

# TITLE 5 POLICE REGULATIONS

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## CHAPTER 1 POLICE DEPARTMENT

### SECTION:

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### **5-1-1: DEPARTMENT CREATED:**

There is hereby created a Police Department, an executive department of the City. The Police Department shall consist of the Chief of Police who shall be appointed by the Mayor, with approval of the Council, eight (8) full-time police officers and such other members as may be provided, from time to time, by the Board of Fire and Police Commissioners . (Ord. 845, 2-8-1994; amd. Ord. 1995-5, 2-28-1995)

### **5-1-2: CHIEF OF POLICE:**

- A. Office Created: There is hereby created the office of Chief of Police. He shall be ex officio City Marshall and Superintendent of Police.
- B. Term Of Office: The term of appointment shall not exceed one year and ends, in any case, at the end of the fiscal year.
- C. Powers And Duties: The Chief of Police shall:
1. Keep such records and make such reports concerning the activities of his Department as may be required by statute or by the Mayor and Council.
  2. Be responsible for the performance by 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.
  3. Carry out administrative duties. (1978 Code §4.02)
  4. Be the custodian of all lost and abandoned or stolen property in the City. (1978 Code §4.08)

### **5-1-3: DUTIES OF DEPARTMENT MEMBERS:**

It shall be the duty of the members of the Police Department to see to the enforcement of all of the ordinances of the City and all statutes applicable herein and to preserve order and prevent infractions of the law and arrest violators thereof. (1978 Code §4.03)

### **5-1-4: CONDUCT OF MEMBERS:**

It shall be the duty of every member of the Police Department to conduct himself in a proper and law-abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior. (1978 Code §4.05)

### **5-1-5: RULES AND REGULATIONS:**

The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable, and such rules, when approved by the Mayor and Council, shall be binding on such members. (1978 Code §4.07)

### **5-1-6: SERVING PROCESS:**

No member of the Police Department except the Chief shall serve any process except on command of the Chief of Police. (1978 Code §4.04)

### **5-1-7: SERVE AS WITNESS; FEES:**

Any member of the Police Department shall appear as witness whenever it is necessary in the prosecution for a violation of an ordinance or of any State or 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 City Treasurer. (1978 Code §4.06)

### **5-1-8: PART-TIME POLICE:**

- A. Appointment: The Mayor is authorized to appoint one to twenty (20) part-time policemen, which number may be changed, from time to time, by ordinance. Interviews for these positions shall be conducted by the Chief of Police, Mayor and the chairman of the Public Health and Safety Committee of the City Council. Each individual appointment shall be subject to the advice and consent of the City Council.
- B. Application for Employment; Character; Termination: Prior to appointment, all proposed part-time policemen shall make application and be fingerprinted. Their fingerprints shall be checked with the Federal Bureau of Investigation for possible criminal record. No person shall be appointed as part-time policeman if he has been convicted of a felony or other crime of moral turpitude. The appointment of any or all part-time policemen may be terminated by the Mayor, subject to the advice and consent of the City Council.
- C. Oath; Term of Appointment; Work Week: Part-time policemen shall take a like oath to that of a regular officer, and the term of appointment shall not exceed one calendar year from the date of appointment. A part-time policeman may or may not be reappointed and is limited to working a maximum of thirty five (35) hours per week.
- D. Relationship to Police Department; Duties:
  - 1. Part-time policemen shall not be members of the regular Police Department for the purposes of tenure and promotion only.

2. Part-time policemen shall supplement members of the regular Police Department in the performance of their assigned and normal duties and shall have the powers of a regular policeman when on duty and in the performance of those assigned and normal duties.

3. Part-time policemen shall, at all times during the course of their duties, be subject to the direction and control of the Chief of Police.

E. Training: Prior to entering upon any of their duties as part-time policemen, each part-time policeman shall receive a course of training in the use of weapons and other police procedures as shall be appropriate in the exercise of the powers conferred upon them under this Section. The course of study and training shall be reduced to writing and shall be approved by the City Council.

F. Uniforms and Firearms:

1. Part-time policemen shall wear the uniform prescribed by the Chief of Police and approved by the City Council.

2. Part-time policemen shall carry firearms only when in uniform and in the performance of their duties or assigned special details and only as authorized by the Chief of Police.

