

## **Knox County Sheriff Department Ordinance 2009-25**

### **2009-25 / 1-----Chapter 1- General Provisions**

#### **Sec. 1-1. General penalty; continuing violations.**

(a) In this section "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense or a violation by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a violation or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section "violation of this Code" does not include the failure of an officer or county employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00). With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense. A person convicted of a violation of the Code may be sentenced to a term of public or community service, for not less than ten (10) hours nor more than one hundred eighty (180) hours, in lieu of or in addition to a fine as provided above.

(d) Notwithstanding all other provisions of this Code, if a summons for a violation of an ordinance of this County or this Code is served by certified mail, return receipt requested, the maximum penalty which may be imposed for such violation shall be a fine of two hundred dollars (\$200.00).

(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil fines or other administrative actions.

**State law references:** Maximum penalty when service of summons made by mail, 65 ILCS 5/1-2-9.1.

#### **Sec. 1-2. Aiding and abetting.**

Any person who aids, abets, counsels or encourages any violation of an ordinance of the County shall be deemed guilty of the commission of such violation as a principal.

#### **Sec. 1-3. Administrative ticket program.**

(a) *Definition.* "Administrative ticket" (AT), is herewith defined as a courtesy ticket used in the case of certain ordinance violations in lieu of arrest.

(b) *Use.* ATs may be used for those ordinance violations contained herein and issued by law enforcement officers of this County.

(c) *Procedure.* At the discretion of the officer or agent of the County authorized to issue such ATs, an AT may be used as a courtesy in lieu of arrest using the following procedure:

(1) The AT shall be on a ticket form to be approved by the County Board.

(2) When an administrative ticket is issued, the person accused of a violation may settle and compromise the claim by paying to the County an administration fee in the amount of either:

- a. Fifty dollars (\$50.00); or

b. The minimum fine then in effect for a violation of the specific ordinance for which the administrative ticket is issued, whichever is greater; within ten (10) days of the date of issuance and, where compliance of an ordinance violation has been indicated, by satisfying the proper authorities of the County that compliance has been completed within the ten-day period.

(3) If the person accused of the violation does not settle the claim, including both the payment of the administration fee and compliance, where required, a complaint or notice to appear in court will be issued for the violation and the person shall be subject to the fines and penalties set forth in the applicable provisions of this Code.

(d) *Ordinance violations subject to AT program.* All ordinances listed under 2009-25 are subject to the AT program.

## **2009-25 / 2- Chapter-2 Alcoholic Liquor**

### **Sec. 2-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic liquor* includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. This chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one (1) percent, or less, of alcohol by volume, except beer. Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

*Bar* means a counter, designed with seating or standing areas for three (3) or more persons, tended by a person who regularly delivers alcoholic liquor to patrons, for consumption at such counter.

*Club* means a corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors as defined by section 1-3.24 of The Liquor Control Act of 1934 [235 ILCS 5/1-3.24] that complies with the General Not For Profit Corporation Act of 1986 [805 ILCS 105/101.01] and that files a copy of its charter with the city clerk

*Deliver* or *delivery* means the actual constructive or attempted transfer of possession of alcoholic liquor.

*Licensee* means that person or persons, firm or corporation named on the liquor license as issued by the Knox County

*Minor* means a person who has not attained his or her twenty-first birthday.

*Motel* means a building kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are available for adequate pay to travelers and guests, in which twenty-five (25) or more rooms are used for such sleeping accommodations and where off-street parking is available for motor vehicles in close proximity to such rooms.

*Not-for-profit corporation* means a corporation, organized under the laws of the State of Illinois, no part of the income of which is distributable to its members, directors or officers; provided, however, that the payment of reasonable compensation for services rendered and the making of distributions upon dissolution or final liquidation as provided by section 112.16 of the General Not For Profit Corporation Act of 1986 [805 ILCS 105/112.16] shall not be deemed a distribution of income.

*Offer for sale* means to hold out, keep or expose for sale; to possess with intent to sell; to solicit or receive orders for sale.

*Original package* means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor.

*Law Enforcement Officer* means a law enforcement officer of the Knox County.

*Restaurant* means any public place, kept, used, maintained, advertised and held out to the public primarily as a place where meals are served, and where meals are actually regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals. The fact that fifty (50) percent or more of the gross revenue in any month from the operation of the licensed premises is derived from activities other than the serving of meals shall be prima facie evidence that such business is not a restaurant within the meaning of this chapter. *Retail sale* means sale for use or consumption and not for resale in any form.

*Sale* means any transfer, exchange or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal proprietor, agent, servant or employee.

*Tavern* means every building or structure which is kept, used, maintained, advertised or held out to the public, other than a club, hotel, motel, bowling alley or restaurant, where alcoholic liquor is sold and consumed on the licensed premises as the primary monetary function of the business.

*To sell* means to effect, make or contract a sale; to keep or expose for sale; and to keep with intent to sell.

## **Sec. 2-2. Purpose.**

This chapter is enacted in order to protect the health, safety and welfare of the people of the County and to provide standards for the sound and careful control and regulation of sale and distribution of alcoholic liquor.

## **Sec. 2-3. Delivery of liquor to minors.**

(a) *Delivery of liquor to minors.* No person shall sell, give, offer or deliver any alcoholic liquor to a minor; provided, however, that a parent or legal guardian may sell, give, offer or deliver alcoholic liquor to a minor child of such parent legal guardian in, or upon, private premises when such alcoholic liquor is consumed by such minor on such private premises in the presence of such minor child's parent or legal guardian.

(b) *Sale to minor by license.* No licensee nor servant, agent or employee of such licensee shall sell, offer, give or deliver any alcoholic liquor to a minor, nor shall licensee permit any alcoholic liquor to be sold, given, offered or delivered to a minor on the licensed premises of the licensee.

(c) *Liability of licensee.* Every act or omission, of whatsoever nature, constituting a violation of this section by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee, and said licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. ( Both the employee and licensee may be fined for one offense of this section. )

(d) *Penalty.* The minimum fine to be imposed upon a person or license convicted of violating this section as a first offense shall be three hundred dollars (\$300.00). The minimum fine for second and subsequent offenses shall be five hundred dollars (\$500.00).

