

**VILLAGE OF PECATONICA, ILLINOIS
MUNICIPAL CODE
ARTICLE SIX
MISCELLANEOUS**

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Chapter One Weeds (revised: 11-2-92)

Section 1 Violation

- A. It shall be unlawful for any person, firm or corporation owning, leasing, occupying or controlling any premises to permit any weeds or plants, other than trees, flowers, ornamental plants or other cultivated plants, to grow to a height exceeding ten (10) inches anywhere in the Village.
- B. Any such weeds or plants exceeding such height are hereby declared to be a public nuisance.
- C. It shall be the duty of every person, firm or corporation owning, leasing, occupying or controlling any premises within the Village to remove said weeds or plants.

Section 2 Notice of Violation (Revised: Ord. 2007-8-1)

- A. It shall be the duty of the Village Police Department or Health Officer to serve or caused to be served a notice in writing upon the person, firm or corporation owning, leasing, occupying or controlling the premises upon which such public nuisance exists, requiring such person, firm or corporation to abate said nuisance in such manner as he shall prescribe within seven calendar days.
- B. The failure to abate such nuisance within the period designated by the written notice shall constitute a violation of this section.
- C. Penalty for violation of Article Six, Chapter One, Section 1 (A) shall be one hundred dollars (\$100.00) per occurrence in addition to any reasonable expense incurred by the Village in abating said nuisance. Everyday the violation persists shall constitute a separate occurrence.

Section 3 Removal by Village (Revised: Ord. 2007-8-1)

- A. Whenever any person, firm or corporation owning, leasing, occupying or controlling any premises located within the Village refuses or neglects to abate such nuisance at the end of the first seven days, the Village Police Department shall authorize the Public Works Department or the Health Officer to pull, cut or otherwise destroy the weeds or plants constituting a public nuisance.

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- B. A reasonable charge for abating such nuisance may be collected from the person, firm or corporation owning, leasing, occupying or controlling the premises upon which such nuisance existed.

Section 4 Notice of Lien

- A. The reasonable expense of abating such nuisance, in the event the same has not been paid, is hereby declared to be a lien upon the real estate effected, superior to all other liens and encumbrances, except tax liens; provided that within 30 days after such expense is incurred, the Village Attorney or Village Clerk shall file a Notice of Lien in the Office of the Recorder of Deeds of Winnebago County.
- B. This Notice shall consist of a sworn statement by an agent of the Village setting out the description of the premises, the amount of money representing the cost and expense incurred in abating said nuisance and the date or dates when such costs or expense was incurred by the Village of Pecatonica.
- C. Upon payment of the costs and expense by the owner or persons interested in such premises, the lien shall be released by the preparation and recording of such release in the Office of the Recorder of Deeds of Winnebago County.

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Chapter Two Loitering (revised: Ord. 94-10-1)

Section 1 Definitions

For the purpose of this section, the following definitions shall apply:

- A. Loitering shall mean and shall include the following activity: remaining idle in essentially one location and spending time idly in connection therewith; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression "hanging around;" moving slowly about; sleeping in motor vehicles or trailers located on public property; sleeping on streets or sidewalks, alleys, public ways, parks, or other public property.

- B. Public place shall mean and include, but not be limited to, the following: all places commonly known as being distinctively public, such as: public streets, public restrooms, sidewalks, parks, municipal airports, alleys, and buildings; all places privately owned but open to the public generally, such as: shopping centers, transportation terminals, retail stores, movie theaters, office buildings, and restaurants.

- C. Surrounding area shall be defined as that area easily and immediately accessible to the person under observation.

Section 2 Determination of Probable Cause for Alarm or Concern

- A. Without limitation, the following activities and circumstances may be considered in determining probable cause for alarm or concern:
 - 1. The flight of a person upon the appearance of a police officer.

 - 2. Attempted concealment by a person upon the appearance of a police officer.

 - 3. The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles.

 - 4. Continuous presence by a person in close proximity to any building, house, vehicle, or any other property or to any other person, at any time when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing.

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5. The sleeping or living by a person in any motor vehicle or trailer, located on any public street, public highway, public sidewalk, or public alley or way, or any other public place or building, park, or other public property.
6. The sleeping of any person on any public street, public highway, public sidewalk, or public alley or way, or any other public place or building, park, or other public property.
7. The only exception to subparagraphs (5) and (6) above will be those locations in any park or other public facility approved by the public officials having authority to regulate the use of said public facilities.

