

CHAPTER 22 MISCELLANEOUS OFFENSES AND PROVISIONS

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ARTICLE I. IN GENERAL

Sec. 22 01 Resisting or obstructing peace officers; enforcement of Code.

- (a) It shall be unlawful for any person to knowingly resist or obstruct the performance of one known to the person to be a peace officer of any authorized act within his official capacity.
- (b) No person shall obstruct or impede the enforcement of this Code. (Code 1965, Sec. 51.34)

State law reference - Similar provisions, Ill. Rev. Stat. Ch. 38, Sec. 31-1.

Sec. 22-02. Refusing to aid an officer.

It shall be unlawful for any person, upon command to refuse or knowingly fail to reasonably aid a person known by him to be a peace officer in:

- (1) Apprehending a person whom the officer is authorized to apprehend; or
- (2) Preventing the commission by another of any offense. State law reference Similar provisions, Ill. Rev. Stat. Ch. 38. Sec. 31 8.

Sec. 22 03. Aiding prisoner to escape.

- (a) It shall be unlawful for any person, with intent to aid any prisoner in escaping from any penal institution, to convey into the institution or transfer to the prisoner anything for use in escaping.
- (b) It shall be unlawful for any person to knowingly aid a person convicted of a crime or charged with the commission of a crime in escaping from any penal institution or from the custody of any employee of that institution.
- (c) It shall be unlawful for any person to knowingly aid a person in escaping from any public institution other than a penal institution, in which he is lawfully detained, or from the custody of an employee of that institution.
- (d) It shall be unlawful for any person to knowingly aid a person in the lawful custody of a peace officer in escaping from custody.

- (e) It shall be unlawful for any officer or employee of any penal institution to recklessly permit any prisoner in his custody to escape.

State law reference - Similar provision, Ill. Rev. Ch. 38, Sec. 31-7.

Sec. 22 04. Impersonating an officer.

No person shall falsely represent any member of the Police Department or shall maliciously, or with intent to deceive, use or imitate any sign, signal or device used by the department, or, not being a Police Officer, shall wear in public the police uniform. (Code 1965, Sec. 7.12)

Sec. 22 05. Assault.

It shall be unlawful for any person to commit assault. A person commits assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery. (Ord. of 10-16 67, Sec. 1)

State law reference - Similar provision, Ill. Rev. Stat. Ch. 38, Sec. 12 1.

Sec. 22 06. Battery.

It shall be unlawful for any person to commit a battery. A person commits a battery when he intentionally or knowingly without legal justification and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual. (Ord. of 10 16 67, Sec. 1)

State law reference - Similar provision, Ill. Rev. Stat. Ch. 38, Sec. 12 3.

Sec. 22 07. Unlawful assembly

Two (2) or more persons shall not assemble together for any unlawful purpose, or being assembled, shall not act in concert to do an unlawful act, with force and violence, against the property of the City, or the person or property of another, or against the peace or to the terror of citizens or other persons, or make any movement or preparation therefor. Violators of this section shall be severally subject to the penalty provided for violation of this Code after being requested by any police or other City Officer to disperse and failing to do so. (Code 1965, Sec. 51.04)

State law reference - Authority of municipalities to suppress disorderly assemblies, Ill. Rev. Stat. Ch. 24, Sec. 11 52; unlawful assembly, Ch. 129, Sec. 268.

Sec. 22 08. Disturbing the peace.

No person shall disturb the peace of the City, or any private party or any person therein by any act done in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace. (Ord. of 10 16 67, Sec.1)

State law reference - Authority of municipalities to prevent or suppress disturbances, Ill. Rev. Stat. Ch. 24, Sec. 11 5 2.

Sec. 22 09. Threats, profane and obscene language.

No person shall, within the City, challenge another to fight, or shall threaten or traduce another, or shall use any profane, obscene or offensive language, or indulge in any conduct toward another tending to provoke a disturbance or breach of the peace. (Code 1965. Sec.51 03)

Sec. 22 10. Permitting disorderly conduct on premises.

No person shall 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 any premises owned or occupied by him or under his control. (Code 1965, Sec. 51.05)

State law references authority of municipalities to prevent disorderly conduct, Ill. Rev. Stat. Ch. 24, Sec. 11 5-3; disorderly conduct, Ch.38, Sec. 26 1.

Sec. 22 11. Disturbing religious worship.

No person shall interrupt or disturb any congregation or assembly met for the purpose of religious worship, or for any lawful purpose, by making any loud or unusual noise, or by rude and indecent behavior, or by obscene or improper discourse or conduct. (Code 1965, Sec. 51.06)

Sec. 22 12. Disturbing funeral.

No person shall willfully interrupt or disturb any funeral procession or assembly. (Code 1965, Sec. 51.07)

Cross references Permit for funerals, Sec. 29 3; driving through funeral processions, Sec. 32 19.

Sec. 22 13. Throwing of stones.

No person shall purposely or heedlessly cast or throw any stone, or other missile from or into any public place, or at any house, vehicle, other property or person. (Code 1965, Sec. 51.09)

Sec. 22 14. Carrying, concealing or flourishing weapons.

No person shall carry, wear or carry concealed about his person, any pistol, revolver, metallic knuckles, bowie knife, dirk, or other dangerous or deadly weapon nor shall he display or flourish any such weapon in a boisterous or threatening manner. This section shall not be held to apply to any policeman, constable or other peace officer, while in the discharge of his duty, nor to any person summoned by such officer to aid him in the making of an arrest in preserving the peace. (Code 1965, Sec. 51.11)

State law references Deadly weapons, Ill. Rev. Stat. Ch. 38, Sec. 24 1 et seq.; firearms and ammunition, Ch. 38, Sec. 83 1 et seq.

Sec. 22 15. Dangerous weapons prohibited.

No person shall carry, possess or sell, loan or give to any person, any blackjack, sling shot, metal knuckles, bludgeon or 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, commonly referred to as a switchblade knife, or carry or possess, with intent to use the same unlawfully against another, a dagger, dirk, billy, any dangerous knife, razor, stiletto or other dangerous or deadly weapon or instrument of like character. (Code 1965, Sec. 51.12)

Sec. 22 15.1. Sale and Brandishing of Replica or Facsimile of Firearms.

- (a) No person shall display, market for sale, or sell any replica or facsimile of a firearm in the City. The decisions of this subsection shall not apply to any replica or facsimile firearm which, because of its distinct color, exaggerated size, or other design feature, cannot reasonably be perceived to be a real firearm.
- (b) Except in self defense, no person shall draw, exhibit, or brandish a replica or facsimile of a firearm or simulate a firearm in a rude, angry, or threatening manner, with the intent to frighten, vex, harass, or annoy any other person.
- (c) No person shall draw, exhibit, or brandish a replica or facsimile of a firearm or simulate a firearm in the presence of a peace officer, firefighter, emergency medical technician, or paramedic engaged in the performance of his or her duties, and the person committing such brandishing knows or has reason to know that such persons aforementioned are engaged in the performance of their duties.

Sec. 22 15.2. Definitions concerning firearms.

- (a) "Firearm" shall have the same meaning as the term "firearm" within Chapter 38, Paragraph 83 1.1 of the 1985 Illinois Revised Statutes.
- (b) "Replica or facsimile of a firearm" shall mean any device or object made of plastic, wood, metal, or any other material which is a replica, facsimile, or any version of, or is otherwise recognizable as a pistol, revolver, shotgun, sawed off shot gun, rifle, machine gun, rocket launcher, or any other firearm. As used in this section "replica or facsimile of a firearm" shall include, but is not limited to, toy guns, movie props, hobby models (either in kit form or fully assembled), starter pistols, air guns, inoperative firearms, or any other device which might reasonably be perceived to be a real firearm. (Ord. No. 88 3, Sec. 1 2, 2 16 88).