**State law references:** Sales to persons under twenty-one, 235 ILCS 5/6-16.

**Sec. 2-4. Illegal possession/consumption by minor.**

(a) *Prohibited.* No minor ( under 21 years of age ) shall possess/consume alcoholic liquor.

(b) *Exception.* An exception to subsection (a) is that subsection (a) shall not apply in the case of a minor who possesses or consumes alcoholic liquor in or upon private premises in the presence of his parent or legal guardian when such alcoholic liquor was delivered to such minor by his parent or legal guardian.

(c) *Penalty.* The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**State law references:** Possession by persons under twenty-one, 235 ILCS 5/6-16.

**Sec. 2-5. Unlawful purchase of alcoholic liquor by a minor.**

No minor shall purchase or attempt to purchase alcoholic liquor in or from any licensed premises or other person. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**State law references:** Purchase of liquor by persons under twenty-one, 235 ILCS 5/6-16.

**Sec. 2-6. Illegal premises for consumption.**

No person shall consume an alcoholic beverage, or have in his possession an open container containing an alcoholic beverage in any place open to and frequented by the general public unless such place holds a current license authorizing it to sell alcoholic liquor at retail. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**Sec. 2-7. Misrepresentation of age.**

(a) No minor shall misrepresent his age for the purpose of purchasing or otherwise obtaining alcoholic liquor in or from a licensed premises. For the purpose of preventing the violation of this section, any licensee or his agent or employee may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and for the fact that he is over the age of twenty-one (21) years.

(b) The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**State law references:** Misrepresentation of age by persons under twenty-one, 235 ILCS 5/10-1 (e).

**Sec. 2-8. Exception.**

It shall not be considered a violation of Sec 2-4 through 2-7 for persons under the age of twenty-one (21) to purchase or possess alcoholic beverages when participating in a program for monitoring compliance with this article conducted by local law enforcement agencies, as long as those persons are supervised by the personnel of the local law enforcement agencies, and the consent of a parent or guardian is obtained.

**State law references:** Exemption- 235 ILCS 5/10-1 (g)

**Sec. 2-9. Providing fraudulent identification.**

No person shall sell, give or furnish to any minor any false or fraudulent written, printed or photostatic evidence of the age and identity of such person, nor shall any person sell, give or furnish to any person under the age of twenty-one (21) years

evidence of age and identification of any other person. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**State law references:** Furnishing false identification to minors, 235 ILCS 5/6-16.

## **2009-25 /3 Chapter 3 OFFENSES INVOLVING TOBACCO PRODUCTS**

### **Sec. 3-1. Findings and declaration.**

The Knox County Board expressly find and declare that:

- (1) Cigarette smoking is dangerous to human health;
- (2) There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
- (3) The Surgeon General of the United States has declared that nicotine addiction is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
- (4) The Director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
- (5) The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and
- (6) That the enactment of this article directly pertains to and is in furtherance of the health, welfare and safety of the residents of the Knox County, particularly those residents under eighteen (18) years of age.

### **Sec. 3-2. Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

*Minor* means a person under eighteen (18) years of age.

*Tobacco products* means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

### **Sec. 3-3. Possession of tobacco products by minors.**

- (a) It shall be unlawful for a minor to possess or consume any tobacco product in any of its forms.
- (b) An exception to subsection (a) is that subsection (a) shall not apply in the case of a minor who possesses or consumes tobacco products in or upon private premises in the presence of his/her parent or legal guardian when such tobacco products were delivered to the minor by his/her parent or legal guardian.

### **Sec. 3-4. Purchase by minors prohibited.**

It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

### **Sec. 3-5. Exception.**

It shall not be considered a violation of this article for persons under the age of eighteen (18) to purchase or possess tobacco products when participating in a program for monitoring compliance with this article conducted by local law enforcement agencies,

as long as those persons are supervised by the personnel of the local law enforcement agencies, and the consent of a parent or guardian is obtained.

**Sec. 3-6. Enforcement.**

The observation of a violation of section 3-3 shall not constitute the sole reason for law enforcement authorities to stop a motor vehicle in which an alleged offender is a driver or passenger.

**Sec. 3-7. Prohibited sales, delivery signs.**

(a) It shall be unlawful for any person to sell, offer to sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.

(b) Signs informing the public of the age restrictions provided for herein shall be posted by, at, or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW".

**Sec. 3-8. Responsibility for agents and employees.**

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any person shall be deemed and held to be the act of such person; and such person shall be punishable in the same manner as if such act or omission had been done or omitted by the person personally. ( Both the owner of the business in violation of any section in this chapter may be cited as well as the actual person violating the section. )

**Sec. 3-9. Penalties.** The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**Sec. 3-10. Alternative programs.**

Law enforcement agencies, acting in conjunction with the State Attorney, may establish and implement alternative programs for enforcing this article. These programs, which shall be voluntary, may include, but are not limited to the use of teen courts, and the prescription of educational or community service activities.

**2009-25 / 4- Chapter-4 Offenses Involving Property Rights**

**Sec. 4-1. Trespass.**

(a) No person shall knowingly and without lawful authority enter or remain within or on a building.

(b) No person shall enter upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden.

(c) No person shall remain upon the land of another after receiving notice from the owner or occupant to depart.

**State law references:** Trespass, 720 ILCS 5/21-2 et seq.

**Sec. 4-2. Damaging property.**

No person shall willfully damage, deface, destroy, remove, or injure in any way, any property belonging to another person without the express consent of such other

person. No person shall willfully damage, deface, destroy, remove, or injure in any way any public property.

A person pleading guilty to or having been found guilty of a violation of this section 4-2 shall be punished by a fine of not less than one hundred dollars (\$100.00), and will be required to pay restitution to the owner of the damaged property.

**State law references:** Criminal damage to property, 720 ILCS 5/21-1 et seq.; theft and related offenses, 720 ILCS 5/16-1 et seq.

#### **Sec. 4-3. Tampering with wires, cables, etc.**

No person, except in the course of his employment, shall tamper or interfere in any manner with a telephone, telegraph or other wire or cable conducting electric current, or with any pole or other structure used to support such wire or cable.

#### **Sec. 4-4. Tampering with public lighting.**

No person, except in the course of his employment, shall tamper or interfere in any manner with a lamp or other device used to light streets or alleys or with any pole or other structure used to support such lamp or other device.

