade wastes.

(B) **Garbage.** Refuse resulting from the handling, processing, preparation, cooling and consumption of food or food products.

(C) **Open Burning.** The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the Environmental Protection Regulations of the State of Illinois.

(D) **Refuse.** Any discarded matter; or any matter which can be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

(E) **Restricted Areas.** The area within the boundaries of the City plus a zone extending **one (1) mile** beyond the boundaries of the Municipality.

27-3-2 **PROHIBITIONS.** No person shall cause or allow open burning, except as provided in this Article.

27-3-3 **EXEMPTIONS.** The following activities are not in violation of the open burnings prohibition.

(A) The open burning of dried leaves and brush, but only:

(1) On the premises upon such wastes generated;

(2) When atmospheric conditions will readily dissipate contaminants;

(3) If such burning does not create a visible hazard on roadways;

(4) The fire must be attended at all times;

(5) From sunrise to sunset;

(6) Not within a **two (2) square block** area of a school from **one-half (1/2) hour** before until **one-half (1/2) hour** after school dismisses;

(7) So long as there is no complaint from any party residing within a **two (2) square block** area of the fire.

(B) Recreational fires by permit issued by the Fire Chief of the Mt. Sterling Fire Department. **(Ord. No. 98-99-12; 10-12-98)**

27-3-4 **BURNING OF DOMICILE AND GARBAGE WASTE PROHIBITED.** The open burning of domicile and garbage wastes is hereby prohibited within the City limits.

27-3-5 **BURNING AS A NUISANCE.** The maintenance or creation of any open burning in violation of this Article within the City limits shall constitute a nuisance and shall further be in violation of **Section 1-1-19** of the Revised Code.

27-3-6 **COMBUSTIBLE REFUSE.** It shall be unlawful to permit or store any combustible refuse in such a manner as to create a fire hazard, or to store or throw away any refuse of any kind on any street, alley, or other public place in the City.

27-3-7 **WARNING AND PENALTY.** After one warning, violation of this Article of the Code shall result in a fine of **Seventy-Five Dollars ($75.00)**.

27-3-8 **INTENTIONAL BURNING PENALTY.** The intentional burning of a standing structure is prohibited and shall result in a fine up to **Three Thousand Dollars ($3,000.00)**. If it becomes necessary for the fire department to be called to bring the fire under control, the owner of the property or the demolition crew shall be charged a flat fee of **One Hundred Dollars ($100.00)** and **One Hundred Dollars ($100.00)** per hour thereafter for each hour after the first hour that is required to extinguish the fire completely.

(Ord. No. 94-03; 09-12-94)

ARTICLE IV

PUBLIC SAFETY AND DECENCY

27-4-1 <u>ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.</u>

(A) **<u>Drive-in Business.</u>** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **<u>Declared Public Places.</u>** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

(1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

(2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:

(a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.

(b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.

(c) For <u>three (3) or more</u> persons to congregate on the premises and linger or loiter at any location on the premises of

any drive-in business, other than in the building or in a legally parked motor vehicle.

(d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, **one (1)** or more signs bearing the following legend in letters at least **two (2) inches** or more in height and readable:

"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."

27-4-2 LOUD AND UNNECESSARY NOISE. No person in the City shall create any unreasonably loud or unnecessary noise and disturb the peace and quiet of the City or of any citizens thereof by:

(A) Sounding of any horn, whistle, siren, or other signaling device, except where necessary to warn of the danger of an approaching vehicle;

(B) Playing of radio, loud speaker, public address system, or other electronic device in a loud and unnecessary manner;

(C) Keeping any animal or bird which by frequent and long continued noise disturbs the comfort and repose of any person in the vicinity;

(D) Unnecessary banging, pounding, clanging, clattering, or other loud noises not necessary in the performing of any useful work.

ARTICLE V - ANTI-LITTER

27-5-1 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

(A) advertise for sale any merchandise, product, commodity or thing; or

(B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or

(C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the City.

"VEHICLE" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the City except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.

(A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.

(B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 LITTERING FROM VEHICLES.

(A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

(B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the City unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 LITTERING FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit any litter within the City.

27-5-9 LITTER IN PARKS. No person shall deposit litter in any park within the City except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 HANDBILLS.

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 POSTING NOTICES PROHIBITED. No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 CONSTRUCTION SITES.

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE CITY. The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

ARTICLE VI - TRESPASS

27-6-1 TRESPASSES PROHIBITED. It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property.

27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION. Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1,** 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 Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the 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

(B) 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 the 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

(C) 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

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

ARTICLE VII

PARENTAL RESPONSIBILITY REGULATIONS

27-7-1 **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

"ACTS OF VANDALISM AND SIMILAR OFFENSES" shall include any of the following acts:

(A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the City, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or

(B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or

(C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or

(D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or

(E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

"LEGAL GUARDIAN" shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act.**

"MINOR" shall include a person who is above the age of **eleven (11) years**, but not yet **eighteen (18) years** of age.