Sec. 22 16. Drunkenness.

No person shall be in a state of intoxication or drunkenness in any street, sidewalk or other public place, or place open to public view, or in any private house or place, to the annoyance of any person. (Code 1965, Sec.51.13)

State law reference Authority of municipalities to prevent intoxication, Ill. Rev. Stat. Ch. 24, Sec. 11 5 3.

Sec. 22 16.1. Driving under influence of intoxicating liquor or narcotic drug.

- (a) No person who is under the influence of intoxicating liquor may drive or be in actual physical control of any vehicle within this City.
- (b) No person who is an habitual user of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle may drive or be in actual physical control of any vehicle within this City. The fact that a person charged with a violation of this subsection (b) is or has been entitled to use such drug under the law of this state does not constitute a defense against any charge of violation of this subsection (b).
- (c) Upon the trial of any action or proceeding arising out of the acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, evidence of the amount of alcohol in the person's blood at the time of the act alleged

as shown by a chemical analysis of his breath, blood, urine, saliva or other bodily substance is admissible, as provided hereinafter in this subsection (c) and the result of any such analysis shall give rise to the following presumptions:

- (1) If there was at the time of such analysis five one hundredths (0.05) per cent or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor;
- (2) If there was at the time of such analysis in excess of five one hundredths (0.05) per cent but less than ten one hundredths (0.10) per cent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether such person was under the influence of intoxicating liquor;
- (3) If there was at the time of such analysis ten one hundredths (0.10) percent* or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor.

*Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) cubic centimeters of blood. Evidence based upon a chemical analysis of blood, urine, breath, saliva, or other bodily substance shall not be admitted unless such substance was procured and such analysis made with the consent of the person as provided in this section, whose bodily substance was so analyzed.

The foregoing provisions of this subsection (c) shall not be construed as limiting the introduction of any other component evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

- (d) Chemical analysis of the person's blood or breath to be considered valid under this section must be performed according to uniform standards adopted by the state department of public health, in cooperation with the superintendent of state police, and by an individual possessing a valid permit issued by that department for this purpose.
- (e) When an unconscious person or person otherwise incapable of refusal is given a blood test at the request of a law enforcement officer under the provisions of this section only a physician authorized to practice medicine in all its branches, a registered nurse or other qualified person may withdraw blood, in a manner prescribed by the department of public health for the purpose of determining the alcoholic content therein.
- (f) The person tested may have a physician authorized to practice medicine in all its branches, a qualified technician, chemist, registered nurse or other qualified person of his own choosing, to administer a chemical test or tests, at his own expense, in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.
- (g) Upon the request of the person who submitted to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests must be made available to him or his attorney.
- (h) Evidence of a refusal to submit to a chemical test is inadmissible in any civil action or proceeding, or in any action brought against him for a violation of this section. However, nothing in this paragraph (h)

shall prevent the admission of evidence of such refusal in a hearing on the admission of evidence of such refusal in a hearing on the suspension of a person's privilege to operate a motor vehicle under Section 11501.1 of the Illinois Motor Vehicle Code.

- (i) Every person who is convicted of a violation of this section shall be guilty of a misdemeanor as defined in Section 1-14 of this Code. (Ord. No. 76 39, Sec. 1, 7 20 76)

Sec. 22 17. Regulation of sale and use of model glue; inhalation of fumes prohibited; penalties.

- (a) As used in this section, the term "model glue" shall mean any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles, containing toluene, acetone, or other solvent or chemical having the property of releasing toxic vapors.
- (b) No person shall, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any model glue; provided, however, that this subsection shall not apply to the inhalation of any anesthesia for medical or dental purposes.
- (c) No person shall for the purpose of violating or aiding another to violate any provision of this section, intentionally possess, buy, sell, transfer possession, or receive possession of any model glue.
- (d) Except as provided in this subsection and subsection (e), no person under sixteen (16) years of age shall possess or buy any model glue. Except as provided in this subsection and subsection (e), no person shall sell or transfer possession of any model glue to another person under sixteen (16) years of age; provided, however, a person may sell or transfer possession of model glue to a person under sixteen (16) years of age for model building or other lawful use where such minor has in his possession and exhibits the written consent of his parent or guardian.
- (e) A person making a sale or transfer of possession of model glue to a person under sixteen (16) years of age who exhibits the written consent of his parent or guardian, shall record the name, address, sex and age of the minor and the name and address of the consenting parent or guardian. All data required by this subsection shall be kept in a permanent type register available for inspection by the Chief of Police for period of at least six (6) months.
- (f) Any person other than a minor violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be fined as provided in the general penalty in section 1 18. Any minor violating any of the provisions of this section shall be dealt with in accordance with the applicable Illinois states statute. (Ord. of 10 16 67, Secs. 1 6)

State law reference Juvenile courts, Ill. Rev. Stat. Ch. 37, Sec. 701 1 et seq.; intoxicating compounds, Ch. 38, Sec. 81 1 et seq.

Sec. 22-17.1 City of Kankakee Established as a Drug Free Work Place.

The City of Kankakee shall require that all employees be notified in writing that the unlawful manufacture, dispensation, possession or use of a controlled substance in the work place is strictly prohibited.

Each employee engaged in the performance of a federal contract or grant work must have a copy of the employer's statement and must agree as a condition of employment to abide by its terms and notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than 5 days after such conviction. The City shall notify the contracting or granting agency of such a conviction within 10 days after receiving notice of conviction.

The City of Kankakee shall provide for or refer employees to drug counseling, rehabilitation and employee assistance programs.

The City of Kankakee Drug Free Work Place shall include:

- (1) An Employee Assistance Program.
- (2) Training of supervisors to identify and address illegal drug use in the work place.
- (3) A procedure for self referral to drug rehabilitation programs with maximum confidentiality.
- (4) A Drug Free Awareness Program to inform employees of the danger of drug abuse in the work place, the City's policy of maintaining a drug free work environment, and the availability of drug counseling, rehabilitation and employee assistance programs.

Use of controlled substances in the work place and/or being under the influence of such substances in the work place may result in immediate termination. Where appropriate, the City may require employees who have used controlled substances in the work place and/or are under the influence of such a substance and/or are convicted of violations of criminal drug statutes in the work place to satisfactorily participate in a drug abuse assistance or rehabilitation program, or face sanctions up to and including termination. (Ord. No. 89 5, Sec. 1 5, 3 6 89)

Sec. 22-17.2. Prohibiting persons from manifesting the purpose of illegally using, possessing or selling controlled substances.

It shall be unlawful for any person to loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring or selling any controlled substance as that term is defined in the Illinois Revised Statutes, 1989, Chapter 56 1/2, Section 1201 et seq., as now enacted or hereafter amended or transferred. Among the circumstances which may be considered in determining whether such a purpose is manifested are:

- (1) The person is a known illegal user, possessor or seller of controlled substances, or the person is at a location frequented by persons who illegally use, possess, transfer or sell controlled substances; and,
- (2) The person repeatedly beckons to, stops, attempts to stop or engage in conversation with passersby, whether such passersby are on foot or in a motor vehicle, for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer, or buy any controlled substances; or,
- (3) The person repeatedly passes to or receives from passersby, whether such passersby are on foot or in a motor vehicle, money, objects or written material for the purpose of inducing, enticing, soliciting or procuring another to illegally possess, transfer, or buy any controlled substances; or,

In order for there to be a violation of subsection (a), the person's affirmative language or conduct must be such as to demonstrate by its express or implied content or appearance a specific intent to induce, entice, solicit or procure another to illegally possess, transfer or buy a controlled substance.