#### **Sec.4-5. Theft of Lost or Mislaid Property.**

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

Knows or learns the identity of the owner or knows, or is aware of , or learns of a reasonable method of identifying the owner (and) fails to take reasonable measures to restore the property to the owner (and) intends to deprive the owner permanently of the use or benefit of the property.

**State law reference :** Theft of lost or mislaid property 720 ILCS 5/16-2

#### **Sec 4-6. Criminal Trespass to vehicles**

Whoever knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile commits criminal trespass to a vehicle. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00).

**State law references:** Criminal Trespass to vehicle, 720 ILCS 5/21-2

#### **Sec 4-7. Dumping garbage upon real property**

It is unlawful for a person to dump, deposit or place garbage, rubbish, trash or refuse upon real property not owned by that person without the consent of the owner or person in possession of the real property. In cases of property owned by the State, County, City, Village, or Township, the permission must come from the government agency that has jurisdiction over the property. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). The minimum fine for second and subsequent offenses shall be three hundred dollars (\$300.00). The subject dumping the garbage will be required to properly dispose of all trash.

**State law reference:** Dumping garbage on real property- 720ILCS 5/47-15

#### **Sec 4-8. Accumulation of Litter prohibited,**

No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or

otherwise carried by the natural elements onto the real property of another person. The minimum fine shall be \$50.00 upon a person convicted of violating this section as a first offense. This person will be considered to be in violation of this section, a subsequent time, if the violation is not corrected within 30 days. Each consecutive (30) day period that he/she is in violation of this section, will be consider an additional offense. Each subsequent violation of this offense shall result in a fine of a minimum of \$100.00

**State law reference :** Accumulation of litter prohibited - 415 ILCS 105/6

#### **Sec 4-9. Abandonment of Motor Vehicle**

No person shall abandon a motor vehicle on any highway, on any public property or on any private property of which he is not the owner or tenant in lawful possession in this State. The person to whom last was issued the certificate of title to the vehicle by the Secretary of State is presumed to be the person to have abandoned that vehicle, but such presumption may be rebutted. The vehicle will be considered abandoned if the person leaving the vehicle, does not contact the owner of the property or the Knox County Sheriff Department, within (8) hours, to advise them of a mechanical problem with the vehicle, and with a reasonable estimate of when they will retrieve the vehicle. The reasonable estimate will be within 24 hours of the time it was left at the location.

**State law reference:** Abandonment of Motor Vehicle – 415 ILCS 105/7

### **2009-25 / 5- Chapter 5-OFFENSES INVOLVING PUBLIC PEACE AND ORDER**

#### **Sec. 5-1. Interfering with lawful assemblies.**

No person shall willfully disturb any lawful assembly or create a disturbance in a public place.

#### **Sec. 5-2. Hindering public passage.**

No person shall obstruct or hinder any member of the public from freely passing wherever he has a legal right to go.

#### **Sec. 5-3. Jostling and crowding.**

No person shall jostle or willfully crowd any member of the public in any public or private place, or otherwise interfere intentionally with the peaceful pursuit of their affairs.

#### **Sec. 5-4. Loud noise.**

(a) No person shall create, maintain, assist or participate in the creation of a loud or raucous noise likely to disturb the public peace or quiet.

(b) No driver of any motor vehicle within the County of Knox shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from seventy-five (75) or more feet when the vehicle is being operated on a highway, unless such system is being operated to request assistance or warn of a hazardous situation; provided that this section does not apply to authorized emergency vehicles.

#### **Sec. 5-5. Public intoxication.**

No person shall appear in a public place while so intoxicated or under the influence of any drug or other substance that such person constitutes a nuisance or a threat to the health or safety of any person, including himself.

### **Sec. 5-6. Begging and soliciting.**

- (a) No person shall beg or solicit donations from the public for his personal use.
- (b) No person shall solicit donations or contributions for any cause or purpose whatsoever on any private property without first obtaining the permission of the owner of the property.

### **Sec. 5-7. Fighting, threatening.**

No person shall engage in fighting, or make insulting or threatening remarks or gestures calculated to result in a fight or other breach of the peace.

### **Sec. 5-8. Allowing disturbances.**

No person in charge of a place of amusement or recreation shall permit or allow any unnecessary disturbance therein, or any conduct which is likely to result in a breach of the peace.

### **Sec. 5-9. Curfew.**

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

- (1) Between 12:01 a.m. and 6:00 a.m. Saturday;
- (2) Between 12:01 a.m. and 6:00 a.m. Sunday; and
- (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(b) It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her custody or control to violate subsection (a) of this section.

(c) A person pleading guilty to or having been found guilty of a violation of this section shall be punished by a fine of \$50.00 on the first offense and \$100.00 for each subsequent offense within a twelve (12) month period, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this section, the court may order a parent, legal guardian, or other person convicted of a violation subsection (a) and/or (b) of this section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection (b) of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

State law reference: Curfew- 720 ILCS 555/1

### **Sec. 5-10. Harboring a runaway**

Any person, other than an agency or association providing crisis intervention services as defined in Section 3-5 of the Juvenile Court Act of 1987, or an operator of a youth emergency shelter as defined in Section 2.21 of the Child Care Act of 1969, who without the knowledge and consent of the minor's parent or guardian, knowingly gives shelter to a minor ( other than an emancipated minor ) for more than 48 hours without the consent of the minor's

parent or guardian and without notifying the local law enforcement authorities of the minor's name and the fact, that the minor is being provided shelter.

**State law reference:** Harboring a runaway- 720 ILCS 5/10-6

### **Sec. 5-11. Mob Action**

Mob action under this ordinance consist of any of the following:

1. The assembly of 2 or more persons to do an unlawful act:
2. Any participant in a mob action who does not withdraw on being commanded to do so by any peace officer .

**State law reference:** Mob Action, 720 ILCS 5/25-1

### **Sec. 5-12. Disorderly Conduct**

(a) a person commits disorderly conduct when he knowingly:

1. Does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
2. Enters upon the property of another for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.
3. Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such report is necessary for the safety and welfare of the public.
4. Calls the number (911) for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

**State law references: Disorderly Conduct 720 ILCS 5/26-1**

### **Sec. 5-13. Harassment by Telephone**

Harassment by telephone is use of telephone communication for any of the following purposes:

- 1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or
- 2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or
- 3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
- 4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
- 5) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned above.

