

CHAPTER 14

OFFENSES – MISCELLANEOUS

Section 14-101. Curfew. It shall be unlawful for any person under the age of seventeen (17) years to be present on any public assembly, building, place, street or highway in the Village between the hours of 12:01 A.M and 6:00 A.M. Saturday between the hours of 12:01 A.M and 6:00 A.M Sunday, and between the hours of 11:00 P.M. and 6:00 A.M. on any other day of the week, unless such person is accompanied by a parent, legal guardian, or other responsible adult companion approved by the parent or legal guardian, or unless engaged in some occupation or business in which such person may lawfully engage under the statutes of the State of Illinois. Curfew hours for a day preceding a holiday shall be the same as for a Friday and Saturday.

Section 14-102. Disorderly Conduct. A person commits disorderly conduct when such a person knowingly:

- A. Does any act in such unreasonable manner** as to alarm disturb another and to provoke a breach of the peace.
- B. Transmit in any manner to the Fire Department** of any city, town or village a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.
- C. 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 a bomb or explosive is concealed in such place.
- D. 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.
- E. 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.
- F. While acting as a Collection Agency** as defined in the "Collection agency Act" or as an employee of such 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.
- G. Transmits a false report to DCFS** (Department of Children and Family Services) under Section 4 of the "Abused and Neglected Child Reporting Act."

H. Transmits a false report to the Department of Public Health under the Nursing Home Care Act.

I. Transmits in any manner to the Police Department or Fire Department of any municipality of Fire Protection District, or any privately owner 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 such assistance is required.

J. Transmits a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended.

Section 14-103. Littering. It shall be unlawful for any person to discard, distribute or scatter any paper, cans, bottles, refuse, garbage or any other material upon the streets of the Village, or upon the parks, beaches, or property belonging to the Village.

Section 14-104. Firearms. It shall be unlawful to discharge any firearms or air gun in the Village; provided that this not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; provided further, that this not be construed to prohibit any citizen to discharge a firearm when lawfully defending his person or property or any other person.

Section 14-105. Use of Controlled Substances. It shall be unlawful for any person who controls any building to knowingly grant, permit or make the building available for the purposes of using Cannabis or any controlled substance as defined by the statutes of the State of Illinois.

Section 14-106. Fireworks. It shall be unlawful for any person to explode, set off, ignite or use fireworks (as such term is defined in 425 ILCD 35/1).

Section 14-107. Criminal Damage to Property.

Section 14-107.1. Definitions. For the purpose of Sections 14-107.2 through 107.5, inclusive, the following definitions shall apply:

Person shall include any individual, firm, partnership, association, corporation, company or organization of any kind.

Property shall include any real estate including improvements thereon, and tangible personal property.

Legal Guardian shall include a person appointed guardian, or given custody of a minor by a Circuit Court of the State but does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act or the Juvenile Court Act of 1987.

Minor shall be a person who has attained eleven years of age but who has not yet reached nineteen years of age.

Section 14-107.2. Offenses.

A. Within the Village of Oakwood Hills it shall be unlawful for any person to:

1. Willfully or maliciously damage or cause to be damaged any property of another person without his consent; or
2. Willfully enter into or obtain control over any motor vehicle, bicycle, aircraft or watercraft or any part thereof of another person without such person's consent.

B. It shall be unlawful for any parent or legal guardian of any unemancipated minor, who resides with such parent or legal guardian to neglect or restrain such minor from committing any act prohibited by Subsection **A** of this section. The commission of any act prohibited by Subsection **A** of this section by an unemancipated minor who resides with his parents or legal guardian shall raise the presumption that the parent or legal guardian has neglected to restrain such minor from committing such act. It shall be an affirmative defense for the parent or legal guardian to prove that such parent or legal guardian exercised his duty to restrain the minor from committing the act prohibited by Subsection **A** of this section complained of in the pending action, but that such action on the part of the parent or legal guardian to attempt to restrain said minor, although exercised with due care, was unsuccessful.

Section 14-107.3. Penalty.

A. Every person or minor found guilty of an offense under Subsection **A** of Section 14-107.2 shall be subject to a fine not less than \$25.00 nor more than \$500.00 for each offense.

B. Every person found guilty under Subsection **B** of Section 14-107.2 shall be liable for actual damages not to exceed \$1,000.00 for each person or legal entity as provided in 70 ILCS 115/4, for each occurrence of such willful or malicious acts by the minor causing injury, in addition to taxable Court costs.

Section 14-107.4. Liability of Parent or Legal Guardian of Minor Offender. The parent or legal guardian of an unemancipated minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a Court upon such minor for violation of this Ordinance provided that such minor has not paid said fine or made restitution or reparation within the time ordered by the Court, and further provided that said parent or legal guardian has been served with summons or notice to appear in the original cause against such minor and all proceeding thereafter.

Section 14-107.5 Civil Remedies. Nothing herein shall preclude such additional civil remedies available to the person whose property has been damaged by any such minor.

Section 14-108. Open Burning. (Amended Ord. 09-03-02) A person shall not cause or allow open burning of landscape waste (or any materials) unless approved in accordance with the provisions as found in the Chapter, as amended from time to time, and also in compliance with McHenry County Open Burning of Landscape Waste Ordinance, as amended from time to time.

Section 14-108.1. Definitions.

Brush Tree trunks, limbs, branches, and twigs.

Ceremonial Fire (Bonfire) An outdoor fire larger than three feet by three feet by three feet (3'x3'x3') which is used for entertainment purposes as part of a specifically scheduled public or private event and excludes leaves, grass, or shrubbery clippings or cuttings.

