

Chapter 217

PEACE AND GOOD ORDER

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Minors — See Ch. 201.

Parks and recreation areas — See Ch. 213.

ARTICLE I

Obscenity

[Adopted 6-8-1987 by Ord. No. 87-6-8 (Title 4, Ch. 2, Art. 2, of the 1993 Code)]

§ 217-1. Definitions.

As used in this article, material is "obscene" when:

- A. It depicts or describes any of the following types of sexual conduct:
 - (1) Ultimate sexual acts, normal or perverted, actual or simulated;
 - (2) Masturbation;
 - (3) Excretory functions; or
 - (4) Lewd exhibition of the genitals; and
- B. To the average person, applying contemporary adult community standards, the dominant theme of the material taken as a whole appeals to the prurient interest in sex; and¹
- C. The material, taken as a whole, lacks serious literary, artistic, political or scientific value.

§ 217-2. Acts constituting obscenity enumerated.

A person commits obscenity when, with knowledge of the nature of contents thereof, or recklessly failing to exercise reasonable inspection which would disclose the nature of contents thereof:

- A. He sells within the Village any obscene book, magazine, pamphlet, paper, photograph, drawing, motion-picture film, phonograph record, film strip, slide or video cassette film.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- B. He offers or attempts to sell within the Village any obscene book, magazine, pamphlet, paper, photograph, drawing, motion-picture film, phonograph record, film strip, slide or video cassette film.
- C. He distributes or gives away within the Village any obscene book, magazine, pamphlet, paper, photograph, drawing, motion-picture film, phonograph record, film strip, slide or video cassette film.
- D. He offers to or attempts to distribute or give away within the Village any obscene book, magazine, pamphlet, paper, photograph, drawing, motion-picture film, phonograph, record, film strip, slide or video cassette film.²
- E. He prints or publishes within the Village any obscene book, magazine, pamphlet, paper, photograph, drawing, motion-picture film, film strip, slide or video cassette film.
- F. He exhibits or shows within the Village any representation or embodiment of the obscene.³
- G. He produces, directs or plays a part within the Village, in any obscene play.
- H. He advertises for sale within the Village any obscene book, magazine, pamphlet, paper, photograph, motion-picture film, phonograph record, film strip, slide or video cassette film.
- I. He advertises for viewing within the Village any representation or embodiment of the obscene.⁴
- J. He publicly performs an obscene act or otherwise publicly presents an obscene exhibition of his body within the Village.
- K. He buys or procures in the Village, for resale in the Village, any obscene book, magazine, pamphlet, paper, photograph, motion-picture film, film strip, slide, phonograph record or video cassette film.
- L. He buys, leases or produces in the Village, for showing in the Village for gain, any representation or embodiment of the obscene.⁵

§ 217-3. Violations and penalties. ⁶

Any person violating any provision of this article shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code.

ARTICLE II

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

Disorderly Conduct

[Adopted 12-9-1996 by Ord. No. 96-9-12C (Title 4, Ch. 2, Art. 8, of the 1993 Code)]

§ 217-4. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

PERSON — Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

§ 217-5. Elements of offense.

- A. A person commits disorderly conduct when such person knowingly:
- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.
 - (2) Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence.
 - (3) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that the fire exists.⁷
 - (4) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place.⁸
 - (5) Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death or bodily harm directed against persons at a school, school function or school event, whether or not school is in session.⁹
 - (6) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time

⁷. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁸. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

⁹. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed.¹⁰

- (7) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public.¹¹
- (8) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.¹²
- (9) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act (325 ILCS 5/1 et seq.).¹³
- (10) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, or the ID/DD Community Care Act.¹⁴
- (11) Transmits or causes to be transmitted in any manner to the law enforcement department or fire department of any municipality or fire protection district or any privately owned and operated ambulance service a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic, knowing at the time there is no reasonable ground for believing that the assistance is required.¹⁵
- (12) Transmits or causes to be transmitted a false report under Article II of "An act in relation to victims of violence and abuse," approved September 16, 1984, as amended.¹⁶
- (13) Makes, continues or causes to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- (14) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where two or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.

10. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

11. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

12. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

13. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

14. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

15. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

16. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

- (15) Assembles with two or more persons and uses threat of force or violence to disturb the public peace.
- (16) Appears in any public place manifestly under the influence of alcohol, narcotics or other drugs, not therapeutically administered, to the degree that such person may endanger such person or other persons or property or annoy persons in such person's vicinity.
- (17) 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 opening in it.
- (18) As a driver of a motor vehicle, whether moving or parked, operates or permits to be operated any sound-amplification system or radio which can be heard outside the vehicle from 75 or more feet when the vehicle is being operated upon a highway, road, street, parking lot, or on property not owned by the driver, unless such system is being operated to request assistance or warn of a hazardous situation.
- (19) While acting as a collection agency as defined in the Collection Agency Act (225 ILCS 425/1 et seq.) or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.¹⁷

B. This section does not apply to authorized emergency vehicles or vehicles lawfully engaged in advertising.

§ 217-6. Violations and penalties.¹⁸

Any person violating any provision of this article shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code.

§ 217-7. Charging violation, prosecution.

- A. By notice of violation. A law enforcement officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this article by delivering to that person a notice of violation charging that person with the violation.
 - (1) The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this article to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the notice of violation, law enforcement may:
 - (a) Forward copies of the notice of violation and all reports to the Village Attorney, who shall then file a local ordinance complaint with the Rock

¹⁷. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

¹⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

Island County Circuit Court charging that person with the violation and establishing a court date for trial; or

- (b) Forward copies of the notice of violation and all reports to the Rock Island County State's Attorney's Office and request a complaint be filed charging that person with a violation of disorderly conduct under state statute.
- B. Charging under state statutes. A law enforcement officer, upon establishing probable cause, may elect to charge a person with a violation of the Illinois Disorderly Conduct Statute. The officer shall forward copies of all reports to the Rock Island County State's Attorney's Office and request a complaint be filed charging that person with violation of the statute.

ARTICLE III
Criminal Trespass

[Adopted 9-14-1998 by Ord. No. 98-9-14A (Title 4, Ch. 2, Art. 13, of the 1993 Code)]

§ 217-8. Prohibited acts.

- A. Whoever enters upon the land or any part thereof of another after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, is guilty of criminal trespass, and shall be punished as described in § 217-9 of this article. A person also commits criminal trespass to real property when he or she:¹⁹
- (1) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land;
 - (2) Intentionally removes a notice posted on residential real estate as required by subsection (1) of Section 15-1505.8 of Article XV of the Code of Civil Procedure before the date and time set forth in the notice; or
 - (3) Enters a field used or capable of being used for growing crops, an enclosed area containing livestock, an agricultural building containing livestock or an orchard in or on a motor vehicle (including an off-road vehicle, motorcycle, moped or any other powered two-wheel vehicle) after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden, or remains upon or in the area after receiving notice from the owner or occupant to depart.
- B. A person has received notice from the owner or occupant within the meaning of Subsection A if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof. Said

¹⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

written notice or posted signs may designate specific hours when trespassing is not allowed.

§ 217-9. Violations and penalties. ²⁰

Any person violating any provision of this article shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, of the Village Code.

§ 217-10. Notices of violation; prosecution.

By notice of violation: A law enforcement officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this article by delivering to that person a notice of violation charging that person with the violation.

A. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this article to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the notice of violation, the law enforcement department may:

- (1) Forward copies of the notice of violation and all reports to the Village Attorney, who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
- (2) Forward copies of the notice of violation and all reports to the Rock Island County State's Attorney's Office and request a complaint be filed charging that person with a violation of the Illinois Compiled Statutes.

ARTICLE IV

Public Property and Structures

[Adopted 4-7-2014 by Ord. No. 140704]

§ 217-11. Prohibition.

It shall be unlawful for any person to climb upon any Village-owned structure located on Main Street, including the gazebo, cannon and the War Memorial.

§ 217-12. Violations and penalties.

Anyone convicted of violating this article shall be subject to a fine up to \$375 for the first and subsequent offenses.

²⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).