"PARENT" shall include the lawful father and mother of a minor child whether by birth or adoption.

"PROPERTY" shall include any real estate including improvements thereon and tangible personal property.

27-7-2 PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS. The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service with a certificate of personal service returned from the City, following said adjudication or non-judicial sanctions; and

(C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

ARTICLE VIII - OBSCENITY

27-8-1 OBSCENITY.

(A) **Elements of the Offense.** A person commits an obscenity when, with the 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.

(B) **Obscene Defined.** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest; that is, shameful or morbid interest in nudity, sex or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters, a thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.

(C) **Interpretation of Evidence.** 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.

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 the 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.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate.

ARTICLE IX - AIRPORT USE

27-9-1 **PARKING RESTRICTED ON RAMP.** No person shall park or cause to be parked any vehicle, machinery or equipment overnight on the ramp, taxiways, runways or any other area aircraft operate at the Mt. Sterling Municipal Airport, other than aircraft. No person shall leave or cause to be left unattended any vehicle, machinery or equipment on the ramp, taxiways, runways or any other area aircraft operate at the Mt. Sterling Municipal Airport. Each night that such vehicle, machinery or equipment is parked on the ramp, taxiways, runways or any other area aircraft operate shall constitute a new and separate violation.

27-9-2 **MAXIMUM VEHICLE WEIGHT ON RAMP.** No person shall use, operate, nor park any vehicle, machinery or equipment upon the ramp, taxiways, runways or any other area aircraft operate at the Mt. Sterling Municipal Airport where such vehicle, machinery or equipment is licensed to have a gross weight and/or has a gross weight in excess of **forty thousand (40,000) pounds**. The following vehicles, machinery and equipment are exempt from this prohibition of this paragraph:

(A) Any vehicle used in conjunction with a construction or maintenance activity approved by the City Council or other appropriate official of the City;

(B) Any emergency response vehicle; and

(C) Any vehicle used in the delivery of fuel to the airport storage tank.

27-9-3 **DEPOSIT FOR KEY TO THE GATE TO THE RAMP, GATE #1.** All persons requesting the key to Gate #1 to the ramp at the Mt. Sterling Municipal Airport shall pay a deposit of **One Thousand Dollars ($1,000.00)** to ensure the return of such key and to pay for any damages to the Mt. Sterling Municipal Airport that resulted from use of said key. No person shall allow a key to Gate #1 to the ramp at the Mt. Sterling Municipal Airport which is in that person's possession to be used by any other person. No person shall allow a key to Gate #1 to the ramp at the Mt. Sterling Municipal Airport which is in that person's possession to be duplicated unless that person is a duly authorized officer of the City. The key to Gate #1 shall be returned to the Mt. Sterling City Clerk within **four (4) weeks** unless the Mt. Sterling City Clerk is contacted in person, via telephone, or via email to request a **four (4) week** extension. The extension must be requested every **four (4) weeks**. The following persons are exempt from this prohibition of this paragraph:

(A) Based hangar tenants of the Mt. Sterling Municipal Airport.

No access through any other gate except Gate #1 is allowed; anyone accessing the Mt. Sterling Municipal Airport through any other gate shall be considered trespassing and charged as such. The following vehicles shall be exempt from this prohibition of this paragraph:

(A) Any vehicle or person who is involved with farming the properties at the Mt. Sterling Municipal Airport and has a contract with the City to farm said properties;

(B) Any vehicle used in conjunction with a construction or maintenance activity approved by the City Council or other appropriate official of the City; and

(C) Any emergency response vehicle.

27-9-4 **VIOLATIONS.** Any person, persons or operators who violate any provision of this Article shall be fined an amount in excess of **Five Hundred Dollars ($500.00)** per violation. Said person, persons or operators shall immediately return their key to Gate #1 and will be banned from vehicle and machinery access to the Mt. Sterling Municipal Airport ramp for **three hundred sixty-five (365) days**. Aircraft are exempt from this ban and will still be allowed access to the ramp.

27-9-5 **CHEMICAL AND FUEL.** All operators involved with the use of chemicals shall be licensed by the State of Illinois or an appropriate agency with authority for chemical operations at the Mt. Sterling Municipal Airport. All United States Environmental Protection Agency, State of Illinois, County of Brown, and City of Mt. Sterling laws, rules and regulations concerning chemical operations shall be followed and obeyed. Any chemical spills shall be reported immediately to the City and/or the Mt. Sterling Fire and Police Departments. Clean up of any chemicals spilled and any damage caused by spilled chemicals at the Mt. Sterling Municipal Airport is the responsibility of the operator who caused said spill. All costs associated with chemical cleanup, and/or repairs of any Mt. Sterling Municipal Airport facilities will be paid by the operator who caused the chemical spill.

Operators are allowed to bring in their own fuel for personal use only if prior permission is given by the Mayor or by the Chairman of the Aeronautics Committee. No fuel sales are allowed without approval of the City Council. Fuel is considered a chemical and all rules listed above will apply.

(Ord. No. 12-03; 01-17-12)