G. Compensation: Part-time policemen shall serve with such pay as shall be fixed by the City Council from time to time. (1978 Code §4.12)

### **5-1-9: TEMPORARY POLICE:**

In an emergency situation, the Chief of Police may, with the concurrence of the Mayor, temporarily employ part-time police personnel for a period not to exceed thirty (30) days. Temporary employment is for emergency situations only and applies to part-time policemen. (1978 Code §4.13; amd. Ord. 813, 8-25-92)

## **CHAPTER 2 MINORS**

### **SECTION:**

**5-2-1: Curfew**

**5-2-2: Tobacco Products; Sale of to Minors**

**5-2-3: Parental Responsibility for Acts of Minor Established**

### **5-2-1: CURFEW:**

- A. Age and Hours Restrictions: No person less than seventeen (17) years of age shall be present at or upon any public assembly, building, place, street or highway between the hours of 11:00 o'clock p.m. and 6:00 o'clock a.m. unless accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty one (21) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of the State authorize a person less than seventeen (17) years to perform: (amd. Ord 2005-50, 12-06-2005)
- B. Responsibility of Adult: Any parent, legal guardian or other person shall not knowingly permit a person in his custody or control to violate this Section. (1978 Code §42.13; 1993 Code)
- C. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

### **5-2-2: TOBACCO PRODUCTS; SALE OF TO MINORS:**

- A. Purchase or Possession Unlawful: It shall be unlawful for any person under eighteen (18) years of age to attempt to purchase, or to possess, in a public building, place, school or park, or upon any public highway, a tobacco product.
- B. Unlawful Sales: It shall be unlawful for any person to sell, buy, or distribute any tobacco product to a person under eighteen (18) years of age.
- C. Definition: For purposes of this Section, "tobacco product" means cigar, cigarette, pipe tobacco, chewing tobacco or tobacco pouches.
- D. Penalty:
  - 1. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

### **5-2-3: PARENTAL RESPONSIBILITY FOR ACTS OF MINOR ESTABLISHED:**

- A. Specific Acts Enumerated: It shall be unlawful for the parent, parents or legal guardian of an unemancipated minor residing with such parent, parents or legal guardian to fail to exercise proper parental responsibility by permitting said minor to commit any violation of a City ordinance or a violation of State statute concerning vandalism, fireworks, obscene conduct, trespass, possession of alcoholic liquor or any wilful or malicious acts causing injury to persons or property.

- B. Notice to Responsible Party(ies): The parents or legal guardian of a minor shall be notified by U.S. mail sent by the Police Department and required to appear in court whenever the minor is charged with a violation of an ordinance concerning vandalism, fireworks, obscene conduct, trespass, possession of alcoholic liquor or any wilful or malicious act causing injury to persons or property which requires the minor's appearance in court. Such notice shall be sent to the parents or legal guardian of the minor, and shall state the alleged violation, that the minor must appear in court, and that one of the parents or legal guardians must appear in court on the date set for the minor's first appearance and at such other times as ordered by the Court. The notice shall also state that failure to appear will result in a subpoena being issued by the court to bring such parent or legal guardian into court, and that failure to obey a subpoena can result in contempt of court.
- C. Violation; Penalty: The parent, parents or guardian who violates subsection A of this Section shall make restitution to the injured or damaged party or parties within ten (10) days after receipt of notification as provided for in subsection B of this Section. Parents and guardians shall be responsible individually and jointly. Any person who has the ability to make restitution and who fails or refuses to make payment in full of any amount found due from them to an injured or damaged party, as provided for herein, violates this Section. Any parent or guardian who violates subsections A or C shall pay a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00). (Ord. 873, 9-13-94)

## **CHAPTER 3 ANIMAL CONTROL**

### **SECTION:**

- 5-3-1: Certain Animals Prohibited**
- 5-3-2: Prohibited Acts and Conditions**
- 5-3-3: Rabies Control**
- 5-3-4: Interfering with Officer**
- 5-3-5: Provisions are Additional**
- 5-3-6: Violation; Penalty**

### **5-3-1: CERTAIN ANIMALS PROHIBITED:**

A. Livestock, Fowl, Wild Animals: It shall be unlawful to keep any swine, cows, horses, sheep, goats, domestic fowl and pigeons, or any wild animal which is dangerous to mankind, in the City.