**State law reference : Harassment by Telephone 720 ILCS 135/1-1**

### **Sec. 5-14. Harassment through electronic communications**

Harassment through electronic communication is the use of electronic communication for any of the following purposes:

- 1) Making any comment, request, suggestion or proposal which is obscene with an intent to offend; or

- 2) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
- 3) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this section.

The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$100.00). Any subsequent offense within 12 months, must be handled through the criminal justice system

**State law reference: Harassment through electronic communications, 720 ILCS 135/1-2**

## **2009-25 / 6- Chapter 6 - OFFENSES INVOLVING PUBLIC MORALS**

### **Sec. 6-1. Public obscenity.**

No person shall commit any lewd, obscene or indecent act in a public place, or a place frequented by the public, or appear in public in an indecent state of dress.

**State law references:** Obscenity, 720 ILCS 5/11-20 et seq.

### **Sec. 6-2. Obscene soliciting.**

No person shall sell, offer for sale, exhibit, loan or give any lewd or obscene book, picture or article to another, nor shall any person present, exhibit or engage in any lewd, lascivious act or performance.

(Ord. No. 63-695, § .0111, 1-21-63)

**State law references:** Obscenity, 720 ILCS 5/11-20 et seq.

### **Sec. 6-3. Truancy.**

It shall be unlawful for any person under the age of seventeen (17) enrolled in a public, private or parochial school within the County absent himself from attendance at school without parental permission. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself from school without parental permission shall not constitute truancy if permission for such absence has substantially been obtained from the parent and such permission is submitted in writing to the proper school authorities within twenty-four (24) hours after such absence.

**State law references:** Truancy, 105 ILCS 5/26-1.

## **2009-25 / 7 - Chapter 7- Offenses Involving Governmental Operations**

### **Sec. 7-1. Resisting or obstructing an officer.**

No person shall knowingly resist or obstruct the performance by one known to the person to be a Law Enforcement Officer of any authorized act within his official capacity.

**State law references:** Resisting or obstructing a peace officer, 720 ILCS 5/31-1.

## **2009-25 / 8 – Chapter 8 - IMPOUNDMENT OF MOTOR VEHICLES USED IN CERTAIN OFFENSES**

### **Sec. 8-1. Definitions.**

For purposes of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

*Cannabis* means any substance as defined in section 1 of the Cannabis Control Act (720 ILCS 550/1 et seq.) as now in force and as may be amended from time to time.

*Controlled substance* means any substance as defined and included in the schedule contained in Article II of the Illinois Controlled Substance Act (720 ILCS 570/201 et seq.), as now in force and as may be amended from time to time.

*Driving under the influence* means any violation as defined in section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) as now in force and as may be amended from time to time.

*Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked* means any violation as defined in section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as now in force and as may be amended from time to time.

*Drug paraphernalia* means any equipment, product, and/or materials as defined in section 2 of the Drug Paraphernalia Act (720 ILCS 600/2), as now in force and as may be amended from time to time.

*Fleeing and attempting to elude a police officer* means any offenses as defined in section 5/11-204 or 5/11-204.1 of the Illinois Vehicle Code, 625 ILCS 5/11-204 and 5/11-204.1, as now in force and as may be amended from time to time.

*Motor vehicle* shall have the meaning ascribed to it in 625 ILCS 5/1-146

*Owner* means the record title holder of a motor vehicle as shown on the records of the Secretary of State of registration of the vehicle.

*Unlawful use of weapons* means a violation of section 24-1(a)(4) of the Illinois Criminal Code (720 ILCS 5/24-1(a)(4)).

### **Sec. 8-2. Seizure and impoundment of vehicles.**

(a) A motor vehicle is subject to seizure and impoundment under this article if such motor vehicle is used in the commission of any of the following:

- (1) The possession or delivery of a controlled substance, drug paraphernalia or cannabis;
- (2) Driving under the influence;
- (3) Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked;
- (4) The unlawful use of weapons;
- (5) Fleeing or attempting to elude a police officer;

(b) The owner of a vehicle found to be subject to seizure and impoundment as set forth herein shall be liable to the County for a penalty of five hundred dollars (\$500.00) in addition to fees for the towing and storage of the vehicle.

(c) Whenever a Law Enforcement Officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the Law Enforcement Officer shall provide for the towing of the vehicle. When the vehicle is towed, the Officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under this section.

### **Sec. 8-3. Posting of bond.**

If a bond in the amount of five hundred dollars (\$500.00) is posted with the Sheriff Department, the impounded vehicle will be released to the owner, provided,

however, the owner first pays the towing and storage costs. If a penalty is imposed for a violation of this article, the bond will be forfeited to the County; provided, in the event that a violation of this article is not proven, the bond will be returned to the person posting the bond. Any bond posted pursuant to this article will be held by the County until the hearing officer issues a decision, or, if there is a judicial review, until the court issues its final decision.

#### **Sec. 8-4. Preliminary hearing.**

(a) An owner of a motor vehicle seized under the provisions of this article may request a preliminary hearing by delivering a written request to Knox County Sheriff Department within seventy-two ( 72 ) hours after the seizure of the motor vehicle.

(b) If the written request is timely made, a hearing officer shall conduct a preliminary hearing within seventy-two (72) hours after the request for preliminary hearing is received by the Sheriff Department; provided that if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday. For purposes of this section, the following shall apply:

(1) All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.

(2) The formal rules of evidence will not apply at the hearing. Hearsay testimony will be admissible.

(3) If, after the conclusion of the hearing, the hearing officer determines that there is probable cause to believe that the vehicle was used in the commission of any offense as hereinabove provided in subsection 8-2 (a) Sections 1-5 the hearing officer shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond with the Knox County Sheriff Department in the amount of five hundred dollars (\$500.00), plus the towing and storage costs.

(4) If the hearing officer determines that there is not probable cause to believe that the vehicle was used in the commission of any offense as hereinabove provided in subsection 8-2 (a) Sections 1-5 the motor vehicle will be returned to the owner of the vehicle without any penalty or other costs.

(5) The hearing officer for the preliminary hearing shall be the Knox County Sheriff or his designee.