No arrest shall be made for a violation of subsection (a) unless the arresting officer first affords the person an opportunity to explain his conduct, and no one shall be convicted of violating subsection (a) if it appears at trial that the explanation given was true and disclosed a lawful purpose.

For the purpose of this section, a "known illegal user, possessor or seller of controlled substances" is a person who, within one (1) year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of illegally manufacturing, using, possessing, selling, purchasing or delivering any controlled substance.

Any person who violates any provision of this Ordinance shall upon conviction be fined not more than \$500.00. (Ord. No. 90-50, Sec. 1, 9-24-90)

Sec. 22 18. Vagrancy.

Any person able to work and maintain himself in some lawful calling, not having visible means of support, who shall live idly without any fixed place of abode, or shall stroll about the streets begging from house to house, or frequenting drinking places, gaming houses or bawdy houses, or shall otherwise lead an idle or profligate life; or any person upon whom shall be found any instrument or device for pigeon dropping, or for picking locks or pockets, or for the commission of burglary, or other device used by cheats and swindlers, without being able to give a good account of his possession of the same; or any person who trespasses upon private premises in the nighttime, or habitually sleeps in outhouses, stables, lumberyards, railroad depots or cars; or any prostitute, bawd or lewd woman, or female inmate of a bawdy house or house of ill fame, who shall be wandering about the streets plying her vocation, or visiting or staying about dram shops or drinking places; and any habitual night walker, or person loitering or strolling about the streets of the City at late or unusual hours of the night, without being able to give a good and satisfactory account for so doing, shall be deemed a vagrant. No person shall be a vagrant within the City. (Code 1965, Sec.51 25)

State law reference Authority of municipalities to prevent vagrancy, Ill. Rev. Stat. Ch. 24, Sec. 11-5-4.

Sec. 22 19. Loafing or loitering.

No person shall be found loafing or loitering at the corners of streets, or in the vicinity of any place of amusement, hotel or other business place or private premises, and shall refuse to disperse or vacate such place when requested to do so by any person in possession of any portion of the premises, who is annoyed or aggrieved thereby, or by any police officer. (Code 1965, Sec. 51 26)

Sec. 22-20. Fortunetelling.

No person shall seek or receive money or property from another by means of fortunetelling, palmistry, spirit mediumship, card reading, astrology, or by any other scheme or fraud. (Code 1965, Sec. 51.28)

Sec. 22 21. Fraudulent advertising.

No person shall with intent to sell, dispose of merchandise, securities, service, or anything offered by him, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, directly or indirectly to be made, published, disseminated, circulated, or placed before the public, in this City, in a newspaper or other publication, or in the form of a book, notice, handbill poster bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue or deceptive. (Code 1965, Sec. 51.29)

Cross reference Advertising generally, Sec. 3 1 et seq.

State law reference Fraudulent advertising, Ch. 121 1/2, a et seq.

Sec. 22 22. Swimming in Kankakee River prohibited.

No person shall swim or bathe in any part of the Kankakee River, or any of its branches within the City. (Code 1965, Sec. 51.30)

Sec. 22 23. Interference with City Employees.

No person shall hinder or obstruct any person employed by the City or in any City improvement or public work. (Code 1965, Sec. 51.33)

Sec. 22 24.1 Truancy Definitions.

As used in this ordinance, unless the context otherwise requires,

(a) "Valid cause" for absence shall be illness, observance of a religious holiday, death in the immediate family, family emergency and shall include other circumstances beyond the control of the student as determined by the Board of Education of Kankakee School District 111, or such other circumstance which cause reasonable concern to the parent for the safety or health of the student.

(b) Religion shall include all aspects of religious observance and practice, as well as belief.

Sec. 22-24.2 Truancy Prohibited.

No child who is subject to requirements of the State of Illinois and Kankakee School District 111 for compulsory school attendance shall be absent without valid cause from such attendance for a school day or any portion thereof.

Sec. 22-24.3 Penalty.

Any violation of this Ordinance shall be punishable by the imposition of a fine of not less than Fifty and no/100s Dollars (\$50.00) and not more than Five Hundred and no/100s Dollars (\$500.00) for each violation. For purposes of this Ordinance, each day of absence or portion thereof shall be construed as a separate offense. (Ord. No. 07-72; 8/20/07; Ord. No. 2014-71, 10/20/14)

Sec. 22 25. Obstructing water passage in streets, sewers, etc.

No person shall obstruct the passage of the water of any street, gutter, or public sewer, culvert, water pipe or hydrant, laid or placed in this City. (Code 1965, Sec. 51.42)

Sec. 22 26. Destruction or defacing of property generally.

No person shall break, deface, injure or destroy any public or private property. This shall include marking, scratching, cutting or otherwise defacing any part of any building or fence. (Code 1965, Sec. 51.43, 51.48)

Sec. 22 26.1. Parental responsibility for acts of minors.

- (a) Definitions. As used in this section unless the context otherwise requires, the terms specified have the meanings ascribed to them:
- (1) "Legal guardian", means 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.
 - (2) "Minor" means a person who is above the age of eleven (11) years, but not yet eighteen (18) years of age.
- (b) The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in his absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this section, upon the occurrence of the events described in (1), (2), and (3) below:
- (1) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting intentional, willful, malicious, or wanton acts causing injury to a person or property, or shall have incurred non judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute prohibiting intentional, willful, malicious acts causing injury to a person or property; and
 - (2) Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the Police Department of the City of Kankakee following said adjudication or non judicial sanction; and
 - (3) If at any time within one year following receipt of the notice set forth in (2) above, said minor is either adjudicated to be in violation of any ordinance, law or statute as described in (1) above, or shall have incurred non judicial sanctions from another official agency resulting from an admission of guilt or violation of any ordinance, law or statute as described in (1) above.
- (c) Any person convicted of any violation or provisions of this section shall be fined not less than fifty dollars (50.00), not more than Five Hundred Dollars (\$500.00) for each such offense. Said fine shall be imposed to accordance with Section 36-12 of the Municipal Code as hereinafter provided. (Ord. No. 7642, Sec. 1, 7-20-76; Ord. No. 98-88, Sec. 22-26.1 11-2-98).

Sec. 22 26 2. Curfew.

SECTION 1. Definitions

- (a) Parent means the natural mother or father or adopted mother or father of a person 18 years of age or younger.
- (b) Guardian means a person other than a parent to whom legal custody or guardianship has been given by court order or who is acting in the place of the parent or who is responsible for the care and welfare of a person 18 years of age or younger.
- (c) Public place means any place to which the public has access.
- (d) Cultural event means live performance that is devoted to the public exposition of a work of art, music or literature including exhibitions, concerts, plays and other theatrical performances.
- (e) Civic or government events means an activity sponsored by a governmental body or organization that is devoted to providing various public services to its citizens.
- (f) Extracurricular school activity means an event that is outside the regular curriculum including athletic, cultural, and other events of official school clubs and organizations.
- (g) Social event means an activity consisting of a gathering given by an organized group within the community such as a church, school, cultural, civic, or government organization.
- (h) Religious organization means a body of persons adhering to a particular set of beliefs and practices generally agreed upon a number of persons or sects.
- (i) Medical or other emergency means an unforeseen combination of circumstances that call for immediate action, including, but not limited to, fire, natural disaster, vehicular accident, or a series condition of a sudden onset.