B. Bee Keeping: No person shall keep or house bees in the City. (1978 Code §14.06)

### **5-3-2: PROHIBITED ACTS AND CONDITIONS :**

- A. Cruelty to Animals: No person shall abuse or mistreat any animal. No person shall beat, injure or otherwise abuse any dumb animal or fail to provide any animal in his charge or custody with proper and necessary food, drink or shelter. Any person who underfeeds, overloads or abandons any animal shall be deemed guilty of violating this Section. (1978 Code §14.07)
- B. Noisy Animals: It shall be unlawful to keep or harbor any animal which continually and unreasonably alarms or disturbs the public by loud noises. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property, shall be deemed a nuisance. (1978 Code §14.03) A violation of this paragraph shall be punishable by a fine of Forty Five Dollars (\$45.00). If the fine is received within ten (10) working days, ten dollars (\$10.00) will be subtracted from the penalty.

### **5-3-3: RABIES CONTROL:**

- A. Any dog or animal which shall have bitten any person shall be reported to the Chief of Police or any person authorized by him to impound dogs and animals. The Chief of Police or any person authorized by him to impound dogs and animals shall apprehend and impound in the City pound said dog or animal, unless in the case of a dog, it is wearing evidence of inoculation and a certificate of inoculation can be produced pursuant to 510 Illinois Compiled Statutes. The owner shall be liable for all expenses.
- B. When a dog or animal is apprehended and impounded following a bite report, notice, in writing, shall be given to the owner, if known, within twenty four (24) hours of apprehension or within twenty four (24) hours of discovery of the owners if not known at the time of apprehension.
- C. The owner is any person having any right of property in a dog or other animal or who keeps or harbors a dog or who has a dog in his care or acts as its custodian or who knowingly permits a dog to remain on or about any premises occupied by him. (1978 Code §14.04)

### **5-3-4: INTERFERING WITH OFFICER:**

No person shall molest, resist, interfere with, hinder or prevent any officer in discharging the duties or powers defined by this Chapter. (1978 Code §14.11)

### **5-3-5: PROVISIONS ARE ADDITIONAL:**

The regulations in this Chapter are in addition to the rules and regulations pertaining to dogs and other animals as contained in the Illinois Compiled Statutes, as amended <sup>44</sup>. (1978 Code §14.13)

### **5-3-6: VIOLATION, PENALTY:**

It shall be unlawful for any person to violate any provision of this Chapter. Any person violating any provision of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. (1978 Code §14.09)

## **ANIMAL CONTROL ARTICLE A. DOGS**

### **SECTION:**

- 5-3A-1: Dog Licenses**
- 5-3A-2: License Tags**
- 5-3A-3: Running at Large Prohibited**
- 5-3A-4: Impoundment and Redemption Procedures**
- 5-3A-5: Dangerous, Vicious Dogs**
- 5-3A-6: Removal of Excrement**

### **5-3A-1: DOG LICENSES:**

#### **A. License Requirements:**

1. Every person owning, keeping or harboring any dog within the City shall license and register the same with the City Clerk who shall keep a record for that purpose. (1978 Code § 14.01)
2. It shall be the duty of every owner of a dog harbored in the City to have such dog inoculated against rabies. No annual license shall be issued unless such certificate of rabies inoculation is presented, bearing a date within one (1) year prior to the date of the license application if a one-year immunization vaccine was used, or within three (3) years prior to the date

of license application if a three-year immunization vaccine was administered.

A violation of this paragraph shall be punishable by a fine of Forty five Dollars (\$45.00). If the fine is received within 10(10) working days, ten dollars (\$10.00) will be subtracted from the penalty.