Section 3 Loitering; Police Order to Disperse

- A. It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons, or for the security of property in the surrounding area.
- B. It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to obstruct any public street, public highway, public sidewalk, or public alley or way, or any other public place or building by hindering or impeding, or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians.
- C. It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to commit in or upon any public street, public highway, public sidewalk, alley, or public way or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property, or with any business lawfully conducted by anyone in or upon, or facing or fronting on any such public street, public highway, public sidewalk, alley, or public way, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, or regress therein, thereof, and thereto, and no person shall, by his/her presence or by other means, either alone or in consort with others, interfere with or interrupt in such buildings.
- D. When any person causes or commits any of the conditions enumerated in subsection (C) herein, a police officer or any law enforcement officer shall

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order that person to stop causing or committing such conditions and to move on or disperse. Any person who refuses or fails to so move or disperse shall be guilty of a violation of this section.

Section 4 Penalty

- A. Any person who violates any of the provisions of this section shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00).
- B. Any such violation shall constitute a separate offense on each successive day continued.

Chapter Three General Penalty

Section 1 Penalty

- A. Except as is otherwise provided, any person convicted of a violation of any section or provision of this Village Code of Ordinances shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) for any one offense.

Section 2 Application

- A. The penalty provided in this Chapter shall be applicable to every provision of this Village Code except wherein a specific penalty has been provided.
- B. Any person convicted of a violation of any of the provisions of this Village Code shall be deemed to be guilty of a petty offense.
- C. A separate offense shall be deemed committed upon each day such violation occurs or continues, unless otherwise specifically provided in this Code.

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Chapter Four Burning Ordinance
(Revised Ord. 96-5-1, Ord. 97-5-2, Ord. 99-11-1, Ord. 2001-4-4)

Section 1 Definition

- A. When the terms "fire" or "burning" are used in this ordinance, they shall not be construed to mean or include a fire in a furnace, stove boiler, indoor fireplace or barbecue grill provided such use creates no fire hazard.

- B. Open Burning, as used herein, is defined as the combustion of any matter in the open without originating in or passing through equipment for which a permit has been issued by the Illinois Environmental Protection Agency.

Section 2 Provisions

- A. Opening burning of rubbish and lawn waste shall be prohibited.
 - 1. The definition of rubbish shall include, but not be limited to, items such as paper, plastic, rubber, food products, metal, glass, and combustible liquids.

 - 2. The definition of lawn waste shall include, but not be limited to, items such as grass, leaves, vegetables, and flowers.

- B. Burning is permitted when authorized by a special permit issued by the Illinois Environmental Protection Agency, pursuant to the provisions of Rule 504 of the Open Burning Regulations of Illinois as adopted by the Illinois Pollution Control Board, September 2, 1971, as amended or any other rule or regulation of the Illinois Environmental Protection Agency.

- C. All burning shall be subject to all State Statutes and the General Provisions of the Illinois Environmental Protection Agency (IEPA) and its Pollution Control Board.

- D. Burning of untreated and/or unpainted wood for campfire, picnic or other recreational purposes is permitted only in areas where such burning is otherwise permitted by law.
 - 1. Permitted areas shall include, but not be limited to, fire pits made of earth, stone, or metal, no more than four feet wide by four feet long, or four feet in diameter.

 - 2. The use of devices made of earth, stone, or metal designed for the

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purpose of containing a fire shall also be permitted provided the area containing the fire is no more than four feet wide by four feet long or four feet in diameter.

3. The pieces of wood contained in permissible fires shall be no more than four feet in length.
- E. When permitted, all fires must be conducted in a safe manner and attended by or supervised by an individual 18 years of age or older. There must also be a significant water supply available or other adequate means to extinguish the fire.

Section 3 Restrictions

- A. Open burning permitted by the terms of this Chapter shall under no circumstances be allowed upon sidewalks, public streets, alleys, right-of-ways, or highways or within fifteen (15) feet from any building or combustible materials.
- B. Burning is permitted when supervised by any fire protection district serving the Village for the purpose of instruction in methods of fire fighting or fire hazard elimination. The Village President and the Supervisor of the Local Law Enforcement Agency must be notified in advance of any such burning.
- C. Variances to this ordinance shall only be granted by the Village Board.