#### **Sec. 8-5. Final hearing.**

(a) *Notice of right to request hearing.* Within ten (10) days after a vehicle is seized or impounded pursuant to this chapter, the Knox County Sheriff Department shall provide notice to the owner of the motor vehicle of his or her right to request a hearing to determine whether the vehicle is subject to impoundment pursuant to this article. Such notice shall be in writing, and shall either be personally delivered or mailed by certified mail, return receipt requested, to the owner, as shown on the records of the Secretary of State of the state in which the vehicle is registered.

(b) *Notice of hearing.* If the owner files a written request for a hearing with the Knox County Sheriff Department no later than fifteen (15) days after the notice was mailed or otherwise given as provided above, a hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than forty-five (45) days after the request for hearing was filed. Notice of the hearing shall be given by regular mail to the owner at his or her address as shown on the Secretary of State vehicle registration records.

(c) *Hearing.* For purposes of this section, the following shall apply to the final hearing:

(1) All interested persons will be given a reasonable opportunity to be heard at the hearing.

(2) The formal rules of evidence will not apply at the hearing. Hearsay testimony will be admissible.

(3) If the hearing officer determines by a preponderance of the evidence that the vehicle was used as hereinabove provided in subsection 8-2 (a) Sections 1-5 the hearing officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the County a penalty in the amount of five hundred dollars (\$500.00), plus the towing and storage costs. The penalty and costs shall be a debt due to the County.

(4) If the hearing officer determines that the vehicle was not used as hereinabove provided in subsection 8-2 (a) Sections 1-5, the motor vehicle will be released to the owner of the vehicle without any penalty or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.

(5) The hearing officer for the final hearing shall be the Knox County State Attorney or his designee.

#### **Sec. 8-6. Vehicles with liens.**

Notwithstanding any other provision of this article, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the County the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed under this article. The lien must be shown on the title and recorded with the Secretary of State.

#### **Sec. 8-7. Unclaimed vehicles.**

Any motor vehicle that is not reclaimed within thirty (30) days after a final administrative decision is rendered in favor of the County upon a hearing or against an owner who is in default or upon the failure of the owner to timely request a hearing, will be considered abandoned and may be disposed of as an unclaimed vehicle as provided by law.

### **2009-25 / 9 – Chapter 9 the Illinois Vehicle Code and Highways**

#### **Sec. 9-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

**State law references:** Similar provisions, 625 ILCS 5/1-105.

*All-terrain vehicle* means any motorized off-highway device fifty (50) inches or less in width, having a manufacturer's dry weight of six hundred (600) pounds or less, traveling on three (3) or more low-pressure tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control.

**State law references:** Similar provisions, 625 ILCS 5/1-102.02.

*Ambulance* means any publicly or privately owned vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

**State law references:** Similar provisions, 625 ILCS 5/1-102.1.

*Authorized emergency vehicle* means any emergency vehicle of a municipal department or public service corporation as designated or authorized by proper local authorities; police vehicle; vehicle of the fire department and ambulance.

**State law references:** Similar provisions, 625 ILCS 5/1-105.

*Bicycle* means every device propelled by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

**State law references:** Similar provisions, 625 ILCS 5/1-106.

*Bus* means every motor vehicle, other than a commuter van, designed for carrying more than ten (10) persons.

**State law references:** Similar provisions, 625 ILCS 5/1-107.

*Commercial vehicle* means any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

**State law references:** Similar provisions, 625 ILCS 5/1-114.

*Commuter van* means a motor vehicle designed for the transportation of not less than seven (7) nor more than sixteen (16) passengers, which is:

- (1) Used in a ridesharing arrangement; or
- (2) Owned or leased by or on behalf of a company or an employee organization and operated on a nonprofit basis with the primary purpose of transporting employees of the company between the employees' homes and the company's place of business or a public transportation station and in which the operating, administrative, maintenance and reasonable depreciation costs are paid principally by the persons utilizing the commuter van.

**State law references:** Similar provisions, 625 ILCS 5/1-114.1.

*Controlled access highway* means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only as may be determined by the public authority having jurisdiction over such street, highway or roadway.

**State law references:** Similar provisions, 625 ILCS 5/1-112.

*Crosswalk* means any of the following:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one (1) side of the highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with such extension forming a right angle to the centerline of the highway;
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in accordance with the provisions in the manual adopted by the state department of transportation.

**State law references:** Similar provisions, 625 ILCS 5/1-113.

*Driver* means every person who drives or is in actual physical control of a vehicle.

**State law references:** Similar provisions, 625 ILCS 5/1-116.

*Farm tractor* means every motorized device designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled, excluding all-terrain vehicles and off-highway motorcycles as defined in this chapter.

**State law references:** Similar provisions, 625 ILCS 5/1-120.

*Fire lane* means that travel lane, on private and public property, designated by the city manager, for use by firefighting equipment, or related emergency equipment.

*Gross weight* means the weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.

**State law references:** Similar provisions, 625 ILCS 5/1-125.

*Handicap parking space* means that parking space, on public or private property, designated by the city manager and marked with appropriate signs and/or markings restricting the space to vehicles operated by or transporting handicapped persons.

*Handicapped person* means every natural person who is unable to walk two hundred (200) feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device or a wheelchair or without great difficulty or discomfort due to the following impairments: neurologic, orthopedic, respiratory, cardiac, arthritic disorder, blindness or the loss of function or absence of a limb.

**State law references:** Similar provisions, 625 ILCS 5/1-159.1.

*Implement of husbandry* means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, of for lifting or carrying an implement of husbandry. Implement of husbands does not include any farm wagon, wagon trailer or like vehicle having a gross weight of more than thirty-six thousand (36,000) pounds.

**State law references:** Similar provisions, 625 ILCS 5/1-130.

*Improved highway* means any roadway of concrete, brick, asphalt, macadam and crushed stone or gravel.

**State law references:** Similar provisions, 625 ILCS 5/1-131.

*Intersection* means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict. Where a highway includes two (2) roadways forty (40) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. The junction of an alley with a street or highway does not constitute an intersection.

**State law references:** Similar provisions, 625 ILCS 5/1-132.

*Junk vehicle* means a vehicle which has been or is being disassembled, crushed, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer can be returned to an operable state.