**B. Fees; License Nontransferable:**

1. The fee for said license shall be five dollars (\$5.00) per annum, payable at the time application is made. The license is renewable after January 1 and before March 1 of each year. If a license is applied for after March 1, and the dog was housed within the City at the license applicant's residence prior to March 1, the fee for said license shall be fifteen dollars (\$15.00) per annum.
2. The fee for the replacement of the metal badge shall be two dollars (\$2.00). (Amd. Ord 2004-41,09-21-2004)

**C. Records Kept:** The Clerk shall provide all pertinent data concerning the dog to the Police Department in addition to keeping a record for the City. (1978 Code §14.01)

**5-3A-2: LICENSE TAGS:**

**A. Required for Each Dog:** Every person keeping or harboring any dog so licensed shall keep and maintain a collar or harness around the neck of the dog with the metal badge securely fastened thereto, and every dog found in the City without such badge shall be deemed an unlicensed dog and shall be so disposed of by the Chief of Police, other police officer, or an appointed dog catcher as hereinafter provided. (1978 Code §14.02)

**B. Issuance:** The Clerk shall provide each year such number of metal badges as may be necessary, of such size and shape as shall be deemed expedient, having stamped thereon the words "Dog License" and the number of the license issued, and it shall be the duty of the Clerk to deliver one such metal badge to the person making the application at the time such application is made. (1978 Code §14.01)

**5-3A-3: RUNNING AT LARGE PROHIBITED:**

**A.** No dog shall be permitted to run at large within the limits of the City; and no person shall allow any dog owned or harbored by him to run at large. A dog is "running at large" when it is walking or running about without restraint or confinement off its custodian's premises and within the City limits. (1978 Code §14.05)

- B. Dogs, at all times, shall be kept on a leash or tied, except when confined within or on the premises of the owner or possessor thereof. (1978 Code §14.03)
- C. A violation of paragraphs A or B of this section shall be punishable by a fine of Forty Five Dollars (\$45.00). If the fine is received within ten (10) working days, ten dollars (\$10.00) will be subtracted from the penalty.

#### **5-3A-4: IMPOUNDMENT AND REDEMPTION PROCEDURES:**

- A. Authority to Impound: When any dog or other animal is found running at large, it shall be lawful for the Chief of Police, other police officer or the appointed dog catcher to use any necessary means to capture and impound the dog.
- B. Rules of Confinement:
  - 1. Any impounded dog with proper County rabies identification but without City of Genoa identification shall be confined at the facilities designated by the City.
  - 2. Any impounded dog with proper City identification may be confined at temporary quarters within the City for up to a period not exceeding twenty four (24) hours.
  - 3. Any impounded dog confined in temporary quarters within the City shall be transferred to the facilities of a designated veterinarian one hour prior to his normal closing hours. (1978 Code §14.05; 1993 Code)
- C. Redemption: In case the owner of any impounded dog or other animal desires to make redemption thereof, he may do so on the following conditions:
  - 1. He must present proof of current rabies inoculation and City registration.
  - 2. He must pay the City for the board of the animal for the period it was impounded. The daily fee for impounding shall be five dollars (\$5.00). The owner is also responsible for any fees charged by animal shelters and/or veterinarians.
  - 3. He must pay the City for the City's services in apprehending and safeguarding said animal the sum of twenty (\$20.00). (Ord. 812, 8-11-92)

#### **5-3A-5: DANGEROUS, VICIOUS DOGS:**

In the event that it is impossible to impound a dangerous or vicious dog without danger or injury to any person or reasonable apprehension of danger or injury to any person, the City is hereby empowered and authorized to destroy the dog. (1978 Code §14.10)

## **5-3A-6: REMOVAL OF EXCREMENT:**

No owner or person who has possession or control of a dog shall fail to remove excrement deposited by such dog or other animal upon the public ways or within the public places of the City or upon the premises of any person other than the owner. (1978 Code §14.12) A violation of this section shall be punishable by a fine of Forty Five Dollars (\$45.00). If the fine is received with ten (10) working days, ten dollars (\$10.00) will be subtracted from the penalty.

