

CHAPTER 1

POLICE DEPARTMENT

SECTION:

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6-1-1: COMPOSITION OF DEPARTMENT:

- A. There shall be a Police Department which shall be an executive department of the City.
- B. There shall be within the Police Department the following classification of ranks and number of persons within the various ranks in order of their superiority which shall be as follows:

One (1) Chief of Police
Two (2) Deputy Chiefs
Four (4) Lieutenants
Seven (7) Sergeants
Forty-three (43) Patrol Officers

In case of a vacancy in any office or position herein designated, neither the Chief of Police nor the City Manager shall be required to fill such office or position if in their judgment and discretion there is no necessity therefor. (Ord. No. 2286 3/25/02) (Ord. No. 2348 11/10/03) (Ord.No. 2479 06/26/06) (Ord. No. 2683-13/14 06-24-13)

6-1-2: CHIEF OF POLICE; DEPUTY POLICE CHIEF:

- A. Office; Appointment:
 - 1. There is hereby created the Office of Chief of Police. The Chief of Police shall be appointed by the Manager.
 - 2. In the appointment of a new Chief of Police, preference shall be given to members of the Police Department of the City in consideration for such appointment.

3. There is hereby created the office of Deputy Police Chief, an administrative position in the Police Department. The said position shall be filled by appointment by the Police Chief with the advice of the City Manager from those persons with the rank of Lieutenant or higher, to serve for no set term. In the absence or disability of the Police Chief, the Deputy Police Chief designated by the Police Chief (or Manager if the Police Chief has not done so) shall be in command of the Police Department. The Deputy Police Chief shall have such other duties as may be assigned to him or her by the Police Chief.

- B. Resignation or Dismissal: In the event of the resignation, dismissal not for disciplinary reasons, or the failure to be reappointed, such Chief of Police shall have the right, at his option, to return to the position which the said Chief held prior to his appointment as such Chief of Police, with credit towards seniority for his time served as Chief of Police. The right to return to such prior rank shall be absolute without any regard to whether a vacancy then exists in such rank.
- C. Duties: The Chief of Police shall keep such records and make such reports concerning the activities of his Department as may be required by Statute or by the City Council. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the Department shall serve subject to the orders of the Chief of Police.

6-1-3: **DEPARTMENT MEMBERS:**

A. Applications and Appointments:

All appointments to, and promotions within, the Police Department shall be made by the Board of Fire and Police Commissioners as provided by statute, (65 ILCS 5/10-2.1-1 et seq.; see also Title 2, Chapter 4 of this Code.) except:

1. as to the appointment of the Chief of Police and Deputy Police Chief whose appointment shall be as provided for in subsection 6-1-2A hereof; and
2. an individual may be selected for appointment to the Police Department of the City of Pekin to the position of Patrol Officer by the Board of Fire and Police Commissioners, if he or she meets the following qualifications:
 - (a) the applicant has previously successfully completed an initial probationary period as a police officer in the United States of America; and
 - (b) the applicant
 - (1) Is currently an officer in good standing in the police department in which the applicant serves; or
 - (2) Previously served and left a police department in good standing within six months of application for hire with the City of Pekin;

and

(c) the applicant has

- (1) a minimum of one year of full time police experience in the last 30 months in the State of Illinois and has completed a basic training program acceptable to the Illinois Police Officers Training Board; or (Ord. No. 2281 02-11-02 Ord. No. 2566 09/22/08)
- (2) at least three years full time police experience in the last 42 months if such experience is outside the State of Illinois;

and

(d) the applicant has substantially equivalent skills and abilities as a City of Pekin post-probationary officer; and

(e) the applicant has passed such examinations as the Board of Fire and Police Commissioners deems necessary to determine the applicant's fitness for duties as a police officer.

B. Promotions; Competence Exams: All promotions to the next higher rank, except for the rank of Chief and Deputy Police Chief shall be by competitive examination as given by the Board of Police and Fire Commissioners of the City of Pekin under the Rules and Regulations of said Commission, from which a promotional list of eligible employees is derived from each rank.

C. No person shall be entitled to appointment as a matter of right under this Section. This Section is enacted pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and this Section shall prevail in any conflict between this Section and Illinois Municipal Code, pursuant to the provisions of Section 6 of Article VII of the Constitution the State of Illinois.

6-1-4: **WITNESS FEES:** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any State and Federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the City is a party, and fees paid for such services shall be turned over to the Chief of Police, who shall deposit the same with the Finance Director.

6-1-5: **RULES AND REGULATIONS:** The Chief of Police may make or proscribe such rules and regulations for the hours of duty, vacations, uniforms and conduct of the members of the Police Department as he shall deem advisable, and such rules shall be subject to the approval of the Manager and shall be binding on the members of the Police Department.

CHAPTER 2

OFFENSES/MISDEMEANOR CODE

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6-2-1: GENERAL PROVISIONS:

6-2-1-1: **SHORT TITLE:** This Chapter shall be known and may be cited as the MISDEMEANOR CODE OF PEKIN, ILLINOIS.

6-2-1-2: DEFINITIONS:

ACT: Includes a failure or omission to take action.

AIR RIFLE: Means and includes any air gun, air pistol, spring gun, spring pistol, BB gun or pellet gun which impels a pellet constructed of hard plastic, steel, lead, stone or other hard materials with force that reasonably is expected to cause bodily harm or property damage.

ANOTHER: A person or persons as defined in this Chapter other than the offender.

CONDUCT: An act, or a series of acts, and the accompanying mental state.

CONVICTION: A judgment of conviction of sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

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

- A. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;
- B. Any device used exclusively for the firing of stud cartridges, explosive rivets of stud cartridges, explosive rivets or similar industrial ammunition;
- C. An antique firearm (other than a machine-gun) which, although designed as a weapon, the State Department of Law Enforcement finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

(Ord. No. 2269 10-22-01)

FIREARM AMMUNITION: Any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

- A. Any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
- B. Any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

GARBAGE: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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

OFFENSE: A violation of any penal statute of the State or City.

PARK: A park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

PERSON: Any individual, public or private corporation, government, partnership or unincorporated association. The masculine gender shall include the feminine, and the singular shall include the plural.

POLICE OFFICER: Any person who, by virtue of his office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

PROSECUTION: All legal proceedings by which a person's liability for an offense is determined, commencing with the return of the indictment or issuance of the information and including the final disposition of the case upon appeal.

PUBLIC EMPLOYEE: A person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the City or any of its subdivisions or agencies.

PUBLIC OFFICER: A person who is elected to office pursuant to a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed by statute or ordinance to discharge a public duty for the City or any of its subdivisions or agencies.

PUBLIC PLACE: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public squares, spaces, grounds and buildings.

REASONABLE BELIEF or REASONABLY BELIEVES: Means that the person concerned, acting as a reasonable man, believes that the described facts exist.

REFUSE: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

RIVERFRONT AREA: Riverfront area means the parking lots adjacent to Water Street and Court Street from Caroline Street to Court Street and on Court Street from Main Street west to the Illinois River. (Ord. No. 2622-10/11 07-14-10)

RUBBISH: Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

WEST BOAT RAMP: West Boat means the boat ramp and parking area on the west bank of the Illinois River situated in Pekin. (Ord. No. 2622-10/11 07-14-10)

6-2-1-3: CITY JURISDICTION:

- A. A person is subject to prosecution in this City for an offense which he commits while either within or outside the City by his own conduct or that of another for which he is legally accountable, if:
 - 1. The offense is committed either wholly or partly within the City; or
 - 2. The conduct outside the City constitutes an attempt to commit an offense within the City; or
 - 3. The conduct outside the City constitutes a conspiracy to commit an offense within the City, and an act in furtherance of the conspiracy occurs in the City; or
 - 4. The conduct within the City constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under the laws of both this City and such other jurisdiction.
- B. An offense is committed partly within this City if either the conduct which is an element of the offense, or the result which is such an element, occurs within the City.
- C. An offense which is based on an omission to perform a duty imposed by the laws of this City is committed within the City regardless of the location of the offender at the time of the omission.

6-2-1-4: CRIMINAL HISTORY RECORD INFORMATION PREPARATION FEE: A fee of ten dollars (\$10.00) for the preparation and processing of an individual criminal history record shall be paid to the City at the time that an individual applies for a copy of his criminal history record.

6-2-1-5: **CIVIL REMEDIES PRESERVED:** The Chapter does not bar, or otherwise affect any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action for any conduct which this Chapter makes punishable, and civil injury is not merged in the offense.

6-2-1-6: **PENALTIES:** Unless otherwise specifically provided in this Chapter, violations of any provision thereof shall be punishable by a fine of not less than seventy five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

6-2-2: **CIVIL EMERGENCY PROVISIONS:**

6-2-2-1: **DEFINITIONS:** For the purposes of this Section 6-2-2, the following words shall have the meanings ascribed herein:

CIVIL EMERGENCY:

- A. Any riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force, if accompanied by immediate power to execute, by three (3) or more persons acting together without authority of law; or
- B. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

CURFEW: A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the City, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.

6-2-2-2: **DECLARATION OF EMERGENCY:** Whenever a civil emergency as defined in the preceding Section exists, the Mayor shall declare its existence by means of a written declaration setting forth the facts which constitute the emergency.

6-2-2-3: **GENERAL CURFEW:** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

6-2-2-4: **GENERAL ORDERS:** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders:

- A. Order the closing of all retail alcoholic liquor businesses, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

- B. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- C. Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in a container other than gasoline tank properly affixed to a motor vehicle.
- D. Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- E. Issue such other orders as are imminently necessary for the protection of life and property.

6-2-2-5: DURATION OF PROCLAMATION: The proclamation herein authorized shall be effective for a period of forty eight (48) hours unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to re proclaim the existence of a civil emergency at the end of each forty eight (48) hour period during the time the said civil emergency exists.

6-2-2-6: NOTICE OF PROCLAMATION: Upon issuing the proclamation herein authorized, the Chief of Police shall notify the news media situated within the City and shall cause three (3) copies of the proclamation declaring the existence of the emergency posted at the following places within the City: The City Hall, the Police Station and the United States Post Office.

6-2-2-7: VIOLATIONS AND PENALTIES: Any person violating the above civil emergency provisions or the executive order issued pursuant thereto shall be guilty of an offense against the City and shall be subject to penalty as provided in Section 6-2-1-6 of this Code.

6-2-2-8: CONSTRUCTION: Nothing contained in this Chapter shall be construed to impair the powers contained in other provisions of the Municipal Code of the City or any rules or regulations pursuant thereto, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances that are now or shall be in effect for the safety and welfare of the citizens of the City.

6-2-3: OFFENSES INVOLVING PUBLIC ORDER:

6-2-3-1: DISORDERLY CONDUCT; DISTURBANCES:

- A. Disorderly Conduct; Breach of Peace: A person commits disorderly conduct when he knowingly:
 - 1. Engages in any violent, tumultuous, offensive or disorderly conduct; by threatening, quarreling, challenging to fight or fighting; or by using obscene, offensive, profane or unseemly language to the annoyance, disturbance or vexation of another; or be guilty of any conduct calculated to breach the peace;

2. Transmits in any manner to the Fire Department of the City a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists;
3. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place;
4. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;
5. Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;
6. While acting as a collection agency as defined in the "Collection Agency Act", of the State of Illinois (225 ILCS 425/1 et seq.) or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor;
7. It shall be unlawful for any person to make, or permit another to make, any obscene, anonymous or falsely-represented telephone calls to another person for the purpose or reason of nuisance or harassment; or
8. Aids or abets anyone committing any of the above set out acts.

- B. Disturbing Lawful Assemblies: It shall be unlawful for any person to wilfully 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.
- C. Disturbing Elections, Election Process: It shall be unlawful for any person to create any disturbance at an election poll or to willfully interfere with the election process.

6-2-3-2: ASSAULT, BATTERY AND AFFRAY:

- A. Definitions:

ASSAULT: A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

BATTERY: A person commits battery if he intentionally or knowingly, without legal justification and by any means:

1. causes bodily harm to an individual, or
2. makes physical contact of an insulting or provoking nature with an individual.

B. Prohibited: It shall be unlawful for any person to knowingly commit any assault or assault and battery anywhere within the City.

6-2-3-3: **RECKLESS CONDUCT:** A person who causes bodily harm to, or endangers the bodily safety of, an individual by any means commits reckless conduct if he performs recklessly the acts which cause the harm or endanger the safety of an individual, whether they are lawful or unlawful.

6-2-3-4: **UNLAWFUL ASSEMBLIES; MOB ACTIONS:**

A. Unlawful Assemblies:

1. It shall be unlawful for any two (2) or more persons to assemble together for any unlawful purpose, or, being assembled, to act in concert to do an unlawful act against the property of the City or the person or property of another or against the public peace, or to make any movement or preparation therefor.
2. It shall be unlawful for any person to knowingly suffer or permit any assemblage for the purpose of committing any unlawful act or breach of the peace or any riotous, offensive or disorderly conduct in or upon premises owned or occupied by him, or under his control within the City.

B. Mob Action: It shall be unlawful for any person to participate in mob action, which is defined as follows:

1. The use of force, violence or other disruptive conduct by two (2) or more persons acting together, without lawful authority, so as to constitute a breach of the peace; or
2. The assembly of two (2) or more persons without authority of law to do violence to the person or property of another.

6-2-3-5: **OBSTRUCTION; RESISTING OFFICERS:**

A. Resisting Arrest: It shall be unlawful for any person to knowingly or willfully resist an arrest which he knows is being made by a police officer authorized to make an arrest, even if he believes that the arrest is unlawful, and the arrest is in fact unlawful.

B. Police and Fire Officers; Interfering and Obeying: It shall be unlawful for any person to:

1. Knowingly prevent, obstruct, harass or endanger, by any means, any police officer, fire officer or other official or employee or any military personnel on emergency duty within the City, in the lawful performance of his duties.
2. Knowingly or willfully refuse or neglect to obey, without reasonable justification therefor, any lawful order or direction of any police officer, fire officer or other official or employee or any military personnel on emergency duty within the City.

6-2-3-6: OBSTRUCTING STAIRWAYS OR EXITS: It shall be unlawful to obstruct or permit the obstruction of any stairway, aisles, corridor or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall or any building used by two (2) or more tenants or families in such a manner that interferes with the free use of such stairway, aisle, corridor or exit.

6-2-3-7: UNLAWFUL POSSESSION OF CONTRABAND:

- A. It shall be unlawful for any person, corporation, or other entity to sell, distribute, offer for sale, manufacture, purchase, possess, carry, toss, throw or place down any jack-rock or any similar item comprised of nails or other materials of like character attached together or to a weight in a manner such that one sharp point is directed upwards regardless of how the item is placed or thrown onto a flat surface.
- B. The presence in a motor vehicle and the throwing or tossing from a motor vehicle, other than a public omnibus, of any item referred to in paragraph A., above is prima facie evidence that it is in the possession of and is being carried by all persons occupying such motor vehicle or was thrown or tossed by all persons occupying such motor vehicle. The presence of any such item in a place other than a motor vehicle is prima facie evidence that it is in the possession of the owner and/or operator of the premises in which the item is found. This provision shall not prohibit the person who is in actual possession of or threw or tossed said item from being subjected to prosecution under this Article.
- C. Upon the discovery of such item, the police officer or other enforcement officer shall confiscate the item, and it shall be held as an item of evidence. The item shall be destroyed when no longer needed for prosecution or other lawful purposes. In no event shall the item be returned to the individual or entity charged with a violation of this Article.
- D. The sale, offering for sale, distribution, manufacturing, purchase, possession, throwing, tossing or placing of any item referred to in paragraph A. shall constitute a separate and distinct offense for each individual item discovered.

6-2-3-8: GRAFFITI (Ord. No. 2628-10/11 10-12-10)

DEFINITIONS:

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

AEROSOL PAINT CONTAINER means any aerosol container that is adapted or made for the purpose of applying spray, paint or other substances capable of defacing property.

BROAD-TIPPED MARKER means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-quarter of an inch, containing ink or other pigmented liquid that is not water soluble.

ETCHING EQUIPMENT means any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

GRAFFITI means any inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any graffiti implements not authorized in advance by the owner or occupant of the property.

GRAFFITI IMPLEMENTS means an aerosol paint container, a broad-tipped marker, paint stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

PAINT STICK means any device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-eighth of an inch in width.

PROHIBITED ACTS

Defacement. It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any City owned property or, without the permission of the owner or occupant, on any property not owned by the City.

Possession of graffiti implements. It shall be unlawful for any person to possess any graffiti implement while on public property, or on private property with intent to use in violation of this ordinance.

ABATEMENT

When graffiti is found upon any property, the Chief of Police or Director of Code Enforcement or their designees shall post a notice on the property and send a written notice to the owner of the property by first class mail. Said notice shall notify the owner that the owner has ten (10) days in which to remove the graffiti; grant permission to the City to remove the graffiti at the City's expense; or notify the City that the markings on his or her property were authorized in advance and therefore are not graffiti. If, after ten (10) days from the posting and sending of said notice, the property owner fails to remove the graffiti, grant permission to the City to remove the graffiti; or notify the City that the markings are not graffiti, then the City may remove the graffiti at its expense. If the property owner is at the property to receive the aforementioned notice personally, then the posting and mailing of said notice shall not be necessary.

6-2-4: WEAPONS:

6-2-4-1: **UNLAWFUL USE:**

A. It shall be unlawful for any person to:

1. Sell, manufacture, purchase, possess or carry any bludgeon, blackjack, slingshot, sand-club, sand-bag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.
2. Carry or possess with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapons or instrument of like character.
3. Carry concealed in any vehicle or concealed on or about his person, except when on his land or in his own abode or fixed place of business, any pistol, revolver or other firearm.
4. Set a spring gun.
5. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.
6. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device; any shotgun with a barrel less than eighteen inches (18") in length; or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.
7. Carry or possess any firearm or other deadly weapon in any place which is licensed to sell alcoholic liquor, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which admission is charged, excluding any place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted within the limits of the City. (720 ILCS 5/24-1).
8. To have or carry, except a person permitted by law, any shotgun or rifle or air rifle in or on any vehicle, unless such shotgun or rifle or air rifle is dismantled to render it incapable of being fired or is unloaded and enclosed in a case; the mere removal of the bolt from a bolt-action rifle shall not be construed as dismantled so as to render it incapable of firing.

B. The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in paragraph A7 above is prima facie evidence that it is in the possession of and is being carried by all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

1. If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

2. If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

- C. Paragraphs A1, 3, 4, 6, 7, and 8 above shall not be construed to apply to any duly authorized and appointed police officer of this City, or of the State of Illinois or of the United States or to any member of the Armed Forces or Reserved Forces of the United States, or the Illinois National Guard while in the performance of their duties. Neither shall A 3, 4, 6 or 7 be construed to apply to any person possessing or carrying a paint ball guns, at a recreational facility, lawfully and properly operating within the city limits, nor to the transportation of such paint ball gun or guns to and from a recreational facility. (Ord. No. 2269 10-22-01)

6-2-4-2: FIRING OR DISCHARGING: (430 ILCS 65/1)

- A. It shall be unlawful for any person to fire or discharge any firearms, air rifles, sling-shot, bow, cross-bow or other device designed to fire, project or throw any stone, bullet or other hard substance within the City; provided, however, that this Section shall not apply to any police officer discharging his firearm in performance of his duty, nor any citizen from discharging any firearm when lawfully defending his person or property.
- B. The firing or discharging of weapons within the City shall be permitted if approved by resolution of the Pekin City Council for specified uses of weapons having historical interest or uses presenting an otherwise valid public interest including public enjoyment such as a shooting range, or at recreational or park district facilities within the city limits, lawfully and properly operating as an archery range. (Ord. No. 2269 10-22-01)

6-2-4-3: SALE OF FIREARMS OR WEAPONS TO MINORS; POSSESSION OF FIREARMS OR WEAPONS BY MINORS: (720 ILCS 5/24-3).

- A. It shall be unlawful for any person to sell any firearm, air rifle (as defined in Section 6-2-1-2 of this Chapter), bludgeon, blackjack, slung-shot, sand-club, sand-bag, metal knuckles, dagger, dirk, billy, dangerous knife, stiletto, or any knife commonly referred to as a switchblade which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, to any person under eighteen (18) years of age.
- B. It shall be an affirmative defense for any person having sold such weapon that:
1. The minor procured this sale by use of false or forged identification cards;
 2. He did not know, and could not reasonably have known, of the falsity or forgery;

3. He exercised reasonable diligence to determine the veracity of the information (representation).

- C. It shall be unlawful for any minor to possess any bludgeon, blackjack, slingshot, sand-club, metal knuckles, dagger, dirk, billy, dangerous knife, stiletto, or any knife commonly referred to as a switchblade knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.
- D. It shall be unlawful for any minor under the age of eighteen (18) to possess any firearm or air rifle unless under the direct and immediate supervision of that minor's parent, step-parent, adoptive parent, guardian or a responsible adult.
- E. It shall be unlawful for any parent of a minor, including step-parent, adoptive parents or guardians, to knowingly allow said minor to possess any weapon in violation of either subsections C or D above.

6-2-4-4: **UNLAWFUL DISPLAY:** It shall be unlawful for any person in possession of any weapon or device set forth in this Chapter to display or flourish any such weapon in a threatening or boisterous manner such as might alarm a reasonable man.

6-2-4-5: **CONFISCATION AND DISPOSITION OF WEAPONS:** (720 ILCS 5/24-6).

- A. Upon conviction of a violation of Sections 6-2-4-1 through 6-2-4-4 of this Chapter, any weapons seized may be confiscated by the trial court.
- B. Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. All other confiscated weapons after the disposition of a criminal case and when no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for such weapons to the Sheriff of the County who shall proceed to destroy them or may, in his discretion, order such weapons preserved as property of the governmental body whose police agency seized the weapon. If, after the disposition of a criminal case, a need still exists for the use of said confiscated weapons for evidentiary purposes, the court may transfer such weapons to the custody of the State Department of Corrections for preservation.

6-2-5: **OFFENSES INVOLVING HEALTH, SAFETY AND CHILDREN:**

6-2-5-1: **NUISANCES; CREATING; MAINTAINING:** (See also Title 5, Chapter 1 of this Code.)

- A. Definition: For the purpose of this Chapter, the word "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of, any of the following:
1. Lumber, junk, trash or debris.
 2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
 3. Junked motor vehicles or disabled motor vehicles which includes any vehicle, including trailers, which is without currently valid license plates or is in either substantially wrecked, discarded, dismantled, inoperative or abandoned condition.
- B. Duty of Maintenance of Private Property: No person owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the neighborhood in which such premises are located.
- C. Exterior Storage Prohibited: No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any lumber, junk, trash, debris, abandoned, discarded or unused objects or equipment, including but not limited to furniture, stoves, refrigerators, freezers, cans, containers, or any junked motor vehicle or disabled motor vehicle which includes any vehicle, including trailers, which is without currently valid license plates, or is in either substantially wrecked, discarded, dismantled, inoperative or abandoned condition to remain on such property longer than seven (7) days.
- D. Notice to Abate:
1. The Police Chief or the Code Enforcement Officer is hereby authorized and empowered to notify the person in control of any private property, whether as owner, lessee, tenant, occupant or otherwise, to remove from the property, any lumber, junk, trash, debris, abandoned or unused equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, containers, junked motor vehicles or disabled motor vehicles which includes any vehicle, including trailers, which is without currently valid license plates, or is in either substantially wrecked, discarded, dismantled, inoperative or abandoned condition which are stored in violation of this Code.
 2. Said notice shall allow said person five (5) days to remove said property, and in the event same is not so removed, the provisions of this Code shall apply. Such notice shall be given by certified or registered mail, addressed to the person occupying or in control of the premises in question.

- E. Penalty: Any person violating the provisions of this Section shall be subject to penalty as provided in Section 6-2-1-6 of this Code.
- F. Abatement by City: In addition to the penalty provided for in this Section, whenever any person fails to abate said nuisance within the period allowed by this Section, then the City shall cause the same to be abated, the expenses therefor to be billed to said owners jointly and severally, said bill to be recoverable in a suit at law, and in addition, any person who by reason of another's violation of any provision of this Section suffers damage to himself different from that suffered by any other property owners throughout the City generally may bring an action to enjoin or otherwise abate an existing violation.

6-2-5-2: FIRES: (See also subsection 5-2A-4B of this Code.)

- A. Dangerous Fires: (720 ILCS 5/20-1.) It shall be unlawful for any person to start by any means, or to permit another to start, any fire which endangers or damages the health, person or property of another.
- B. Bonfires:
 - 1. It shall be unlawful to build or light any bonfire so close to any building or other structure as to endanger such building or structure, or upon any street or sidewalk pavement.
 - 2. It shall be unlawful to burn papers, excelsior or other material within the City which may be blown about by the wind, unless the same is burned in a stove, fireplace or furnace, or an incinerator with a trap sufficiently fine to prevent the escape of flyash or ignited parcels.

6-2-5-3: POSSESSION OF CANNABIS PROHIBITED:

- A. Definition: As used in this Section, "cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not, the seeds thereof, the resin extracted from any part of such plant and any compound, manufacture, sale, derivative, mixture, or preparation of such plant, its seeds or resin including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.
- B. Violation and Penalty: It is unlawful for any person to knowingly possess cannabis. Any person who violates this Section with respect to:

1. Possessing less than two and five-tenths (2.5) grams of any substance containing cannabis shall be fined not less than two hundred dollars (\$200.00) and not more than seven hundred and fifty dollars (\$750.00).
2. Possessing more than two and five-tenths (2.5) grams but not more than ten (10) grams of any substance containing cannabis shall be fined not less than three hundred dollars (\$300.00) and not more than seven hundred and fifty dollars (\$750.00).
3. Possessing more than ten (10) grams but not more than thirty (30) grams of any substance containing cannabis shall be fined not less than four hundred dollars (\$400.00) and not more than seven hundred and fifty dollars (\$500.00).

6-2-5-3a: **DRUG PARAPHERNALIA: (Ord. No. 2167-99/01 6/28/99)**

- A. Definition: As used in this Section, "Drug paraphernalia" means all equipment, products and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substance Act". It includes, but is not limited to:
- (1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
 - (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
 - (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
 - (4) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
 - (5) Objects peculiar to and marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including where applicable, the following items:
 - A. water pipes;
 - B. carburetion tubes and devices;
 - C. smoking and carburetion masks;
 - D. miniature cocaine spoons and cocaine vials;
 - E. carburetor pipes;
 - F. electric pipes;
 - G. air-driven pipes;
 - H. chillums;
 - I. bongs;
 - J. ice pipes or chillers
- B. Violation and Penalty: It is unlawful for any person to knowingly possess paraphernalia. Any person who violates the section with respect to:
1. Knowingly possessing an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use shall be fined not less than One Hundred (\$100.00) no more than Five Hundred (\$500.00) Dollars.