**State law references:** Similar provisions, 625 ILCS 5/1-134.1.

*Lane-control signal* means an official traffic-control device consisting of an electrically controlled and illuminated signal of a square or rectangular design and employing distinctive colors or symbols used to control the direction of vehicular flow on the particular lane to which the indication applies.

**State law references:** Similar provisions, 625 ILCS 5/1-135.

*Laned roadway* means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

**State law references:** Similar provisions, 625 ILCS 5/1-136.

*Medical transport vehicle* includes any ambulance, medical carrier, and rescue vehicle.

**State law references:** Similar provisions, 625 ILCS 5/1-142.2.

*Motorcycle* means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

**State law references:** Similar provisions, 625 ILCS 5/1-147.

*Motor-driven cycle* means every motorcycle and every motor scooter with less than one hundred fifty (150) cubic centimeter piston displacement including motorized pedalcycles.

**State law references:** Similar provisions, 625 ILCS 5/1-148.

*Motorized pedalcycle* means a motor-driven cycle whose speed attainable in one (1) mile is thirty (30) miles per hour or less, which is equipped with a motor that produces two (2) brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeter displacement and the power drive system shall not require the operator to shift gears.

**State law references:** Similar provisions, 625 ILCS 5/1-148.2.

*Motor vehicle* means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. Motor vehicles are divided into two (2) divisions:

(1) *First division*: Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

(2) *Second division*: Those motor vehicles which are designed for carrying more than ten (10) persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the first division remodelled for use and used as motor vehicles of the second division.

**State law references:** Similar provisions, 625 ILCS 5/1-146.

*Motorized wheelchair* means any self-propelled vehicle designed for and used by a handicapped person, that is incapable of a speed in excess of eight (8) miles per hour on level ground.

**State law references:** Similar provisions, 625 ILCS 5/1-148.3.

*Multipurpose passenger vehicle* means a passenger-carrying vehicle which is constructed either on a truck chassis or with special features for occasional off-road operation.

**State law references:** Similar provisions, 625 ILCS 5/1-148.1.

*Noncommercial vehicle* means any vehicle that is not a commercial vehicle.

**State law references:** Similar provisions, 625 ILCS 5/1-151.

*Not-for-hire* means operation of a commercial vehicle in furtherance of any commercial or industrial enterprise but not for-hire.

**State law references:** Similar provisions, 625 ILCS 5/1-153.

*Off-highway motorcycle* means any motorized device designed to travel primarily off-highway on two (2) wheels, having a seat or saddle for the use of the operator, upon or by which any person, persons or property may be transported or drawn.

**State law references:** Similar provisions, 625 ILCS 5/1-153.1.

*Official traffic-control devices* means all signs, signals, markings, and devices which conform with the state manual and not inconsistent with law placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

**State law references:** Similar provisions, 625 ILCS 5/1-154.

*Operate* means to ride in or on, other than as a passenger, use or control in any manner the operation of any device or vehicle whether motorized or propelled by human power.

**State law references:** Similar provisions, 625 ILCS 5/1-154.1.

*Operator* means every person who operates or is in actual physical control of any device or vehicle whether motorized or propelled by human power.

**State law references:** Similar provisions, 625 ILCS 5/1-154.2.

*Owner* means a person who holds legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

**State law references:** Similar provisions, 625 ILCS 5/1-155.

*Parade* means any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, highway or sidewalk.

*Park* or *parking* means the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

**State law references:** Similar provisions, 625 ILCS 5/1-156.

*Parking space* means any area in a parking lot or street which has been marked for parking by lines painted on the pavement and/or by the placement of signs.

*Pedestrian* means any person afoot.

**State law references:** Similar provisions, 625 ILCS 5/1-158.

*Law Enforcement Officer* means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**State law references:** Similar provisions, 625 ILCS 5/1-162.

*Private road or driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**State law references:** Similar provisions, 625 ILCS 5/1-163.

*Railroad* means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

**State law references:** Similar provisions, 625 ILCS 5/1-166.

*Railroad-highway grade crossing* means the intersection of stationary rails owned or used in the operation of a railroad corporation across a highway.

**State law references:** Similar provisions, 625 ILCS 5/1-166.1.

*Railroad sign or signal* means any sign, signal or device, other than an official traffic-control signal or device, erected in accordance with the laws governing same and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

**State law references:** Similar provisions, 625 ILCS 5/1-167.

*Railroad train* means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

**State law references:** Similar provisions, 625 ILCS 5/1-168.

*Rescue squad* means a voluntary association of individuals or a fire department dedicated to saving lives through the rescue of persons entrapped in wrecked vehicles or other hazardous circumstances and associated with some unit of government.

**State law references:** Similar provisions, 625 ILCS 5/1-222.

*Rescue squad vehicle* means a vehicle specifically designed, configured, and equipped for the performance of access and extrication from hazardous or life-endangering situations. However, if such vehicles have emergency medical transport capability they must be classified as rescue vehicles.

**State law references:** Similar provisions, 625 ILCS 5/1-223.

*Rescue vehicle* means any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

**State law references:** Similar provisions, 625 ILCS 5/1-224.

*Residence district* means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

**State law references:** Similar provisions, 625 ILCS 5/1-172.

*Right-of-way* means the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

**State law references:** Similar provisions, 625 ILCS 5/1-177.

*Road tractor* means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

**State law references:** Similar provisions, 625 ILCS 5/1-178.

*Roadway* means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

**State law references:** Similar provisions, 625 ILCS 5/1-179.

*Safety zone* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by signs as to be plainly visible at all times which part is set apart as a safety zone.

**State law references:** Similar provisions, 625 ILCS 5/1-181.

*Semitrailer* means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**State law references:** Similar provisions, 625 ILCS 5/1-187.

*Shoulder* means that portion of the highway adjacent to the roadway for accommodating stopped vehicles or for emergency use.

**State law references:** Similar provisions, 625 ILCS 5/1-187.1.

*Sidewalk* means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

**State law references:** Similar provisions, 625 ILCS 5/1-188.

*Speed-change lane* means an auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.

**State law references:** Similar provisions, 625 ILCS 5/1-193.

*Stand* or *standing* means the halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers.

**State law references:** Similar provisions, 625 ILCS 5/1-194.

*Stop* when required means complete cessation from movement.