SECTION 2.

- (a) It is unlawful for a person less than 18 years of age to be present at or upon any public assembly, building, business, street, highway, or other public place or way at the following times, unless accompanied and supervised by a parent, legal guardian, sibling, stepbrother or stepsister at least 18 years of age, or other responsible companion at least 21 years of age approved by a parent or legal guardian; or unless engaged in a business or occupation which the laws of this state authorize a person 16 years of age to perform:
 - (1) For persons under 16 years of age between 9:30 p.m. and 6:00 a.m. the following day on any day of the week.

- (2) For persons 16 but not yet 18 years of age:
- (i) Between 11:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. the following day.
 - (ii) Between 12:01 a.m. and 6:00 a.m. on Saturday or Sunday.
- (b) It is unlawful for any parent, legal guardian, or other person to knowingly permit a person in his custody or control to violate the provisions of Section 1 of this Ordinance.
- (c) A person age 18 and under and/or the parent or guardian of said person shall not be considered to be in violation of this ordinance if the person under 18 years of age fits within one or more of the following exceptions:
- (1) He or she is on an errand made necessary by a medical or other emergency.
 - (2) He or she is attending a cultural, government, extracurricular, school, social, and/or an event sponsored by a religious organization, or was traveling to or from such events.
 - (3) He or she is engaged in the performance of a specific errand at the direction of his or her parent or guardian.
 - (4) He or she is going to or coming from a visit with relatives with the specific permission or direction of his or her parent or guardian.
- (d) A person convicted of a violation of any provision of this section shall be fined not less than \$50.00 nor more than \$500.00, provided however, that an age-appropriate first offender may be referred to teen court.

(Ord. 07-75; 7/20/07)

Sec. 22 27. Injuring or removing vegetation, fences, signs, etc.

No person shall cut, injure, remove or destroy any fruit or vegetable, ornamental or shade tree, or the boxing around the same, or any plant, shrub or flower, or any fence, railing, gatepost or sign or any other thing used for ornament or utility upon any public ground, sidewalk or private premises. (Code 1965, 51.44)

Sec. 22 28. Trespassing prohibited.

No person shall enter any private premises against the consent of the owner or occupant thereof, or trespass on private premises or public grounds. (Code 1965, Sec. 51.44)

Sec. 22 29. Hanging, removing, etc., corner stones, stakes, etc.

No person shall change, remove or destroy any stone, stake or post, set or placed to mark the corner of any lot or parcel of ground, street or alley, or to show the grade of any street, alley or sidewalk of the City. (Code 1965, Sec. 51.47)

Sec. 22 30. False alarms.

- (a) Any person who willfully or knowingly gives or aids or abets in giving any false alarm for fire or foremergency squad assistance by any means including telephone or public or private fire alarm system shall be guilty of a misdemeanor.
- (b) Any person convicted of violating subsection (a) of this section shall be punished by fine not to exceed five hundred dollars (\$500.00) or imprisonment in a penal institution other than a prison for a period not to exceed six (6) months. (Ord. No. 73 54, Sec. 1, 9 4 73)

State law references - Authority of municipalities to prevent disorderly conduct, Ill. Rev. Stat., Ch. 24, Sec. 11 5 3; authority of municipalities to punish offenders, Ill. Rev. Stat., Ch. 24, Sec. 1 2 1.

Sec. 22 31. Accepting wagers or bets on horse races.

- (a) Commencing upon the effective date of this section (November 22, 1976), it shall be unlawful for any person, firm or corporation to accept any wager or bet on any horse race, which person, firm or corporation thereafter places said wager or bet at an authorized race track, irrespective of whether a fee is charged.
- (b) Every person found guilty of an offense under subsection (a) shall be fined no less than five hundred dollars (\$500.00) for each violation and not in excess of one thousand dollars (\$1,000.00) for each violation.
- (c) Each wager or bet accepted shall constitute a separate and distinct violation under subsection (a) of this section.
- (d) Commencing upon the effective date of this section (November 22, 1976), it shall be unlawful for any person, firm or corporation which owns, rents or leases property within the City of Kankakee, to permit the occupation of any said building or premises with knowledge that wagers or bets are being accepted or are to be accepted thereon.
- (e) Every person found guilty of violating subsection (d) shall be fined no less than five hundred dollars (\$500.00) for each violation and not in excess of one thousand dollars (\$1,000.00) for each violation.
- (f) Each day that the building or premises is occupied by a person, firm or corporation which accepts wagers or bets is a separate and distinct violation under subsection (d) of this section. (Ord. No. 76 71, Secs. 1 6, 11 22 76)

Editor's Note Section 22 31 is derived from Ord. No. 76-71, Secs. 1 6, which ordinance did not expressly amend this Code.

Sec. 22 32. Glass containers prohibited; enforcement; penalty.

It is hereby illegal to possess containers of glass or similar material on the Kankakee River in those areas within the jurisdiction of the City of Kankakee. All members of the Kankakee County River Patrol and all law enforcement officers in the county are hereby authorized to issue complaints to enforce the provisions hereof.

The penalty for violation of this section shall be a fine of not less than fifty dollars (\$50.00) for the first offense, and seventy five dollars (\$75.00) for each subsequent offense, if said fine is paid within seventy two (72) hours of the issuance of the complaint hereunder. (Ord. No. 84 23, 8 6 84)

Editor's Note Section 22 32 is derived from Ord. No. 84 23, adopted Aug.6, 1984. This ordinance, nonamendatory of the code, has been codified herein at the editor's discretion.

Sec. 33-1.

Any weapon obtained by the City of Kankakee Police Department as evidence in the investigation of any crime in which the weapon was used to cause injury or the death of a person or persons either by suicide or homicide shall be destroyed at such time as the weapon no longer has any purpose for evidence. A written record shall be made of stating the date and method of the destruction of the weapon and shall be kept with the evidence records of the City of Kankakee Police Department.

For purposes of this Ordinance a weapon shall include any gun, firearm, long gun, explosive device, knife, or any other object which is used as a weapon for the purposes of causing the death or injury to a person or persons. A motor vehicle is not included as a weapon for the purposes of this Ordinance.

Sec. 2 Severability: If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

(Ord. 15-80; 12/21/15)

Sec. 22 34 – 22 40. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC DECENCY DIVISION 1. GENERALLY

*Cross reference Gambling and immoral practices on premises licensed for sale of alcoholic beverages prohibited, Sec. 4 18.

Sec. 22 41. Indecent exposure, dress and conduct.

No person shall make any indecent exposure of his or her person, or shall appear in any public place, or place exposed to the public view, in a dress not belonging to his or her sex, or in an indecent or lewd dress, or in a state of nudity, or shall be guilty of any other indecent or lewd act. (Code 1965, Sec. 51-15)

Sec. 22 42. Indecent writing, drawings, etc, in public prohibited.

No person shall, in any public place, or place open to the public view, write or draw, cut or make, any lewd or indecent word, sentence, design or figure. (Code 1965, Sec.51 16)

Sec. 22 43. Gambling house or rooms.

No person shall set up, keep, maintain or support any gambling house or room, or place used for the practice of gaming or playing for money or property, or shall knowingly permit any building or premises owned or controlled by him to be used for any such purpose: or shall keep or use, or permit to be used, in any building or place occupied, controlled or owned by such person, any table, wheel, cards, or other instrument or device commonly used for the purpose of gaming. (Code 1965, Sec.51 19)

State law reference Gambling and related offenses, Ill. Rev. Stat. Ch. 38. 28 1.