3. The second offense for knowingly possessing drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or controlled substance into the human body, or in preparing cannabis or a controlled substance for that use shall be punished by a fine of Five Hundred (\$500.00) Dollars.
 4. In determining intent under subsection (a), the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or to the presence of cannabis or controlled substance on the drug paraphernalia
- C. This ordinance incorporated as exempt items those set forth in 720 ILCS 60/400.
- D. This provision is intended to be used solely for the suppression of the possession of items that are clearly and beyond a reasonable doubt marketed for the illegal and unlawful use marketed or possessed for the illegal and unlawful use of cannabis or controlled substances. To this end all reasonable and common sense inferences shall be drawn in favor of the legitimacy of any transaction or item.

**6-2-5-3b: POSSESSION/USE OF SYNTHETIC ALTERNATIVE DRUGS PROHIBITED:
(Ord. No. 2651-11/12 (01-23-12))**

- A. Definitions: For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
1. *A product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 2. *Synthetic cannabinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
 3. *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.

4. *Synthetic psychedelic/hallucinogen* means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog, (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.



B. Sale or Delivery.

It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, a synthetic stimulant or synthetic psychedelic/hallucinogen.

C. Possession.

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, a synthetic stimulant or a synthetic psychedelic/hallucinogen.

D. Use.

It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, a synthetic stimulant or a synthetic psychedelic/hallucinogen.

E. Penalties.

1. Any person found to be in violation of Section 6-2-5-3b shall be subject to a fine of not less than \$250 and not more than \$750 for each violation thereof.
2. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new and separate violation.

6-2-5-4: SNIFFING OR INHALING OF INTOXICANTS PROHIBITED:

- A. Use: No person shall breathe, inhale or drink any compound, liquid or chemical containing toluol, hexane, trichlorethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichoroathane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes. For the purposes of this Section, any such condition so induced shall be deemed to be intoxicated condition.

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

6-2-5-5: CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES: No person may consume or have in his possession an open container or a container with a broken seal containing any alcoholic beverage in any park or vehicle parking area, or on any public street, sidewalk, alley or other public way, or in any restaurant or eating places not licensed to serve alcoholic beverages within the City.

6-2-5-6: FIREWORKS:

- A. It shall be unlawful for any person to buy, sell, use, ignite or explode fireworks of any kind within the City; provided, however, that a permit may be secured from the City Clerk allowing displays and exhibitions to be held on holidays or other special occasions when adequate precautions are taken and facilities provided to prevent injury to person or property.
- B. For purposes of this Section, "fireworks" shall mean and include any explosive composition or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, sparklers, bombs or other fireworks of like construction and any fireworks containing any explosive compound; or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty five one-hundredths (.25) grains or less of explosive compound are used; provided, they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than twenty five one-hundredths (.25) grains of explosive mixture, the sale and use of which shall be permitted at all times.

6-2-5-7: LOUD, DISTURBING AND UNNECESSARY NOISES: (65 ILCS 5/11-5-2.) The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the City is prohibited. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive, namely:

- A. Blowing Horns: The sounding of any horn or signal device on any automobile, motorcycle or bus so as to create an unreasonably loud or harsh sound and the sounding of such device for an unnecessary period of time.
- B. Radios, Phonographs, etc.: The playing of any radio, phonograph or musical instrument with such volume, particularly between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., as to unreasonably annoy or disturb the quiet, comfort or repose of persons in any office, hospital, dwelling, hotel or other such building.
- C. Yelling, Shouting, Hooting, etc.: Yelling, shouting, hooting, whistling or singing, particularly on the public streets between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. or at any other time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of any person in the vicinity.
- D. Pets: The keeping of any animal, bird or fowl which, by causing frequent or long continued noises, shall disturb the comfort or repose of any person in the vicinity.
- E. Blowing Whistles: The blowing of any steam whistle attached to any stationary boiler, other than to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
- F. Exhaust Discharge: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- G. Building Operations: The erection (including excavation), demolition, alteration or repair of any building or the excavation of streets or public places in any residential area other than between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. Monday through Saturday, except in case of urgent necessity in the interest of public health and safety and then only with a written permit from the Code Enforcement Officer.
- H. Noises, Near Schools, Hospitals, Churches, etc.: The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session or adjacent to any hospital which unreasonably interferes with the workings or sessions thereof.
- I. Noises to Attract Attention: The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- J. Loud Speakers or Amplifiers (See also Chapter 7 of this Title.): The use of any amplifiers or loud speakers so as to cause offensive sound audible on any street or public place.

Notwithstanding anything herein to the contrary, demolition work shall be permitted during all hours in the area bounded by the Illinois River on the west, Second Street on the east, Margaret Street on the north and Broadway on the south.

6-2-5-8: STENCH BOMBS, NAUSEOUS GASES AND SUBSTANCES:

- A. Prohibitions: It shall be unlawful for any person to throw, drop, pour, deposit or discharge any liquid, gaseous or solid substance which is injurious to persons or property or which is nauseous, sickening, irritating or offensive to any of the senses, with the intent to unlawfully injure, molest, discomfort or discommode another in the use, management, conduct or control of his personal property. No person shall attempt, or aid in the attempt or commission of any act prohibited therein.
- B. Accepted Uses: The prohibitions of subsection A above shall not apply to police officers acting in line of duty or to proprietors of business premises or to their employees using such substances for the protection of such business premises when the substances referred to herein are kept solely for the purposes of repelling robbers, thieves, burglars or other such persons violating the law.

6-2-5-9: THROWING MISSILES OR BOTTLES: It shall be unlawful for any person purposely or recklessly to cast, throw, drop or break any stone, rock, brick, glass bottle or other missile or substance from any overpass or onto any street, alley or other public way or in, at or against any person, residence, building, car or other property.

6-2-6: MINORS:

6-2-6-1: CURFEW:

- A. It shall be unlawful for any minor person under the age of eighteen (18) years to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied 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 such minor is engaged in a business or occupation which the laws of this State authorize a person of 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. It shall be unlawful for any person to knowingly permit any person in his custody or control to violate subsection A of this Section.

- C. Penalty: A person convicted of a violation of any provisions of this Section shall be subject to penalty of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- D. It shall be unlawful for any minor person under the age of eighteen (18) years to be or remain loitering or driving any motor vehicle, automobile, motorcycle or motor scooter upon any street, alley or public place in the City, unless such minor person is accompanied by a parent, guardian or other person having legal custody of such minor person or other responsible companion at least eighteen (18) years of age who is approved by a parent or legal guardian, or unless said minor is engaged in a business occupation which the laws of this State authorize a person of less than eighteen (18) years of age to perform between the hours set out in subsection A of this Section.

6-2-6-2: TRUANCY PROHIBITED:

- A. Compulsory school age: Whoever has custody of any child between the ages of seven (7) and sixteen (16) years shall cause such child to attend some public, private, or parochial school in the district wherein the child resides the entire time it is in session during the regular school term.

Whoever has custody or control of a child who is below the age of seven (7) years or above the age of sixteen (16) years and who is enrolled in any of the grades 1 through 12, in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term.

- B. Definitions:

A "truant" is defined as a child subject to compulsory school attendance and who is absent without parental permission from such attendance for the school day or a portion thereof.

Parental Permission shall include permission from a person in loco parentis and shall be given for reasons only of personal illness, serious family illness, death in the family, serious home emergencies, necessary and lawful family support, employment, valid religious justification, principal's permission and compelling family reasons.

- C. It shall be unlawful for any person under the age of eighteen (18) enrolled in a public, private or parochial school to absent himself or herself from attendance at said school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and shall be subject to a fine as set forth hereafter. In the event the truant is under the age of seventeen (17), the parent or person having control or custody of the truant shall be responsible for any fines levied. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absencing himself or herself from school without parental permission shall not constitute truancy if permission is submitted

in writing to the proper school authorities within twenty-four (24) hours after such absence.

- D. It shall be unlawful for any person who has custody or control of a child who is between the ages of seven (7) and sixteen (16) years to permit such child not to attend some public, private or parochial school in the district wherein the child resides during the entire time it is in session during the regular school term, without reasonable and adequate excuse, such excuse including personal illness, serious family illness, death in the family, serious home emergency, necessary and lawful family support, employment, valid religious justification, or compelling family reason. Any person violating this section is guilty of the offense of truancy and shall be subject to a fine as set forth hereafter.
- E. False Excuse Prohibited: It shall be an offense under this Section for a parent or other individual to knowingly submit to the proper school authorities a written excuse under Section C herein that contains false information, including falsification of a signature. A person convicted of an offence under this Section shall be subject to a fine set forth hereinafter.
- F. Penalty. Whoever violates any provision of this Section shall be subject to penalty of between \$75 as a minimum and \$750 maximum.
(Ord. No. 2383 7-26-04)

6-2-6-3: SALE AND DELIVERY OF TOBACCO PRODUCTS TO MINORS:

- A. For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them: "Tobacco Products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- B. It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- C. It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.
- D. It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or legal guardian of such person in the privacy and confines of the parent's or guardian's home shall not be prohibited.

- E. It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, or any other person, to distribute, give away or deliver tobacco products free of charge to any person in any right-of-way, park, playground or other property owned by the city, or property owned by any school district, park district or public library.
- F. Penalty: A person convicted of a violation of any provisions of this Section shall be subject to penalty of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

6-2-7: OFFENSES INVOLVING PROPERTY:

6-2-7-1: CRIMINAL HOUSING MANAGEMENT: A person commits the offense of criminal housing management when, having personal management or control or residential real estate, whether as legal or equitable owner, or as a managing agent or otherwise, he knowingly permits by his 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. (720 ILCS 5/12-5.1.)

6-2-7-2: TRESPASS TO LAND AND BUILDINGS:(720 ILCS 5/21-3.) It shall be unlawful for any person to commit a trespass within this City upon either public or private property. Any of the following acts shall be deemed included among those that constitute trespasses and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation of:

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

6-2-7-3: MALICIOUS MISCHIEF OR DESTRUCTION:

- A. It shall be unlawful for any person to willfully and maliciously injure, deface or destroy any sidewalk, curbing or street surface; or any fire alarm, parking meter, sewer drain or other property, real or personal, belonging to the City; or any property used in any business impressed with a public interest and usually designated as a public interest and usually designated as a public service corporation, i.e., water-works, gas, electric lights, telephone, street, railroad or steam-heating companies.
- B. It shall be unlawful for any person to willfully and maliciously interfere or meddle in any way with the operation of any such business, as above enumerated.

6-2-7-4: COIN-OPERATED DEVICES; SLUGS, TAMPERING:

- A. It shall be unlawful for any person to insert or attempt to insert in any parking meter, vending machine or other coin-operated device, any slug, counterfeit coin or other foreign or metallic substance not a coin of United States currency.
- B. It shall be unlawful for any person to willfully and maliciously injure, deface, destroy or otherwise tamper with any parking meter, vending machine or other coin-operated device.

6-2-7-5: TRESPASS TO VEHICLES: (720 ILCS 5/21-2.) It shall be unlawful for any person to enter into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicles, aircraft or watercraft after being requested to leave by the person having such right.

6-2-7-6 RETAIL THEFT OF PROPERTY, THE FULL RETAIL VALUE OF WHICH DOES NOT EXCEED \$150.00 (Ord. No. 2684-13/14 06-24-13)

RETAIL MERCANTILE ESTABLISHMENT: Any place where merchandise is displayed, held, stored, or offered for sale to the public.

THEFT DETECTION SHIELDING DEVICE: Any laminated or coated bag or device designed and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

THEFT DETECTION DEVICE REMOVER: Any tool or device specifically designed or intended to be used to remove any theft detection device from any merchandise.

Offense: The offense of retail theft of property, the full retail value of which does not exceed \$150.00, is committed when a person knowingly:

1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

2. Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or
3. Transfers any merchandise displayed, held stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
4. Causes the cash register or other sales recording device to reflect less than the full value of the merchandise; or
5. Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or
6. Represents to a merchant that he/she or another is the lawful owner of property knowing that such representation is false, and transfers or attempts to transfer that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
7. Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; and the value of the item or items is less than the amount listed as a misdemeanor in 720 ILCS 5/16A-10.

Presumptions: If any person conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment and removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the depriving the merchant of the merchandise without paying the full retail value of the merchandise.

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

1. To request identification;

2. To verify such identification;
3. To make reasonable inquiry as to whether such person has in his possession unpurchased merchandise, and to make reasonable investigation of the ownership of such merchandise;
4. To inform a peace officer of the detention of the person and surrender that person to that custody of a peace officer;
5. In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and surrender custody of such minor to such person.

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

6-2-8: OFFENSES INVOLVING MORALITY:

6-2-8-1: PROSTITUTION:

- A. Defined (720 ILCS 5/11-14.): Any person who performs or offers or agrees to perform any of the following acts for money commits an act of prostitution:
 1. Any act of sexual intercourse; or
 2. Any act of deviate sexual conduct.
- B. Keeping a Place of Prostitution (720 ILCS 5/11-17.): Any person who keeps, maintains or exercises control over the use of any premises which could offer seclusion or shelter for the practice of prostitution and who performs any of the following acts shall be deemed to keep a place of prostitution:
 1. Knowingly grants or permits the use of such premises for the purpose of prostitution;
 2. Grants or permits the use of such premises under circumstances from which he should reasonably be aware that such premises are used or about to be used for purposes of prostitution; or
 3. Permits the continued use of premises after becoming aware of facts or circumstances from which he should reasonably know that such premises are being used for purposes of prostitution.
- C. Patronizing a Prostitute (720 ILCS 5/11-18.): Any person who performs any of the following acts with a person not his spouse commits the offense of patronizing a prostitute:

1. Engages in an act of sexual intercourse or deviate sexual conduct with a prostitute; or

2. Enters or remains in a place of prostitution in the company of a prostitute with the intent to engage in an act of sexual intercourse or deviate sexual conduct.

D. Soliciting for a Prostitute (720 ILCS 5/11-15.): Any person who performs any of the following acts commits soliciting for a prostitute:

1. Solicits another person for the purpose of prostitution;

2. Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or

3. Directs another person to a place knowing such direction is for the purpose of prostitution.

E. Pandering (720 ILCS 5/11-16.): Any person who performs any of the following acts for money commits pandering:

1. Compels a person to become a prostitute; or

2. Arranges or offers to arrange a situation in which a person may commit prostitution.

F. Pimping (720 ILCS 5/11-19.): Any person who receives money or other property from a prostitute, not for a lawful consideration, knowing it was earned in whole or in part from an act of prostitution, commits pimping.

G. Penalty: Any person violating any provision of this Section shall, upon conviction, be subject to penalty as provided in Section 1-4-1 of this Code.

6-2-8-2: **PUBLIC INDECENCY:** It shall be unlawful for any person to knowingly or intentionally, in a public place:

1. Engage in sexual conduct;

2. Commit an act of sexual penetration;

3. Appear in a state of nudity; or

4. Fondle the genitals of himself or another person;

B. "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, or any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

C. "Sexual conduct" means any intentional or knowingly touching or fondling by a person over the age of seventeen, either directly or through clothing, of the sex organs, anus or breast of another person, or any part of the body of a child under thirteen years of age, for the purpose of sexual gratification or arousal of either person.

D. Nudity: The showing of the human male or female genitals, pubic area, or cleavage of the human buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

E. "Public place", for purposes of this section, means any place where such conduct may reasonably be expected to be viewed by others.

6-2-8-3: **OBSCENITY:**

A. Defined; Prohibited:

1. Prohibitions: It shall be unlawful to commit obscenity. For purposes of this Section, "person" means an individual, public or private corporation, government, partnership or unincorporated association. Any reference to the masculine shall include the feminine, and any reference to the singular shall include the plural.

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

a. Sells, delivers or provides or offers to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene;

b. Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;

c. Publishes, exhibits or otherwise makes available anything obscene;

d. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain;

e. 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

f. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

3. "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.

4. Interpretation of Evidence:

a. 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.

b. Where circumstances of production, presentation, sale, dissemination, distribution or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

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

(1) The character of the audience for which the material was designed or to which it was directed;

(2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect if any, it would probably have on the behavior of such people;

(3) The artistic, literary, scientific, educational or other merits of the material or absence thereof;

(4) The degree, if any, of public acceptance of the material in this State;

(5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;

(6) Purpose of the author, creator, publisher or disseminator.

5. Prima Facie Evidence: The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than six (6) copies of obscene material shall be prima facie evidence of an intent to disseminate.

B. Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination was:

1. Not for gain and was made to personal associates other than children under eighteen (18) years of age;

2. Was to institutions or individuals having scientific or other special justification for possession of such material.

- C. Penalty: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).

6-2-8-4: EXHIBITION OF VIDEO TAPES CONTAINING HARMFUL MATERIAL TO MINORS:

- A. Definitions: For purposes of this Chapter:

COUNTER AREA: That space in which video tapes are sold or checked out and returned and where rental fees are accepted.

DOOR: An opaque structure which covers an entrance and provides access to an area.

TAPE CONTAINING HARMFUL MATERIAL: A video tape containing harmful material as defined in paragraph 11-21(b)(1) of the Illinois Criminal Code (720 ILCS.). A video tape containing a motion picture rated "X" by the Motion Picture Association of America is presumed to contain harmful material, but the presumption may be rebutted.

- B. Separate Storage of Tape Displays: Any person or entity in the business of renting or selling videos containing harmful material shall either:

1. Establish a separate and distinct "adult display area", wherein such tapes must be displayed and minors are prohibited from entering and which meets the following requirements: an enclosed area with:

a. A door which must be kept closed at all times, regardless of whether persons are in the adult display area; or

b. A partition placed within the adult display area, covering the opening to the remainder of the establishment in such manner that persons outside the adult display area cannot view the adult display area; or

2. Permit selection of such tapes only through the use of an "adult selection catalog" to be kept and viewed solely behind the counter area. The packaging and promotional material contained within the adult selection catalog must not be visible from the public side of the counter area.

- C. Rental: Any person in the business of renting or selling video tapes shall not rent or sell tapes containing harmful material except:
1. At a counter area separate from the general rental/sales counter area. Such separate counter may be created by the use of a partition extending at least two feet (2') above the counter and at least as deep as the counter surface that splits the general counter into two (2) counters, and the employee handling the transaction is at least eighteen (18) years of age; or
 2. At a single counter area, if the video tapes or display materials which contain "harmful material" are not removed from the adult display area or where an adult selection catalog is being utilized, and the employee handling the transaction is at least eighteen (18) years of age.
- D. Age Limits: No person under eighteen (18) years of age may rent, purchase or handle tapes containing harmful material. No person under eighteen (18) years of age shall enter or be permitted to enter the adult display area or view the adult selection catalog.
- E. Penalty: Violation of any of the provisions of this Selection shall be punishable as provided in Section 1-4-1 of this Code.

6-2-8-5: GAMBLING PROHIBITED; PENALTY: (65 ILCS 5/11-5-1.)

- A. Prohibition: Except for those games of chance authorized by the State of Illinois, it shall be unlawful for any person to gamble within the City.
- B. Gambling Places: It shall be unlawful for any person to knowingly permit any premises owned, occupied or controlled by him, to be used as a gambling place within the City.
- C. Crimes Enumerated, Exceptions: For the purposes of this Section:
1. Gambling occurs when any person:
 - a. Plays a game of chance or skill for money or other things of value, unless excepted later in this Section;
 - b. Makes a wager upon the result of any game, contest or any political nomination, appointment or election;
 - c. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for sale or lease of any gambling device;
 - d. Knowingly owns or possesses any books, instruments or apparatus by means of which bets or wagers have been or are recorded or registered;

- e. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election;
- f. Sets up or promotes any lottery or sells, offers to sell or offers or transfers any ticket or share for any lottery;
- g. Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket or other similar device;
- h. Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share or any policy ticket or similar device or any advertisement of any lottery or policy game; or
- i. Knowingly transmits information as to wagers, betting odds or changes in bettering odds by telephone, telegraph, radio semaphore or similar means, or knowingly installs equipment for the transmission or receipt of such information; except, that nothing in this subparagraph shall prohibit transmission or receipt of such information for the use of news reporting of sporting events or contests.

2. Participants in any of the following activities shall not be convicted of gambling:

- a. Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;
- b. Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest;
- c. Pari-mutual betting as authorized by the laws of this State;
- d. Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal Law;
- e. The game commonly known as "bingo", when conducted in accordance with "An Act making lawful the conducting of bingo by certain nonprofit organizations requiring licensing and prescribing regulations therefor"; (230 ILCS 25/1)
- f. Lotteries when conducted by the State of Illinois in accordance with the "Illinois Lottery Law", enacted by the 78th General Assembly; (20 ILCS 1605/1)
- g. Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise.

3. Definitions:

GAMBLING PLACE: Any real estate, vehicle, boat or any other property whatsoever used for the purpose of gambling.

GAMBLING DEVICE: Any clock, tape machine, slot machine or other machines or devices for the reception of money or other things of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for the use in a gambling place. However, a gambling device does not include:

- a. A coin-operated mechanical device played for amusement which awards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property, and which is commonly known as a pinball machine; or
- b. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

LOTTERY: Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift or sale or some other name.

POLICY GAME: Any scheme or procedure whereby a person promises or guarantees by an instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

- D. **Food and Liquor Licenses:** Whenever any premises are determined by a court of competent jurisdiction to be a gambling place, all City licenses or permits issued authorizing the serving of food or alcoholic liquor on such premises shall become void, and no license or permit so voided shall be reissued for such premises for a period of sixty (60) days thereafter, nor shall any person convicted of keeping a gambling place be reissued any such license or permit for one year from date of his conviction and, after a second conviction of keeping a gambling place, and any such person shall not be reissued any such license or permit.

- E. Seizure of Gambling Devices and Gambling Funds (720 ILCS 5/28-5): Every gambling device which is incapable of lawful use constitutes contraband and shall be subject to seizure and confiscation by City Police Officers. Any money or other thing of value intricately related to acts of gambling shall be seized and forfeited as contraband to the City. Disposition of such gambling devices seized or confiscated shall be made according to law.
- F. Penalty: Any person violating any provision of this Section shall be subject to penalty as provided in Section 1-4-1 of this Code.

6-2-9: OFFENSES INVOLVING ALCOHOLIC LIQUOR:

6-2-9-1: SALES TO NONAGE AND CERTAIN PERSONS (235 ILCS 5/6-16): No licensee or any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty one (21) years, or to any intoxicated person or to any person known by him or her to be under legal disability or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service. Whoever violates the provisions of this Section 6-2-9-1 is guilty of a violation of this Section 6-2-9.

6-2-9-2: PROOF OF IDENTITY AND AGE; IDENTIFICATION CARDS:

- A. Refusal of Service Without I.D. Card: For the purpose of preventing the violation of this Section 6-2-9-2, 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 of the fact that he or she is over the age of twenty one (21) years.
- B. Acceptable Documents Designated: Adequate written evidence of age and identity of the person is a document issued by a Federal, State, County, or Municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces.
- C. Defense of Licensee: Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.
- D. Furnishing or Using False or Fraudulent I.D. Card:

1. Any person who sells, gives or furnishes to any person under the age of twenty one (21) years any false or fraudulent written, printed or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of twenty one (21) years evidence of age and identification of any other person is guilty of violation of this Section 6-2-9.

2. Any person under the age of twenty one (21) years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a violation of this Section 6-2-9.

- E. Defacing I.D. Cards; Giving False Information: No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information.

6-2-9-3: PURCHASE, ACCEPTANCE OF GIFTS OR CONSUMPTION BY NONAGE PERSONS:

- A. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties. (See Section 6-2-9-2 of this Chapter.)

- B. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section 6-2-9-3. The consumption of alcoholic liquor by any person under twenty one (21) years of age is forbidden. (235 ILCS 5/6-20)
- C. No person under twenty one (21) years of age shall consume any alcoholic liquor; provided, however, that the possession and dispensing, or consumption by a person under twenty one (21) years of age of alcoholic liquor is in the performance of a religious service or ceremony, or the consumption by a person under twenty one (21) years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under twenty one (21) years of age in the privacy of a home, is not prohibited by this Section 6-2-9.

6-2-9-4: POSSESSION OR CONSUMPTION IN PUBLIC PLACES:

- A. Possession Prohibited; Exception: Any person under the age of twenty one (21) years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of violation of this Section 6-2-9. This Section does not apply to possession by a person under the age of twenty one (21) years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.
- B. Consumption; Open Container: No person may consume or have in his possession an open container or a container with a broken seal containing alcoholic beverage in any park or in any non-residential vehicle parking area, or on any public street, sidewalk, alley or other public way, or in any restaurant or eating place not licensed to serve alcoholic beverages with the City, outdoors on premises licensed to serve alcoholic beverages, unless the licensee's special use permit or liquor license for such premises expressly permits possession or consumption outdoors. (See also Section 8-1-7 of this Code)
(Ord. No. 2238 4/23/01)

6-2-9-5: **PRESENCE OF ALCOHOLIC LIQUOR IN VEHICLES:** The presence in a vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of, and is being carried by all persons occupying such vehicle at the time at which such alcoholic liquor is found, except under the following circumstances:

- A. If such liquor is found on the person of one of the occupants therein; or
- B. If such vehicle contains at least one occupant over twenty one (21) years of age.

6-2-9-6: **SOCIAL HOST RESPONSIBILITY:**
(UNDERAGE PERSONS GATHERING IN RESIDENCE OR HOTEL ROOM)
Ord. No. 2674-11/12 11-26-12

A. Definitions.

For the purposes of this Section, the following definitions shall apply:

1. **ALCOHOL:** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
2. **ALCOHOLIC BEVERAGE:** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
3. **CONVEYANCE:** Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.
4. **EVENT or GATHERING:** Any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

5. **HOST:** To overtly aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
6. **ILLICIT DRUGS:** Any drug, substance or compound prohibited by law, as well as drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.
7. **PARENT:** Any person having legal custody of a juvenile:
 - a. As a natural, adoptive, or step parent;
 - b. As a legal guardian; or
 - c. As a person to whom legal custody has been given by court order.
8. **PERSON:** Any individual, partnership, co-partnership, corporation, association of one or more individuals, or other organization or business entity.
9. **PUBLIC PLACE:** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, street, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, parks, businesses or parking lots.
10. **REASONABLE STEPS:** Reasonable actions taken by a person who is the host of an event or gathering to prevent the consumption of alcohol, alcoholic beverages and illicit drugs at the event or gathering, including, but not limited to, controlling access to alcohol and alcoholic beverages; controlling the quantity of alcohol and alcoholic beverages present; verifying the age of persons in attendance by inspecting drivers' licenses or other government-issued identification cards to ensure underage persons are not consuming alcohol or alcoholic beverages; supervising the activities of underage persons; removing any underage person, in possession of or consuming alcohol, alcoholic beverages or illicit drugs, from the location of the event or gathering; and calling for law enforcement assistance in the event that underage persons are in possession of alcohol, alcoholic beverages or illicit drugs.
11. **RELIGIOUS CEREMONY:** The possession, consumption and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.
12. **RESIDENCE or PREMISES:** Any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specified for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
13. **RESPONSE COSTS:** The costs associated with response by law enforcement, fire, and other emergency response providers to an event or gathering, including but not limited to:
 - (a) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at,

investigating and otherwise dealing with an event or gathering, and the administrative cost attributable to such response(s); (b) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of, or otherwise dealing with an event or gathering; (c) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, leaving the scene of, or otherwise dealing with an event or gathering.