Section 4 Penalties

- A. Violators of this ordinance shall be subject to a fine of fifty dollars (\$50.00) if paid within ten (10) days of a citation and seventy-five dollars (\$75.00) thereafter plus any other related costs.

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Chapter Five Noise Ordinance (added: 5-5-92, revised: Ord. 98-3-3)

- A. It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise at any time which either annoys, injures, or endangers the comfort, repose, health or safety of others unless the making and continuing of such noise is necessary for the protection or preservation of the health, safety or life of some person.

- B. It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Chapter, and anyone who violates any provisions of this Chapter, shall be liable for a fine of Twenty-Five Dollars (\$25.00) if paid in ten (10) days of the date of issuance of the citation or complaint, of Fifty Dollars (\$50.00) if paid after the ten (10) days.

- C. Any person violating or failing to comply with any said provisions of this Chapter who does not enter an appearance and plea of guilty or waiver shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00) for any one offense.

Chapter Six Throwing of Objects Ordinance (added: 5-5-92)

- A. It shall be unlawful for any person to throw, project or cast any stone, projectile, missile or other object in the 300, 400, or 500 blocks of Main Street and adjacent side streets, including the first block east and west on 3rd, 4th, and 5th Streets in the Village of Pecatonica.

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Chapter Seven Cruelty to Animals (Ord. 93-9-5)

- A. It shall be unlawful for any person to commit unlawful acts of cruelty to animals in the following manners:
 - 1. by overloading, overdriving, overworking, cruelly beating, tormenting, torturing, mutilating or cruelly killing any animal, or causing or knowingly allowing the same to be done;
 - 2. by unnecessarily failing to provide any animal in his/her charge or custody, as owner or otherwise, with proper food, drink or shelter;
 - 3. by abandoning any old, maimed, infirmed, sick, or disabled animal;
 - 4. by ensnaring, injuring or killing any robin or other small bird by means of a trap, slingshot, stone, missile, gun or weapon of any kind;
 - 5. by instigating, causing or assisting in any dogfight, prizefight, cockfight or any public or private fighting of any animals of any kind.

Chapter Eight "Nuisance" of Junk or Debris on a Property (Ord. 93-9-2)

Section 1 Definitions

- A. For the purposes of this Ordinance, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which detrimentally affects the health, safety and welfare of members of the public or their property, or which causes or tends to cause substantial diminution of other persons health, safety and welfare including that of their property in the neighborhood in which such premises are located.
- B. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:
 - 1. Lumber, junk, trash or debris.
 - 2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
 - 3. Unsheltered storage of machinery, implements, and/or equipment

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and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are collectively described as "said personalty," for a period of 30 days or more (except in licensed junk yards) within the corporate limits of this Village.

Section 2 Duty of Private Property

- A. No person owning, leasing, occupying or having charge of any premises in the Village shall maintain or keep any such nuisance defined in Section 1, thereon.

Section 3 Abatement of Nuisance by Owners

- A. The owner, owners, tenants, lessees and/or occupants of any lot or property within the corporate limits of the Village upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereinafter referred to collectively as "owners") shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the Village, or otherwise to remove it to a location without said corporate limits.

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Chapter Nine Ordinance Prohibiting the Deposit of Litter (Ord. 93-9-8)

Section 1 Definitions

A. For the purpose of Chapter Nine, the following words and phrases shall have the following meanings ascribed to them respectively:

1. Litter

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

2. Person

- a. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent, or assigns.

Section 2 Dumping or Depositing of Litter Prohibited; Exemptions

A. No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this Village, or upon or into any river, lake, pond, or other stream or body of water in this Village unless:

- 1. The property has been designated by the Village or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the State Pollution Control Board;

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2. The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;
3. The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard.
4. The person is acting pursuant to special cleanup days established by the Board of Trustees; and/or
5. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter when the emergency situation no longer exists.

Section 3 Dumping or Depositing Litter from Motor Vehicle Prohibited

- A. No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in this Village except as permitted under Section 2 A (1) through (5).
- B. Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.