Sec. 22 44. Inmates of gaming houses.

No person shall be an inmate of any gaming house or room within the city, or shall be in any way connected therewith, or shall frequent or visit the same, or be found therein; or shall play for any money or other valuable thing at any game with cards, dice, billiards, or any other instrument or device or bet on any such game when played by others. (Code 1965, Sec. 51 20)

Sec. 22 45. Right of entry to gambling house, disorderly house, etc.

No person shall refuse to permit the Mayor, any Alderman or members of the Police Department to enter any gambling house or room, disorderly house, or house of ill fame within the City. It shall be lawful for any such officer to enter such place and make arrests as provided by state law. (Code 1965, Sec. 51.34)

Sec. 22 46. Prophylactic devices.

No person other than a duly registered pharmacist, or a licensed practitioner of medicine, shall sell, offer for sale, vend or give away prophylactic devices, prophylactic rubber goods or any other articles of any kind, nature and description for the prevention of venereal and other diseases, or infections or any sex incentive devices or contrivances. This provision shall not apply to wholesale druggists, jobbers or manufacturers who sell articles hereinbefore described in wholesale quantities for recall by registered pharmacists at their usual places of business, and by duly licensed practitioners of medicines. No merchandise of the character described herein shall be offered for sale by any person unless the merchandise is identified by the manufacturer's name on the package. (Code 1965, Sec. 51.24)

Sec. 22 47 22 52. Reserved.

DIVISION 2. OBSCENITY

Sec. 22 53. Definition - Obscenity.

For purposes of this division, a thing is "obscene" if, considered as a whole, its predominant appeal is to prurient interest, that is, a 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. (Ord. No. 69 45, Sec.1, 4 7 69)

Sec. 22 54. Certain acts related to obscene material prohibited.

It shall be unlawful for any person, with knowledge of the nature or content thereof, to exhibit, sell, print, offer to sell, give away, circulate, publish, distribute, or attempt to distribute any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statute, drawing, or other article which is obscene. (Ord. No. 69 45, Sec. 1, 4 7 69)

Sec. 22 55 Distribution of obscene material to minors prohibited.

It shall be unlawful for any person with knowledge of the nature or content thereof to exhibit, sell, offer to sell, give away, circulate, or distribute or attempt to distribute to any person under the age of eighteen (18) years any obscene book, magazine, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, play, image, instrument, statue, drawing, or other material. (Ord. No. 69 45, Sec.1, 4 7 69)

Sec. 22 56. Division interpretation and admissibility of evidence.

For purposes of this division, obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audience 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. In any prosecution for an offense under this division, 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 obscenity thereof, in advertising or other promotion of the material;
- (6) Purpose of the author, creator, publisher or disseminator. (Ord. No. 69-45, Sec. 1, 4-7-69)

Sec. 22-57. Prima facie evidence of intent to disseminate.

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 three (3) copies of obscene material shall be prima facie evidence of an intent to disseminate (Ord. No. 69-45, Sec. 1, 4-7-69)

Sec. 22-58. Defenses to division violations.

It shall be an affirmative defense to a prosecution brought for violation of this division that the dissemination:

- (1) Was 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. (Ord. No. 69 45, Sec. 1, 4 7 69)

Sec. 22 59. Prostitution.

It shall be unlawful for any person in the City of Kankakee:

- (a) To offer to commit or to commit or engage in prostitution, sodomy, fellatio, masturbation for hire or pandering.

- (b) To solicit, induce, entice or procure another to commit prostitution, sodomy, fellatio, masturbation for hire, pandering, lewdness or assignation.
- (c) To offer another or offer to agree to secure another for the purpose of prostitution, sodomy, fellatio, masturbation for hire, or for any other lewd or indecent act.
- (d) To direct, take or transport or to offer or agree to take or transport any person to any place, structure, or building or to any other place with knowledge or reasonable cause to believe that the purpose of such directing, taking or transporting is for the commission of the act of prostitution, sodomy, fellatio, masturbation for hire, lewdness or assignation.
- (e) To keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, sodomy, fellatio, masturbation for hire, pandering, lewdness or assignation or to permit any person to remain there for such purpose of prostitution, sodomy, fellatio, masturbation for hire, pandering, lewdness or assignation.
- (f) To receive or offer or agree to receive any person into any place, structure, building or conveyance for the purpose of prostitution, sodomy, fellatio, masturbation for hire, pandering, lewdness or assignation or to permit any person to remain there for such purpose.
- (g) To reside in, enter into or remain in any place, structure, or building or to enter into or remain in any place, structure or building or to enter into or remain in any conveyance for the purpose of prostitution, sodomy, fellatio, masturbation for hire, pandering, lewdness or assignation.
- (h) To aid, abet or participate in the doing of any of the acts or things enumerated in this section.
- (i) To knowingly provide money or anything of value to another for the purpose of inducing another to transport a person into or within the City Limits of the City for the purpose of promoting that person's engaging in prostitution, sodomy, fellatio, masturbation for hire, pandering, lewdness or assignation or for the purpose of inducing another to receive a person into any place or building for the purpose of performing an act of prostitution, sodomy, fellatio, masturbation for hire, pandering, or lewd or indecent act.
- (j) To loiter, while a pedestrian or in a motor vehicle, in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution, sodomy, fellatio, masturbation for hire, pandering, or other lewd or indecent acts. Among the circumstances which may be considered in determining whether this purpose is manifested are: that such person is a known prostitute, pimp, sodomist, performer of fellatio, masturbator for hire or panderer and repeatedly beckons to, stops, or attempts to stop, or engages passersby in conversation, or repeatedly stops, or attempts to stop motor vehicles operators by hailing, waving of arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution, sodomy, fellatio, masturbation for hire, pandering or other lewd or indecent act.
- (k) For the purpose of subsection (j), a "known prostitute, pimp, sodomist, performer of fellatio, masturbator for hire or panderer" is a person who, within one (1) year previous to the date of arrest for violation of this subsection, had within the knowledge of the arresting officer been convicted of violating any ordinance of the city or law of any state defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution, sodomy, fellatio, masturbation for hire, pandering, or other lewd or indecent act.

- (1) Any person who shall be found guilty of violating any of the provisions of this Ordinance shall be sentenced on first conviction to a fine of not less than Fifty Dollars (\$50.00), upon second conviction to a fine of not less than One Hundred Dollars (\$100.00) and upon a third or subsequent conviction, to a fine of not less than Five Hundred Dollars (\$500.00). Said fines may be imposed in accordance with Section 36-12 of this Code, at the discretion of the complaining Officer. (Ord. No. 98-88, Sec. 22-59, 11-2-98).

Whoever attempts to commit an offense prohibited by this ordinance and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution of the same, commits the offense of criminal attempt and shall be punished as provided for in this ordinance.

It shall be unlawful for any person to give information about or direct any other person to any house or place for immoral purposes, or to any immoral person, whether the communication be by word of mouth, direct or by telephone or in writing within the limits of the City.

It shall be unlawful to employ or provide the services of persons for immoral purposes.

Whenever any law enforcement officer encounters any person under any circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of this ordinance, the officer may temporarily detain such person for the purpose of ascertaining the identity of the person temporarily detained, and the circumstances surrounding his or her presence abroad which led the officer to believe that the person detained had committed, was committing or was about to commit a violation of this ordinance. No person shall be temporarily detained under the provisions of this section longer than is reasonably necessary to affect the purpose of such section. Such temporary detention shall not extend beyond the place where it was first affected or the immediate vicinity thereof.