14. **UNDERAGE PERSON:** Any individual person under twenty-one (21) years of age.

B. Prohibited Conduct and Responsibilities of Persons Hosting an Event or Gathering.

1. Except as permitted by State law, it is unlawful for any person to host an event or gathering at: (a) his or her residence or premises, (b) a public place or any other residence or premises under his or her control, or (c) in any conveyance under his or her control, where illicit drugs, alcohol, or alcoholic beverages are being consumed by an underage person, and the person hosting the event or gathering, has actual or constructive knowledge that an underage person is consuming illicit drugs, alcohol or alcoholic beverages.
2. A person who hosts an event or gathering does not have to be present at the event or gathering to be liable under this Section.
3. A person who hosts an event or gathering shall be reputably presumed to have actual or constructive knowledge that underage persons have consumed illicit drugs, alcohol, or alcoholic beverages if such person is present at the location of the event or gathering at the time any underage person consumes illicit drugs, alcohol or an alcoholic beverage.
4. It is the affirmative duty of any person who hosts an event or gathering at his or her residence or premises, a public place or any other residence or premises under his or her control, or in any conveyance under his or her control, to take all reasonable steps to prevent the consumption of illicit drugs, alcohol or alcoholic beverages by any underage person at such event or gathering.
5. A person who hosts an event or gathering shall be deemed to have actual or constructive knowledge that an underage person has consumed or is consuming illicit drugs, alcohol or alcoholic beverages at the event or gathering if the person has not taken all reasonable steps to prevent the consumption of illicit drugs, alcohol, or alcoholic beverages by underage persons.
6. A person who hosts an event or gathering shall not be in violation of this Section if he or she: (a) seeks assistance from the Pekin Police Department or other law enforcement agency to remove any person who refuses to abide by the person's performance of the duties imposed by this Section, or (b) terminates the event or gathering because the person has been unable to prevent underage persons from consuming illicit drugs, alcohol or alcoholic beverages despite having taken all reasonable steps to do so, as long as such request or termination is made before any other person makes a complaint to the Pekin Police Department or other law enforcement agency about the event or gathering.

7. This Section shall not apply to conduct involving the use of alcohol or alcoholic beverages that occur at a religious ceremony or exclusively between an underage person and his or her parent, as permitted by the City Code and State law.
8. A person is responsible for and subject to penalties, for violating this Section if the person intentionally aids, advises, hires, counsels, conspires with or otherwise procures another person in hosting an event or gathering where that person has actual or constructive knowledge that underage persons will be consuming alcohol, alcoholic beverages or illicit drugs at such event or gathering.

C. Penalties.

1. Responsible for Costs. Any person found to be in violation of this Section shall be responsible for any and all response costs.
2. Fines. Any person who violates or assists in the violations of any provision of this Section shall be deemed to have committed a petty offense and shall be fined not more than seven hundred fifty dollars (\$750.00) for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.
 - a. The first violation of this Section shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00).
 - b. A second violation of this Section by the same person, within a twelve month period shall be punishable by a fine of no less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00).
 - c. A third or subsequent violation of this Section by the same person, within a twelve month period shall be punishable by a fine of seven hundred fifty dollars (\$750.00).
3. Enforcement. Violations of this Section may be enforced by issuance of a municipal citation for the fine and response costs amounts, and/or by issuance of a Notice to Appear. (Ord. No. 2674-12/13 11-26-12)

6-2-9-7: CIVIL RIGHTS IN LICENSED PREMISES: No licensee licensed under the provisions of Title 3, Chapter 3 of this Code shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

6-2-9-8: SALES ON CREDIT; EXCEPTIONS: No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose, the debt thereby attempted to be created shall not be recoverable at law; provided, that nothing herein contained shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of said club; and provided further, that nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests; and provided further, that nothing herein shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.

6-2-9-9: PENALTY: Any person convicted of violating any provision of this Section 6-2-9 shall pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); and on a second or subsequent conviction shall pay a fine of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).

6-2-10: MISCELLANEOUS OFFENSES:

6-2-10-1: CIVIL RIGHTS:

A. Violation of Civil Rights; Elements: A person commits a violation of civil rights when:

1. He prevents, interferes with or denies to another, or conspires to do the same, the full and equal access to and enjoyment of the facilities and services, accommodation, amusement or conveyance because of race, religion, color or national ancestry;
2. As an official, he refuses to employ, discriminates in employment, or participants in a scheme which discriminates in employment for any work, job, office or project because of race, religion, color or national ancestry; or
3. As an official, he denies or refuses to any person the full and equal access, use or enjoyment of the services, facilities, accommodation, advantages or privileges of his office, or of any property accommodations or facilities under his care because of race, religion, color or national ancestry.

B. Sanction:

1. Penalty: Any person convicted of a violation of civil rights may be fined not to exceed five hundred dollars (\$500.00).
2. Enjoining as a Public Nuisance: Any violation of civil rights occurring in any public office, accommodation or amusement is declared to be a public nuisance and may be abated in any manner provided by subsection 6-2-5-1F of this Chapter for the abatement of public nuisances.

3. Discharge of Public Officials: Whenever any public official shall be found guilty of a violation of civil rights, the person aggrieved, or the Corporation Counsel on his behalf, may file a petition in Circuit Court to discharge such official from office. The Court shall order that such official be immediately relieved of his office or duties and shall order such official to resign or be removed or discharged. Any person violating or refusing to enforce any such court order or decree shall be deemed in contempt of court.

4. The penalties and remedies herein provided by this Section shall to be deemed mutually exclusive.

- C. Necessity as Affirmative Defense (720 ILCS 5/7-13.): Conduct which would otherwise be an offense under this Section is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation, and he reasonably believed that such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from this own conduct.

6-2-10-2: **BRIBERY; OFFERING OR ACCEPTING** (720 ILCS 5/33-1): It shall be unlawful for any person:

- A. To offer, promise or give to any official, police officer or employee of the City any money, reward, service, privilege or thing of value which he may not otherwise lawfully accept, with intent to influence the performance or nonperformance of any official act, function, duty or employment.
- B. To agree to accept, receive or retain any money, reward, service, privilege or thing of value which he may not otherwise lawfully accept, knowing that such benefit was offered, promised or given with intent to influence him in the performance or nonperformance of any official act, function, duty or employment.

6-2-10-3: **SOLICITATION TO COMMIT OFFENSE** (720 ILCS 5/8-1): A person commits solicitation when, with intent that an offense be committed, he commands, encourages or requests another person to commit that offense.

6-2-10-4: **CONSPIRACY:**

- A. Elements of the Offense: A person commits conspiracy when, with intent that an offense be committed, he agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of such agreement is alleged and proved to have been committed by him or by a co-conspirator.
- B. Co-Conspirators (720 ILCS 5/8-2.): It shall not be a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:
1. Has not been prosecuted or convicted;

2. Has been convicted of a different offense;
3. Is not amendable to justice;
4. Has been acquitted; or
5. Lacked the capacity to commit an offense.

C. Solicitation and Conspiracy; Affirmative Defense (720 ILCS 5/8-3.): It shall be a defense to a charge of solicitation or conspiracy that if the criminal object were achieved the accused would not be guilty of the offense.

6-2-10-5: PUBLIC SOLICITATION OF FUNDS; REGISTRATION REQUIRED (720 ILCS 5/17-1.):

- A. It shall be unlawful for any person to solicit any money, services, subscriptions or other valuable thing for any religious, charitable or philanthropic cause without having first obtained a certificate of registration from the City Clerk, which certificate shall identify the cause, its officers, soliciting agents within the City and the duration of such solicitation.
- B. Application for such certificate of registration shall be made to the City Clerk, setting forth the information required in subsection A above, accompanied by an affidavit sworn to by the applicant as to the veracity of such information.
- C. Such certificate of registration, or a certified copy thereof, shall be displayed by any person soliciting under authority thereof upon demand of any police officer or any person so solicited. (Ord. No. 2637-10/11 04-11-11)

6-2-10-6: TELEPHONE SOLICITATION OR PROMOTION; REGISTRATION REQUIRED:

- A. It shall be unlawful for any person in his own name, or in the name of or for the benefit of any other person, to conduct any sales campaign or sales promotion of any nature whatsoever through the use of the telephone without having first obtained a certificate of registration from the City Clerk.
- B. Application for such registration shall be made to the City Clerk, setting forth the name of the applicant, his employer or organization, the article or goods proposed to be sold, terms of sale, length of time such campaign or promotion is sought to be conducted, and names and addresses of all persons assisting in such campaign or promotion within the City.

- C. It shall be unlawful for any person to conduct or make any solicitation by telephone for any pecuniary compensation or other profit on behalf of any actual or purported charitable use, purpose, association, corporation or institution.

(Ord. No. 2637-10/11 04-11-11)

6-2-10-7: **INTIMIDATION DEFINED; PROHIBITED** (720 ILCS 5/12-6): A person commits intimidation when, with intent to cause another person to perform or to omit the performance of any act, he communicates to another without otherwise lawful authority a threat to perform any of the following acts:

- A. Inflict physical harm on the person threatened or any other person or property;
- B. Subject any person to physical confinement or restraint;
- C. Commit any criminal offense;
- D. Accuse any person of an offense;
- E. Expose any person to hatred, contempt or ridicule;
- F. Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or
- G. Bring about or continue any strike, boycott or other collective or mob action.

6-2-10-8: **LITTER PROHIBITION AND PENALTIES** (See also subsection 5-1A-3 and Title 5, Chapter 2, Article B of this Code):

- A. No person shall:
 - 1. Litter in Public Places: Throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles, in authorized private receptacles for collection or in official City dumps.
 - 2. Litter thrown by Persons in Vehicles: While a driver or passenger in a vehicle, throw or deposit litter upon any street or other public place within the City, or upon private property.
 - 3. Dropping litter from Aircraft: While in an aircraft, throw out, drop or deposit within the City and litter, handbill or any other object.

4. Litter in Parks: Throw or deposit litter in any park within the City except in public 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 street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

5. Truck Loads Causing Litter: Drive or move any truck or other vehicle is so construed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

6. Litter on Private Property: Throw or deposit litter on any private property within the City, whether owned by such person or not; except, that the owner or person in control of private property may 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 street, sidewalk or other public place or upon any private property.

7. Litter on Vacant Lots: Throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.

B. Owner to Maintain Premises Free of Litter: The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

C. Penalties: Violation of any provision of this Section shall be punishable as provided in Section 1-4-1 of this Code.

6-2-10-9: **MENDICANTS; VAGRANTS:** It shall be unlawful for mendicants or vagrants to frequent any depot, store, theater, street, alley, sidewalk, park or other place publicly frequented in the City. Any person found in any such place, and who has not any established domicile or residence, shall be considered to be a vagrant. Any person violating any provision of this Section shall be subject to penalty as provided in Section 1-4-1 of this Code.

6-2-11: **PRESENCE ON RIVERFRONT AREA OR WEST BOAT RAMP:**

(6-2-11 originally impoundment of vehicles) (Ord. No. 2622-10/11 07/14/10) (Originally 6-2-13 corrected 8-8-14)

A. No person shall enter upon or park in any area posted as Closed to the Public nor shall any person use or abet the use of any Riverfront Area or West Boat Ramp in violation of posted notices.

(1) No person shall enter upon or park in the Riverfront Area between the hours of 10:00 p.m. to 5:00 a.m. unless launching or retrieving watercraft from the river.

(2) No person shall enter upon or park at the West Boat Ramp on the west bank of the

Illinois River in Pekin from 10:00 p.m. to 5:00 a.m. unless launching or retrieving watercraft from the river.

6-2-12: CITATIONS CHARGING VIOLATION OF CERTAIN ORDINANCES AND SETTLEMENT BY PAYMENT OF FINES:

(Ord. No. 2565-08/09 09/08/08)

- a. Any Pekin Police Officer may issue citations to persons who are believed to have violated the sections of the Pekin City Code hereinafter specified. The citations may give the alleged violator the option to settle the case by paying the fine set forth in subsection (g) if payment is made within the time and in the manner set forth in subsection (b) of this section;
- b. Payments in settlement of violations set forth in subsection (f) shall be made within twenty-one (21) days from the date the citation was issued to the person accused of such violation. Payment shall be made by cash, money order or cashier's check from a local bank, made out to the City of Pekin. Payment must be made in person at any time at the Pekin Police Department at 111 S. Capitol Street, Pekin, Illinois. No personal checks or credit cards will be accepted. Failure to make payment within the said twenty-one day period will subject the alleged violator to ordinance violation prosecution in the Tazewell County Circuit Courts by one or more representatives of the City.
- c. The original copy of any citation issued pursuant to this section shall be kept at the Pekin Police Department. The Pekin Police Department shall hold citations for the twenty-one (21) day period allowed for settlement by payment of the fine. At the end of that period of time, the citation shall be delivered to the Legal Department for the filing of a complaint for ordinance violation in the Tazewell County Circuit Court.
- d. Citations may be settled by payment of the fine provided in subsection (f) after filing of a complaint for ordinance violation in the Tazewell County Circuit Court, at the discretion of the corporation counsel or his or her designee, if payment is made by the person so charged prior to the initial court appearance date and the person so charged pays any service fees and court costs incurred in the filing of the complaint.
- e. The Corporation Counsel or his or her designee may, in his or her discretion, elect to reject the settlement of any violation of the sections of the City Code specified in subsection (g) and proceed to filing a complaint for such violation in the Tazewell County Circuit Court.
- f. The amount stated in subsection (g) shall be the fine for settlement for first offenses pursuant to the provisions of this section notwithstanding that the fine stated for such violation in another section of the code may be lower than the fine stated in this section. The amount stated in subsection (g) shall be doubled for a second offense, except for underage drinking charges, where a second offense shall be a mandatory court appearance.
- g. The violations for which citations may be issued and the fines which shall be paid to settle the case are as follows:

(Ord No. 2565-08/09 09/08/08)
 (Ord No. 2629-10/11 10/12/10)
 (Ord No. 2639-11/12 05/23/11)
 (Ord No. 2684-13/14 06-24-13)
 (Ord No. 2702-14/15 07-14-14)

ORDINANCE NO.	VIOLATION	FINE (First Offense)
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OFFENSES INVOLVING PUBLIC ORDER

6-2-3-1:	Disorderly Conduct; Disturbances	\$150.00
6-2-3-2:	Assault, Battery and Affray	\$200.00
6-2-3-3:	Reckless Conduct	\$200.00
6-2-3-4:	Unlawful Assemblies; Mob Actions	\$200.00
6-2-3-5:	Obstruction; Resisting Officers	\$200.00
6-2-3-6:	Obstructing Stairways or Exits	\$300.00
6-2-3-7:	Unlawful Possession of Contraband	\$200.00
6-2-3-8:	Graffiti	\$200.00

WEAPONS

6-2-4-1	Unlawful Use of Weapon	\$300.00
6-2-4-2:	Firing and Discharging	\$300.00
6-2-4-3:	Sale of Firearms or Weapons to Minors	\$300.00
6-2-4-3	Possession of Firearms or Weapons by Minors	\$300.00
6-2-4-4:	Unlawful Display	\$200.00

OFFENSES INVOLVING HEALTH, SAFETY AND CHILDREN

6-2-4-5:	Confiscation and Disposition of Weapons	\$200.00
6-2-5-1:	Nuisances; Creating; Maintaining	\$250.00
6-2-5-2:	Fires	\$250.00
6-2-5-3:	Possession of Cannabis (under 10 grams)	\$400.00
6-2-5-3a:	Drug Paraphernalia	\$300.00
6-2-5-3b:	Possession/Use of Synthetic Alternative Drugs	\$250.00
6-2-5-4:	Sniffing or Inhaling of Intoxicants Prohibited	\$300.00
6-2-5-5:	Public Consumption of Alcoholic Beverages	\$300.00
6-2-5-6:	Fireworks	\$200.00
6-2-5-7:	Loud, Disturbing and Unnecessary Noises	\$200.00
6-2-5-8:	Stench Bombs, Nauseous Gases and Substances	\$200.00
6-2-5-9:	Throwing Missiles or Bottles	\$200.00
6-3-6:	Animals, Noise, Odor, Nuisance	\$ 75.00
6-3-12:	Failure to Inoculate an Animal	\$150.00
6-3-15a:	Animals at Large Prohibited	\$ 75.00
6-8G-4	False Alarms	\$ 75.00

MINORS

6-2-6-1	Curfew	\$ 50.00
6-2-6-2	Truancy Prohibited	\$100.00
6-2-6-3	Sale and Delivery of Tobacco Products To Minors	\$150.00
	Possession of Tobacco by Minor	\$ 50.00
	Skateboarding	\$ 50.00

OFFENSES INVOLVING PROPERTY

6-2-7-2	Trespass to Land and Buildings	\$150.00
6-2-7-3	Malicious Mischief for Destruction	\$150.00
6-2-7-4	Coin-Operated Devices; Slugs, Tampering	\$150.00
6-2-7-5	Trespass to Vehicles	\$200.00
6-2-7-6	Retail Theft of Property, the Full Retail Value of Which Does Not Exceed \$150.00	\$250.00
6-2-11 <i>(corrected 8-8-14)</i>	Presence on Riverfront Area or West Boat Ramp	\$ 75.00
6-2-13	Crime Free Property /Nuisance Property Abatement	\$250.00

OFFENSES INVOLVING MORALITY

6-2-8-1	Prostitution	\$200.00
6-2-8-2	Public Indecency; Acts or Language Prohibited	\$200.00
6-2-8-3	Obscenity	\$200.00
6-2-8-4:	Exhibition of Videos Containing Harmful Material to Minors	\$200.00
6-2-8-5	Gambling	\$200.00

OFFENSES INVOLVING ALCOHOLIC LIQUOR

6-2-9-1	Sales to Nonage and Certain Persons	\$300.00
6-2-9-2	Proof of Identity and Age; Identification Cards	\$250.00
6-2-9-3	Purchase, Acceptance of Gifts by Nonage Person	\$250.00
6-2-9-3	Possession or Consumption by Nonage Person	\$250.00
6-2-9-4	Possession or Consumption in Public Places	\$250.00
6-2-9-5	Presence of Alcoholic Liquor in Vehicles	\$250.00
6-2-9-6	Social Host Responsibility	\$250.00

MISCELLANEOUS OFFENSES

6-2-10-1:	Civil Rights	\$250.00
6-2-10-2	Bribery; Offering or Accepting	\$250.00
6-2-10-3	Solicitation to Commit Offense	\$250.00

6-2-10-4	Conspiracy	\$200.00
6-2-10-5	Unregistered Public Solicitation of Funds	\$200.00
6-2-10-6	Unregistered Telephone Solicitation or Promotion	\$200.00
6-2-10-7	Intimidation	\$250.00
6-2-10-8	Litter	\$150.00
6-2-10-9	Mendicants; Vagrants	\$100.00

OFFENCES INVOLVING TRAFFIC

8-1-9:	Truck off Truck Route	\$150.00
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6-2-13-1: CRIME FREE PROPERTY / NUISANCE PROPERTY ABATEMENT

(ORD. No. 2702-14/14 07-14-14)

- (A) Any certain rental property within the City of Pekin which becomes a Nuisance Residential Rental Property is in violation of this Chapter and is subject to its penalties and/or remedies.
- (B) Any person in charge who permits property under his or her ownership or control to be a Nuisance Residential Rental Property shall be in violation of this Chapter and subject to its penalties and/or remedies.

6-2-13-2. DEFINITIONS:

Administrative Adjudication Law means 65 ILCS 5/1-2-1.1 et seq., which allows for home rule cities to provide by ordinance for a system of administrative adjudication of ordinance violations.

City means City of Pekin.

Crime Free Housing Seminar (Seminar) means a seminar sponsored by the Pekin Police Department to provide information to landlords and/or their designated managers or agents regarding the landlord-tenant requirements under the City Code, including the crime-free housing lease addendum.

Conditional License means a temporary Residential Rental License issued to permit the rental of a rental unit or structure that has a violation or violations of applicable regulations, or to permit the rental of a rental unit or structure prior to attendance by the landlord, or a designated agent/manager, at the required Seminar.

Crime Free Multi-Housing Coordinator (Coordinator) means the person, designated by the Chief of Police, who maintains records of all landlords and/or designated agent/manager, who

have attended the Crime Free Housing Seminar, along with the dates of attendance and verification that the landlord or designated agent/manager has otherwise complied with the City's Code to be eligible for issuance or renewal of a Residential Rental Housing License.

Multi-Family Rental Dwellings means individual units for rent.

Multiple Dwelling Rental Complexes means Multi-Family Rental Dwellings at more than one location.

Nuisance Residential Rental Property means any residential rental housing declared to be against the health, peace and comfort of the City for offenses enumerated herein below.

Owner means any person, partnership, trust, corporate or business entity, or condominium, townhouse or homeowners' association that has a fee interest in the rental housing, including the officers, employees, property managers and agents of the owner, provided that, nothing herein shall require a license of an independent agent for such matters as may be preempted by state law.

Permit means to suffer, allow, approve, consent to, acquiesce in or agree to the doing of an act, including the failure to prevent through inaction.

Residential Rental Housing means any dwelling unit being made available to a tenant in exchange for compensation of any kind, including lots or pads made available for placement of mobile homes thereon.

Residential Rental License means a license, specifically licensing Residential Rental Housing, current and unrevoked, issued by the City in the owner's name, to rent Residential Rental Housing as required by this Article for a period of one calendar year, renewable as of January 1 of each year.

Single Family means single family residences for rent.

6-2-13-3. RESIDENTIAL RENTAL LICENSE FEE SCHEDULE:

(A) Annual fees for the following Residential Rental Licenses shall be at a rate prescribed in the Residential Rental License Fee Schedule as established herein:

1. First License for Single Family Residence - \$10.00 per year.
Subsequent Licenses - no charge.
2. First License for Multi-Family Rental Dwelling - \$10.00 per year.
Subsequent Licenses - no charge.
3. First License for Multiple Dwelling Rental Complexes - \$10.00 per year.
Subsequent Licenses - no charge.

- (B) Multi-Family Rental Dwellings and Multiple Dwelling Rental Complexes will be issued one license per identified unit. As per the fee schedule above, the first identified unit will incur a fee of ten dollars (\$10.00) per year. Each license thereafter will incur no fee.
- (C) A group of more than one lot or pad made available for placement of mobile homes thereon under a common ownership or operation, commonly known as a mobile home park, shall be deemed to be a Multiple Dwelling Rental Complex for the purposes of this Chapter. Otherwise, a single lot or pad made available for placement of a mobile home that is not within a mobile home park shall be deemed to be a Single Family Residence. Fees will not be assessed for the vacant lots or pads that are not for rent.
- (D) All applications and fees for all landlords/owners shall be due by October 15, 2014. Thereafter, all renewals shall be received no later than December 31 of each year, beginning December 31, 2015.
- (E) If renewal fees are not paid within thirty (30) days after the renewal date, it shall be deemed a violation of this Chapter and shall be subject to the penalties as stated herein.

6-2-13-4. LICENSING PROCEDURES AND STANDARDS:

- (A) For anyone applying for a license after October 15, 2014, Residential Rental Licenses shall be applied for within thirty (30) days of a property becoming a rental property. If an owner fails to apply within the thirty (30) day period, the license origination date shall be retroactive to the date the property became a rental property; and the Residential Rental License fee shall be calculated from that date and the owner shall be subject to all penalties as outlined in this Chapter.
- (B) Residential Rental Licenses shall be issued for a period comprising one calendar year beginning January 1, 2015. Any Residential Rental Licenses applied for thereafter will be prorated for the remainder of the calendar year. The license shall not be transferrable. A new Residential Rental License must be obtained by a new owner in the event of a change in ownership of the rental housing.
- (C) The City is hereby authorized, upon application, to issue new Residential Rental Licenses and renewals thereof in the names of owners, or, if operated by a separate person or entity, jointly in the names of both the owner and the manager/agent of the rental housing.
- (D) No license shall be issued or renewed unless the completed application form for each building or group of buildings, identifying the specific units, is accompanied by payment of the appropriate annual license fee as established in this Chapter. Payments must be made in full prior to the license being renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses being issued by the City.

- (E) A Residential Rental License may be issued or renewed for an owner living more than thirty (30) miles from the City provided that such owner designates in writing, to the City, the name of the owner's agent for the receipt of any service of notices, violations etc. The named agent shall reside within thirty (30) miles of the City.
- (F) No Residential Rental License shall be issued or renewed for an owner unless such applicant has first designated an agent for the receipt of service when the owner is absent from the City for thirty (30) consecutive days or more. Such designation shall be made in writing and on file with the City.
- (G) No Residential Rental License shall be renewed unless an application has been made within sixty (60) days prior to the expiration of the present license. Current Residential Rental License holders will be mailed an application of renewal more than sixty (60) days prior to the expiration of the present license to ease the renewal process. Completed renewal applications must be received no later than December 31 of the licensed year.
- (H) No Residential Rental License shall be transferable to another rental housing unit. Every owner holding a Residential Rental License shall give notice in writing to the City within seven days after having transferred or otherwise disposed of the legal control of any licensed rental housing. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental housing. Failure to notify the City shall constitute a violation of this Chapter.
- (I) Upon request by the Coordinator a list of all occupants of a rental housing unit so long as the request is in response to a bonafide investigation of a violation of this chapter or any alleged violation of law.
- (J) **Exceptions:** Residential Rental Licenses, for the purposes of this Chapter, shall not include the following:
1. Lawfully operating housing for the elderly that meets the definition of "housing for older persons", as provided in 42 U.S.C. 3607;
 2. Lawfully operating group homes governed by Specialized Living Centers Act, ILCS 405/25-1 et seq., as amended, dealing with the developmentally disabled, and also such other similar non-profit uses governed by state or federal laws, rules or regulations if provided such similar uses are required to be exempted by law;
 3. Owner-occupied single-family dwellings having not more than one authorized boarder;
 4. Any dwelling occupied by an immediate family member (mother, father, brother, sister, child) as verifiable as such by the Coordinator.

6-2-13-5. CRIME FREE RENTAL HOUSING PROGRAM SEMINAR: CONDITIONAL LICENSE

Any owner and/or manager of rental housing shall attend and complete a Seminar every three years. The owner and/or manager shall attend the Seminar prior to obtaining or being issued a City Residential Rental License. In the event a Seminar is not available prior to obtaining the operating license, a conditional license may be issued subject to the owner attending the Seminar within three months of issuance of the license. In the event that the Seminar is made available and is not attended within three months, the license shall be void without any need of further action. After the Seminar is attended, the license shall be issued for the balance of the year. Owners who have attended and successfully completed a Seminar from another jurisdiction approved by the Chief of Police may request a waiver from the training. After completing the initial seminar and the discretion of the Coordinator, owners and or managers may be permitted to attend and complete subsequent Seminars in an on-line format or have Seminar requirement waived.

6-2-13-6. PROPERTY MANAGER:

A property manager may be considered an agent of the owner and may attend the Seminar on behalf of an owner. If a new manager is hired, the new manager shall have three months after hiring to attend the Seminar.