## **ANIMAL CONTROL ARTICLE B. CATS**

### **SECTION:**

#### **5-3B-1: Cats**

#### **5-3B-1: CATS:**

1. There is hereby created a program within the police Department of the City of Genoa to provide for the capture and sterilization of stray and feral cats within the City. Any cat found within the City of Genoa and off the premises of its owners or harborers, and not under the immediate control of its owners or harborers, is hereby declared to be subject to capture and sterilization.
2. The Chief of Police is authorized to enter into a contract with an appropriate entity to provide for the capture, sterilization, and return to its owners stray and feral cats found off the premises of the cat's owners or harborers.
3. In entering into an agreement for the purposes of the program set forth in this ordinance, the agreement shall provide for:
  - a. The obligation of the contracting party to respond to the direction of the Chief of Police and its designees and agents to take possession of cats which are off the premises of their owners or harborers;
  - b. The obligation of the contracting party to establish traps within the City to capture stray or feral cats;
  - c. The sterilization of stray and feral cats;
  - d. A reimbursement amount for services provided under the contract;

e. The contracting party to hold the City of Genoa harmless from any liability for operation of the program, and to indemnify the City for any costs it incurs with the administration of the program, or defense of any actions related to the program.

## **CHAPTER 4 MISCELLANEOUS OFFENSES**

### **SECTION:**

<b>5-4-1:</b>	<b>Disorderly Conduct</b>
<b>5-4-1-1:</b>	<b>Quiet Hours</b>
<b>5-4-2:</b>	<b>Offenses Involving Property</b>
<b>5-4-2-1:</b>	<b>Damage, Injury to Property</b>
<b>5-4-2-2:</b>	<b>Posting Bills</b>
<b>5-4-2-3:</b>	<b>Trespasses</b>
<b>5-4-2-4:</b>	<b>Theft of Recyclable Materials</b>
<b>5-4-2-5:</b>	<b>Loitering</b>
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<b>5-4-3-1:</b>	<b>Fireworks</b>
<b>5-4-3-2:</b>	<b>Barb Wire Fences</b>
<b>5-4-3-3:</b>	<b>Pollution</b>
<b>5-4-4:</b>	<b>Offenses Involving Weapons</b>
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<b>5-4-4-2:</b>	<b>Concealed Weapons</b>
<b>5-4-5:</b>	<b>Offenses Involving Morals and Decency</b>
<b>5-4-5-1:</b>	<b>Disorderly Houses</b>
<b>5-4-5-2:</b>	<b>Obscene Material</b>

### **5-4-1: DISORDERLY CONDUCT:**

No person shall engage in disorderly conduct in the City. Any of the following acts constitute disorderly conduct and are classified as petty offenses, unless otherwise provided:

- A. Breach of Peace: Making, aiding or assisting in making any improper noise, riot, disturbance, breach of peace or diversion tending to a breach of the peace.
- B. Fighting: Engaging in or aiding or abetting any fight, quarrel or other disturbance.
- C. Disturbing Assemblies: Disturbing any religious service, public or private meeting or assembly of persons.

- D. Creating Crowd: Collecting in crowds for unlawful purposes or for any purpose to the annoyance or disturbance of other persons.
- E. Public Intoxication: Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons, which is hereby classified as a misdemeanor.
- F. Obstructing Officer: Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity, which is hereby classified as a misdemeanor.
- G. Inciting Disturbance: Assembling with two (2) or more persons for the purpose of using force or violence to disturb the public peace.
- H. Failure to Obey Officers: Failing to obey a lawful order of dispersal by a person known to be a peace officer, where three (3) 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.
- I. Unauthorized Occupancy: Lodging in or being in outhouses, sheds, barns, stables or unoccupied buildings.
- J. Offensive Language: Using any obscene, profane, threatening or inciting language in any public place.
- K. Throwing Missiles: Throwing stones or missiles in public places or at any person or property or brandishing or threatening to use any missile or dangerous weapon or object.
- L. Vandalism: Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings or vehicles or engaging in any acts of vandalism. (1978 Code §42.01)
- M. Noxious Odors: Engaging in any act that emits noxious odors or fumes for the purpose of alarming or disturbing another and to provoke a breach of the peace. (Ord. 784, 5-28-91)
- N. Noise: Disturbing the peace and quiet of any other person by creating excessive noise on his or any property. Excessive noise shall include, but not by way of limitation, any of the following:
  - 1. Loud playing of phonographs, radios, television sets or music machines or musical instruments.
  - 2. Barking or howling dogs or cats.