If at any time after the onset of the temporary detention authorized by this section, probable cause for arrest of the person shall appear, the person shall be arrested. If after an inquiry into the circumstances which prompted the temporary detention no probable cause for the arrest of the person shall appear, he or she shall be released.

Among the elements which may be considered by a police officer in determining that a person has committed, is committing, or is about to commit a violation of this ordinance are:

- (1) That such person is a known prostitute or panderer.
- (2) That "known prostitute or panderer" as used in this ordinance shall mean any person, who within one year previous to the date of arrest for violation of this ordinance, has within the knowledge of the arresting officer been convicted for violation of the provisions of this ordinance.
- (3) That such person repeatedly beckons to, repeatedly engages any person passing by in conversation without apparent purpose.
- (4) That such person repeatedly stops, or repeatedly attempts to stop, motor vehicle operators by hailing, waving of arms, or other bodily gestures, without apparent purpose.
- (5) That such activities as described above, when observed by a law enforcement officer, taken as a whole, led the officer to reasonably conclude, in light of his or her experience, that a violation of this ordinance has been committed, is being committed, or is about to be committed.

Any person who shall be found guilty of violating any of the provisions of this ordinance shall be sentenced, on first conviction, to a fine of not more than three hundred dollars (\$300.00); upon second conviction, to a fine of not more than four hundred dollars (\$400.00); and upon third and subsequent conviction, to a fine of not more than five hundred dollars (\$500.00).

For purpose of this ordinance, a certified copy of the judgment of conviction shall be deemed prima facie evidence of each prior conviction. (Ord. No. 90-51, Sec. 1-7, 10-11-90)

Sec. 22 60-69 Reserved.

ARTICLE III. DRUGS AND DRUG PARAPHERNALIA

*Editor At the editor's discretion, Sec. 1 of Ord. No. 80 66, adopted Oct. 7, 1980, said ordinance being not expressly amendatory of the Code.

Sec. 22 70. Definitions - drug paraphernalia.

The following words and phrases when used in this article shall, for the purposes of this article, have the meaning respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Cocaine spoon. A spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful use of spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.
- (2) Controlled substance. Any drug, substance, or immediate precursor enumerated in Schedules 1- 5, Chapter 56 1/2, P A 79 454 of the Illinois Revised Statutes, as amended (commonly known as the Controlled Substance Act.)
- (3) Cannabis. As defined in Section 703, Chapter 56 1/2, P A 79.1465 of the Illinois Revised Statutes, as amended.
- (4) Marijuana or hashish pipe. A pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of "marijuana" or hashish, rather than lawful smoking tobacco, and which may or may not be equipped with a screen.
- (5) Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed 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 a controlled substance as defined in Schedules 1 5, Chapter 56 1/2, P A 79 454 of the Illinois Revised Statutes, as amended, or cannabis as defined in Section 703 of Chapter 56 1/2, P A 79 1465 of the Illinois Revised Statutes, as amended. It includes, but is not limited to:
 - (i) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or cannabis or from which a controlled substance or cannabis can be derived;

- (ii) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance or cannabis;
- (iii) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species or plant which is a controlled substance or cannabis;
- (iv) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the length, effectiveness or purity of controlled substances or cannabis;
- (v) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or cannabis; Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or cannabis;
- (vi) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- (vii) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or cannabis;
- (ix) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or cannabis;
- (x) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or cannabis;
- (xi) Objects used, intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as: processing or preparing controlled substance or cannabis;
 - (1) Metals, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburetor tubes and devices;
 - (4) Smoking and carburetion masks;
 - (5) Roach clips Meaning objects used to hold burning material, such as marijuana cigarettes, that have become too small or too short to be held in the hand;
 - (6) Chamber pipes;
 - (7) Carburetor pipes;
 - (8) Electric pipes;
 - (9) Air driven pipes;

- (10) Chillums;
- (11) Bongs;
- (12) Ice pipes or chillers.

(6) Person. An individual, corporation, government or governmental subdivision or agency, business, estate, trust, partnership or association. (Ord. 80 66 10 7 80)

Sec. 22 71. Factors in determination of drug paraphernalia.

In determining whether an object is drug paraphernalia, a court order or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of this act;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explains or depicts its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community; and
- (14) Expert testimony concerning its use. (Ord. No. 80 66, Sec. 1, 10 7 80)

Sec. 22-72. Sale, display, etc., of drug paraphernalia prohibited; exceptions.

- (a) It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any cocaine spoon, marijuana pipe, hashish pipe, or any drug paraphernalia.
- (b) The prohibition contained in this section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists or embalmers in the normal lawful course of their respective businesses or professions, nor to common carriers or warehouses or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties nor to persons suffering from diabetes, asthma, or any other medical condition requiring self injection. (Ord. No. 80-66, Sec. 1, 10-7-80)

Sec. 22 73. Penalty for violation.

A person who violates any provision or provisions of this article, upon conviction, shall be punished with a fine not exceeding five hundred dollars (\$500.00) and not less than fifteen dollars (\$15.00). Each day of the violation shall be considered a separate offense. (Ord. No. 80-66, Sec. 1, 10 80)

Sec. 22-74. Possession of cannabis.

(A) It is a violation of this section for any person to possess up to and including 10 grams of any substance containing cannabis. 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, salt, 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 or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such 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) A person upon whom a notice of violation has been served for violating this section shall (1) appear for a hearing at the location, date, and time indicated on the notice of violation; or (2) adjudicate the matter by mail in the time and manner described in the Rules and Regulations of the Department of Adjudication Hearings.

(C) Citations shall not be issued under this section for violations of subsection (a) occurring on the grounds of a school or public park.

(D) Any person who violates this section shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for the second and each subsequent violation occurring within a period of 30 days. Each such violation shall constitute a separate and distinct offense.

(E) Any person who violates this section shall pay a re-imbursement to the city of Fifty Dollars (\$50.00) for expenses of laboratory analysis per violations.

(F) This section shall not apply to possession of medical cannabis by a person in compliance with Medical Cannabis Pilot Program Act, 410 ILCS 130/1, et seq.

(Ord. No. 16-46, 9-6-16)

Sec 22-75 Reserved

Sec 22-76. Transfer or Sale of Laser Pointers to Minor Prohibited.

No person, firm or corporation shall sell to or provide a minor with a Laser Pointer, unless the minor is accompanied by a parent or legal guardian at the time of the purchase or transfer. No Minor shall, at the time of purchase of such laser pointer, furnish fraudulent evidence of majority. No minor shall, except while accompanied by a parent or legal guardian, possess a Laser Pointer on any public property or any private property without the expressed permission of the lawful owner or manager of the private property. Also provided, however, that the possession by a person under the age of eighteen years (18), under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home, shall not be prohibited.

Sec. 22-77. Penalty.

Any person found guilty of an offense of this Ordinance shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)

Sec. 22-78. Liability of Parent or Guardian.

The parent or legal guardian of an unemancipated minor defendant, who resides with such parent or legal guardian, shall be subject to those penalties as enumerated in this Ordinance.

If any section, clause, phrase or a part of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance and the application of these provisions to any person or circumstance shall not be affected thereby.

Sec. 22-79. Forfeiture of Laser Pointer.

Any person who possesses a laser Pointer in violation of this Ordinance shall forfeit same and any law enforcement officer of the City of Kankakee may immediately seize said Laser Pointer. (Ord. No. 99-49, Sec. 22-76 - 22- 79, 6-799).