6-2-13-7. RE-ATTENDANCE OF SEMINAR:

- (A) Any owner may be required to re-attend the Seminar prior to three years if the Coordinator recommends re-attendance.
- (B) The Coordinator, in determining whether or not to have the person re-attend the Seminar shall consider the following:
 - 1. If the rental housing is at a substantial risk of becoming a Nuisance Residential Rental Property as defined in this Chapter; or
 - 2. Criminal activity is occurring on the premises and the owner and/or property manager/agent have failed to initiate eviction proceedings.

6-2-13-8. LIST OF ATTENDEES:

The Coordinator, as designated by the Chief of Police, shall maintain a list of owners and/or property managers/ agents who have attended and completed the Seminar, with the date of attendance and verification that the owner and/or property manager/agent complied with this Chapter and is eligible to obtain, maintain or renew the Residential Rental License.

6-2-13-9. CRIME-FREE LEASE ADDENDUM:

No owner of rental housing may rent or lease rental housing without requiring the tenant to sign a Crime-free Lease Addendum as part of any lease executed, or have a clause similar to a Crime Free Lease Addendum for any leases signed after the executed date of this Chapter. A copy of the Crime Free Lease Addendum or lease with a clause similar to the Crime Free Lease Addendum shall be provided to the Coordinator at the time the Seminar is attended and

completed. At the Seminar, the Coordinator shall provide, at no cost, samples of the crime free lease addendum and shall review any clauses within actual leases with the City's Legal Counsel to determine if the clause is similar to the crime free lease addendum. This clause shall make criminal activity (not limited to violent criminal activity or drug related criminal activity) engaged by, facilitated by or permitted by the renter, guest or other party under the control of the renter, a lease violation authorizing eviction. The Owner shall then have the authority, under the clause, to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer Statutes. Proof by a preponderance of the evidence of the criminal violations shall be sufficient for purposes of eviction. The Crime-Free Lease Addendum shall be substantially as follows:

CRIME-FREE LEASE ADDENDUM

In addition to all other terms of the lease, the landlord and tenant agree as follows:

The tenant, any member of the tenant's household, any guest or any other person or persons associated with the tenant or his or her household, common areas or appurtenances shall not:

1. Engage in any quasi-criminal or criminal activity as defined by local, state, or federal law while on or near the licensed property or constituting a nuisance relating to such property as defined by applicable law;
2. Engage in any act intended to facilitate any quasi-criminal or criminal activity and/or obstruct or resist law enforcement against criminal activity while on or near the licensed property or constituting a nuisance relating to such property defined by applicable law.
3. Permit and/or allow the dwelling unit, common areas or appurtenances to be used for or facilitate any quasi-criminal or criminal activity as defined by local, state or federal law.

Should the tenant, any member of the tenant's household, any guest or any other person or persons associated with the tenant or his or her household violate any provisions stated herein, while on or near the common areas, appurtenances or property, such a violation shall constitute material non-compliance with this lease and shall further constitute grounds for termination of tenancy and eviction.

6-2-13-10. NUISANCE RESIDENTIAL RENTAL PROPERTY

It is hereby declared a nuisance and to be declared against the health, peace, and comfort of the City for any property owner, agent, or manager to allow or permit the following:

- (A) Rental of rental housing to a tenant who allows any of the following offenses to occur relating to the tenant: member of the tenant's household, guest or other party under the control of the tenant, murder, kidnaping, aggravated kidnaping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, unlawful distribution of harmful materials to a minor, sale of obscene publication, criminal housing management, possession of explosives, unlawful use or possession of weapons, unlawful sale of firearms, unlawful gambling, unlawful keeping of a gambling place, concealing a fugitive, violation of the State Controlled Substances Act (ILCS Ch. 720, Act 570), a felony violation of the Cannabis Control Act (ILCS Ch. 720, Act 550), violation of the State Methamphetamine Control and Community Protection Act (ILCS Ch. 720, Act 646) or commission of two or more of any other crimes under the State of Illinois or under the Federal Government not specifically listed above;
- (B) Rental of housing to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant: commission of four or more City ordinance violations in a six month period or an unreasonably high number of police calls for service including, but not limited to, calls that may fall within the descriptions listed above that, when compared to other property units in

the City of similar rental type, reasonably indicate that the activity at or near this property is out of character for the area and is impacting the quality of life of those in the area.

6-2-13-11. SUSPENSION OR REVOCATION OF LICENSE:

- (A) The Chief of Police may require corrective action up to and including suspension or revocation of any license issued hereunder if it is determined that the licensee has violated this Chapter or permitted a nuisance to occur. Suspension or revocation shall be limited to specific units involved in violations of this Chapter, unless it is reasonably determined by the Chief of Police that the revocation of the license for other or all units is required to protect the public safety or to prevent continued violations.
- (B) Any suspension or revocation of a license may be appealed directly to the Administrative Hearing Officer with a copy to the Chief of Police for review and determination under such rules as provided for appeals to the Administrative Hearing Officer; such appeals shall be filed within 15 days of the Chief of Police's decision. Such suspension or revocation may be stayed by the City pending the decision of the Administrative Hearing Officer unless the Chief of Police confirms specifically in writing that public safety may be threatened by such stay.
- (C) Any owner whose Residential Rental License has been suspended may not collect rent for the rental housing or units for which the suspension or revocation is in effect under any lease, lease term or other rental agreement entered into after the effective date of this Chapter. It shall be a violation for any tenant to occupy a rental unit where the Crime Free Rental Housing License has been suspended or revoked.

6-2-13-12. APPEALS:

- (A) Any owner may appeal to the Administrative Hearing Officer a suspension, revocation or denial of a Residential Rental License by the Chief of Police. A written request for an appeal specifying the grounds thereof shall be filed within 15 days of the suspension, revocation or denial complained of.
- (B) Any such appeal shall be based solely upon and shall state a claim that: the true intent of this Chapter or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, the provisions of this Chapter do not apply, or criminal violations sufficient to allow for evictions under the Crime Free Lease Addendum were not established with the requisite standard of proof.
- (C) No fee for the owner shall be associated with filing an appeal to the Chief of Police or the Hearing Officer.

- (D) Upon receiving a timely-filed notice of appeal, the City shall transmit to the Administrative Hearing Officer all papers constituting the record upon which suspension, revocation or denial was taken.
- (E) An appeal shall stay any suspension or revocation unless the Chief of Police certifies to the Administrative Hearing Officer, after the notice of appeal has been filed, that by reason of facts stated in the certificate the stay would, in his or her opinion, cause eminent peril to life, property or public safety, in which case the suspension or revocation shall not be stayed other than by a restraining order which may be granted by the Administrative Hearing Officer or by a Court of Record on application, or notice to the Chief of Police and on due cause shown.
- (F) The Administrative Hearing Officer shall act upon any appeal hereunder within 30 days of receiving a timely-filed notice of appeal by conducting a hearing upon such appeal; except, such hearing may be extended to a later date upon application to the Administrative Hearing Officer for cause. The hearing shall be conducted according to the following procedures.
 - (1) Hearings conducted by the Administrative Hearing Officer shall be open to the public, held at the call of the Administrative Hearing Officer and at such times as he or she may determine. Any interested person may appear in person or through a duly authorized agent or attorney. All testimony before the Administrative Hearing Officer shall be given under oath. The Administrative Hearing Officer shall administer oaths and may compel attendance of witnesses. The Administrative Hearing Officer shall keep a record of his or her proceedings and other official actions. The Administrative Hearing Officer shall hold all hearings in accordance with the Administrative Adjudication Law as defined herein.
 - (2) The Administrative Hearing Officer may reverse, affirm, modify or amend, wholly or partly, the suspension, revocation or denial appealed from, to the extent and in the manner that the Administrative Hearing Officer determines is necessary to conform with the intent and requirements of this Chapter. Unless otherwise required by law, no challenge to any decision subject to this section shall be filed in any court until or unless a timely appeal has been filed and prosecuted to completion by the owner as provided for in this section so as to establish a final appealable decision.

6-2-13-13. EVICTION OR RETALIATION PROHIBITED:

It shall be unlawful for an owner to terminate the lease agreement of a tenant or otherwise retaliate against any tenant because that tenants complained to an agent of the City about nuisance activities or violations of law on the owner's premises. Nothing herein shall preclude an owner from evicting a tenant or taking other lawful action due to a violation of law or lease provision by the tenants.

6-2-13-14. PENALTY:

- (A) Any person who shall violate the provisions of this Chapter or shall fail to comply with any lawful order pursuant to any section of this Chapter, upon conviction thereof, shall, in addition to any other remedy established herein, be subject to punishment in accordance with the general penalty for violations of ordinances of the City. Each day that such violation or failure to comply continues after issuance of notice by Chief of Police shall constitute a separate offense.
- (B) Any person whose Residential Rental License has been suspended or revoked shall be deemed to be in violation of this Chapter, and in addition to any other remedies as may be provided by law, shall be subject to any of the following:
 - (1) A fine in the amount of not less than \$250 and no more than \$750 per unit for each day the violation exists; and
 - (2) Any and all civil remedies available to the City, including any and all injunctive remedies that a court of competent jurisdiction may impose.
- (C) The City may seek to enforce this Chapter by seeking any one or more remedies authorized under this Chapter.

6-2-14: VEHICLE SEIZURE AND IMPOUNDMENT
(Ord. No. 2734-15/16 12/14/15)

- (a) **Violations authorizing seizure.** Except as provided in subsection (b), a motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to seizure and impoundment by the City of Pekin, and the owner of record of said vehicle shall be liable to the City of Pekin for an administrative penalty in addition to any towing and storage fees as hereinafter provided.
 - (1) Driving with suspended or revoked license, 625 ILCS 5/6-603, an administrative penalty of \$500.00, except that vehicle shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.
 - (2) Driving under the influence, 625 ILCS 5/11-501(a), an administrative penalty of \$500.00.
 - (3) When a motor vehicle is operated by a person against whom a warrant has been issued by a Circuit Court in Illinois, for failing to answer charges that the driver violated (a)(1) or (a)(2) of the above or for a violation of 625 ILCS 5/6-101, an administrative penalty of \$500.00.
 - (4) No valid driver's license, 625 ILCS 5/6-101(a), an administrative penalty of \$500.00.
 - a. Except a person that had a valid driver's license that is expired for less than one year.
 - b. Except a person who is less than 17 years of age operating a motor vehicle on any street or highway when in violation of the Child Curfew Act (720 ILCS 555/0.01 et seq.) or [section 66-71](#).

- (5) Fleeing or attempting to elude, 625 ILCS 5/11-204, an administrative penalty of \$500.00
- (6) Reckless driving; pursuant to 625 ILCS 5/11-503 and street racing; pursuant to 625 ILCS 5/11-506, an administrative penalty of \$500.00.
- (7) Illegal transportation of alcohol/driver, 625 ILCS 5/11-502(a), an administrative penalty of \$500.00.
- (8) Firearms offenses, an administrative penalty of \$500.00;
 - a. 720 ILCS 5/24-1, Unlawful use of weapons.
 - b. 720 ILCS 5/24-1.1, Unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities.
 - c. 720 ILCS 5/24-1.2, Aggravated discharge of a firearm.
 - d. 720 ILCS 5/24-1.2-5, Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm.
 - e. 720 ILCS 5/24-1.5, Reckless discharge of a firearm.
 - f. 720 ILCS 5/24-1.6, Aggravated unlawful use of a weapon.
- (9) Drug offenses: Possession of cannabis more than 30 gms., 720 ILCS 550/4.(d), (e), (f), and (g), an administrative penalty of \$500.00.
- (10) Drug offenses: Unauthorized possession of controlled substances, 720 ILCS 570/402, an administrative penalty of \$500.00.
- (11) Drug offenses: Methamphetamine Control and Community Protection Act, 720 ILCS 646, an administrative penalty of \$500.00
- (12) Soliciting a Prostitute: 720 ILCS 5/11-14, an administrative penalty of \$500.00
- (13) Leaving the Scene of an Accident Involving Injury or Death 625 ILCS 5/11-401, an administrative penalty of \$500.00.

(b) *General regulations.*

- (1) This section shall not replace or otherwise abrogate any existing state or federal laws or city ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges.
- (2) This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered.
- (3) Fees for towing and storage of a vehicle under this section shall be those approved by the chief of police for all towers authorized to tow for the police department.
- (4) Reserved.

(5) Reserved.

(c) *Notice.* Whenever a police officer has probable cause to tow, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle and of owner's right to request a preliminary vehicle impoundment hearing to be conducted under this section. Said vehicle shall be impounded pending the completion of the hearings provided for in subsection (d) herein, unless the owner of the vehicle posts with the City a cash bond in the amount of \$500.00 and pays the towing and storage charges.

(d) *Preliminary hearing.* If the owner of record of a vehicle seized pursuant to this section desires to appeal the seizure, said owner must make a request for said hearing within 24 hours of the seizure. Said request shall be in writing and filed with the chief of police or his designee who shall conduct such preliminary hearing within 24 hours after receipt of the request excluding Saturdays, Sundays, or City holidays. All interested persons shall be given a reasonable opportunity to be heard at the preliminary vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably-prudent persons in the conduct of their affairs. If, after the hearing, the chief of police or his designee determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this section, he shall order the continued impoundment of the vehicle as provided in this section, unless the owner of the vehicle posts with the City a cash bond in the amount of \$500.00, and pays the tower any applicable towing and storage fees. If the chief of police or his designee determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(e) *Hearing.* Within ten days after a vehicle is seized and impounded pursuant to this section, the City shall notify by certified mail, return receipt requested, the owner of record of the date, time, and location of a plea hearing that will be conducted, pursuant to this section. The owner will appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, the case will be disposed of at that time. If the owner pleads not guilty, a final hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 45 days after the vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably-prudent persons in the conduct of their affairs. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in connection with a violation set forth in this section, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the City for an administrative penalty in an amount not to exceed \$500.00 and requiring the vehicle to continue to be impounded until the owner pays the administrative penalty to the City plus fees to the tower for the towing and storage of the vehicle. If the owner of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the City. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the owner's vehicle or cash bond without fees.

(f) *Administrative penalty.* If an administrative penalty is imposed pursuant to this section, such penalty shall constitute a debt due and owing to the City. If a cash bond has been posted pursuant to this section, the bond shall be applied to the penalty. If a vehicle has been impounded when such a penalty is imposed, the City may seek to obtain a judgment on the debt and enforce such judgment against the vehicle as provided by law. Except as provided otherwise in this section, a vehicle shall continue to be impounded until the penalty is paid to the City and any applicable towing and storage fees, are paid to the tower, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the administrative penalty and applicable fees are not paid within 30 days after an administrative penalty is imposed against an owner of record

who defaults by failing to appear at the hearing, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles. In all other cases, if the administrative penalty and applicable fees are not paid within 30 days after the expiration of time at which administrative review of the hearing officer's determination may be sought, or within 30 days after an action seeking administrative review has been resolved in favor of the City, whichever is applicable, the vehicle shall be deemed unclaimed and shall be disposed of in the manner provided by law for the disposition of unclaimed vehicles under the Illinois Vehicle Code.

(g) *Vehicle possession.*

(1) Except as otherwise specifically provided by law, no owner, lien holder, or other person shall be legally entitled to take possession of a vehicle impounded under this section until the administrative penalty and fees applicable under this section have been paid. However, whenever a person with a lien of record against an impounded vehicle 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 City the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lien holders of record, not to exceed the administrative penalty, plus the applicable fees.

(2) For purposes of this section, the "owner of record" of a vehicle is the record title holder as registered with the secretary of state, State of Illinois.

CHAPTER 3 ANIMALS

SECTION:

- 6-3-1: Definitions (Ord. No. 2606-09/10 01-25-10)**
- 6-3-2: Purpose**
- 6-3-3: Penalty**
- 6-3-4: Impoundment Procedures**
- 6-3-5: Interference**
- 6-3-6: Noise, Odor, Nuisance, etc.**
- 6-3-7: Keeping of Dogs and Cats**
- 6-3-8: Fighting or Baiting**
- 6-3-9: License Tags**
- 6-3-10: Dangerous Dog or Cat (Ord No. 2654-11/12 02-27-12)**
- 6-3-11: Vicious Dog or Cat (Ord No. 2654-11/12 02-27-12)**
- 6-3-12: Rabies Inoculation**
- 6-3-13: Dogs or Cats in Heat**
- 6-3-14: Yard Requirements**
- 6-3-15: Animals at Large Prohibited**
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- 6-3-23: Cruelty to Animals**
- 6-3-24: Slaughter of Animals Prohibited**
- 6-3-25: Disposal of Dead Animals or Animal Matter**
- 6-3-26: Duty Upon Striking Animal With Motor Vehicle**
- 6-3-27: Animal Control Warden**
- 6-3-28: Duties of the City Clerk**
- 6-3-29: Severability**
- 6-3-30: Exemption**

(Ord. No. 2409 02/14/05)

6-3-1: DEFINITIONS:

Administrator means a veterinarian licensed by the State of Illinois and appointed pursuant to the Animal Control Act, or his duly authorized representative.

Adult dog or cat means a dog or cat four (4) months of age or older.

Animal means every living creature, other than man, which may be affected by rabies.

Animal Control Act means the state statute found at 510 ILCS 5/1 et seq.

Animal Control Warden means any person appointed by the Administrator and approved by the Board to perform the duties set forth in the Animal Control Act.

Board means the county board in each county.

Cat means all members of the family Felidae.

Confined means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

Dangerous Dog or Cat deemed as such by an Animal Control Warden and/or Hearing Officer, means any individual dog/cat when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or a companion animal in a public place or on private property other than that of the owner or custodian. (Ord. No. 2606-09/10 01-25-10)

Dog means all members of the family Canidae.

Enclosure, for purposes of a dog/cat deemed vicious by the Animal Control Warden and/or Hearing Officer, means a fence that is buried at least twelve inches (12") to eighteen inches (18") below ground level or other structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall feature a concrete pad, be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure in any manner. If the enclosure is a room within a residence, the door must be locked. A vicious dog/cat may be allowed to move about freely within the entire residence if it is muzzled at all times. (Ord. No. 2606-09/10 01-25-10)

Habitual nuisance mean a violation or violations of this Section which occur on more than three occasions within one year, by the same animal or combination of any group of animals under the care or control of the owner.

Has Been Bitten means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

Hearing Officer means the Mayor or his designee.

Impoundment means taken into the custody of the public animal control facility in the city, town, or county where the animal is found.

Leash means a cord, chain, rope, strap or other such physical restraint, not to exceed four (4) feet in length when used for a dangerous or vicious dog/cat, and not exceeding ten (10) feet when used for any other animal, and having a minimum tensile strength of not less than three hundred (300) pounds.

Mature rabbit means a rabbit six (6) months of age or older.

Muzzle means a device constructed of strong, soft material or a metal muzzle designed to prevent a dog or cat from biting any person or animal. The muzzle must be made in a manner which will not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent it from biting any person or animal.

Owner means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.

Person means any individual, firm, corporation, partnership, association or legal entity, any public or private institution, or any other business unit.

Physical Injury means the impairment of physical condition.

Redemption Fee means costs incurred when impounding an animal, which include the handling and processing of the animal's entry and exit into the animal shelter. This fee shall not include boarding, medical or transportation costs incurred by the shelter in keeping such animal.

Residential area means those areas or districts within the corporate limits of the city included in the general zoning classification of R (residential).

Run Line, for purposes of a dog/cat deemed vicious by the Animal Control Warden and/or Hearing Officer, means a system of tying a dog in place with either a rope or chain having a minimum tensile strength of not less than three hundred (300) pounds and not exceeding ten (10) feet in length. The rope or chain must be securely fastened to a permanent, non-movable object and prevent the vicious dog/cat from climbing, digging, jumping or otherwise escaping under its own volition. (Ord. No. 2606-09/10 01-25-10)

Serious Physical Injury means a physical injury that creates a substantial risk of death or that causes death, serious or protracted disfigurement, protracted impairment of health, impairment of the function of any bodily organ, or plastic surgery.

Vicious Dog or Cat deemed such by an Animal Control Warden and/or Hearing Officer, means any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other animal either on public or private property; any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; any individual dog/cat that has a trait or characteristic and has a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; any individual dog/cat which attacks a human being or domestic animal; and any individual dog/cat which has been found to be a dangerous dog/cat upon two (2) separate occasions. (Ord. No. 2606-09/10 01-25-10)

Wild animal means any animal as defined by the Illinois Dangerous Animal Act [720 ILCS 585/.01 et seq.]

6-3-2: PURPOSE:

The purpose of this chapter is to protect and promote the public health, safety and general welfare of such city by establishing requirements for the effective control of animals. This chapter is in addition to the Animal Control Act [510 ILCS 5/1 et seq.] and the Dangerous Animal Act [720 ILCS 585/.01 et seq.]

6-3-3: PENALTY:

(a) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.

(b) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full

amount of the injury sustained after a finding by the court of such violation of this Chapter.

(c) Upon a finding of guilt, the owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.

(d) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall, upon finding thereof, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.

(e) Upon a finding by the Court of that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of sections 6-3-8, 6-3-10 or 6-3-11 of this chapter, such Court shall:

- (1) Impose a fine of not less than two hundred dollars (\$200.00) for each offense; and/or,**
- (2) Order to have the animal in violation impounded; and/or,**
- (3) Order the animal in question to be humanely dispatched.**

(f) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.

(g) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter.

(h) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

(i) If any subsection, sentence, clause or phrase of section 6-3-3 is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

6-3-4: IMPOUNDMENT PROCEDURES:

A. Impounding: It shall be the duty of any Animal Control Warden under contract with the City to take up all dogs and cats running at large, vicious dogs and cats and dangerous dogs and cats and impound said dogs and cats in such places as may be provided.

B. Redemption of Impounded Dog or Cat:

1. Any person seeking to redeem any impounded animal shall pay a fee of Ten (\$10.00) Dollars if the animal is vaccinated and registered, or a fee of Fifteen (\$15.00) Dollars if the animal is not vaccinated and registered, plus a reasonable maintenance charge for boarding said animal to the animal control office, and in addition, a fee of Fifty (\$50.00) Dollars to the City Clerk plus rabies fees if required. On the second offense, the fee to the City Clerk shall be seventy-five (\$75) Dollars. On the third offense, a fee of one hundred (\$100) dollars shall apply. If the owner of the animal does not redeem said animal within five (5) days after notice by mail or otherwise to said owner of the impounding, such animal may be placed for adoption or humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act at the discretion of the Animal Control Warden. If the animal is adopted by a person other than the owner, said person shall pay all fees and charges which the owner would have been required to pay; except, that in order to facilitate the adoption of impounded animals, the Animal Control Officer or his designee may waive said fees. If such fees are waived, the Animal Control Officer shall notify the City Clerk of his/her decision.

2. No dog or cat shall be released for adoption from any animal pound or shelter without being spayed or neutered and tagged, or without a written agreement from the adopter, secured by cash deposit, guaranteeing that such animal will be spayed or neutered and tagged within a reasonable period of time.

3. Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

6-3-5: INTERFERENCE:

It shall be a violation of this chapter to interfere with the Animal Control Warden or a Police Officer in the performance of his duties. Any person found guilty of such interference shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.

6-3-6: NOISE, ODOR, NUISANCE, ETC:

No person shall keep or maintain any animal, poultry or fowl in such a manner as to cause inconvenience or disturbance to other persons by reason of noise, odor, nuisance or other cause. An animal is considered a nuisance when said animal:

- (1) damages real or personal property other than the owner's;
- (2) causes unsanitary, dangerous or unreasonably offensive conditions;
- (3) causes a disturbance by excessive barking, caterwauling or other noisemaking;
- (4) chases vehicles;
- (5) chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner;
- (6) chases, molests, attacks, bites, or interferes with other animals while off the premises of the owner.

Such animals are declared to be a nuisance, and may be impounded by the Animal Control Warden and may be redeemed only by paying the appropriate fees and fines. If the nuisance continues or constitutes a habitual nuisance, and upon finding by the Court as to the continuing or habitual nuisance, the Court may order that the owner of said animal or animals reduce the number of dogs/cats on the property or that the animal or animals in question be humanely dispatched.

6-3-7: KEEPING OF DOGS AND CATS:

No person shall keep or maintain more adult dogs and/or adult cats on or about his/her place of residence than can be reasonably cared for without causing a nuisance.

6-3-8: FIGHTING OR BAITING:

No person shall fight or bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting, any dog. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to attack human beings or domestic animals without provocation.

6-3-9: LICENSE TAG:

(a) Whenever any license tag is lost, the owner shall receive a duplicate license tag from the Animal Control Warden after paying a fee of Three (\$3.00) Dollars; provided, however, that if said dog has been impounded for not displaying a license and the license tag was lost or taken, the owner shall receive a duplicate license tag only after compliance with this chapter, in addition to the duplicate license fee provided herein.

(b) Whenever the ownership of a dog or cat shall change, the new owner shall notify the Animal Control Warden. If the animal has a current license tag, no cost is incurred for notifying the Animal Control Warden of change of ownership. However, if the animal requires a license tag, or the new owner desires a new license tag, a fee of Three (\$3.00) Dollars is required, whereupon the Animal Control Warden shall accordingly change the record of ownership of said dog.

(c) All licenses for all dangerous and vicious dogs/cats hereunder shall expire at the end of the fiscal year of the city. Licenses issued after November 1 may be for a sum equal to one-half the annual license fee; provided, however, that no license shall be issued for any amount less than one-half the annual license fee.

(d) It shall be unlawful for any person to place any license tag on any dog other than the dog for which such tag was issued.

(e) License tag is to be affixed to collar.

(1) The owner of a dog shall provide the dog with a collar or harness made of leather, metal or other substantial material to which shall be securely fastened the proper license tag and also a tag issued by the state rabies inspector, deputy inspector or any licensed veterinarian showing that such dog has been vaccinated against rabies during the current or immediately preceding year.

(2) A dog found within the city not wearing the proper collar and tag shall be impounded.

(3) Any owner not providing such collar and tag shall be subject to the penalties specified in this chapter.

(4) It shall be unlawful for any person not authorized by the owner to remove or take away any dog collar, city license tag or rabies vaccination tag from any dog; provided, however, this section shall not apply to any governmental official in the exercise of his duties.

6-3-10: DANGEROUS DOG OR CAT:

(a) Dangerous Dog/Cat means any individual dog or cat when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or a companion animal in a public place or on private property other than that of the owner or custodian or a dog that, without justification, bites a person and does not cause serious physical injury. (Ord. No. 2654-11/12 02/27/12) An Animal Control Warden, or any adult person may request, under oath, that a dog/cat be classified as a dangerous dog/cat by submitting a sworn, written complaint on a form approved by the Animal Control Warden. Within three (3) days of receipt of such complaint, the Animal Control Warden shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The owner of the dog/cat shall not dispose of the dog/cat in any manner during an active investigation (b) At the conclusion of the investigation, which will be no longer than one week, the Animal Control Warden may:

(1) Determine that the dog/cat is not dangerous and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or

(2) Determine that the dog/cat is dangerous and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after notification that a dog/cat is dangerous, the officer may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(c) Within five (5) business days after declaring a dog/cat dangerous, the Animal Control Warden shall notify the owner of the dog's/cat's designation as a dangerous dog/cat, and of the requirements and conditions for keeping the dog/cat, as set forth herein. The notice shall inform the dog/cat owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the dangerous dog/cat designation notice.