Section 4 Accumulation of Litter Prohibited

- A. No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

Section 5 Presumption of Violation by Operator Throwing Litter from Motor Vehicle

- A. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that

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the operator of that motor vehicle has violated Section 3 but that presumption may be rebutted.

Section 6 Power of Court to Order Removal of Litter

- A. The penalties prescribed in this Chapter are in addition to, and not in lieu of any penalties, rights, remedies, duties, or liabilities which may be otherwise imposed or conferred by a court.

Section 7 Penalty

- A. Any person convicted of a violation of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500); amount to be doubled in the case of broken glass.

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Chapter Ten Dogs

Section 1 Disturbance by Dogs
(Added: 11-6-89, revised: Ord. 98-3-2)

- A. No person shall own, keep or have in his/her possession any dog which by frequent barking, yelping, howling or otherwise causes disturbances or annoyance to persons in the neighborhood, provided, however, that the provisions of this section shall not apply to premises used by the Village of Pecatonica to impound dogs.

Section 2 Dogs at Large (Ord. 95-3-1, revised: Ord. 97-7-1)

- A. No person shall cause, allow or permit any dog owned or kept by him to run at large or loose at any time during the year, whether night or day, on any public road, alley or way or upon any public property or public place or upon the private premises of any other person, whether said premises be residential or business.
- B. All dogs shall be deemed to be running at large if they are not adequately secured either in a fenced area of the owner or keeper of a premises, or by means of a leash.
- C. A separate and distinct offense shall have been committed for each and every day which shall elapse after the first conviction for a violation of any part of this Section.

Section 3 Animal Defecation Prohibited (Ord. 98-3-2)

- A. No person, being the owner of or having charge of any animal shall permit it to defecate upon any public property, or upon any private property without permission of the property owner.
- B. Any person, being the owner of or having charge of any animal not confined to that person's property shall immediately remove any animal feces deposited on public or private property in violation of subsection (A).

Section 4 Penalty (Ord. 98-3-2)

- A. It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Chapter, and anyone who violates any provision of this Chapter, shall be liable for a fine of Twenty-Five Dollars (\$25.00) if paid in ten (10) days of the date of issuance of

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the citation or complaint, of Fifty Dollars (\$50.00) if paid over the ten (10) days.

- B. Any person violating or failing to comply with any said provisions of this Chapter who does not enter an appearance and plea of guilty and waiver shall be subject to a fine of not less than Two Hundred Dollars (\$200.00) but not more than Five Hundred Dollars (\$500.00) for any one offense. (Revised: Ord. 2004-7-1)

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Chapter Eleven Prohibition of Sale of Tobacco to Minors and Prohibiting Minors from Buying Tobacco (Ord. 2002-2-4)

Section 1 Prohibiting Minors from Buying Tobacco and Prohibiting the Sale of Tobacco to Minors

- A. No minor under eighteen (18) years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms.
- B. No person shall sell, buy for, distribute samples of, or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under eighteen (18) years of age.
- C. For the purpose of this ordinance, “smokeless tobacco” means any tobacco product that is suitable for dipping or chewing.
- D. The tobacco products listed above may be sold through a vending machine only in the following locations:
 - 1. Factories, businesses, offices, private clubs and other places not open to the general public.
 - 2. Places to which minors under the age of eighteen (18) years of age and not permitted access.
 - 3. Places where alcoholic beverages are sold and consumed on the premises.
 - 4. Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over eighteen (18) years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in the subdivision, “direct supervision” means that the owner or employee has an unimpeded line of sight to the vending machine.
 - 5. Places where the vending machine can only be operated by the owner or an employee over age eighteen (18) either directly or through a remote controlled device if the device is inaccessible to all customers.

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- E. Penalty. Any person who violates any provision of this ordinance is guilty of a petty offense, and for the first offense shall be fined \$200.00; \$400.00 for the second offense in a 12-month period; and \$600.00 for the third or any subsequent offense in a 12-month period.

Chapter Twelve Prohibition of the Possession of Tobacco by Minors

Section 1 Prohibiting the Possession of Tobacco by Minors

- A. It shall be unlawful, and it is declared a public nuisance, for any person under the age of eighteen (18) years to possess any tobacco products, except when the possession by a person under the age of eighteen (18) years is under the direct supervision of a parent or guardian.