3. Vehicles without mufflers or the unnecessary use of horns on vehicles. (1978 Code §42.05)

O. Gang Activity:

1. Temporary Questioning Without Arrest: A police officer, after having identified himself as a police officer, may stop any person in a public place for a reasonable period of time when the person is wearing known gang colors, emblems or other gang insignia, or appears to be engaged in communicating gang-related messages through the use of hand signals or other means of communication, or as otherwise provided by law, and the officer reasonably believes from the circumstances that the person is committing, is about to commit or has committed any offense set forth in the ordinances of the City. Once stopped, the officer may demand the name and address of the person and an explanation of his actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.

2. Search Authorized: When a police officer has stopped a person for temporary questioning pursuant to subsection P1 and the officer reasonably suspects that he or another officer is in danger of attack, he may search the person for weapons. If an officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall return the weapon, if lawfully possessed, or arrest the person so questioned. (Ord. 841, 1-11-94)

P. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

**5-4-1-1: QUIET HOURS:**

A. Quiet Hours Established: As used in this section, Quiet Hours shall be a time commencing every evening at 10:00 p.m. and ending at 7:00 a.m. Monday through Friday and ending 8:00 a.m. on Saturday and Sunday.

B. Violation Established: It shall be a violation of this Section for any person to cause, allow or permit the following conditions to exist:

1. Construction or Repairing of Buildings: The erection (including excavation), demolition, alteration or repair of any building (or structure) during quiet hours, except in case of urgent necessity in the interest of public health and safety, and then only with a permit issued by the City that may be granted for a period not to exceed three (3) days or less while the emergency continues and which permit may be renewed for periods of three (3) days or less while the emergency continues.

2. Pile Drivers and Hammers: The operation during quiet hours of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
3. Loudspeakers, Amplifiers, Paging Systems:
  - a. Use for Advertising & Entertainment: The playing, using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets of the City for the purpose of commercial advertising, entertainment or of attracting the attention of the public to any building or structure during quiet hours, unless a permit has been issued by the City.
  - b. Location Within One Hundred Fifty Feet of Residentially Zoned Property: The operating of, or permitting to be operated, any receiving set, phonograph, loudspeaker, sound amplifier, paging system or other machine or device for the production or reproduction of sounds in such a manner that distinct and loudly audible noises are emitted upon or proximate to a public way, which public way is within one hundred fifty feet (150') of property used for residential purposes during quiet hours, unless a permit has been issued by the city.
4. Lawn Care Equipment: The use of any motorized mower, edger, hedge cutter, leaf blower or chain saw during quiet hours. (Amd Ord 2004-40, 09-07-2004)

## **5-4-2: OFFENSES INVOLVING PROPERTY:**

### **5-4-2-1: DAMAGE, INJURY TO PROPERTY:**

- A. Damaging Property: No person shall damage, destroy or deface any public or private property without permission of the owner. (1978 Code §42.07)
- B. Injury to Bills or Posters: No person shall destroy, tear or mutilate or otherwise deface or injure any bill or poster posted in such places as may be permitted without the consent of the person on whose behalf the same shall have been posted. (1978 Code §5.23)

### **5-4-2-2: POSTING BILLS:**

- A. No person shall paste, post, paint, print or nail or otherwise fasten or append or distribute any handbill, poster, advertisement, sign or notice of any kind on or to any curb, sidewalk, tree, lamppost, utility pole, bridge, hydrant or upon other property of the City or over which the City has control without the consent of the City, or upon any private property without the consent of the owner thereof. Courtesy signs, defined as temporary directional signs such as for garage sales, real estate open houses, and religious and civic events, are permitted; provided, that such placement be registered with the City Clerk with the approval of the Public Works Director; and provided, that such signs be removed within seventy two (72) hours of placement. (Ord. 815, 11-10-92)
- B. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

### **5-4-2-3: TRESPASSES:**

- A. It shall be unlawful for any person to commit a trespass within the City upon either public or private property.
- B. Without constituting any limitations upon the provisions of this Section, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of this Section; the aforesaid enumerated acts so included, being as follows:
  - 1. An 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 such 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.
  - 2. 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 such 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.
  - 3. 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.
  - 4. An entry 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 vehicle, aircraft or watercraft after being requested to leave by the person having such right. (1978 Code §42.08)