(d) The Hearing Officer or his designee shall hold a hearing within fifteen (15) days after receiving the dog/cat owner's written request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing to the dog/cat owner and to the complainant by regular mail. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog/cat should not be declared a dangerous dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. The officer who made the initial determination that the dog/cat is dangerous, and any other persons having knowledge of the facts and circumstances, may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:

- (1) Provocation;**
- (2) Severity of attack or injury to a person or domestic animal;**
- (3) Previous aggressive history of the dog/cat;**
- (4) Observable behavior of the dog/cat;**
- (5) Site and circumstances of the incident;**
- (6) Statements from interested parties;**
- (7) Any medical records; and,**
- (8) Veterinary medical records or behavioral records.**

(e) A determination at a hearing that the dog/cat is in fact a dangerous dog/cat as defined herein shall subject the dog/cat and its owner to the provisions of this section.

(f) Failure of the dog/cat owner to request a hearing shall result in the dog/cat being finally declared a dangerous dog/cat and shall subject the dog/cat and its owner to the provisions of this section.

(g) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-3-10(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(h) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:

(1) Registration of dangerous dogs/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the city clerk. The cost of each registration shall be two hundred dollars (\$200.00).

(2) Insurance. The owner of a dangerous dog/cat shall present to the City Clerk proof that he/she has procured liability insurance or a surety bond in the amount of not less than fifty thousand dollars (\$50,000.00) covering any damage or injury that may be caused by such dangerous dog/cat. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each dangerous dog/cat shall be injected by the Animal Control Warden or a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

(4) Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the City Clerk and the Animal Control Warden with the name and address of the new owner.

(5) Spaying or Neutering: If deemed dangerous, the owner shall be ordered to have the dog/cat spayed or neutered within 14 days at the owner's expense.

(6) Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.

(7) Muzzle: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog/cat or interfere with its vision or respiration.

(i) No person shall permit any dangerous dog/cat to leave the premises of its owner when not under control by leash no longer than four (4) feet in length by an adult eighteen (18) years of age or older or within an enclosed vehicle.

(j) The owner of any dog/cat found to be dangerous shall maintain such animal in such a manner as to prevent its coming in contact with any person not residing with the owner.

(k) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standards for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 6-3-12 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Animal Control Warden of changes of address. In the case of a sentry or guard dog, the owners shall keep the Animal Control Warden and the City Clerk advised of the location where such dog will be stationed.

(l) An animal control agency has the right to impound a dangerous dog if the owner fails to comply with the requirements of this Act. (Ord. No. 2654-11/12 02/27/12)

State law references: Vicious dogs; dangerous dogs and dangerous animals, 510 ILCS 5/15.

6-3-11: VICIOUS DOG OR CAT:

(a) A vicious dog/cat means any dog/cat found to be a dangerous dog/cat by the Animal Control Warden or the Hearing Officer or his designee on two (2) separate occasions, or a dog/cat whose attack is of such a savage nature as to cause serious physical injury, thereby rendering it vicious on its first attack, and shall be reported to the Animal Control Warden as such.

(b) Any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other animal either on public or private property.

(c) Any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(d) Any individual dog/cat that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(e) Any individual dog/cat which attacks a human being or domestic animal without provocation.

(f) An Animal Control Warden or any adult person may request under oath that a dog/cat be classified as vicious by submitting a sworn, written complaint on a form approved by the Animal Control Warden. Within three (3) days upon receipt of such complaint, the Animal Control Warden shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(g) At the conclusion of an investigation, the Animal Control Warden may:

(1) Determine that the dog/cat is not vicious and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or

(2) Determine that the dog/cat is vicious and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after a final determination that a dog/cat is vicious, the warden may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(h) Within five (5) business days after declaring a dog/cat vicious, the Animal Control Warden shall give written notice by certified mail, to the dog's/cat's owner of the dog's/cat's designation as vicious. The notice shall inform the owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the vicious dog/cat designation notice.

(i) The Hearing Officer or his designee shall hold a hearing within fifteen (15) business days after receiving the dog/cat owner's request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing by regular mail to the dog/cat owner and the complainant.

(j) The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence why the dog/cat should not be declared a vicious dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. The officer who made the initial determination that the dog/cat is vicious, and any other person having knowledge of the facts and circumstances, may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner of the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

(1) Provocation;

(2) Severity of attack or injury to a person or domestic animal;

- (3) Previous aggressive history of the dog/cat;**
- (4) Observable behavior of the dog/cat;**
- (5) Site and circumstances of the incident;**
- (6) Statements from interested parties;**
- (7) Any medical records; and,**
- (8) Veterinary medical records or behavioral records.**

(k) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(j), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.

(l) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:

(1) Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the City Clerk. The cost of each registration shall be two hundred fifty dollars (\$250.00).

(2) Insurance. The owner of a vicious dog/cat shall present to the City Clerk proof that he/she has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000.00) covering any damage or injury that may be caused by such vicious dog/cat. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) Permanent identification. Each vicious dog/cat shall be injected by the Animal Control Warden or qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.

(4) Transfer of ownership. No owner or keeper of a vicious dog/cat shall sell or give away a vicious dog/cat.

(5) Enclosure. No person shall own, keep or maintain a vicious dog/cat in an exterior area unless such dog/cat is at all times kept in an

enclosed structure, vicious dog/cat shall only be allowed outside the enclosure only as set forth in subsection (1)(9) herein. A dog/cat found to be a vicious dog/cat shall not be released to the owner until the Animal Control Warden and the Pekin Inspection Department approves the enclosure. (Ord. No. 2654-11/12 02/27/12)

(6) Signs. All persons possessing a vicious dog/cat shall display, in a prominent place on the premises where a vicious dog is to be kept, a sign which is readable by the public from a distance of not less than fifty (50) feet using the words "Beware of Vicious Dog/Cat." A similar sign shall be posted on any confinement structure.

(7) No vicious dog/cat may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog/cat to exit the structure on its own volition. No vicious dog/cat shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog/cat from exiting the structure.

(8) No person shall permit a vicious dog/cat to go outside a enclosed structure, house or other structure unless the vicious dog/cat is securely restrained with a leash no longer than four (4) feet in length and a minimum tensile strength of three hundred (300) pounds and fitted with a muzzle or No person shall permit a vicious dog/cat to be kept on a leash unless a person eighteen (18) years old or older is in actual physical control of the leash and is physically able to control the dog/cat.

(9) It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless the dog is kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog/cat, and/or;

(2) in the case of an emergency or natural disaster where the dog's life is threatened, and/or

(3) to comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a leash not exceeding 4 feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence. (Ord. No. 2654-11/12 02-27-12)

(10) Spayed or Neutered: Once a dog/cat is found to be a vicious dog/cat, the dog/cat shall be spayed or neutered within ten (10) days of the finding at the expense of its owner.

(m) The owner of any dog/cat found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner.

(n) No dog/cat shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.

(o) A finding by the Court of the failure to comply with this section will result in the impoundment of any dog/cat which has been found to be a vicious dog/cat and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the Animal Control Warden and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(p) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the City Clerk. It shall be the duty of the owner of each such dog to notify the City Clerk of changes of address and the owner shall keep the City Clerk advised of the location where such dog will be stationed. The City Clerk shall provide Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

(q) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standard as guard dogs for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 6-3-12 of this Act and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Animal Control Warden of changes of address. In the case of a sentry or guard dog, the owners shall keep the Animal Control Warden and the City Clerk advised of the location where such dog will be stationed.

State law references: Vicious dogs; dangerous dogs and dangerous animals, 510 ILCS 5/15.

6-3-12: RABIES INOCULATION:

(a) No person shall permit any adult dog or cat owned by him or in his custody or control to be on any public street, sidewalk, alley or other public place, or upon the private property of any person other than such owner unless the dog or cat shall have a collar firmly attached around its neck with a tag evidencing a current rabies inoculation attached thereto. Any person owning or having in his custody or control

a dog or cat which does not have such a collar firmly attached around its neck with a tag evidencing a current rabies inoculation shall keep such dog or cat confined in an enclosure in or on his premises at all times. This does not eliminate the requirements for rabies inoculation.

State law references: Rabies control, 510 ILCS 5/12.

(b) If an animal is not inoculated against rabies after its owner has been found to be in violation of this section two (2) times within a twelve (12) month period, such animal shall be impounded by the Animal Control Warden and may be redeemed or disposed of in accordance with the provisions of this chapter.

(c) Failure to comply with this section is a violation for which such person shall pay a penalty of not less than seventy five (\$75) dollars nor more than seven hundred fifty (\$750) dollars per violation.

6-3-13: DOGS OR CATS IN HEAT:

The owner of any female dog or cat shall, during the period when the female is in heat, keep the female confined in an enclosure in such a manner so that the female cannot come into contact with male dogs or cats, except for the purpose of planned breeding, such breeding to be conducted outside of the vision of the public.

6-3-14: YARD REQUIREMENTS:

(a) No doghouse, shelter, kennel, dog run or other such structure used to house dogs deemed vicious by the Animal Control Warden and/or Hearing Officer, shall be so located so that any portion of any such doghouse, shelter, kennel, dog run or other structure that houses vicious dogs is closer than ten (10) feet from the line of the adjoining property and shall only be located in the rear yard of the owner. (Ord. No. 2606-09/10 01-25-10)

(b) No animal shall be tied up in any front or side entryway to the owner's property, unless such side entryway is enclosed and separate from the front yard of the owner.

6-3-15: ANIMALS AT LARGE PROHIBITED:

(a) Dogs.

(1) It is unlawful for any dog to run at large within the corporate limits of the city. If a dog does run at large, such dog shall be deemed a nuisance, and the owner or keeper of such dog shall be in violation of this chapter. Any dog which goes upon any public street, sidewalk, alley or other public place, or upon any private property other than that of the owner of the dog, shall be deemed to be running at large unless such dog is firmly held on a leash, or is in an enclosed vehicle, or is then and there under the complete control of a competent person and obedient to that person's command.

(2) Any dog found running at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of such dog shall be impounded by the Animal Control Warden. The Animal Control Warden must scan for the presence of a microchip. The Animal Control Warden shall make every reasonable attempt to contact the owner as soon as possible; and shall give notice of not less than seven (7) business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. Provided, however, any dog which has bitten a human being and cannot be safely captured, may be destroyed by the Animal Control Warden or by a Police Officer.

(3) Failure to comply with this section is a violation for which such person shall pay a penalty of a minimum of seventy-five (\$75) dollars and a maximum of not more than seven hundred fifty (\$750) dollars.

(b) Cats. It is unlawful for any cat to run at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of such and create a nuisance or disturbance. If a cat does run at large and create a nuisance or disturbance, the owner or keeper of such cat shall be in violation of this chapter. In addition, the cat shall be impounded; provided, however, any cat, which has bitten a human being and cannot be safely captured, may be destroyed by the Animal Control Warden or by a Police Officer.

(c) Livestock and poultry. No person shall permit any cattle, horses, swine, sheep, goats, rabbits or poultry to run at large within the corporate limits of the city. No person shall picket or tie any such animal in any of the streets of the city for the purpose of grazing or feeding. Any such animal running at large or improperly tied shall be impounded by the Animal Control Warden; provided, however, any animal which cannot be safely captured may be destroyed by the Animal Control Warden or a Police Officer.

6-3-16: PROCEDURE FOLLOWING ANIMAL BITE OF ANY PERSON:

The owner of any dog, cat or other animal which bites any human being shall notify the city Animal Control Warden and the Tazewell County Illinois Rabies Control Warden within twenty-four (24) hours; shall keep such dog, cat or other animal locked up in an enclosure for a period of ten (10) days following the time the dog, cat or other animal has bitten a person; and shall have the dog, cat or other animal examined by a licensed veterinarian at the beginning and end of the ten-day period.

Failure to comply with this section is a violation for which such person shall pay a penalty of a minimum of seventy-five (\$75) dollars and a maximum of not more than seven hundred fifty (\$750) dollars.

State law references: Animal bites, 510 ILCS 5/13.

6-3-17: BEEKEEPING:

No person shall keep or maintain bees in any residential area in the city in such a manner as to cause inconvenience or disturbance to other persons by reason of the swarming or stinging of the bees.

6-3-18: LIVESTOCK:

No person shall keep or maintain any horse, mule, pony, donkey, burro, cow, goat, sheep or pig in any residential area within the corporate limits of the city unless such animal is situated on a tract of ground at least two (2) acres in area, and the pen, shed, barn, stable or other structure designed to confine or shelter such animal is so located on such tract that the nearest portion thereof is not less than one hundred (100) feet from the line of adjoining property.

6-3-19: FOWL:

No person shall keep or maintain any mature chicken, turkey, duck, goose, guinea, pigeon or other poultry or fowl in any residential area within the corporate limits of the city unless the pen, poultry house or other structure designed to confine or shelter such poultry or fowl is so located on such tract that the nearest portion thereof is not less than fifteen (15) feet from the line of adjoining property.

6-3-20: RABBITS:

No person shall keep or maintain more than twelve (12) mature rabbits in any residential area within the corporate limits of said city; and no pen, hutch or other structure designed to confine or shelter a rabbit or rabbits shall be so located that any portion of such pen, hutch or other structure is closer than fifteen (15) feet from the line of adjoining property.

6-3-21: WILD ANIMALS:

No person shall keep or maintain any wild animal as a pet within the corporate limits of the city.

6-3-22: MAINTENANCE:

(a) Removal of waste material. The owner of any animal which deposits fecal waste on any public place or private property other than that of the owner shall be responsible for the removal of any solid waste material deposited by his animal.

(b) Premises to be clean. The owner of any animal or bird shall maintain the premises wherein such animals or birds are kept in a clean and sanitary condition, free from rodents, vermin and disagreeable odors and waste.

(c) Food and water. The owner of any animal or bird shall provide food and water of adequate quality and quantity for animals or birds in accordance with the needs of such animals or birds.

(d) Shelter. The owner of any animal or bird shall provide adequate shelter from the elements for the animal or bird. For such animals or birds which are kept out-of-doors,

adequate shelter shall be a structure with a top and enclosed sides, except for an opening large enough for the passage of such animal or bird.

(e) Veterinary care. The owner of any animal or bird shall, when necessary to prevent suffering of such animal or bird, provide veterinary care for such animal or bird.

(f) Impoundment authorized. The Animal Control Warden is hereby authorized to remove from any premises and impound any animal or bird, the owner of which has not complied with any or all of the requirements under this section.

State law references: Humane Care for Animals Act, 510 ILCS 70/1 et seq.

6-3-23: CRUELTY TO ANIMALS:

(a) Cruelty to and endangering of animals. No person shall beat, cruelly ill treat, torment or abuse any animal or bird. No person shall throw or deposit any poisonous substance on any exposed or private place where it may endanger any animal. No person shall provoke any animal to bark or bite by taunting it.

(b) Inhumane treatment. No person shall tie, confine or otherwise restrain any animal or bird in such a manner as to constitute cruel or inhumane treatment.

(c) Abandonment. It shall be unlawful for any animal owner to abandon an animal where it may become a public charge or may suffer injury or exposure. Any person violating the provisions of this paragraph shall be subject to a fine of not less than two hundred dollars (\$200.00).

(d) Impoundment procedure. The Animal Control Warden is hereby authorized to remove from any premises and impound any animal or bird on which cruel treatment is being inflicted as listed in this section.

(e) No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, the Animal Control Warden, law enforcement officer, or department investigator who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible.

State law references: Cruelty to animals, 510 ILCS 70/3.01 et seq.

6-3-24: SLAUGHTER OF ANIMALS PROHIBITED:

No person shall kill or slaughter any animal within the corporate limits of the city intended to be used as food for human consumption except for a person's own use.

6-3-25: DISPOSAL OF DEAD ANIMALS OR ANIMAL MATTER:

(a) Prohibited disposal. No person shall deposit, place or throw any dead animal or fatally sick or injured animal, or part thereof on any public or private place, or into any reservoir, sewer or well, or on the banks of any stream, lake, pond or other body of water.

(b) Burial. All dead animals, or parts thereof, may be buried at a distance of not less than one hundred (100) feet of any residence or well; and the carcass shall be placed underground and well covered with dirt at least four (4) feet underground to the upper part of the carcass.

(c) Immediate disposal. No person shall fail to immediately dispose of any dead animal found upon the property under his possession or control.

(d) No person shall burn any feathers, hides or any other animal matter within the corporate limits of the city.

6-3-26: DUTY UPON STRIKING ANIMAL WITH MOTOR VEHICLE:

(a) It shall be unlawful for any person who kills or injures any animal while driving a motor vehicle to leave the scene of the accident without first stopping and rendering such assistance as is practical. Such person shall immediately report the incident to the police department.

6-3-27: ANIMAL CONTROL WARDEN:

(a) The Animal Control Warden shall investigate and keep a record of every person bitten by any animal within the city; shall impound and dispose of, according to the provisions of this chapter, all animals running at large, animals causing a nuisance and dangerous and vicious animals; and shall remove and impound any injured animals that have been abandoned or neglected, wherever they are found in the city.

(b) The Animal Control Warden shall have the power to enter onto the property of others in order to investigate violations of this chapter and impound any animal that may be in violation thereof. If anyone refuses entry into any building where the Animal Control Warden has reasonable grounds to believe the animal sought after exists, the Animal Control Warden may, with the assistance of the corporation counsel of the city, obtain a search warrant for inspection or seek other legal relief from the circuit court of the county in order to obtain entry.

(c) The Animal Control Warden shall be further empowered to enforce the provisions of this Section and all provisions in 510 ILCS 5/1 et seq. in order to protect the welfare and health of citizens and animals.

(d) The Animal Control Warden may impound any animal found running at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of the animal. The Animal Control Warden must scan for the presence of a microchip. The Animal Control Warden shall make every reasonable attempt to contact the owner as soon as possible; and shall give notice of not fewer than seven (7) business days to the owner prior to disposal of the animal. Such notice shall be mailed to the last known address of the owner. In order to make redemption of an animal impounded for running at large, the owner of the impounded animal shall:

- 1. Present proof of current rabies inoculation and registration, if applicable, or**
- 2. Pay for the rabies inoculation of the animal and registration, if applicable,**
- 3. Pay the pound for the board of the animal for the period it was impounded, and**

(e) When not redeemed by the owner, the animal that has been impounded shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act or offered for adoption. The Animal Control Warden may not release any animal when not redeemed by the owner unless the animal has been surgically rendered incapable of reproduction by spaying or neutering, or the person wishing to adopt the animal, prior to the surgical procedures having been performed, shall have executed a written agreement promising to have such service performed, within a specified period of time, not to exceed fourteen (14) days.

(f) Upon receipt of a sworn complaint, the Animal Control Warden shall conduct an investigation to determine whether or not the dog/cat has committed any act or displays any characteristics which qualify it as a dangerous or vicious dog/cat. If upon the completion of such investigation, the Animal Control Warden concludes that the dog/cat is a dangerous or vicious dog/cat, such Animal Control Warden shall issue a written notice of determination which includes at least the following:

- 1. A description of the dog/cat;**
- 2. Information available concerning the ownership of the dog/cat;**
- 3. A statement or conclusion that the dog/cat is a vicious or dangerous dog/cat within the meaning of this chapter;**
- 4. A description of the acts or characteristics which led the officer to conclude that the dog/cat is a vicious or dangerous dog/cat;**
- 5. Notice to the owner that the vicious or dangerous dog/cat must be licensed and housed in accordance with the requirements of this chapter;**
- 6. Notice that the owner may appeal the determination of the officer to the hearing officer within fifteen (15) working days after the determination and notification is served upon the owner.**

The Animal Control Warden shall serve the notice of determination on the owner by certified mail or hand delivery to the last known address of the owner.

6-3-28: DUTIES OF THE CITY CLERK:

(a) The City Clerk shall keep a separate register for all dogs declared to be dangerous or vicious, the tag number, a copy of liability insurance, registration fee of two hundred dollars (\$200.00) and a statement of intent to maintain insurance for the duration of registration.

6-3-29: SEVERABILITY:

(a) It is the intention of the City Council that each separate provision of the Article shall be deemed independent of all other provisions therein, and that if any provision of this Article is declared invalid, all other provisions thereof shall remain valid and enforceable.

6-3-30: EXEMPTION:

(a) It is the intention of the City Council that this Animal Code be enforced throughout the City of Pekin, in all areas except those lands that are under the care and control of the Park District. Park District property is exempt from this code.

CHAPTER 4

FAIR HOUSING

FAIR HOUSING

SECTION:

6-4-1: General

6-4-2: Prohibited Acts - General

6-4-3: Prohibited Acts - Disabled Housing

6-4-4: Coverage and Exemptions

6-4-5: Implementation

(Ord. No. 2594-09/10 09-24-09)

6-4-1: **GENERAL:**

- A. Declaration of Policy: In the exercise of its power to regulate for the protection of the public health, safety, morals, and welfare, it is declared to be the public policy of this municipality to assure fair housing and freedom from discrimination throughout the community, to protect the community from the effects of residential segregation by race, color, religion, gender, physical or mental disability, familial status, sexual orientation or national origin, and to secure to its citizens the economic, social, and professional benefits of living in a stable, integrated society.
- B. **Construction:** This article shall be construed according to the fair import of its terms, and shall be liberally construed to further the purposes and policy stated and the special purposes of the particular provisions involved.
- C. **Severability:** If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to any person or circumstance, such judgment shall not affect the application of said provision to any other person or circumstance not specifically included in said judgment.

D. **Definitions:** As used in this ordinance, the following terms have the following meanings:

ADMINISTRATOR: The person designated by the corporate authorities of the municipality to administer the provisions of this ordinance.

ADMINISTERING AGENCY: The agency designated by the corporate authorities of the municipality to investigate, conciliate, receive and initiate complaints pertaining to violation of this ordinance.

CIVIL RIGHTS VIOLATION: Includes and shall be limited to only those specific acts set forth in Articles 6-4-2, 6-4-3, and 6-4-4 of this chapter.

COMMON USE AREAS: Rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

COMMUNITY RESIDENCE: A group home or specialized residential care home serving unrelated persons with disabilities.

COVERED MULTIFAMILY DWELLING: A building consisting of four or more units if such buildings have one or more elevators; and ground floor units in other buildings consisting of four or more units.

DISABILITY: With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

DISCRIMINATE: To treat any person differently from others because of race, color, religion, creed, national origin, age, gender, ancestry, marital status, physical or mental disability, familial status, sexual orientation or unfavorable military discharge.

DWELLING: Any building structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families or unrelated individuals, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

ELDERLY PERSON: A person 55 years of age or older.

ENTRANCE: Any access point to a building or portion of a building used by residents for the purpose of entering.

EXTERIOR: All areas of the premises outside of an individual dwelling unit.

FAMILIAL STATUS: One or more individuals who have not attained the age of 18 years being domiciled with --

1. a parent or a person having legal custody of such individual or individuals;
2. the designee of such parent or other person having such custody, with the written permission of such parent or other person; or
3. persons who are pregnant or in the process of securing legal custody of any individual who has not attained the age of 18.

FINANCIAL INSTITUTION: Any bank, credit union, insurance company, mortgage banking company, savings and loan association, or other entity or organization which makes or purchases loans or provides other financial assistance and which operates or has a place of business in the state of Illinois.

HOUSING ACCOMMODATION: Includes any improved or unimproved real property or part thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home or residence of one or more individuals.

HOUSING FOR OLDER PERSONS:

1. all housing that is provided under state and federal programs for elderly persons as defined by the specific programs, providing U.S. HUD approval has been secured;
2. housing that is "intended for, and solely occupied by persons 62 years of age or older";
3. communities in which at least 80 percent of all units are occupied by one person 55 years of age or older, if the existence of significant facilities and services specifically designed to meet the physical and social needs of older persons can be documented.

INTERIOR: The spaces, parts, components or elements of an individual dwelling unit.

LOAN: Includes, but is not limited to, the providing of funds, for consideration, which are --

1. sought for the purpose of purchasing, constructing, improving, repairing, or maintaining a housing accommodation;

2. sought for any commercial or industrial purposes; or
3. secured by residential real estate.

LEASE: Includes any sublease, assignment, or rental and any contract to enter into any of the foregoing.

MARITAL STATUS: The legal status of being married, single, separated, divorced or widowed.

MODIFICATION: Any change to the public or common use areas of a building or any change to a dwelling unit.

NATIONAL ORIGIN: The place in which a person or one of his or her ancestors was born.

OFFER: Every attempt by means of written or oral communications to present for acceptance or rejection, to hold out or proffer, to make a proposal to or to exhibit real estate that may be taken or received with the intention of ultimately entering a real estate transaction.

OWNER: Any person who holds legal or equitable title to, or owns any beneficial interest in, any real estate, or who holds legal or equitable title to shares of, or any beneficial interest in, an equity which owns any real estate.

PANIC PEDDLING: For profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, gender, familial status, sexual orientation , national origin, or disability.

PERSON: Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, or trustees in cases under Title 11 of the United States Code.

PERSON IN THE BUSINESS OF SELLING OR RENTING DWELLINGS:
Any person who --

1. within the preceding 12 months has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

2. within the preceding 12 months, has participated as agent, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or interest therein; or

3. is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

PHYSICAL OR MENTAL IMPAIRMENT: Includes -

1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

2. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

PREMISES: The interior or exterior spaces, parts, components or elements of a building, including individual dwelling units and the public and common use areas of a building.

PROTECTED CLASSES: All persons legally protected against discrimination.

PUBLIC CONTRACT: Every contract to which the State of Illinois, any of its political subdivisions or any municipal corporation is a party.

PUBLIC USE AREAS: Interior or exterior rooms or spaces of a building that are made available to the general public. Public use may be provided at a building that is privately or publicly owned.

REAL ESTATE TRANSACTION: The purchase or sale of fee or equitable title to, or beneficial interest in, or rental or lease of, any real property; or an option to do any of the foregoing, or any negotiation, listing, contract, or agreement in connection therewith. Real Estate Transaction also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling or secured by residential real estate.

REAL PROPERTY: Buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

RELIGION: Includes all aspects of religious observance and practice, as well as belief; and all aspects of religious non-observance, non-practice and non-belief.

RESPONDENT:

1. the person or other entity against whom a discriminatory housing practice has been alleged in a complaint;
2. any other person or entity identified in the course of investigation and notified as required under Article VII of this ordinance.

GENDER: The status of being male or female.

SOLICIT OR SOLICITATION: Any communication by or on behalf of a real estate agent with the owner or occupant of a dwelling -

1. which is intended to induce the sale or rental of such dwelling;
2. which is intended to offer or promote services in connection with the sale, rental or listing of such dwelling; and
3. which is carried out by means of
 - a. in-person contacts at the dwelling;
 - b. written material mailed or delivered directly to the dwelling, such as direct mail, leaflets or pamphlets; or
 - c. telephone contacts with owners or occupants of the dwelling.