**State law references:** Similar provisions, 625 ILCS 5/1-199.

*Stop* or *stopping* means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

**State law references:** Similar provisions, 625 ILCS 5/1-200.

*Street* or *highway* means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**State law references:** Similar provisions, 625 ILCS 5/1-201.

*Terrace* means that portion of a public street which lies between the curb and the nearest boundary line of such public street.

*Towtruck* means every truck designed or altered and equipped for and used to push, tow or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or to render assistance to disabled vehicles.

**State law references:** Similar provisions, 625 ILCS 5/1-205.1.

*Through street* means every street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through street in obedience to either a stop sign or a yield sign, when such signs are erected.

**State law references:** Similar provisions, 625 ILCS 5/1-205.

*Tower* means a person who owns or operates a towtruck or a wrecker.

**State law references:** Similar provisions, 625 ILCS 5/1-205.2.

*Traffic* means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

**State law references:** Similar provisions, 625 ILCS 5/1-207.

*Traffic-control signal* means any official traffic-control device other than a railroad sign or signal, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

**State law references:** Similar provisions, 625 ILCS 5/1-208.

*Trailer* means every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**State law references:** Similar provisions, 625 ILCS 5/1-209.

*Travel trailer* means a trailer, not used commercially, designed to provide living quarters for recreational camping or travel use, and of a size or weight not requiring an overdimension permit when towed on a highway.

**State law references:** Similar provisions, 625 ILCS 5/1-210.01.

*Truck* means every motor vehicle, except a road tractor or a truck tractor, designed, used or maintained primarily for the transportation of property.

**State law references:** Similar provisions, 625 ILCS 5/1-211.

*Truck camper* means a truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed which is construed to provide temporary living quarters for recreational, travel or camping use.

**State law references:** Similar provisions, 625 ILCS 5/1-211.01.

*Truckster* means every motor vehicle or motorcycle with three (3) wheels designed, used or maintained primarily for the transportation of property.

**State law references:** Similar provisions, 625 ILCS 5/1-211.1.

*Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**State law references:** Similar provisions, 625 ILCS 5/1-212.

*Vehicle* means every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act [625 ILCS 40/1-1 et seq.].

For the purposes of this chapter, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle or a junking certificate is issued for it.

Vehicles are divided into two (2) divisions:

(1) *First division:* Those motor vehicles which are designed for the carrying of not more than ten (10) persons.

(2) *Second division:* Those vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodelled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses.

**State law references:** Similar provisions, 625 ILCS 5/1-217.

*Yield right-of-way* when required by an official sign means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, but when the roadway is clear may proceed into the intersection.

**State law references:** Similar provisions, 625 ILCS 5/1-219.

(Ord. No. 79-690, § .01, 9-17-79; Ord. No. 82-852, §§ .011, .012, .014, .015, 3-15-82; Ord. No. 94-1599, § 1, 11-21-94)

## **Sec. 9-2. Provisions refer to vehicles upon highways.**

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

**State law references:** Similar provisions, 625 ILCS 5/11-201.

### **Sec. 9-3. Public officers and employees to obey; exceptions.**

(a) The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as set forth by law with reference to authorized emergency vehicles.

(b) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(c) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;
- (3) Exceed the maximum speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(d) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of law.

(e) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

### **Sec. 9-4. Persons driving animal-drawn vehicles.**

Every person driving any animal-drawn cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

**State law references:** Similar provisions, 625 ILCS 5/11-206.

### **Sec. 9-5. Obedience to police officers, firefighters, etc.**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, firefighter or uniformed adult school crossing guard invested by law with authority to direct, control, or regulate traffic.

**State law references:** Similar provisions, 625 ILCS 5/11-203; authority to regulate traffic by means of police officers, 625 ILCS 5/11-208.

### **Sec. 9-6. Fleeing or attempting to elude police officer.**

Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, willfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer, is guilty of an offense. The signal given by the peace officer may be by hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle. Such requirement shall not preclude the use of amber or white oscillating, rotating or flashing lights in conjunction with red or blue oscillating, rotating or flashing lights as required in section 12-215 of The Illinois Vehicle Code [625 ILCS 5/12-215].

**State law references:** Similar provisions, 625 ILCS 5/11-204. Sects. 28-7--28-30.

**Sec. 9-7. Interference with official traffic-control devices or railroad signs or signals.**

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

**State law references:** Similar provisions, 625 ILCS 5/11-311.

**Sec. 9-8. Unlawful use or damage to highways, appurtenances and structures.**

It shall be unlawful for any person to willfully injure or damage any public highway or street or any bridge or culvert, or to willfully damage, injure or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof or for protection or regulation of traffic thereon by any willfully unusual, improper or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by the willful mutilation, defacing, destruction or removal thereof.

**State law references:** Similar provisions, 625 ILCS 5/11-312.

**Sec. 9-9. Unlawful possession of highway sign or marker.**

Except for employees of the state department of transportation or local authorities, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the state department of transportation or local authority, it is unlawful for any person to possess such sign, signal, or marker identified as provided in section 11-313 of The Illinois Vehicle Code [625 ILCS 5/11-313].

**State law references:** Similar provisions, 625 ILCS 5/11-313.

**Sec. 9-10. Clinging to moving vehicles.**

No person shall cling to or attach himself or such sled, coaster, toy vehicle, bicycle or other device upon which he is riding to any motor vehicle traveling upon a road or alley in the County. It shall be unlawful for the driver of any motor vehicle knowingly to permit any person, whether on foot or upon roller skates or ice skates or while riding on a sled, coaster, toy vehicle, bicycle or other device, to cling to or attach himself or such sled, coaster, toy vehicle, bicycle or other device to the vehicle which he is operating while traveling on a road or alley in the County

**State law references:** Clinging to vehicles, 625 ILCS 5/11-1512.

**Sec. 9-11. Boarding or alighting from vehicles.**

No person shall board or alight from any vehicle while such vehicle is in motion.

**Sec. 9-12. Unattended motor vehicles.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

**State law references:** Similar provisions, 625 ILCS 5/11-1401.

**Sec. 9-13. Riding on motorcycles.**

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and

regular seat if designed for two (2) persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on each side of the motorcycle.