Garbage The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable Structure Any structure with electric and heat intended to be used for living, sleeping, eating, or assembly purposes including but not limited to residences, multi family dwellings, churches, schools, food facilities and industrial buildings.

Landscape Waste All accumulation of grass or shrubbery cuttings, leaves, flowers and weeds as a result of the care of the property's lawn.

Litter Any discarded, used or unconsumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, motor vehicle parts, furniture oil, carcass of dead animal, any nauseous or offensive matter of any kind, any object likely to injure a person or create a traffic hazard, potentially infectious medical waste, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

Manure The fecal and urinary defecations of livestock and poultry. Manure may often contain some spilled feed, bedding or litter.

Non-Habitable Structure. Any structure not identified as habitable as defined and would include for is not limited to garages, sheds, barns, and swimming pools.

Open Burning The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the provisions of the Environmental Protection Act.

Recreational Fire A temporary outdoor fire for warmth, cooking for human consumption, or for non-ceremonial purposes where the fire is not larger than three feet by three feet by three feet (3'x3'x3') and excludes leaves, grass or shrubbery clippings or cuttings.

Structure The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle or travel trailer on a site for more than one hundred eighty (180) consecutive days.

Section 14-108.2. Exemptions (Amended Ord. 09-03-02)

A) Sections 14-108.3 (A) & (B), 14-108.4 (B) 1-3, and 14-108.5 (B) shall not apply to prescribed burns associated with ecologic restoration or natural landscape management, any burning of landscape waste for purposes of habitat reclamation, or firefighter training.

B) Sections 14-108.3 (A) & (B), 14-108.4 (B) 1-3, and 14-108.5 (B) shall not apply to the burning of brush for purposes of domestic fireplaces or cooking or external fireplaces, or to self-contained outdoor wood-burning devices or fireplaces.

C) Sections 14-108.3 (A) & (B), 14-108.4 (B) 1-3 and 14-108.5 (B) shall not apply to the open burning of brush for purposes of recreational fires.

D) Sections 14-108.3 (A) & (B), 14-108.4 (B) 1-3, and 14-108.5 (B) shall not apply to the open burning of brush for purposes of ceremonial fires or bonfires provided that notice of any ceremonial fire or bonfire has been given to the fire protection district or fire department serving the area where the fire is to take place and a permit has been obtained from the McHenry County Department of Health. Failure to obtain a permit from the McHenry County Department of Health prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Ordinance. Failure to notify the applicable fire protection district or fire department and obtain permission prior to conducting a ceremonial fire utilizing brush shall be deemed a violation of this Ordinance.

E) Section 14-108.4 (B)1 shall not apply where the fire is located five hundred feet (500') or greater from a habitable structure.

Section 14-108.3. Prohibition. (Amended Ord. 09-03-02)

A) Open burning of landscape waste shall not take place within one hundred feet (100') of a habitable structure.

B) Open burning of landscape waste shall not take place less than fifty feet (50') from any structure that is not habitable.

C) The burning of manure, garbage, litter or any materials other than landscape waste and/or brush is prohibited on any property in McHenry County.

D) The Village President or his/her authorized designee shall have the authority to prohibit all open burning of landscape waste in the event of emergencies, which require shifting staff priorities or conditions that may represent significant potential for fire safety issues.

Section 14-108.4. Restrictions. (Amended Ord. 09-03-02)

Any open burning in the Village of Oakwood Hills shall be in accordance with the restrictions enumerated below:

A) The open burning of landscape waste shall only occur on the property upon which the landscape waste was generated. The burning of any materials other than landscape waste is prohibited.

B) The following restrictions upon the open burning of landscape waste on the property upon which it was generated shall prevail:

- 1.** Burning is permitted only on weekends, between 9:00 AM until dusk, during the months of April , May, October and November,.
- 2.** Burning is not permitted when the wind is in excess of ten (10) miles per hour.
- 3.** Burning is not permitted of any material other than dry landscape waste and/or brush.
- 4.** Burning is not permitted on public or private roads, alleys, sidewalks or easements.
- 5.** Burning is not permitted when it is a visibility hazard on roadways, railroad tracks or air fields.

Section 14-108.5. Conditions and Limitations of Open Burning. (Amended Ord. 09-03-02)

A) All open burning must be supervised at all times by an individual at least eighteen (18) years of age until the fire is extinguished.

B) A fire extinguisher or garden hose or water source shall be available at the burning site at all times.

C) It is the responsibility of the individual conducting the burning and the owner of the property to satisfactorily determine that all conditions upon burning as noted herein are complied with during any burning.

D) It shall be unlawful for any person to cause or allow any open or uncontrolled burning of landscape waste and/or other materials in violation of the above regulations and restrictions.

E) Any ceremonial fire (bonfire) or recreational fire must be supervised at all times by an individual at least eighteen (18) years of age or older.

F) The Village President or his/her authorized designee shall have the authority to waive all or part of the requirements of this Ordinance in the event of emergencies resulting from natural phenomenon or civil strife.

Section 14-108.6. Enforcement, Violations and Penalties. (Amended Ord. 09-03-02)

A) The Village of Oakwood Hills shall be primarily responsible for the enforcement of this Ordinance. Any enforcement officer or authorized person of the Village of Oakwood Hills law enforcement agency, fire department or fire protection district are hereby authorized to enforce the provisions of this Ordinance.

B) Any person who violates any provision of this Ordinance shall be punished by a fine of one hundred dollars (\$100.00) for a first time offense and a fine of up to one thousand dollars (\$1,000.00) for offenses subsequent to the first offense. The burning of any toxic material and any prior convictions under this Ordinance shall be considered factors in aggravation for purposes of the assessment of any fines.