For purposes of this Ordinance, the term "solicit" or "solicitation" shall not refer to communication carried out by means of print or electronic media of general circulation, such as a newspaper, radio, television, or the yellow pages.

STEERING: Influencing or attempting to influence by words or acts the choice or location of housing of a prospective purchaser, occupant, or tenant, in connection with viewing, buying, leasing, or occupying real estate based on race, color, religion, gender, familial status, sexual orientation, national origin, or disability so as to limit choice or promote or maintain segregation.

TO RENT: Includes to lease, to sublease, to let, and to otherwise grant for consideration the right to occupy premises not owned by the occupant.

UNFAVORABLE MILITARY DISCHARGE: Includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

VARYING TERMS: Includes, but is not limited to, the following practices:

1. Requiring a greater down payment than is usual for the particular type of a loan involved.
2. Requiring a shorter period of amortization than is usual for the particular type of loan involved.
3. Charging a higher interest rate than is usual for the particular type of loan involved.
4. Under-appraising of real estate or other items of property offered as security.

6-4-2 PROHIBITED ACTS - GENERAL: It shall be unlawful to:

A. Discriminatory Terms

Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, creed, national origin, age, gender, ancestry, marital status, physical or mental disability, familial status, sexual orientation, or unfavorable discharge.

B. Refusal to Negotiate, Deal, Sell or Rent

Refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

C. Withholding Dwellings

Represent to any person because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact available.

D. Advertisements, Signs, Notices

Make, print, circulate, or publish, or cause to be made, printed, or published, any written or oral notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin or an intention to make such preference, limitation, or discrimination. Discriminatory notices, statements and advertisements include, but are not limited to:

1. Using words, phrases, photographs, illustrations, symbols, or forms which convey that dwellings are available or not available to a particular group of persons because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.
2. Expressing to agents, brokers, employees, prospective sellers or renters or any other persons a preference for or limitation on any purchaser or renter because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin of such persons.
3. Selecting media or locations for advertising the sale or rental of dwellings which deny particular segments of the housing market information about housing opportunities because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.
4. Refusing to publish advertising for the sale or rental of dwellings, or requiring different charges or terms for such advertising because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

E. Panic Peddling

For profit, to induce or attempt to induce a person to sell or rent a dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

Prohibited actions under this section include, but are not limited to:

1. Engaging for profit in conduct (including uninvited solicitations for listings) which conveys to a person that a neighborhood is undergoing or is about to undergo a change in the race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin of persons residing in it, in order to encourage persons to offer a dwelling for sale or rental.

2. Encouraging, for profit, any person to sell or rent a dwelling through assertions that the entry or prospective entry of persons of a particular race, color, religion, gender, familial status, sexual orientation , or national origin or with disabilities can or will result in undesirable consequences for the project, neighborhood or community, such as a lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other services or facilities.

F. Lending

Discriminate in connection with borrowing or lending money, guaranteeing loans, accepting mortgages, or otherwise financing a real estate transaction on the grounds of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

G. Lending Terms

Deny or delay the processing of a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling; or discriminate in the fixing of that amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance because of the race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin of such person.

H. Financial

Deny or delay the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area.

I. Appraising/Insurance

Discriminate in the appraisal of the value of real estate or in the sale of insurance in connection with a real estate transaction because of the race, color, religion, gender, physical or mental disability, familial status, sexual orientation , or national origin of the person.

J. Varying Rents/Sale Price

Impose different sale prices or rental charges for the sale or rental of a dwelling upon any person because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

K. Qualification Criteria

Use different qualification criteria or applications, or sale or rental standards or procedures, such as income standards, application requirements, application fees, credit analysis or sale or rental approval procedures or other requirements, because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation , or national origin.

L. Eviction

Evict tenants because of their race, color, religion, gender, disability, familial status, sexual orientation, or national origin, or because of the race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin of a tenant's guest.

M. Listings

Enter into a listing agreement which discriminates against any person because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

N. Discrimination in Membership or Services

Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin.

O. Steering (Restriction of Choice)

Restrict or attempt to restrict, because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation , or national origin, the choices of a person by words or acts in connection with buying or renting a dwelling so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

Prohibited actions under this section, which are generally referred to as unlawful steering practices, include, but are not limited to the following:

1. Discouraging any person from inspecting, purchasing or renting a dwelling because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation , or national origin; or because of the race, color, religion, gender, physical or mental disability, familial status, sexual orientation , or national origin of persons in a community, neighborhood, or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

2. Discouraging the purchase or rental of a dwelling because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin by exaggerating drawbacks or failing to inform any person of desirable features of a dwelling or of a community, neighborhood, or development, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

3. Communicating to any prospective purchaser that he or she would not be comfortable or compatible with existing residents of a community, neighborhood or development because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

4. Assigning any person to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of race, color, religion, gender, physical or mental disability, familial status, sexual orientation, or national origin, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

5. Failing to inform any person of available housing opportunities in a particular section of a community, neighborhood or development, or in a particular building or particular floor of a building, because of race, color, religion, gender, familial status, sexual orientation, national origin, or disability, so as to perpetuate, or tend to perpetuate, segregated housing patterns, or to discourage or obstruct integrated housing.

P. Participation

Act or undertake to act as a real estate broker, salesman, or agent with respect to any dwelling, the disposition of which requires said person to participate in discrimination.

Q. Restrictions

Perform any act of discrimination with the intention or effect of restricting or limiting the housing choice of any person.

R. Aiding and Abetting

Aid or abet acts performed in violation of this ordinance.

S. Interference, Coercion, or Intimidation

Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this ordinance.

T. Solicitation

Solicit any owner to sell or rent or list residential property at any time after such person has notice that such owner does not desire to sell, rent, or list such residential property. For the purposes of this subsection, notice must be provided as follows:

1. The notice may be given by the owner personally or by a third party in the owner's name, either in the form of an individual notice or a list, provided it complies with subsection (b) below.
2. Such notice shall be explicit as to whether each owner on the notice seeks to avoid both solicitation for listing and sale, or only for listing, or only for sale, as well as the period of time for which any avoidance is desired. The notice shall be dated and either of the following shall apply:
 - a. each owner shall have signed the notice; or
 - b. the person or entity preparing the notice shall provide an accompanying affidavit to the effect that all the names on the notice are, in fact, genuine as to the identity of the persons listed and that such persons have requested not to be solicited as indicated.
3. The individual notice or notice in the form of a list with the accompanying affidavit shall be served personally or by certified or registered mail, return receipt requested.

6-4-3 PROHIBITED ACTS DISABLED HOUSING: In addition to those prohibited acts identified in Article 6-4-2, the following shall also be unlawful:

A. Discrimination Against the Disabled

1. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of --
 - a. that buyer or renter;

- b. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. any person associated with that person.
- 2. To make an inquiry to determine whether an applicant for a dwelling; a person intending to reside in that dwelling after it is sold, rented or made available; or any person associated with that person has a disability, or to make inquiry as to the nature or severity of a disability of such a person.
- 3. However, this section does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they have disabilities:
 - a. Inquiry into the applicant's ability to meet the requirements of ownership or tenancy.
 - b. Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability.
 - c. Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability.
 - d. Inquiry to determine whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance.
 - e. Inquiry to determine whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance.
- 4. Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

B. Unit Modification

To refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted.

C. Rules and Policies

To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy the dwelling, including public and common use areas.

D. Guide/Support Dogs

To refuse to sell or rent because a person has a guide, hearing or support dog. It is a civil rights violation for the owner or agent of any housing accommodation to --

1. refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind, hearing impaired or physically disabled person because he has a guide, hearing or support dog; or
2. discriminate against any blind, hearing impaired, or physically disabled person in the terms, conditions, or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog; or
3. require, because a blind, hearing impaired, or physically disabled person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

6-4-4: **COVERAGE AND EXEMPTIONS:** Nothing in this ordinance, shall --

A. apply to the following:

1. The rental, lease, or occupancy of a room in an owner-occupied single family dwelling or a lessee occupied residence, only as to that individual residential space or where the owner or a member of his or her family intends to reside therein within 12 months.
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

- B. prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, religion, gender, physical or mental disability, familial status, sexual orientation , or national origin;
- C. prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;
- D. prohibit the rental or sale of a dwelling on the basis of age or disability when such dwelling is authorized, approved, financed, or subsidized in whole or in part by a unit of state, local, or federal government;
- E. limit the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;
- F. require the rental or sale of a unit to any person convicted of the illegal manufacture or distribution of a controlled substance;
- G. with regard to discrimination based on familial status, sexual orientation apply with respect to housing for older persons as defined in Section 1.4 of this ordinance;
- H. prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, creed, age, ancestry, unfavorable military discharge, color, religion, gender, disability, familial status, sexual orientation , or national origin.
- I. prohibit financial institutions from considering sound underwriting practices in contemplation of any loan to any person. Such practices shall include the following:
 - 1. The willingness and the financial ability of the borrower to repay the loan.
 - 2. The market value of any real estate or other item of property proposed as security for any loan.
 - 3. Diversification of the financial institution's investment portfolio.

6-4-5 **IMPLEMENTATION:**

A. Creation of a Human Rights Committee

There is hereby created a Human Rights Committee, consisting of 9 members who shall each serve for a term of three (3) years. Each member shall be appointed by the Mayor of the Municipality with the advice and consent of the Council. The terms of the Human Rights Committee shall be staggered with three (3) of the initial members serving one-year terms, three (3) of the members serving two-year terms and three (3) of the members serving a three-year term. Thereafter, each of the successors shall be appointed for a three-year term. The Chairperson shall be elected annually by a majority of the Committee.

B. General Duties of the Human Rights Committee

The Committee shall have four specific objectives --

1. To advise senior management on public policy and consumer issues;
2. Raise the level of awareness at legal, political and regulatory issues facing our community;
3. Promote widespread public awareness about the City of Pekin's position on issues and initiative of interest to citizens; and
4. Establish a meaningful dialogue with opinion leaders from consumer groups, community-based organizations, environmental groups, educational institutions, economic development organizations, small business, civic groups and government.

In addition to the above listed objectives –

1. to render from time to time, but not less than every 12 months, a written report to municipal officials of its activities and recommendations with respect to human rights, which written report shall be made public after submission to the Mayor and Council; and
2. to adopt, promulgate, amend and rescind, after approval of the Mayor and Council, such rules and regulations as may be necessary or desirable to carry out the purpose of this ordinance.

CHAPTER 5

SPECIAL EVENTS

SECTION:

- 6-5-1: Defined
- 6-5-2: Application to Conduct Event
- 6-5-3: Issuance or Denial of Permit
- 6-5-4: Surety and Insurance
- 6-5-5: Time Limitation for Application; Hours of Conduct; Removal of Signs
- 6-5-6: Violations; Penalty

6-5-1: **DEFINED:** For purposes of this Chapter, the term "special event" shall be deemed to include any walkathon, bikeathon, or jogging group, or other organized group having a common purpose of goal, proceeding along a public street or other public right of way in the City of Pekin.

6-5-2: **APPLICATION TO CONDUCT EVENT:** Application to conduct such special event shall be made to the Chief of Police in writing, by the person or persons in charge or responsible therefor. Such application shall set forth the following information:

- A. The name, address and telephone number of the person requesting the permit.
- B. The name and address of the organization or group that he or she is representing.
- C. The name, address and telephone number of the person or persons who will act as chairman of the special event and be responsible for the conduct thereof.
- D. The number of monitors to be provided and the identifying marks, badges or symbols to be worn or used by the monitors.
- E. The purpose of the event, the estimated number of persons to participate and otherwise attend, and the number and types of vehicles (if any) to participate.
- F. The method of notifying participants of the terms and conditions of the special event.
- G. The date the event is to be conducted and the hours it will commence and terminate.
- H. The specific assembly and dispersal locations; the specific route and the plans, if any, for assembly and dispersal.

- I. Whether any music will be provided, either live or recorded.
- J. The number, types and locations of all loudspeakers and amplifying devices to be used.
- K. Such other information as the Chief of Police may deem necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

6-5-3: ISSUANCE OR DENIAL OF PERMIT:

- A. If the Chief of Police shall find that the special event is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace or unnecessarily interfere with the public use of the streets and sidewalks, he shall recommend issuance of such permit by the Mayor or, for reasons stated, shall recommend that the requested permit be denied. After giving consideration to the recommendations of the Chief of Police, the final determination as to whether or not a permit shall be issued shall be made by the Mayor within twenty (20) days after application has been filed with the Chief of Police.
- B. The granting of or refusal to grant any permit shall be final unless appealed to the City Council within ten (10) days from the date of service of written notice of the decision of the Committee on the application. Failure to file an appeal within such ten (10) day period shall constitute a waiver of the right to such appeal.
- C. As a condition to granting such permit, the Mayor, upon recommendation from the Chief of Police, may impose reasonable terms and regulations concerning the time and place of such specific event; the maximum number of persons participating therein; the regulation of traffic, if required, including, but not limited to, the number and type of signs and barricades to be provided by applicant; and such other requirements as it may find reasonable and necessary for the protection of persons and property.

6-5-4: SURETY AND INSURANCE: Prior to the issuance of a permit, all applicants shall be required to:

- A. In lieu of an agreement, compensate the City for loss or damage to public property, the deposit of a surety or cash bond in an amount sufficient to guarantee the cleaning up of the site and the removal of any debris left as a result of the holding of a specific event. If it is determined that such specific event will warrant the presence of policemen or special officers for patrol duty, the Chief of Police shall also require the deposit of a surety or cash bond in an amount sufficient to pay the additional costs of providing such patrol.
- B. Provide personal injury insurance and property damage insurance, including products liability coverage written by an insurance company acceptable to the City in the minimum limits as set by resolution of the City Council from time to time.

6-5-5: TIME LIMITATION FOR APPLICATION; HOURS OF CONDUCT; REMOVAL OF SIGNS: No such permit shall be issued for a special event unless application has been made not less than forty (40) days in advance of the date on which said special event is sought to be held. No such event shall commence earlier than eight o'clock (8:00) A.M., nor continue beyond the hour of eleven o'clock (11:00) P.M. of the same day. All directional signs erected in connection with the special event shall be removed within twenty four (24) hours of the termination of the event. Ord. No. 2372
03/22/04

6-5-6: VIOLATIONS; PENALTY: Any person violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 6

BUILDINGS OPEN TO THE PUBLIC; SAFETY REQUIREMENTS

SECTION:

6-6-1: Responsibility

6-6-2: Compliance With Fire Prevention Code

6-6-3: Penalty

6-6-1: **RESPONSIBILITY:** The owner, agent, occupant or person charged with the custody of any public building, auditorium, hotel, theater, lodge hall or church, and in the case of schools, the president of the board of education or the person in charge thereof and owning the same, shall be held liable for the equipment and maintenance of such apparatus as is required in this Chapter for the maintenance and safety of all exists, stairs, doors, windows or passageways.

6-6-2: **COMPLIANCE WITH FIRE PREVENTION CODES:** All occupants shall comply with City and State Fire Prevention Codes (See Chapter 8, Article C of this Title.).

6-6-3: **PENALTY:** Any person violating any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 7

SOUND AMPLIFIERS

(See also subsection 6-2-5-7J of this Title.)

SECTION:

6-7-1: License Required; Fee

6-7-2: Applications

6-7-3: Issuance of License

6-7-4: Restrictions

6-7-5: Penalty

6-7-1: LICENSE REQUIRED; FEE: It shall be unlawful to maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone or other device by which sounds are magnified and made heard over any public street or public place in the City without having first secured a license therefor. The fee for licenses to be granted under this Chapter shall be as follows: one dollar (\$1.00) for each hour so used, or twenty five dollars (\$25.00) for an annual license.

6-7-2: APPLICATIONS: Any person desiring a license for the use or operation of such device shall file an application therefor with the City Clerk, upon a form provided by the Clerk setting forth the name and address of the applicant, the name of the owner of such device, the date upon which it is intended to be used and such other information as may be prescribed.

6-7-3: ISSUANCE OF LICENSE: Such license shall be issued upon the payment of the license fee, as above provided, to the City Clerk and shall permit the use of any such device subject to the terms and conditions of this Chapter.

6-7-4: RESTRICTIONS:

- A. No licensee shall use or operate or employ any such device within the City limits on Sunday or after the hours of eight o'clock (8:00) P.M. prevailing time of any day or before the hour of nine o'clock (9:00) A.M. prevailing time of any day; no licensee shall use, operate or employ any such device within a radius of two (2) blocks from any hospital or within the radius of two (2) blocks from any church while funeral services are being held there.
- B. This Section shall not apply to radios in homes or in private vehicles when the same are operated in such manner as not to be audible at a distance of fifty feet (50') from such vehicle, nor to noise devices, bands or other musical devices used in any public parade or procession which is operating under a permit in accordance with the ordinances of the City.

- C. No licensee shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane or indecent language or sounds or any false representation of any matter, produce or project advertised thereby the sale of which is prohibited by any law, ordinance or statute.

6-7-5: **PENALTY:** Any person violating any provision of this Chapter shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE A. FIRE DEPARTMENT

SECTION:

- 6-8A-1: Composition of Department
- 6-8A-2: Fire Chief; Deputy Fire Chief
- 6-8A-2-1: Office; Appointment
- 6-8A-2-2: Duties
- 6-8A-3: Commands
- 6-8A-4: Powers and Functions
- 6-8A-5: Rules and Regulations of Department
- 6-8A-6: Members of Department
- 6-8A-6-1: Applications and Appointments
- 6-8A-6-2: Number of Members
- 6-8A-6-3: Manner of Establishing Rank
- 6-8A-6-4: Residency Requirements
- 6-8A-6-5: Fire Protection Training
- 6-8A-7: Fires
- 6-8A-7-1: Fees for Fire Fighting Services provide to Non Residents

6-8A-1: COMPOSITION OF DEPARTMENT: There is hereby created the Fire Department, a department of the City. The Fire Department shall consist of the Chief, who shall be the Chief of the Department, and such other members as may be determined from time to time by the City Council.

6-8A-2: FIRE CHIEF; DEPUTY FIRE CHIEFS:

6-8A-2-1: OFFICE; APPOINTMENT:

- A. There is hereby created the Office of Fire Chief, an office of the City.
- B. The Fire Chief shall be appointed by the Manager.
- C. In the event of a resignation, dismissal not for disciplinary reasons, or the failure to be reappointed, such Fire Chief shall have the right, at his option, to return to the position which the said Chief held prior to his appointment as such Fire Chief, with credit towards seniority for his time served as Fire Chief. The right to return to such prior rank shall be absolute without any regard to whether a vacancy then exists in such rank.

- D. There is hereby created the offices of "Deputy Fire Chief/Training Officer," administrative and command positions in the Fire Department. The said positions shall be filled by appointment by the Manager with the advice of the Fire Chief, to serve for no set term. In the absence or disability of the Fire Chief, the deputy Fire Chief designated by the Fire Chief (or the Manager if the Fire Chief has not done so) shall be in command of the Fire Department. The Deputy Fire Chief shall have such other duties as may be assigned to him or her by the Fire Chief or Manager.

In the case of a vacancy in any office or position herein designated, the Manager shall not be required to fill such office or position if in his or her judgment and discretion there is no necessity therefore.

6-8A-2-2: DUTIES: The Fire Chief shall be the Chief of the Fire Department, and shall be responsible for the care of the apparatus belonging thereto and the conduct of the members. He shall keep such records and make such reports showing the activities of his Department, as may be required by the Manager.

6-8A-3: COMMANDS: The Fire Chief, and in his absence the Deputy Fire Chief designated by the Fire Chief, shall have charge of the members of the Department and all apparatus, and the fire fighters shall obey the orders of the superior officers of the Department while on duty.

6-8A-4: POWERS AND FUNCTIONS:

- A. Functions of Department: It shall be the function of the Fire Department and the duty of the members thereof to prevent and extinguish accidental or destructive fires occurring in the City and to enforce all ordinances relating to fire hazards.
- B. Arrests: The Fire Chief and all fire fighters shall have the power and authority to arrest any person, at or near the scene of an accidental or destructive fire, for any interference with the Fire Department in the performance of its duties, or for the commission of any crime or ordinance violation in connection with the fire.

6-8A-5: RULES AND REGULATIONS OF DEPARTMENT: The Fire Chief may make or proscribe such rules and regulations for the hours of duty, vacations, uniforms and conduct of the members of the Fire Department as he shall deem advisable, and such rules shall be subject to the approval of the Manager and shall be binding on the members of the Fire Department.

6-8A-6: **MEMBERS OF DEPARTMENT:**

6-8A-6-1: **APPLICATIONS AND APPOINTMENTS:**

- A. Applications: No person shall be denied the opportunity to file an application for a position or be hired for a position in the Fire Department on account of the person's age, except that any such person must have attained the age of 21 years at the time of the last date for filing applications for a position in the Fire Department.
- B. Appointments: Members of the Fire Department, after examinations, shall be appointed by the Board of Fire and Police Commissioners (See Title 2, Chapter 4 of this Code), and promotions shall be made in the same manner as is provided for by statute except:
1. as to the appointment of the Fire Chief and Deputy Fire Chief, whose appointment shall be as provided for in subsection 6-8A-2-1B of this Article.
 2. an individual may be selected for appointment to the Fire Department of the City of Pekin to the position of fire fighter by the Board of Fire and Police Commissioners, if he or she meets the following qualifications:
 - (a) the applicant has previously successfully completed an initial probationary period as a fire fighter in the United States of America; and
 - (b) the applicant
 - (1) Is currently a fire fighter in good standing in the fire department in which the applicant serves; or
 - (2) Previously served and left a fire department in good standing within six months of application for hire with the City of Pekin;and
 - (c) the applicant has
 - (1) a minimum of two years of full time fire experience in the last 30 months in the in the State of Illinois and has completed a basic training program acceptable to the office of the Illinois State Fire Marshall and Peoria Area EMS;
 - (2) at least three years full time fire experience in the last 42 months if such experience is outside the State of Illinois;and

(d) the applicant has substantially equivalent skills and abilities as a City of Pekin post-probationary fire fighter; and

(e) the applicant has passed such examinations as the Board of Fire and Police Commissioners deems necessary to determine the applicant's fitness for duties as a police officer.

(Ord. No. 2536-07/08 11-13-07)

C. Military Preference Point System for Original Appointment:

1. The Board of Fire and Police Commissioners of the City shall give preference for original appointment to persons referred to in Section 2 below whose names appear on any register of eligibles resulting from an examination for original entrance in the classified service of the fire department of the City by adding to the final grade average which they receive or will receive as the result of any examination held for original entrance, 5 points. The numerical result thus attained shall be applied by the Board of Fire and Police Commissioners in determining the position of such persons on any eligibility list which has been created as the result of any examination for original entrance for purposes of preference in certification and appointment from such eligibility list.

2. Persons who were engaged in the military or naval service of the United States for a period of at least one year and who were honorably discharged therefrom or who are now or may hereafter be on inactive or reserve duty in such military or naval service shall be preferred for appointments to offices, positions, and places of employment in the fire department.

3. No other points shall be added to the final grade average unless otherwise provided by Ordinance.

4. The preference point system now or hereinafter adopted by statute shall not be applied by the Board of Fire and Police Commissioners.

D. No person shall be entitled to appointment as a matter of right under this Section. This Section is enacted pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and this Section shall prevail in any conflict between this Section and Illinois Municipal Code, pursuant to the provisions of Section 6 of Article VII of the Constitution the State of Illinois. (Ord. No. 2536-07/08 11-13-07)

6-8A-6-2: NUMBER OF MEMBERS: The Fire Department of the City shall consist of the following personnel:

One (1) Fire Chief
One (1) Deputy Fire Chief
Three (3) Assistant Fire Chiefs
One (1) Fire Prevention Officer
One (1) Maintenance Coordinator
Twelve (12) Captains
Fifteen (15) Engineers/Drivers
Eighteen (18) Firefighters

In case of a vacancy in any office or position herein designated, neither the Fire Chief nor the Manager shall be required to fill such office or position if in their judgment and discretion there is no necessity therefore. (Ord. No. 2308 11/12/02) (Ord. No. 2450 11/14/05) (Ord. No. 2470 04/24/06)

6-8A-6-3: MANNER OF ESTABLISHING RANK:

A. Purpose: The purpose of this Section is to provide for ranks within the Fire Department of the City and to provide fair and equal opportunity for promotion to all members of the Fire Department on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of promotion as provided for in the rules and regulations of the Police and Fire Commission of the City.

B. Definitions: Unless the context otherwise requires, the following terms as used in this Section shall be construed according to the definitions given below:

APPOINTMENT: The certification of the probationary appointment of a firefighter or the certification of a change in rank or position of a regular firefighter by the Police and Fire Commission of the City in accordance with the provisions of the rules and regulations of the Police and Fire Commission of the City and the statutes of the State of Illinois.

ELIGIBLE: A person whose name is on the eligible list as determined by examination as given by the Police and Fire Commission of the City.

PROBATIONARY FIREFIGHTER: An employee, working full-time, who was appointed to the position of firefighter after competitive examination as given by the Police and Fire Commission but has not completed his probationary period.

POSITION: One or more positions within a rank generally alike in duties, authority and responsibilities except for additional functions which necessitate a division within the rank so as to reasonably presume the requirement of additional qualifications of skill within the rank and an application of a different pay schedule.

PROMOTION: An upgrading of a regular firefighter from a lower rank to the next highest rank.

PROMOTIONAL LIST: A list of persons who have been found qualified by examination for appointment to a position within a particular rank or to a higher rank.

RANK: The official grade of classification of all firefighter within the Fire Department of the City.

REGULAR FIREFIGHTER: All full-time firefighters other than those firefighters who have not completed their probationary period.

TRIAL SERVICE PERIOD: Also known as probationary period means a working test period of one year during which a firefighter, duly appointed, is required to demonstrate his fitness for a position by actual performance of the duties of the position of firefighter.

- C. **Classification of Rank:** Classification of ranks within the Fire Department of the City, in the order of their superiority, shall be known as the ranks of Fire Chief, Deputy Fire Chief, Assistant Fire Chief, Fire Prevention Officer, Maintenance Coordinator, Captain, Engineer/Driver and Firefighter. (Ord. No. 2470 04/24/06)
- D. **Promotions:** All promotions to the next highest rank, except for the rank of Fire Chief and Deputy Fire Chief, shall be by competitive examination as given by the Board of Police and Fire Commission of the City under the rules and regulations of said Commission, from which a promotional list of eligibles is derived for each rank. All regular firefighter shall be eligible to take the competitive examination for promotion to the next highest rank.
- E. **Effect of Provision:** Nothing in this Section shall be effective to change the rank or position of any firefighter or officer at the time of the adoption of this Section.