**State law references:** Similar provisions, 625 ILCS 5/11-1403.

#### **Sec. 9-14. Obstruction of driver's view or driving mechanism.**

(a) No person shall drive a vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(c) No passenger on a school bus may ride or stand in a position as to interfere with the driver's view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus.

**State law references:** Similar provisions, 625 ILCS 5/11-1406.

#### **Sec. 9-15. Opening and closing vehicle doors.**

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**State law references:** Similar provisions, 625 ILCS 5/11-1407.

#### **Sec. 9-16. Following fire apparatus prohibited.**

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or stop such vehicle within five hundred (500) of any fire apparatus stopped in answer to a fire alarm.

**State law references:** Similar provisions, 625 ILCS 5/11-1411.

#### **Sec. 9-17. Crossing fire hose.**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

**State law references:** Similar provisions, 625 ILCS 5/11-1412.

#### **Sec. 9-18. Depositing material on highway prohibited.**

(a) No person shall throw, spill or deposit upon any highway any bottles, glass, nails, tacks, wire, cans, or any litter, as defined in section 3 of the Litter Control Act [415 ILCS 105/3].

(b) Any person who violates subsection (a) upon any highway shall immediately remove such material or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other debris dropped upon the highway from such vehicle.

**State law references:** Similar provisions, 625 ILCS 5/11-1413.

#### **Sec. 9-19. Approaching, overtaking, and passing school bus.**

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped for the purpose of receiving or discharging pupils on a highway or upon a private road within an area that is covered by a contract

or agreement executed pursuant to section 11-209.1 of The Illinois Vehicle Code [625 ILCS 5/11-209.1]. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in sections 12-803 and 12-805 of The Illinois Vehicle Code [625 ILCS 5/12-803 and 5/12-805]. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The driver of a vehicle upon a highway having four (4) or more lanes which permits at least two (2) lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

**State law references:** Similar provisions, 625 ILCS 5/11-1414.

### **Sec. 9-20. Funeral processions.**

(a) Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights lighted, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer;

(3) The operator of the leading vehicle in a funeral procession shall comply with the stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in procession shall proceed with due caution.

(b) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(c) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this section to funeral processions.

(d) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(e) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers to identify the individual vehicles in such a procession.

(Ord. No. 79-690, § .021, 9-17-79)

**State law references:** Similar provisions, 625 ILCS 5/11-1420.

### **Sec. 9-21. Stop when traffic obstructed.**

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed.

**State law references:** Similar provisions, 625 ILCS 5/11-1425.

**Sec. 9-22. Operation of all-terrain vehicles and off-highway motorcycles on streets, roads and highways.**

(a) Except as provided under this section, it shall be unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle upon any street, highway or roadway in Knox County.

(a-1) It shall not be unlawful for any person to drive or operate any all-terrain vehicle upon any county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. An all-terrain vehicle that is operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.

(b) Except as provided under subsection (c) of this section, all-terrain vehicles and off-highway motorcycles may make a direct crossing provided:

(1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The all-terrain vehicle or off-highway motorcycle is brought to a complete stop before attempting a crossing; and

(3) The operator of the all-terrain vehicle or off-highway motorcycle yields the right-of-way to all pedestrian and vehicular traffic which constitutes a hazard.

(c) No person operating an all-terrain vehicle or off-highway motorcycle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this County.

**State law references:** Similar provisions, 625 ILCS 5/11-1426.

**Sec. 9-23. Driving through processions.**

No operator of a vehicle shall drive between the vehicles, persons or animals comprising an authorized procession, except when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles as defined in this chapter.

**Sec. 9-24. Parking Violations**

a. Unauthorized use of Parking places reserved for persons with disabilities. It is prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to persons with disabilities as authorized by the 625 ILCS 11-301 of the Illinois vehicle code.

**State law references:** Similar provision, 625 ILCS 5/11-1301-3a

b. Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge passengers;

- 1) In front of a public or private driveway
- 2) Within 15 feet of a fire hydrant
- 3) Within 20 feet of the driveway entrance to any fire station and on the side of the a street opposite the entrance to any fire station within 75 feet of such entrance, (when properly sign posted).
- 4) At any place where official signs prohibit standing or parking

## **2009-25 / 10 - Chapter 10 - Illegal Drug Related Offenses**

### **Sec 10-1 Possession of Cannabis ( 30 grams or less )**

It is unlawful for any person to knowingly to possess 30 grams or less cannabis. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be one hundred dollars (\$200.00). The minimum fine for second and subsequent offenses within 12 months shall be three hundred dollars (\$400.00).

**State Law Reference :** 720 ILCS 550/4 (a-c)

### **Sec 10-2 Possession of Cannabis for Delivery ( 10 grams or less )**

It is unlawful for any person to knowingly to manufacture, deliver, or possess with intent to deliver, or manufacture, 10 grams or less of cannabis. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be three hundred dollars (300.00). The minimum fine for second and subsequent offenses within 12 months shall be six hundred dollars (\$600.00).

**State Law Reference:** 720 ILCS 550/5 (a) and (b)

### **Sec 10-3 Possession of Drug Paraphernalia**

It is unlawful for a person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substances into the human body, or in preparing cannabis or a control substance for that use. This subsection does not apply to a person who is legally authorized to possess and use such paraphernalia. The minimum fine to be imposed upon a person convicted of violating this section as a first offense shall be two hundred and fifty dollars (\$250.00). The minimum fine for second and subsequent offenses within 12 months shall be five hundred dollars (\$500.00).

**State Law Reference :** 720 ILCS 600/3.5

## **Saving Clause and Amendments and Enforcement**

Should any Article, Section or portion thereof, of this Ordinance be held unlawful and unenforceable by any Court of competent jurisdiction , such decision of the Court shall only apply to that specific Article / Section or portion thereof directly specified in the decision.

Amendments to this ordinance may be made by the County Board at any time, at their normal monthly meeting. A notice of where the amendments are available for viewing will be published in a newspaper. The date of when the amendments will take effect will also be published.

This ordinance is in effect in all un-incorporated areas of Knox County. Any incorporated village, city, town, or other political sub-division may authorize by a resolution authority to the Knox County Sheriff Department to enforce all sections of this Ordinance in their village, city or town or other political sub-division. The Oak Run Property Owners Association, Inc or any other future private home owners association may also authorize the Knox County Sheriff Department authority to enforce this ordinance.

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