Section 22-76 -22-80 Reserved (Ord 02-21)

ARTICLE IV. SOLICITATION OF DRUGS AND/OR PROSTITUTION

Sec. 22-80. Attempt to Solicit Drugs.

It is unlawful for any person to solicit or to attempt to obtain cannabis, as defined in the Illinois Cannabis Control Act or a controlled substance as defined by the Illinois Controlled Substance Act with intent to possess by request, contract, agreement, command or understanding.

Sec. 22-81. Attempt to Solicit From Vehicle - Impoundment

The owner of record of any motor vehicle which is used in connection with a violation of Sec. 22-80 or that contains cannabis as defined by the Illinois Cannabis Act or a controlled substance as defined by the Illinois Controlled Substance Act shall be subject to seizure and impoundment and liable to the City for an administrative penalty not to exceed \$500.00 plus any towing and storage fees, as hereinafter provided.

(1) This Sub-section shall not apply:

(1) If the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered; or

- (2) If the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle.
- (2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, 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 the vehicle owner's right to request a vehicle impoundment hearing to be conducted under this Section.
- (3) 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 twenty-four (24) hours of the seizure. Said request shall be in writing and filed with the Chief of Police or his designee. If an appeal is timely filed, a Hearing Officer of the City shall conduct such appeal hearing within forty-eight (48) hours after the request, excluding Saturdays, Sundays and holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the Hearing Officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Section, the Hearing Officer shall order the continued impoundment of the vehicle as provided in this Section, unless the owner of the vehicle posts with the Collection Department, a cash bond in the amount of Five Hundred and no/100 Dollars (\$500.00), plus any applicable towing and storage fees.
- (4) Unless a hearing is held pursuant to (3) above, within 10 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 hearing that will be conducted, pursuant to this Section. The hearing shall be scheduled and held, unless continued by order of the Hearing Officer, no later than 45 days after the vehicle was seized. The hearing shall be conducted by a Hearing Officer appointed by the Mayor. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the Hearing Officer determines by a preponderance of evidence that the vehicle was used in connection with a violation of Section 30-225, and that none of the exceptions described in clauses (1) or (2) of Sub-section (a) applies, 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 the amount not to exceed \$500.00. If the owner of record fails to appear at the hearing, the Hearing Officer shall enter a default order in favor of the City requiring the payment to the City of an administrative penalty in an amount not to exceed \$500.00. 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.
- (5) 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:
 - (1) The penalty plus any applicable towing and storage fees, is paid to the City, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle.
 - (2) 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 under Sub-section (d) 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 Section 4-208 of the Illinois Vehicle Code (625 ILCS 5/4-208). 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 civil penalty and fees applicable under this Section have been paid. However, whenever a person with a lien or 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 \$500.00, plus the applicable fees.

- (6) For purposes of this Section, the "owner of record" of a vehicle is the record title holder.

Sec. 22-82. Use of Vehicle For Solicitation of Prostitution - Impoundment.

- (a) A motor vehicle that is used, with the knowledge of the owner of record, in violation of 22-59 supra., in the commission of prostitution as defined in the Criminal Code of 1961, soliciting for a prostitute as defined in said Code, soliciting for a juvenile prostitute as defined in said Code, or patronizing a juvenile prostitute as defined in said Code, shall be subject to seizure and impoundment under this Sub-section. The owner of record of such vehicle shall be liable to the City for a penalty of \$500.00, in addition to fees for the towing and storage of the vehicle.
- (b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under this Section.
- (c) 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 twenty-four (24) hours from the seizure. Said request shall be in writing and filed with the Chief of Police or his designee. If an appeal is timely filed, a Hearing Officer of the City shall conduct such appeal hearing within forty-eight (48) hours after the request, excluding Saturdays, Sundays and holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the Hearing Officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Section, the Hearing Officer shall order the continued impoundment of the vehicle as provided in this Section unless the owner of the vehicle posts with the Collection Department, a cash bond in the amount of Five Hundred and No/100s Dollars (\$500.00) plus any applicable towing and storage fees.
- (d) Unless a hearing is held pursuant to (c) above, within 10 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 hearing that will be conducted, pursuant to this Section. The

hearing shall be scheduled and held, unless continued by order of the Hearing Officer, no later than 30 days after the vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the Hearing Officer determines by a preponderance of evidence that the vehicle was used with the knowledge of the owner in the commission of any of the violations described in paragraph (a), the Hearing Officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays a penalty not to exceed \$500.00, plus fees for towing and storage of the vehicle. The penalty and fees shall be a debt due and owing the City. However, if a cash bond has been posted, the bond shall be applied to the penalty. If the Hearing Officer determines that the vehicle was not knowingly used in such violation, he or she shall order the return of the vehicle or cash bond. Notwithstanding any other provision of this Section, whenever a person with a lien of record against a vehicle impounded under this Section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the City the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed under this Sub-section.

- (e) Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this Section, or the time at which a final judgment is rendered against an owner of record who is in default may be disposed of as an unclaimed vehicle as provided by law. As used in this Section, the "owner of record" of a vehicle means the record titleholder.
- (f) Fees for towing and storage of a vehicle under this Section shall be the same as those charged, pursuant to this Code.

Sec. 22-83. Unlawful Firearm in Motor Vehicle-Impoundment.

- (a) The owner of record of any motor vehicle used in connection with a violation of Article 24 of the Illinois Criminal Code of 1961 (720 ILCS 5/24-1 et seq.) Or Sec. 30-101, Sec. 30-102, Sec. 30-1-3-103, Sec. 30-104 and Sec. 30-105 or that contains a firearm or ammunition for which a Firearms Owner's Identification Card is required under the Illinois Owners Identification Card Act (430 ILCS 65/0.01 et seq.) and is not presented, shall be liable to the City for an administrative penalty not to exceed \$500.00 plus any towing and storage fees as hereinafter provided, in addition to the fine imposed for violation of any provision of this Article. Any such vehicle shall be subject to seizure and impoundment pursuant to this Section. This Sub-section shall not apply:
 - (1) if the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered, or reasonably should have been discovered, or
 - (2) if the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle.
- (b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, 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 owner's right to request a vehicle impoundment hearing to be conducted under this Section.
- (c) 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 twenty-four (24) hours of the seizure. Said request shall be in writing and filed with the Chief of Police or his designee. If an appeal is timely filed, a Hearing Officer of the City shall conduct such appeal hearing within forty-eight (48) hours after the request, excluding Saturdays, Sundays or holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the Hearing Officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Section, the Hearing Officer shall order the continued impoundment of the vehicle as provided in this Section, unless the owner of the vehicle posts with the Collection Department, a cash bond in the amount of Five Hundred and No/100s Dollars (\$500.00), plus any applicable towing and storage fees.

- (d) Unless a hearing has been held pursuant to (c) above, within 10 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 hearing that will be conducted pursuant to this Section. The hearing shall be scheduled and held, unless conducted by order of the Hearing Officer, no later than 45 days after the vehicle was seized. The hearing shall be conducted by a Hearing Officer appointed by the Mayor. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the Hearing Officer determines by a preponderance of the evidence, none of the exceptions described herein applies, 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. 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.
- (e) 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:
- (1) the penalty, plus any applicable towing and storage fees, is paid to the City, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle, or
 - (2) the vehicle is sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law. If the administrative penalty is imposed under Sub-section (d) 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 Section 4-208 of the Illinois Motor Vehicle Code (625 ILCS 5/4-208). 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 civil 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, up to \$500.00 plus the applicable fees.

(f) For purposes of this Section, the "owner of record" of a vehicle is the record titleholder.