6-8A-6-4: RESIDENCY REQUIREMENTS:

- A. Any person otherwise qualified may apply for employment to the Fire and Police Commission for the position of firefighter if said applicant is a citizen of the United States of America. Any successful applicant who is appointed to the position of firefighter must, within twelve (12) months of his or initial employment, become a resident within the corporate limits of the City; provided, however, if a residence requirement applicable to the firefighter exists in the then current collective bargaining agreement, then the provision in said collective bargaining agreement shall control.
- B. If any firefighter fails to become a resident within said time frame, then his or her employment as such firefighter shall terminate.
- C. For purpose of this Section, "resident" shall mean a person who maintains his or her actual bona fide domicile and regular permanent place of abode within the boundaries set forth in subsection A above.

6-8A-6-5: **FIRE PROTECTION TRAINING:** The City of Pekin Fire Protection District hereby elects to participate in the programs provided for in the Illinois Fire Protection Training Act (50 ILCS 740/1 et seq.). Before an individual may commence regular, full-time employment as a firefighter, he must have been certified by the Illinois State Fire Marshall as a Firefighter II, as having successfully completed an approved training course as provided in said Act. The Firefighter II training must be completed by the trainee within his probationary period of one year, except for volunteers, part-time and paid-on-call personnel. The Board of Fire and Police Commissioners are hereby instructed and directed to make the necessary amendments to the personnel rules, the manual of rules of the Pekin Fire Department, and rules of said Board of Fire and Police Commissions in order to require that any person appointed to the Fire Department unless and until he shall complete, pursuant to said Illinois Fire Protection and Training Act, the approved training course within one year of the date of his initial employment.

6-8A-7: **FIRES:**

- A. Spectators: It shall be the duty of all spectators at fires to obey the orders of the members of the Fire Department on duty there with respect to keeping away from the scene of the fire or the handling or interference with the apparatus of the Department.
- B. Property at Fires: The members of the Fire Department shall have charge of property removed from the scene of a fire by them to avoid loss or damage, until the same is turned over to the owner or agent of the owner thereof.

- C. Causes of Fires: It shall be the duty of the Chief of the Fire Department to investigate or cause to have investigated the cause of any accidental or destructive fire occurring in the City, and in case there is reason to suspect that there was any criminal act or violation of a City ordinance in connection therewith, he shall report the same to the appropriate law enforcement agency and/or code enforcement official.

6-8A-7-1: FEES FOR FIRE FIGHTING SERVICES PROVIDED TO NON-RESIDENTS:

- A. Vehicle Fires. When emergency response services are rendered by the City of Pekin Fire Department for a fire in a vehicle owned by any person, business or other entity who is not a resident of the City of Pekin, Illinois, and Fire Protection Districts there shall be a charge for fire protection services to the owner of the vehicle of \$250.00.

(Ord. No. 2441 08/08/05)

- B. Extrication from Vehicles. When emergency response services are rendered by the City of Pekin Fire Department for extrication of any person who is not a resident of the City of Pekin, Illinois, and Fire Protection Districts, from any vehicle and the owner of the vehicle is a person, business or other entity who is not a resident of the City of Pekin, Illinois, and Fire Protection Districts, there shall be a charge for extrication services of \$250.00. The person extricated and the owner of the vehicle shall be jointly liable for the amount due.

(Ord. No. 2441 08/08/05 effective 09/01/05)

(Ord. No. 2475-06/07 06/12/06)

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE B. BUREAU OF FIRE PREVENTION

SECTION:

- 6-8B-1: Constitution
- 6-8B-2: Chief of
- 6-8B-3: Refusals of Licenses or Permits

6-8B-1: **CONSTITUTION:** There shall be in the City a Bureau of Fire Prevention which shall be under the supervision of the Chief of the Fire Department.

6-8B-2: **CHIEF OF:**

- A. Chief of Fire Department Designated Chief: The Chief of the Fire Department shall be and is hereby designated as Chief of the Bureau of Fire Prevention.
- B. Chief Fire Inspector: The Chief of the Fire Department as Chief of the Bureau of Fire Prevention shall have the power to appoint a Chief Fire Inspector of the Bureau of Fire Prevention, which appointment shall be subject to the approval of the City Council. The Chief Fire Inspector shall be appointed from the qualified ranks of the Fire Department of the City and shall be deemed to be and continue to be, so long as he acts as such Chief Fire Inspector, a qualified member of the Fire Department of the City.
- C. Duties: It shall be the duty of the Chief of the Fire Department, through the Chief Fire Inspector, to enforce the provisions of the Fire Prevention Code, and any modification shall be subject to the approval of the Chief of the Fire Department, which modification shall be in writing and filed with the Department with a copy furnished the applicant for such modification.

6-8B-3: **REFUSALS OF LICENSES OR PERMITS:** Whenever an application for license or permit or modification of the Fire Prevention Code is refused by the Bureau of Fire Prevention, the applicant shall have the right of appeal to such decision as provided by law.

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE C. FIRE PREVENTION CODE

SECTION:

- 6-8C-1: Adoption; Affirmation of Fire Prevention Code
- 6-8C-2: Amendments to Fire Prevention Code
- 6-8C-3: Establishment of Limits
- 6-8C-4: Compliance with City Code
- 6-8C-5: Penalties

6-8C-1: ADOPTION; AFFIRMATION OF FIRE PREVENTION CODE: A certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "The 2006 International Fire Prevention Code, as published by International Code Council, Inc. and adopted by Ordinance No. 2540 A-07/08 on December 10, 2007, be and is hereby affirmed as the Fire Prevention Code of the City of Pekin in the State of Illinois, for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Prevention Code are hereby referred to, affirmed and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in this Chapter.

6-8C-2: AMENDMENTS TO FIRE PREVENTION CODE: The International Fire Prevention Code is amended and changed in the following respects:

Section F-101.1 Insert: "the City of Pekin, Illinois".

Section F-401.2 Leaf Burning Prohibited: It shall be unlawful to burn leaves of any type within the City limits of the City of Pekin (Ord. No. 2276 01/14/02)

Section F-3105.4 In addition, the following requirements shall apply to all displays of fireworks:

1. Each operator and each shooter shall be licensed by the Illinois Department of Natural Resources, Office of Mines and Minerals for explosives, as provided in the Illinois Explosives Act (225 ILCS 210/1001 et seq.).
2. During any set up, discharge or post-display operations of display fireworks, there shall be at the display site at least one licensed shooter for every ten assistants.

3. No assistant shall be permitted at the display site unless such assistant has demonstrated proof of adequate training of basic safety, possession, handling, use, storage, disposal and transportation of explosives. Such proof of such training shall be provided to the Fire Department at the time of application for the permit for the display on which the assistant will be assisting.

As used in this section, the terms “operator”, “shooter”, “assistant” and “display site” shall have the meanings given to them in NFPA 1123 listed in Chapter 44.

Section F-3105.2 Insert at the end of the exception:

Provided, however, that no approval may be granted for discharge of fireworks inside any structure. (Ord. No. 2335 07-14-03)

101.3.1 Intent. The intent of the 2006 International Fire Code is to cover new construction, change of occupancy, significant renovations and/or distinct hazards as determined by the Fire Code Official.

102.4 Delete the 2006 verbiage and replace with the 2003 verbiage, to read as follows: Application of building code. The design and construction of new structures shall comply with the International Building Code. Repairs, alterations and additions to existing structures shall comply with the International Existing Building Code.

103.3 Deputies add: with approval of the Fire Chief. After other employees. This deals with the appointment of Deputy Inspectors in the Fire Prevention Bureau in the event that the Bureau would appoint that position.

105.5 This would be added after the paragraph: Revocation. The Fire Code Official is authorized to revoke a permit issued under the provisions of this code when it found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including but not limited to one of the following:

8. The permittee fails to allow the required inspections by fire officials and/or inspection officials.

107.4 Rendering Equipment Inoperable. If the equipment is to be rendered inoperable or inaccessible for any period of time, the fire department shall be notified prior to the process, unless it is an emergency situation, then the fire department shall be notified at the earliest possible time within the first hour.

109.3 Violation Penalties. Insert the following appropriately:

\$1,000.00 30 days

Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter repair or do work in violation of the approved construction documents or directives of the code official or a permit or a certificate used under the provisions of this code shall be guilty of a misdemeanor/felony,

punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.4 Insert the following appropriately:

\$500.00 \$2,500.00

Failure to Comply. Any person who shall continue any work after having being served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$500.00 or more than \$2,500.00.

314.3 Change 5 feet to 20 feet

Highly Combustible Goods. The display of highly combustible goods, including but not limited to fireworks, flammable or combustible liquids, liquefied flammable gases, oxidizing materials, pyroxylin plastics and agricultural goods in main exit access aisles, corridors, covered malls or within 20 feet of entrances to exits and exterior doors is prohibited when a fire involving such goods would rapidly prevent or obstruct egress.

508.5.1 Fire Hydrant Systems – Where Required

Exception 1 500 ft. maximum hydrant spacing

Exception 2 500 ft. maximum hydrant spacing

Table 3504.2.1 Flammable Gases – Distance From Storage To Exposures.

Distance from storage to any means of egress shall not be less than 20 feet for all flammable gases.

Table 3809.12 Separation From Exposures Of Containers Awaiting Use, Resale Or Exchange Stored Outside Of Buildings From Exposures.

Distance from storage to doorway or opening to a building. Change all distance to 20 feet except over 10,000 changes to 30 feet.

1. Appendix A – Board of Appeals



2. Appendix B – Fire Flow Requirements for Buildings



3. Appendix C – Fire Hydrant Locations and Distributions



4. Appendix E – Hazard Categories



5. Appendix F – Hazard Rankings



6. Appendix G – Cryogenic Fluids-Weights and Volume Equivalents.



7. Exhibit A - Fee Schedule



(Ord. No. 2540 A-07/08 12-10-07)

6-8C-3: **ESTABLISHMENT OF LIMITS:** That the limits referred to in Section F-3003.2 of the National Fire Prevention Code/2006 in which the storage of explosive materials is prohibited are hereby established as follows: All areas within the City Limits of the City of Pekin. (Ord No. 2540 A-07/08 12-10-07)

6-8C-4: **COMPLIANCE WITH CITY CODE:** The Fire Prevention Code herewith adopted be and is hereby amended to comply with subsection 5-2A-4B which subsection is herewith made a part hereof and anything contained in said Fire Prevention Code herewith adopted in conflict therewith are hereby amended to comply with said subsection above set forth.

6-8C-5: **PENALTIES:** Any person, violating any provision of this Article shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE D. FLAMMABLE LIQUIDS

SECTION:

- 6-8D- 1: Compliance with Regulations
- 6-8D- 2: Enforcement
- 6-8D- 3: Permits Requirements
- 6-8D- 3-1: Permits
- 6-8D- 3-2: Approval
- 6-8D- 3-3: Fees
- 6-8D- 4: Classification
- 6-8D- 5: Small Storage Limited
- 6-8D- 6: Containers
- 6-8D- 7: Use Within Building Restricted
- 6-8D- 8: Pouring into Sewers Prohibited
- 6-8D- 9: Storage in Public Buildings Prohibited
- 6-8D-10: Use in Starting Fires
- 6-8D-11: Fire to be kept Away from Flammable Liquids
- 6-8D-12: Tanks
- 6-8D-12-1: Location of Tanks; Restricted Classes of Property
- 6-8D-12-2: Location of Tanks; Property Lines and Buildings
- 6-8D-12-3: Distance Between Tanks
- 6-8D-12-4: Construction of Tanks; Specifications
- 6-8D-12-5: Normal Vents in Tanks
- 6-8D-12-6: Special Safety or Emergency Vents in Tanks
- 6-8D-12-7: Setting of Tanks
- 6-8D-12-8: Grounding of Tanks
- 6-8D-13: Piping
- 6-8D-13-1: Piping Material
- 6-8D-13-2: Piping Runs
- 6-8D-13-3: Piping Above Ground
- 6-8D-13-4: Piping Underground
- 6-8D-13-5: Joints in Piping
- 6-8D-13-6: Tests of Piping
- 6-8D-13-7: Valves
- 6-8D-14: Dikes
- 6-8D-14-1: Dikes Required
- 6-8D-14-2: Capacity of Dikes
- 6-8D-14-3: Material and Construction of Dikes
- 6-8D-14-4: No Openings in Dikes Permitted

SECTION:

- 6-8D-15: Buildings
- 6-8D-15-1: General Requirements
- 6-8D-15-2: Pumphouses
- 6-8D-15-3: Construction of Warehouse
- 6-8D-15-4: Electrical Installation
- 6-8D-15-5: Garage; Construction
- 6-8D-15-6: Loading Dock
- 6-8D-16: Loading or Unloading
- 6-8D-16-1: Pumps and Pipelines
- 6-8D-16-2: Grounding
- 6-8D-16-3: No Unloading by Gravity
- 6-8D-16-4: No Unloading to Portable Containers
- 6-8D-16-5: Dome Covers
- 6-8D-16-6: Other Restrictions
- 6-8D-16-7: Bonding
- 6-8D-17: Property
- 6-8D-18: Fire Protection
- 6-8D-19: No Storage Within Buildings
- 6-8D-20: Tank Trucks and Wagons
- 6-8D-21: Penalty

6-8D-1: **COMPLIANCE WITH REGULATIONS:** It shall be unlawful to store, handle or offer for sale any flammable or volatile liquids in violation of any provision of this Article.

6-8D-2: **ENFORCEMENT:** It shall be the duty of the Fire Chief, with the cooperation of the Police Department, to see to the enforcement of the provisions of this Article.

6-8D-3: **PERMIT REQUIREMENTS:**

6-8D-3-1: **PERMITS:** It shall be unlawful to construct, install or enlarge any tank, pump or piping equipment for the storage or handling of flammable or volatile liquids such as defined in this Article without having first obtained a permit therefor. Applications for such permits shall be made to the City Clerk and shall be accompanied by drawing to scale showing the location as well as plans showing the type and nature of installation or alteration.

6-8D-3-2: **APPROVAL:** No such permit shall be issued until the Fire Chief has certified that the contemplated work fully complies with the ordinances of the City.

6-8D-3-3: **FEES:** The fee for such permits shall be:

For installation of fuel oil Tanks having a capacity of more than 2,000 gallons and less than 20,00 gallons	\$5.00
For installation of tanks for storage of gasoline having a capacity of less than 10,000 gallons	\$10.00
For installation of fuel oil tanks having a capacity of 20,000 gallons or more	\$10.00
For installation of gasoline storage tanks having capacity of 10,000 gallons or over	\$15.00
For installation of tanks for other flammable liquids	\$10.00

6-8D-4: **CLASSIFICATION:**

- A. For the purpose of this Article, flammable liquids are divided into three (3) classes, according to flash points, as follows:

Class I: Liquids with a flash point at or below twenty degrees (20) Fahrenheit closed-cup tester.

Class II: Liquids with a flash point above that for Class I and at or below seventy degrees (70) Fahrenheit (21 centigrade) and closed-cup tester.

Class III: Liquids with a flash point above that for Class II and at or below two hundred degrees (200) Fahrenheit (93 1/3 centigrade) closed-cup tester.

- B. The flash point shall be as determined with the Elliott, Abel, Abel Pensky or the Tag closed-cup testers, but the Tag closed-cup tester (standardized by the United States Bureau of Standards) shall be authoritative in case of dispute. All tests shall be made in accordance with the methods adopted by the American Society for Testing Materials.

C. Representative examples of the classes of flammable liquids are:

<u>Class I</u>	<u>Class II</u>	<u>Class III</u>
Ether	Alcohol	Kerosene
Carbon Bi-sulphide	Amyl Acetate	Amyl Alcohol
Gasoline	Toluol	Turpentine
Naphtha	Ethyl Acetate	Fuel Oil
Benzol	Methyl Alcohol	Stoddard Solvent
Acetone	Pyridine	
Collodion	Ethyl Alcohol	
Methyl Acetate		

6-8D-5: **SMALL STORAGE LIMITED:** Storage of flammable liquids of Classes I, II and III shall be in accordance with the rules and governing general storage and service stations, except:

- A. Not to exceed five (5) gallons of crude petroleum, benzine, benzol, gasoline, naphtha and their compounds may be kept on hand if stored in a proper safety container, remote from flame or open fire. Such storage must not be in any cellar, basement or pit and should be in a room with direct ventilation to the outside and preferably in any outbuilding or garage.
- B. Ten (10) gallons of kerosene may be stored above ground in a proper safety can and sixty (60) gallons may be stored for the retail trade within a building; provided, storage is in an approved tank. Tank shall set in a metal pan extending at least eight inches (8") beyond outside of tank at sides and rear and eighteen inches (18") in front. Tank should be located on the first floor where the influx of natural light is sufficient to light the room, and reasonable ventilation must be provided.

6-8D-6: **CONTAINERS:**

- A. Red Containers Required: All receptacles used for the keeping or storing of gasoline, naphtha, benzine or benzol shall be painted red, and no liquids other than gasoline, naphtha, benzine or benzol shall be placed in such containers.
- B. Empty Drums: Drums or barrels in which liquids of Classes I, II, or III have been stored shall have taps, plugs or bungs replaced immediately after package has been emptied and shall be promptly removed from the premises.

6-8D-7: **USE WITHIN BUILDING RESTRICTED:** The mixing, storing or handling of Class I and II liquids in open containers is prohibited in any building, except in the compounding of medicines and prescriptions in drugstores.

6-8D-8: **POURING INTO SEWERS PROHIBITED:** No liquids of Classes I, II, and III, or solutions containing such liquids shall be poured into any sewer or any drain which connects with a sewer system.

6-8D-9: **STORAGE IN PUBLIC BUILDINGS RESTRICTED:** No liquids of Class I or II shall be kept or stored in any schoolhouse, public hall or place of assembly, or in any public hall or place of assembly, or in any public building, except for demonstrative purposes or for industrial or mechanical uses and then only under competent supervision.

6-8D-10: **USE IN STARTING FIRES:** Flammable liquids shall not be used to start or kindle fires in stoves, furnaces or otherwise.

6-8D-11: **FIRE TO BE KEPT AWAY FROM FLAMMABLE LIQUIDS:**
Flammable liquids shall always be kept away from fire or open flame; fire or open flame shall always be kept away from flammable liquids.

6-8D-12: **TANKS:**

6-8D-12-1: **LOCATION OF TANKS; RESTRICTED CLASSES OF PROPERTY:**
No storage tank shall be within three hundred feet (300') of any schoolhouse, church, hospital or public hall. The distance shall be measured from near the edges of tanks in all directions to near point of building. A public hall is any place which is used at any time for public meetings or the assembling of people for amusement, instruction or religious worship.

6-8D-12-2: **LOCATION OF TANKS; PROPERTY LINES AND BUILDINGS:**

- A. The minimum distance from individual tanks to line of adjoining property which may be built upon shall not be less than the following:

Table of Distance:

<u>Tank Capacity</u> <u>(gallons)</u>	<u>Minimum Distance</u> <u>(feet)</u>
3,000 or less	20
21,000 or less	25
31,000 or less	30
45,000 or less	40
64,000 or less	50
80,000 or less	60
128,000 or less	75
200,000 or less	85
266,000 or less	100
400,000 or less	150
666,000 or less	250
1,333,000 or less	300
2,666,000 or less	350

- B. In case of tanks for the storage of crude petroleum, the foregoing minimum distance shall be doubled.
- C. These distances shall apply also to other buildings on the property except those necessarily connected with the installation (such as oil warehouse, pumphouse and garage).
- D. Location of tanks with reference to railroad tracks over which passenger trains are moved shall conform to the regulations of the Bureau of Explosives of the Association of American Railroads (formerly American Railroad Association), 30 Veset Street, New York City.
- E. When general oil storage is maintained in connection with a filling station, the distance from general storage tanks to filling station building, tanks and equipment shall be the same as that required to property lines.

6-8D-12-3: **DISTANCE BETWEEN TANKS:** The minimum distance from tanks to adjacent tanks shall be as follows:

Tank Capacity (gallons)	Minimum Distance (feet)
300 or less	3
500 or less	3
1,000 or less	3
8,000 or less	3
12,000 or less	3
18,000 or less	3
24,000 or less	5
30,000 or less	10
48,000 or less	10
75,000 or less	13
100,000 or less	15
100,000 to 2,500,000	One tank diameter

If tanks are of different capacity, the capacity of the larger tank shall govern the distance to adjacent tanks.

6-8D-12-4: **CONSTRUCTION OF TANKS; SPECIFICATIONS:**

- A. Tanks shall be covered with asphaltum or other nonrusting coating or paint.
- B. All pipe connections shall be made through flanges or reinforcements securely riveted, welded or bolted to the tank and shall be made tight.
- C. All openings shall be made liquid and vaportight, except breather vents. Gaskets used shall be such as not affected by heat or the contents of the tank.
- D. Covers for manholes, handholes and gauge holes shall be made tight fitting and normally kept in place.

6-8D-12-5: **NORMAL VENTS IN TANKS:**

- A. Each tank over one hundred (100) gallons in capacity shall have vent openings, except safety valves, provided with approved noncorrodible flame arresters so attached as to completely cover the openings.
- B. Vent openings shall be in no case less than one-quarter inch (1/4") in diameter, and where a power pump is used in filling tanks and a tight connection is made to fill pipe, vent shall not be smaller than fill pipe.

6-8D-12-6: **SPECIAL SAFETY OR EMERGENCY VENTS IN TANKS:** Additional vent openings or safety valves adequate to relieve any excessive pressure due to external heat shall be provided of a type which shall be self-closing when pressure is relieved. The total area of vents shall be not less than twenty four (24) square inches for tanks of twenty one thousand (21,000) gallons' capacity or less and not less than seventy eight (78) square inches for tanks of more than twenty one thousand (21,000) gallons' capacity.

6-8D-12-7: **SETTING OF TANKS:** Tanks more than one foot (1') above the ground shall have a firm foundation and supports of noncombustible materials, bases of which shall rest below the frost line. Unprotected steel as a support for tanks shall not be permitted. No combustible materials shall be permitted under or within ten feet (10') of any storage tanks, except stairways to and walks on top of which shall be incombustible.

6-8D-12-8: **GROUNDING OF TANKS:** All tanks shall be grounded electrically and effectively to permanent moisture.

6-8D-13: **PIPING:**

6-8D-13-1: **PIPING MATERIAL:** All piping shall be standard full weight wrought iron or steel for working pressures less than one hundred (100) pounds; for working pressures in excess of one hundred (100) pounds, extra heavy pipe and fitting shall be used. No pipe less than one-half inch (1/2") internal diameter will be permitted.

6-8D-13-2: **PIPING RUNS:** Piping shall be run as directly as possible and proper allowance made for expansion and contraction.

6-8D-13-3: **PIPING ABOVE GROUND:** Pipes when above ground shall be protected against mechanical injury.

6-8D-13-4: **PIPING UNDER GROUND:**

- A. Pipes shall not be surrounded or covered by cinders or other material of corrosive effect, but preferably should be laid in sand, and where carried in conduit, the openings of such conduit must be fully protected to prevent escape of liquid under dangerous conditions.
- B. Pipelines buried on railroad property shall be laid at a depth on not less than three feet (3'); where they pass under tracks, they shall be laid at least four feet (4') below the bottom of ties.
- C. Piping buried in City Streets or other areas where other pipelines are carried shall be placed in conduit. Joints of conduit shall be sealed to prevent leakage, and pitch shall be toward tank yard.
- D. Underground piping shall be coated with asphaltum or corrosion-resisting materials.

6-8D-13-5: **JOINTS IN PIPES:** Joints may be welded or of the ordinary screw type; if the screw type, they shall be made up with litharge and glycerine, lamp black or shellac.

6-8D-13-6: **TESTS OF PIPING:** Piping after installation shall be tested at a pressure fifty percent (50%) in excess of the working pressure and shall be proven tight. Tests shall continue thirty (30) minutes.

6-8D-13-7: **VALVES:**

A. Normal Valves in Pipes:

1. Each pipe attached to a tank shall be provided with a valve at the tank, with no branches or outlets between the tank and the valve.
2. In case two (2) or more tanks are cross-connected, there shall be a valve at each tank in each cross-connection. Tanks with different classes of liquids shall not be cross-connected.

B. Emergency Internal Check Valves: In addition to normal valve, there shall be an extra valve at each pipeline, installed on the inside of tank and operated by an effective heat-releasing device, which shall automatically prevent the flow of liquid from the tank in case of fire, even if pipelines are broken from the tank.

6-8D-14: **DIKES:**

6-8D-14-1: **DIKES REQUIRED:** Embankments or dikes are required for:

- A. Each tank containing crude oil or other liquid which has a tendency to boil over.
- B. Each individual tank exceeding fifty thousand (50,000) gallons (1,200 barrels) in capacity.
- C. Individual tanks of less than fifty thousand (50,000) gallons, or groups of tanks with individual tank capacity of less than fifty thousand (50,000) gallons, when installed on the bank of a stream or other body of water, or on land permitting rapid drainage thereto.

6-8D-14-2: **CAPACITY OF DIKES:**

- A. Dikes shall have a capacity of not less than the capacity of the tank or groups of tanks surrounded.

- B. Dikes surrounding tanks containing crude oil or other liquid which has a tendency to boil over shall have a capacity of not less than one hundred twenty five percent (125%) of the capacity of the tank or group of tanks surrounded or shall have a suitable coping or deflector projecting inward, properly constructed to minimize the effect of a "boiler" wave.

6-8D-14-3: MATERIAL AND CONSTRUCTION OF DIKES:

- A. Dikes shall be constructed of earth, clay, masonry or reinforced concrete not higher than one-half (1/2) of the height of the tank or tanks enclosed, so constructed as to afford adequate protection.
- B. Earthwork embankments shall be firmly and compactly built of good earth or clay, free from stones, vegetable matter and other foreign material. They shall have a flat section at the top not less than two and one-half feet (2 1/2') wide and a slope of at least 1 to 1 (45 degrees) on both sides.
- C. Masonry or concrete dikes shall have footing below the frost line.
- D. If a concrete floor covering is provided for the area enclosed by a concrete dike, a sump shall be provided at some convenient place, attached to which shall be a pump of approved design, so that any accumulation of water or oil may be removed immediately.

6-8D-14-4: NO OPENINGS IN DIKES PERMITTED: Embankments or dikes shall be continuous, with no openings for piping or roadway.

6-8D-15: BUILDINGS:

6-8D-15-1: GENERAL REQUIREMENTS: It shall be unlawful to store, to sell or offer for sale any flammable or volatile liquids, as defined in this Article, in an amount in excess of one gallon in any building of frame construction, or in any building other than a building of fireproof construction as defined in the ordinances of the City; provided, that this Section shall not be construed to prohibit the storage of such liquids in the fuel tanks of automobiles or in tanks for heating systems installed in compliance with the provisions of the City ordinances.

6-8D-15-2: PUMPHOUSES:

- A. Motor and pump or pumps shall be located in a separate, noncombustible building, not less than ten feet (10') from tanks, warehouses, garages or property lines. Motor shall be of the polyphase, nonsparking or explosion-proof type and shall be grounded to permanently moist earth.
- B. If pumphouse is electricity lighted, light shall be of the vapor-proof type, wiring shall be in sealed conduit, and the light switch shall be of the explosion-proof type or shall be placed outside the building.
- C. Motor-starting switches shall be of the explosion-proof type or oil bath type.
- D. Screened openings of not less than sixty four (64) square inches shall be construed in opposite corners at floor line to provide proper ventilation.
- E. All doors of pumphouses shall open outward. Doors shall be left open at all times when pumps are in operation.