- C. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

#### **5-4-2-4: THEFT OF RECYCLABLE MATERIALS:**

- A. A person who obtains possession of recyclable materials with the intent to prevent the pickup of such materials by the Municipal garbage disposal service <sup>48</sup> commits theft of recyclable materials, if such possession was not authorized by the Mayor or by the Municipal garbage disposal service.
- B. As used in this Section, "recyclable materials" means newsprint or aluminum, tin, plastic or glass containers which have been segregated for recycling purposes and placed for pickup by a Municipal garbage disposal service on or near a public right of way. (1978 Code §42.14)

#### **5-4-2-5: LOITERING:**

- A. Definition: As used in this Section, "loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly.
- B. Prohibited Conduct:
1. No person shall loiter or prowl in a public place in such manner as to:
    - a. Warrant a justifiable and reasonable alarm or immediate concern for the safety of person or property in the vicinity;
    - b. Create or cause to be created a danger of a breach of the peace;
    - c. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
    - d. Obstruct the free passage of pedestrians or vehicles; or
    - e. Obstruct, molest or interfere with any person lawfully in any public place.
  2. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.
- C. Request to Leave: Whenever the presence of any person in any public place is causing any of the conditions enumerated in subsection B, any peace officer may

order that person to leave the place. Any person who shall refuse to leave after being ordered to do so shall be guilty of separate, nonexclusive violation of this Section if at trial it appears by a preponderance of the evidence that the defendant committed any act prohibited by subsection B of this Section. (Ord. 802, 5-12-92)

- D. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

### **5-4-3: OFFENSES RELATING TO PUBLIC HEALTH AND SAFETY:**

#### **5-4-3-1: FIREWORKS:**

A. Definition.

For the purpose of the enforcement of City Ordinances, “fireworks” shall mean:

“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, 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.”

- B. Violation. Any person who violates this section and has been issued a citation signed by a City law enforcement officer of this section shall be fined in accordance with Section 1-4-1.

No person shall possess, sell, offer for sale, use or explode any fireworks in City, except as provided in Paragraph C herein.

C. Permit for Public Display.

Upon written application, the City Council may grant to the applicant a permit for the public display of fireworks. The applicant must:

1. Allow the Genoa Fire Protection District Chief, or his designee, to supervise the display; and
2. Comply with all requirements set forth in 425 ILCS 35/2 as now or hereafter amended.

(Amd Ord 2005-33, 09-06-2005)

#### **5-4-3-2: BARBED WIRE FENCES:**

(Rep. by Ord. 840, 1-11-94)

#### **5-4-3-3: POLLUTION:**

No person shall pollute the air or any watercourse by excessive discharge of waste products or foreign matter. (1978 Code §42.10)

#### **5-4-4: OFFENSES INVOLVING WEAPONS:**

##### **5-4-4-1: DISCHARGING FIREARMS/AIR RIFLES; HUNTING:**

No person shall discharge any firearms, air rifles, or do any hunting in the City. This shall not apply to peace officers in the line of duty or any person acting in self defense or to any person engaged in target practice with a firearm in the basement of an occupied residence; provided, that there is an adequate backstop or bullet trap in use. The term air rifles as used in this ordinance shall be as defined in 720 ILCS 535/1. (1978 Code §42.02)

##### **5-4-4-2: CONCEALED WEAPONS:**

A person who is not a City officer shall not carry about his person any concealed pistol, switchblade knife, razor, slingshot, metal knuckles or any other weapon or thing of deadly character. (1978 Code §42.03)

#### **5-4-5: OFFENSES INVOLVING MORALS AND DECENCY:**

##### **5-4-5-1: DISORDERLY HOUSES:**

No person shall, within the City or within three (3) miles of the outer limits of the City, keep, maintain, frequent or be an inmate of or connected therewith or contribute to the support of any disorderly house or house of ill fame or assignation or any place used for the practice of fornication or adultery or knowingly suffer or permit any house or other premises owned or occupied by him or under his control to be used for any such purposes. (1978 Code §42.11)

#### **5-4-5-2: OBSCENE MATERIAL:**

No person shall exhibit, sell or offer to sell any obscene or immoral publication, print, pictures or illustrations. (1978 Code §42.12)