Sec. 22-84. Exceptions.

Shall not apply to or affect any of the following:

- (1) Peace officers or any person summoned by any such Officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such Officer;
- (2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails and other such institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty or commuting between their homes and places of employment;
- (3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty;
- (4) Special Agents employed by a railroad to perform police functions, or employees of a detective agency, watchman-guard or patrolman agency, licensed by the State of Illinois, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment;
- (5) Agents and investigators of the Illinois Crime Investigating Commission authorized by the Commission to carry weapons, while on duty in the course of any investigation for the Commission;
- (6) Manufacture or transportation of weapons which are not immediately accessible to any person; sale of weapons to persons authorized under law to possess them;
- (7) Persons licensed as private security contractors, private detectives or private alarm contractors or employed by an agency certified by the Illinois Department of Professional Regulation who have documentation on their person, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm and Private Security act of 1983 (225 ILCS 445/1 et seq.), while actually engaged in the performance of the duties of their employment.
- (8) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Illinois Department of Professional regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Illinois Department of Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts and the handling of weapons.
- (9) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons while on duty in the course of any investigation for the Commission.
- (10) Persons employed by a financial institution for the protection of other employees and property related to such financial institutions, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned by such financial institution, provided that any person so employed has successfully completed a course of study, approved by

and supervised by the Illinois Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts and the handling of weapons.

- (11) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.
- (12) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the Board of Governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to the State's Attorneys Appellate Prosecutors" Act (725 ILCS 210/1 et. seq.).
- (13) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code (55 ILCS 5/3-9005).
- (14) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on such target ranges.
- (15) Duly authorized military or civil organizations while parading, with the special permission of the Governor.
- (16) Licensed hunters or fishermen while engaged in hunting or fishing.
- (17) Transportation of weapons broken down in a non-functioning state.
- (18) Such other exceptions as approved by the Illinois General Assembly.

Sec. 22-85 Illegal Operation of a Motor Vehicle/Impoundment of Vehicle

- (a) Any motor vehicle which is operated by a person who is under the influence of alcohol or drugs; or whose driver's license is suspended or revoked, or against whom a warrant has been issued by a Circuit Court for failing to appear to answer charges that the person was operating a motor vehicle under the influence of alcohol or drugs or for operating a motor vehicle while that person's license was suspended or revoked shall be subject to seizure and impoundment by the City of Kankakee and its owner shall be liable to the City for an administrative penalty not to exceed Five Hundred Dollars (\$500.00) plus any towing or storage fees as hereinafter provided.
 - 1) This Section shall not apply: (1) 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.
 - 2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City of its agents. Before or at the time the vehicle is towed, 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 owner's right to request a vehicle impoundment hearing to be conducted under this Section.
 - 3) 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 twenty-four (24) hours of the seizure. Said request shall be in writing and filed with the Chief of Police or his designee. If an appeal is

timely filed, a Hearing Officer of the City shall conduct such appeal hearing within forty-eight (48) hours after the request, excluding Saturdays, Sundays and holidays. All interested persons shall be given a reasonable opportunity to be heard at the vehicle impoundment hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the Hearing Officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Section, the Hearing Officer shall order the continued impoundment of the vehicle as provided in this Section, unless the owner of the vehicle posts with the Collection Department, a cash bond in the amount of Five Hundred and no/100s Dollars (\$500.00), plus any applicable towing and storage fees.

- 4) Unless a hearing is held pursuant to (3) above, within 10 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 hearing that will be conducted pursuant, to this Section. The hearing shall be scheduled and held, unless continued by order of the Hearing Officer, no later than 45 days after the vehicle was seized. The hearing shall be conducted by a Hearing Officer appointed by the Mayor. All interested persons shall be given a reasonable opportunity to be heard at the hearing. If, after the hearing, the Hearing Officer determines by a preponderance of evidence that the vehicle was used in connection with a violation of Section 30-225, and that none of the exceptions described in clauses (1) or (2) of Sub-section (a) applies, 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 the amount not to exceed \$500.00. If the owner of record fails to appear at the hearing, the Hearing Officer shall enter a default order in favor of the City requiring the payment to the City of an administrative penalty in an amount not to exceed \$500.00. 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.
- 5) If an administrative penalty is imposed pursuant to this Section, such penalty shall constitute a debt due to owing 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 (1) the penalty, plus any applicable towing and storage fees, is paid to the City, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle (2) 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 under Sub-section (d) 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 Section 4-208 of the Illinois Vehicle Code (625 ILCS 5/4-208).

Except as otherwise specifically provided by law, no owner, lienholder or other person shall be legally entitled to take possession of a vehicle impounded under this Section until the civil penalty and fees applicable under this Section have been paid.

- 6) For purposes of this Section, the "owner of record" of a vehicle is the record titleholder as registered with the Secretary of State, State of Illinois.

- 7) For purposes of this Section, the term “driving under the influence of alcohol or drugs” shall have the same meaning as that term is used in 625 ILCS 5/11/501 et. Seq.
- 8) For purposes of this Section, the terms “revoked” or “suspended” when used in the context of driving privileges or driver’s licenses, shall have the same meaning as contained in 625 ILCS 5/6100 et. Seq. (Ord. 2002-21, 4/15/ 2002)

Sec. 22-86. Reference to Hearing officer.

Whenever any reference to any Hearing Officer is used herein, those Hearing Officers are appointed for purposes for the Administrative Adjudication System and pursuant to said applicable Ordinances, shall be and are hereby deemed to be authorized to act as Hearing Officer, pursuant to these Sections. In addition, any duly appointed Corporation Counsel or Assistant City Attorney may act as a Hearing Officer in the event of the unavailability of the Hearing Officer described herein. (Ord. 2002-21, 4/15/ 2002)

Sec. 22-87. Fine for possession of illegal weapons.

Chapter 22 of the Municipal Code of the City of Kankakee is hereby amended by the deleting of paragraph (a) thereof and replacing it with the following:

- (a) Any violation of this Article shall be punished by a fine of \$500.00 for any one offense and upon conviction, any weapon seized shall be confiscated by the City. (Ord. 2002-21, 4/15/ 2002)

Sec. 22-88. Rights and obligations of lienholder other than registered owners.

- (a) Any person, corporation or other legal entity who has a lien against the title of any motor vehicle which is seized or impounded pursuant to this ordinance may claim said vehicle and take possession of the vehicle by presenting proof of his lien and the payment of Two Hundred and fifty and no/100s Dollars plus storage and towing charges in lieu of the administrative fee of Five Hundred and no 100s Dollars (\$500.00) which is chargeable to the owner as described in this ordinance. Any person claiming a lien against the vehicle in order to obtain the release of same is required to produce a copy of a title for said motor vehicle which includes the lien as a matter of record as shown upon said title and as filed with the offices of the State of Illinois Secretary of State.

Article V Cable and Video Customer Protection Law

Section 22-100 Adoption. The regulations of 220 ILCS 5/22-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the City’s boundaries.

Section 22-101 Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to cable or video providers offering services within the municipality’s boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the City.

Section 22-102 Enforcement. The City does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the City.

Section 22-103 The City, pursuant to 220 ILCS 5/22-501(r)(1), does hereby provide for a schedule of penalties

for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed \$750.00 for each day of the material breach and shall not exceed \$25,000.00 for each occurrence of a material breach per customer. In this regard:

1. Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.
2. The City shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.
3. A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice.

Section 22-104 Customer Credits. The City hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/22-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit. (Ord. 2019-29 6/17/19)

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