6-8D-15-3: CONSTRUCTION OF WAREHOUSE: Warehouses shall be constructed so that refuse cannot accumulate under the floor.

- A. What Liquids Can Be Stored: Storage of liquids of Class I shall not be permitted in any building. Storage of liquids of Class II shall not be permitted except in original sealed containers, and no transfer of such liquids in such containers to other containers shall ever be made inside the warehouse.
- B. Cleanliness: Warehouses shall be kept clean, neat and orderly, and free from accumulation of grease and oil spillage.

6-8D-15-4: ELECTRICAL INSULATION: The National Electric Code (See also Title 7, Chapter 1, Article D of this Code.) shall govern the electrical installation.

6-8D-15-5: GARAGE; CONSTRUCTION: Floor of garage shall be of concrete or other noncombustible material, laid directly on the ground or on a well-tamped and puddled fill.

- A. Adequate ventilation shall be provided to carry off any inflammable gases which may accumulate.
- B. No connection to any house drainage or to any sewer system shall be made from any garage waste basin, sink, floor drain or waste, unless an adequate grease trap is provided ahead of such connection. This does not apply to lavatories, toilets or washbasins, used exclusively for toilet or personal use, nor to downspouts carrying surface water from the roof.

6-8D-15-6: LOADING DOCK:

- A. Location: Truck loading docks and platforms shall be located not less than ten feet (10') from storage tanks, plant buildings and property lines.
- B. Electrical Equipment: All electric lights at loading or unloading docks shall be of vapor-proof construction. Electric wiring shall be in sealed conduit at docks and switches shall be of the explosion-proof type or placed at some point remote from the docks.

6-8D-6: LOADING OR UNLOADING:

6-8D-6-1: PUMPS AND PIPELINES:

- A. Gasoline and naphtha shall never be handled through the same pump and pipelines as kerosene and fuel oils.
- B. Pipeline shall have a definite color scheme for painting to indicate the product which is being carried by the respective lines. The color red shall be for gasoline and naphtha. Valves on lines in pumphouses shall be tagged to denote the product handled and controlled by each valve.
- C. Pumps delivering to or taking supply from tanks or tank cars shall be provided with valves on both suction and discharge pump.

6-8D-16-2: GROUNDING: Before unloading operations are started and before any connection or contact is made with piping or other loading equipment, the tank car shall be electrically grounded in an effective manner. Permanent electrical connection of not less than number 0 copper cable shall be made between the rails on which tank cars stand and the piping system of the storage plant. NOTE: This connection may be accomplished in two (2) ways. The rails may be bonded by means of standard rail bonds and connected to the permanent piping system with number 0 electric cable connections at each end of the loading or unloading section, or a similar connection may be made between each rail on which cars stand and the permanent piping system.

6-8D-16-3: NO UNLOADING BY GRAVITY:

- A. The withdrawal of liquids from tank cars through bottom outlets shall not be permitted. Tank cars shall be unloaded through dome (manhole) only. Pumps required to accomplish this shall be of adequate type and securely installed. Exceptions: fuel oils may be unloaded by gravity.
- B. The use of compressed air to discharge contents of tank cars is prohibited, but this shall not be construed to prevent the use of a standard system employing an inert gas, such as carbon dioxide or nitrogen, as pressure generating medium for this purpose.

6-8D-16-4: NO UNLOADING TO PORTABLE CONTAINERS: Unloading from tank cars to tank trucks or to any portable containers shall not be permitted.

6-8D-16-5: DOME COVERS: After unloading, pipe is inserted into dome of tank car and, before any pumping is done, dome shall be tightly covered with wet burlap or some other type of cover equally effective.

6-8D-16-6: OTHER RESTRICTIONS:

- A. All connections between tank cars and pipelines shall be in good conditions and shall not permit leakage.
- B. Tank cars shall not be left connected to pipelines except when loading or unloading is going on and during all such time a competent man shall be present and in charge.
- C. The presence of flame lanterns, flame switch lights or other exposed flame lights or fires during the process of loading or unloading is prohibited.
- D. Siding used in connection with tank car unloading operations shall not be common to other users, or they shall be provided with necessary derails or with warning signs in accordance with Section 4, Paragraph 697(b) of the Interstate Commerce Commission's "Regulations on the Transportation of Explosives".
- E. The unloading of tank cars and all operations in connection therewith shall be in full accord with the rules and regulations of the Interstate Commerce Commission.

6-8D-16-7: BONDING: Before unloading operations begin, tank trucks shall be electricity bonded to pipeline by means of a bonding device at loading dock.

6-8D-17: PROPERTY:

- A. Fencing: The area which embraces the tank yard, including dike and all aboveground piping and pipelines, shall be properly fenced with a metal fence.
- B. Care and Attendance:
 - 1. Property shall be kept free from weeds, high grass, rubbish and litter and shall be kept neat, clean and orderly throughout.
 - 2. Open light or flame shall not be permitted on the property.

6-8D-18: **FIRE PROTECTION:** Approved chemical fire extinguishers, foam generators or other smothering agents for extinguishing oil fires shall be provided.

6-8D-19: **NO STORAGE WITHIN BUILDINGS:** Barrel and drums used for Class I liquids, whether full or empty, shall be stored in the open or on open platforms in plant yard. Platforms may have roofs, but all sides shall be open.

- A. No open lights shall be permitted in such storage yard.
- B. Caps, bungs and plugs shall be closed tightly immediately after container is emptied.
- C. Gasoline and naphtha shall be handled only in barrels or drums painted red and properly labeled, and no other liquids shall be handled in such barrels or drums.

6-8D-20: **TANK TRUCKS AND WAGONS:**

- A. Tanks, tank trucks and wagons shall be constructed with double bulkheads. Each compartment shall be numbered, and the same number shall appear on the pipeline at the rear of truck or wagon connected with that compartment.
- B. A serviceable metal tag shall be fastened securely to each faucet, designating the contents of the compartment it controls by lettering not less than one-fourth of an inch (1/4") high. Tags shall be painted according to the same color scheme as the pipeline, red always indicating gasoline or naphtha.
- C. Faucets shall be of the self-closing type.
- D. Heavy bumpers shall be provided across the rear adequate to protect all faucets in case of a rear-end collision.
- E. Tanks, chassis, axles and springs shall be metallically connected and a drag chain shall be attached long enough to reach the ground at all times.

- F. If buckets are used to deliver gasoline or naphtha, they shall be painted red and properly labeled. They shall be used for delivering gasoline and naphtha only, and gasoline and naphtha shall not be delivered in any other buckets.
- G. No retail deliveries from tank trucks or tank wagons shall be permitted in any street or alley in the City, or on any highway outside the City.
- H. Each tank truck or tank wagon shall carry an approved fire extinguisher suitable for extinguishing gasoline and oil fires, such as carbon tetra-chloride, carbon dioxide, foam or powder.

6-8D-21: **PENALTY:** Any person violating any provision of this Article shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE E. LIQUEFIED PETROLEUM GASES

SECTION:

- 6-8E-1: Definition
- 6-8E-2: Compliance; Inspections
- 6-8E-3: Odorizing
- 6-8E-4: Containers
- 6-8E-5: Equipment
- 6-8E-6: License for Production

6-8E-1: **DEFINITION:** The term "liquefied petroleum gases", as used in this Article, shall be construed to include any material composed predominantly of propane, propylene, butane (normal butane or isobutane) and butylene or mixture of them.

6-8E-2: COMPLIANCE; INSPECTIONS:

- A. It shall be unlawful to produce, store or use liquefied petroleum gas, or to install or maintain any equipment for such production or use, unless such production, storage and utilization equipment is constructed and maintained in compliance with the provisions of this Article.
- B. It shall be the duty of the Fire Chief, or such other officer or employee as may be designated by the City Council to enforce the provisions of this Article, and to make such inspections to tests as may be necessary in connection therewith. Whenever a test is necessary to determine whether any equipment or method complies with the standards prescribed or referred to in this Article, the enforcing official may accept the results of a test conducted by or under the supervision of the Underwriters Laboratories, Inc.

6-8E-3: **ODORIZING:** All liquefied petroleum gas used or stored in the Municipality shall be effectively odorized by an agent of such character as to indicate by a distinctive odor the presence of gas in the air down to a concentration of one-fifth (1/5) the lower limit of combustibility.

6-8E-4: CONTAINERS:

- A. All containers used for liquefied petroleum gases shall be constructed to the standards prescribed therefor in the "Standards of the National Board of Fire Underwriters for the Storage of Liquefied Petroleum Gases" of 1956, as amended, as published in pamphlet form by the National Board of Fire Underwriters, hereinafter referred to as N.B.F.U. pamphlet No. 58.
- B. The maximum filling density (the percent ratio of the weight of water the container will hold at 50 Fahrenheit) shall be that prescribed in paragraph B. 11 (page 16) of N.B.F.U. pamphlet No. 58.
- C. No such container for use in connection with any building shall be located between the building and the street upon which the building abuts nor within such building. The installation of such containers and location with reference to buildings shall be in accordance with the standards prescribed in N.B.F.U. pamphlet No. 58.

6-8E-5: EQUIPMENT:

- A. No equipment for the utilization of liquefied petroleum gas shall be installed in the Municipality unless a permit therefor shall have first been issued. When such installation is in a building being newly constructed or remodeled in accordance with a permit for such construction or remodeling, no extra fee for such permit shall be required. In other cases, applications for such permits shall be made to the City Clerk and shall contain a description of the location, equipment and intended use of such equipment. The fee for such permits shall be fifteen dollars (\$15.00).
- B. No such equipment shall be installed or used unless it complies with the standards therefor established in the N.B.F.U. pamphlet No. 58.

6-8E-6: LICENSE FOR PRODUCTION:

- A. It shall be unlawful to operate in the City a plant for the production of liquefied petroleum gases without first having secured a license therefor.
- B. Applications for such licenses shall be made in writing to the City Clerk, and shall conform to the general provisions of the ordinances relating to business licenses (See Title 3, Chapter 1 of this Code). The annual fee for such license shall be fifty dollars (\$50.00)

- C. No such license shall be issued unless the premises and equipment thereon to be used in such activity are in full compliance with the standards prescribed in N.B.F.U. pamphlet No. 58 (1956 as amended), and it shall be unlawful to conduct or operate such activity unless all buildings and equipment used in connection therewith comply with the standards prescribed in that bulletin.

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE F. EXPLOSIVES

SECTION:

- 6-8F-1: Nitroglycerine; T.N.T.
- 6-8F-2: Storage Rules
- 6-8F-3: Penalty

6-8F-1: **NITROGLYCERINE; T.N.T.:** It shall be unlawful to keep or store any nitroglycerine or the explosive commonly known as T.N.T. in the City in any quantities, excepting for medicinal purposes or laboratory purposes, and for such purposes, no more than one-quarter (1/4) of an ounce shall be stored in any one building or premises, unless the Chief of the Fire Department approves the same.

6-8F-2: **STORAGE RULES:** All explosives must be stored or kept in accordance with the rules of the State Fire Marshall, subject to the provisions of this Article.

6-8F-3: **PENALTY:** Any person violating any provision of this Article shall be subject to penalty as provided in Section 1-4-1 of this Code.

CHAPTER 8

FIRE PREVENTION REGULATIONS

ARTICLE G. PUBLIC SAFETY ALARM SYSTEMS

SECTION:

- 6-8G- 1: Purpose of Article
- 6-8G- 2: Definitions
- 6-8G- 3: Alarm Systems to be Maintained
- 6-8G- 4: Fee Charged for False Alarms
- 6-8G- 5: Testing
- 6-8G- 6: Termination of Direct Connection
- 6-8G- 7: Exception
- 6-8G- 8: Notification
- 6-8G- 9: Investigation
- 6-8G-10: Response by Alarm User
- 6-8G-11: Installation of Key Boxes on Property Protected
by Automatic Fire Alarm Systems

6-8G-1: **PURPOSE:** The purpose of this Ordinance is to set forth regulations governing burglary, robbery, fire and medical alarm systems, and to provide for punishment of violations of provisions of this Ordinance.

6-8G-2: **DEFINITIONS:** For the purpose of this Ordinance, certain words and phrases shall be construed herein as set forth in this Ordinance, unless it is apparent from the context that a different meaning is intended. The following words and phrases shall be defined as herein set forth:

- A. **ALARM SYSTEM:** Means any mechanical or electrical device that is arranged, designed, or used to signal the occurrence in the City of a burglary, robbery, or other criminal offense, fire emergency or medical emergency requiring urgent attention, and to which police, fire or emergency medical personnel are expected to respond. Alarm systems include those through which public safety personnel are notified directly of such signals through automatic devices or are notified indirectly by way of third persons or electronic or mechanical systems monitoring the alarm systems and reporting such signals to the Fire or Police Department or designated agency. Alarm systems also include those designed to register a signal which is so audible, visible, or in other ways perceptible outside a protected building structure or facility as to notify persons in the neighborhood beyond the subdivision lot where the signal is located who in turn may notify the Police or Fire Department or designated agency of the signal. Alarm systems do not include alarms affixed to automobiles. Furthermore, alarm systems do not include auxiliary devices installed by telephone companies to protect telephone equipment. Alarms in separate structures are to be counted as separate systems even though owned by the same person or entity.
- B. **ALARM USER:** Means any person, firm, corporation, partnership or entity who or which purchases, leases, contracts for, obtains or uses an alarm system or subscribes to an alarm system.
- C. **FALSE ALARM:** "False alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry or attempted unlawful entry, or through the negligence of the owner or lessee of an alarm system or of his employees or agents or other cause. In addition, a "false alarm" is an alarm system signal eliciting a response by the Police or Fire Department or designated agency when a situation requiring a response by the Police or Fire Department does not in fact exist. "False alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. Alarms resulting from the following conditions are not considered to be false alarms:
1. Criminal activity, unauthorized entry, or other unauthorized actions by any person.
 2. Earthquake causing structural damage to the protected premises.
 3. High winds sufficient to activate motion detection system or cause physical damage to the protected premises.
 4. Flooding of the protected premises due to overflow of natural drainage.
 5. Lightning bolt causing physical damage to the protected premises.

6. Telephone line malfunction verified in writing to the City by at least a first line telephone company supervisor.

7. Electrical service interruption and "power surges" verified in writing to the department by the local power company.

- D. **ALARM BUSINESS:** Means any business in which the owner or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- E. **CITY:** Means the City of Pekin, Tazewell County, Illinois.
- F. **PERSON:** Means natural person, firm, partnership, association or corporation.
- G. **FIRE CHIEF:** Means the Chief of the Fire Department, or his or her authorized representative.
- H. **POLICE CHIEF:** Means the Chief of the Police Department, or his or her authorized representative.

6-8G-3: ALARM SYSTEMS TO BE MAINTAINED: Each alarm user or alarm business shall maintain each alarm system in good working order, providing the necessary maintenance and service to prevent false alarms, to prevent malfunctions endangering persons or property, and to prevent other malfunctions.

6-8G-4 FEE CHARGED FOR FALSE ALARMS: Any person, firm, or corporation having an alarm system shall be charged a fee of \$75.00 for each false alarm responded to by the Police or Fire Department or designated agency within a calendar year in excess of four (4) and \$100.00 for each false alarm in excess of ten (10) so responded to within a calendar year. Any person, firm, or corporation assessed a false alarm fee hereunder shall make payment in full to the City Clerk within 30 days after receiving notice of the fee charged.

The number of false alarms will be counted per system. The fact that an alarm user subscribes to an alarm system shall be no defense. This fee is imposed whether the Police and Fire Department or the designated agency receive the alarm by direct connection or through an intermediary such as an answering service or modified central station. The fee imposed by this section is imposed solely when the choice is made to employ an alarm system. If the possessor of the alarm shows to the satisfaction of the Chief of Police or Fire Chief that the false alarm was not the result of negligence or improper maintenance, such fee may be waived. If the possessor or owner of the alarm communicates to the Police or Fire Department or designated agency before a unit is dispatched to investigate clearly indicating that the alarm is resulting from authorized entry or other non-criminal cause, the fee shall be waived or the alarm will not be counted as a false alarm, except where the alarm is a test alarm performed in violation of Section 6.

6-8G-5: TESTING: No alarm system designed to transmit emergency messages directly to the Police or Fire Department or designated agency shall be tested or demonstrated without first notifying the Police or Fire Department dispatcher or the designated agency's dispatcher. No alarm system relayed through intermediate services to the Police or Fire Department or designated agency will be tested to determine police or fire response without first notifying the police or fire dispatcher or designated agency's dispatcher. An alarm user who fails to comply with this section shall be charged a fee of \$100.00 and said alarm shall count towards the alarm limits in Section 5 hereof.

6-8G-6: TERMINATION OF DIRECT CONNECTION: The Police and Fire Chief are authorized to require that the owner or lessee of any alarm system directly connected to the Police or Fire Departments or designated agency disconnect such device until it is working in such a manner as will not produce a high frequency of false alarms. The Police and Fire Chief may require disconnection if twenty (20) false alarms are collectively received in any calendar year. Except as provided hereinbelow, failure to promptly comply with an order requiring the disconnection of an alarm shall constitute a violation of this Ordinance and subject the alarm user or property owner to a fine not less than \$200.00 nor more than \$500.00. Whenever twenty (20) or more false alarms are received in any calendar year, a presumption will exist that said alarm is ineffective to protect the premises and persons on the premises from those acts, omissions or incidents against which the alarm was intended to protect. The Police Chief or Fire Chief may, after giving notice to the subscriber, order disconnection of the alarm system for noncooperation, or for violations of this Ordinance. The alarm user, upon the submission of a written request to the Police Chief or Fire Chief, shall be entitled to an additional seven (7) days to comply with any disconnect order issued hereunder so that the alarm user may arrange for alternative protection of the alarm user's premises and persons. Nothing contained in this Ordinance shall be deemed to create any new legal duties or impose any new legal responsibilities on the part of City personnel responsible for enforcing the provisions of this Ordinance.

After ninety (90) days, a person may submit a written petition requesting the reconnection of an automatic alarm system to the Fire Chief where reconnection is sought for a fire alarm or to the Police Chief for reconnection of all other alarm systems. The petition shall state the name and address of the petitioner and will further identify all steps taken by petitioner to remediate the causes attributable to the occurrence of false alarms for the system sought to be reconnected. The petition shall be signed and sworn to by the petitioner. The Fire and Police Chief shall have thirty (30) days from the date the petition is received by the City Clerk to grant or deny the petition to reconnect. Should the petition be denied, petitioner may appeal the denial to the Mayor within fifteen (15) days. The Mayor shall have thirty (30) days to affirm or reverse the denial of the petition.

Nothing in this Ordinance shall be interpreted as a guarantee or warranty by the City to any person, firm, corporation or other entity that an alarm system or alarm equipment allowed to be reconnected is free from defect or fit for the purpose for which it is intended.

6-8G-7: **EXCEPTION:** Alarm users installing a new system, making substantial modifications to an existing system, or causing, permitting, or allowing the installation of a new system or substantial modification of an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed non-false alarms for purposes of Section 5; provided, however, that the Police and Fire Department are notified, in writing, and within five (5) days after completion of the date the new system is installed or an existing system is substantially modified. The grace period shall cease thirty (30) days after installation of or modification to the alarm system.

6-8G-8: **NOTIFICATION:**

- A. Whenever an alarm is activated thereby requiring an emergency response to the location by the Police or Fire Department, and the Police or Fire Department does respond, the Police or Fire Department personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was, in fact, required as indicated by the alarm system or whether the alarm signal was a false alarm. In determining whether an alarm is a false alarm, all circumstances shall be considered. Setting off an alarm may cause a person who was attempting to break-in to flee. In investigating whether an alarm was false, a thorough check will be made of the premises for any signs of an attempted break-in.
- B. If the Police or Fire Department personnel at the scene of the activated alarm system determines the alarm to be false, said officer shall make a report of the false alarm.
- C. The Chief of the Police Department, the Chief of the Fire Department, or the designee of the Police Chief or Fire Chief shall cause a notification of the false alarm report to be mailed, by regular mail, or delivered to the alarm user at the address of said alarm system installation location, advising the alarm user of the false alarm.
- D. An alarm user who receives said notification shall have five (5) days within which to inform the Chief of the department responsible for issuing the notification that the alarm user disputes the existence of the false alarm. If the alarm user fails to make said notification within the stated time, it shall be presumed that the existence of the false alarm has been acknowledged.

6-8G-9: **INVESTIGATION:** The Chief of the Police or Fire Department or his designee shall have the right to inspect any alarm system on the premises to which a response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

6-8G-10: **RESPONSE BY ALARM USER:** Whenever an alarm user or owner of the protected premises is notified or aware that their alarm system has been activated, the alarm user or owner or designated representative shall cooperate with any investigations undertaken by City personnel in responding to the activated alarm. This shall include, but not be limited to, the alarm user's or owners presence at the premises protected by said alarm within a reasonable period of time after the alarm or owner becomes aware that the alarm has been activated. Furthermore, the use of an alarm system and its activation shall constitute consent on the part of the alarm user and owner of the premises to City personnel permitting said personnel to enter the premises to investigate the cause(s) of the alarm. The alarm user's or owner's failure to cooperate in any of the foregoing investigations shall constitute a violation of this Ordinance and subject the alarm user or owner or both to a fine in the amount not less than \$100.00 nor more than \$500.00.

6-8G-11: **INSTALLATION OF KEY BOXES ON PROPERTY PROTECTED BY AUTOMATIC FIRE ALARM SYSTEMS:** When a property within the City is protected by an automatic fire alarm, and the property does not at all times have personnel present on its premises, a key box of a UL type, approved by the Pekin Fire Department, shall be installed on the property in a location approved by the Pekin Fire Department. Residential property shall be exempt from this requirement.

- A. CONTENTS OF KEY BOXES. Such key boxes shall contain the following:
 - 1. The keys to locked points of egress whether on the interior or exterior of such buildings.
 - 2. The keys to locked mechanical equipment rooms.
 - 3. The keys to locked electrical rooms.
 - 4. The keys to elevator controls.
 - 5. The keys to other areas as directed by officials of the Pekin Fire Department.
- B. PENALTY. Any person, firm, or corporation violating any provision of Section 11 of this Ordinance shall be fined not less than \$75.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 9

FOREIGN FIRE INSURANCE TAX REVENUE ADMINISTRATION BOARD

SECTION:

6-9-1: Foreign Fire Insurance Tax Revenue Administration Board

- A. Establishment. There is hereby established a foreign fire insurance tax revenue administration board, pursuant to 65 ILCS 5/11-10-2 (Illinois Municipal Code), for such times as such statute shall require the same.
- B. Members.
 - 1. The foreign fire insurance tax revenue administration board shall consist of three (3) members with one (1) vote each. Three (3) members shall be elected from the commissioned members of the Pekin Fire Department. The three (3) elected members of the board shall serve three year staggered terms or until their successors are elected and installed. The initial board shall be elected at a meeting to be held on the first Wednesday of May, 1998. At the conclusion of the election, the members shall draw by lot to determine who shall receive the one (1) year term the two (2) year term and the three (3) year term. Vacancies shall be filled by election by the members of the department for the balance of any unexpired term, if more than three (3) months remain in the term of a member leaving the board.
 - 2. The board shall develop a procedure for governing the nomination and election of department members to serve on the board. The nominating procedure shall be established a minimum of thirty (30) days prior to the expiration of the board members' terms of office.
- C. Interim Board. There is presently established a Pekin Fire Department 2% Foreign Fire Insurance Board, which was elected by the membership of the Fire Department, with terms to expire on the first Wednesday in May, 1998. The Interim Board shall continue to serve until said election in May of 1998 and shall perform the functions of the Foreign Fire Insurance Tax Revenue Administration Board as provided by state statutes and under this ordinance.

D. Officers. The members of the board shall elect as its officers a president, treasurer and secretary. The board shall adopt rules and regulations governing the election of officers of the board. All rules and regulations with respect to the election process shall be posted throughout the department a minimum of thirty (30) days prior to the election.

E. Fund; Expenditures.

1. All funds received by the City from the foreign fire insurance gross receipts tax shall be deposited, upon receipt of such funds, in a special fund within the city treasury called the "foreign fire insurance tax fund".

2. The board may adopt rules and regulations for governing the board, the execution of the duties of the board, and management of the fund. The board may amend or revoke the rules and regulations as adopted.

3. The treasurer of the board shall provide the City Treasurer a monthly accounting of receipts and expenditures authorized by the board, and such expenditures shall be paid by the Treasurer of the Fund. The board shall have the power to approve the expenditures of monies from the fund for maintenance, use and benefit of the department. No expenditures shall be made from the fund without the majority approval of the board. The board shall annually prepare an audited statement of the income and expenditures for the previous year ending December 31st, which shall be submitted to the City Treasurer.

4. The treasurer of the board shall give sufficient bond to the City of Pekin, Illinois. This bond shall be approved by the Mayor.

F. Meetings; Notice; Quorum.

1. The board, in accordance with the Illinois Open Meetings Act, shall establish a regular time and place for its meetings. The chairman shall preside at the meetings. The secretary shall keep a record of all resolutions, proceedings, minutes and actions of the board, and these records shall be open to the public. Special meetings may be called by the president or by no less than two (2) members of the board.

2. Two (2) members of the board shall constitute a quorum for the transaction of its business. The affirmative vote of two (2) members of the board shall constitute approval of business before it.

3. Members on scheduled duty at the time of any meeting of the board shall be excused from said duty to attend meetings.

CHAPTER 10

USE OF 9-1-1 AS PRIMARY NUMBER FOR EMERGENCY SERVICES

SECTION:

- 6-10- 1: Definitions
- 6-10- 2: First Call
- 6-10- 3: Procedure
- 6-10- 4: Report
- 6-10- 5: Display on Vehicle
- 6-10- 6: Penalty

6-10-1: Definition: As used in this Chapter, the term “Emergency Services” includes firefighting, police, ambulance, medical, or other emergency services, including, without limitation, the transport of a patient to an emergency facility.

6-10-2. Any person requesting Emergency Services shall first call 9-1-1, before calling any other telephone number for Emergency Services.

6-10-3. In the event that an entity providing Emergency Services receives an initial telephone call for Emergency Services:

A. That entity shall immediately relay the information to Tazewell/Pekin Consolidated Communication Center; and

B. That entity shall inform such caller that the caller must, on future calls for Emergency Services, call 9-1-1 first in accordance with this Code.

6-10-4. All entities providing Emergency Services shall provide the Fire Chief with a monthly report of such calls received by such entity on a form prescribed by the Fire Chief.

6-10-5. If any vehicle used for Emergency Services displays an emergency telephone number on the outside of such vehicle then either

A. 9-1-1 shall be the only number displayed; or

B. the vehicle shall clearly indicate that 9-1-1 is the primary telephone number and should be called first for Emergency Services.

6-10-6. Penalty: Whoever violates any provision of this Section shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. No. 2358 02/09/04)