Section 2 Penalty

- A. Fine for violation of this ordinance shall not be less than Ten Dollars (\$10.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

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Chapter Thirteen Minor Drinking and Possession of Alcohol by Minors (added:
2002-8-1)

Section 1 Purpose

- A. Whereas, the minor drinking and possession of alcohol by minors ordinance is established in this chapter in order to protect and promote the public health, safety, convenience, comfort, morale, prosperity and welfare of the public in the Village of Pecatonica.

- B. The minor drinking and possession of alcohol by minor's regulations are established in order to prosecute said violations under Municipal Codes as requested by the State's Attorney of the County of Winnebago, State of Illinois.

Section 2 General Provisions

- A. It shall be unlawful for any person under twenty-one (21) years of age to purchase or otherwise obtain or to attempt to purchase, or otherwise obtain alcoholic liquor from any person, whether engaged in the retail sale of intoxicating liquor or otherwise; or to consume intoxicating liquor, or to make false statements, or to furnish, present or exhibit and fictitious or false registration card, or identification card, or other document indicating that such person is of age; or, to engage or utilize the service of any other person, whether for remuneration or not, to procure for such person any such intoxicating liquor.
 - 1. It is unlawful for any person under the age of twenty-one (21) years to have any alcoholic beverage in his/her possession on any street or highway or in any public place or in any place open to the public

Section 3 Fines

- A. Any person, firm or corporation violating this ordinance shall be fined, upon conviction, not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus costs.

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Chapter Fourteen Trees (Established: Ord. 2007-7-2)

Section 1 Establishment of a Tree Board

- A. The Village of Pecatonica hereby appoints the Public Works Committee and Public Works Department to act as the governing body over the care and management of Trees and Shrubs in the Village. They shall annually set forth a "Tree Care and Management Plan" with the assistance of a certified arborist.
- B. The Village shall appropriate a minimum of \$2.00 per Capita for tree maintenance each fiscal year. The Village shall each year purchase a tree and hold a tree planting ceremony on Arbor Day. The Village President shall annually issue an Arbor Day proclamation.

Section 2 Definitions

- A. Whenever the words "parkway" or "terrace" are used in this Chapter Fourteen they shall mean:
 - 1. On curbed streets: That part of the public right-of-way lying between said curb and any adjacent sidewalk, or if no sidewalk, that part between said curb and adjacent property line.
 - 2. On non-curbed streets: That part of the public right-of-way lying between the edge of the maintained road surface and any adjacent sidewalk, or if no sidewalk, that part between said maintained road surface and the adjacent property line.
- B. Whenever the words "maintained roadway" are used in this Chapter Fourteen they shall mean:
 - 1. That portion of the public right-of-way which is paved or otherwise maintained for the purpose of vehicular movement, or
 - 2. In the case of dedicated roadways not yet improved, that portion of the dedicated roadway which would be reasonable expected to become an improved surface at some later date.

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Section 3 Permit Required for Planting or Removal of Same

- A. No person shall plant or transplant, trim or remove a tree, shrub or flowers on public property, including but not limited to, public right-of-way, terrace, or parkway without first obtaining a written permit for such work from the Public Works Department.

Section 4 Permit Procedure and Fee

A. Permit Procedure

- 1. A permit applicant shall file application for permit with the Village Clerk. Applicant shall file sufficient information to allow the Village to determine if purposes for the permit are consistent with this Chapter Fourteen, including but not limited to, type of plant to be removed, transplanted, trimmed, or planted; location of the subject plant/tree/shrub; if transplanted where plant/tree/shrub will be located; and a statement that the applicant has familiarized himself/herself with all applicable codes and will abide by same.
- 2. Clerk shall then refer the application to the Public Works Director and Public Works Committee Chair for review of the application and investigation of compliance with all applicable codes.
- 3. Upon review and signed approval of the application by the Public Works Director, the Village Clerk shall issue a permit.

B. Fee

- 1. There shall be no fee for said permit.

Section 5 Planting Regulations

- A. No tree, shrub or flowers shall be planted on public property, including but not limited to, public right-of-way, terrace, or parkway on streets with less than a 60 foot right-of-way. No tree or shrub shall be planted on public property within six (6) feet of any driveway. Any tree, shrub or flowers planted pursuant to this Chapter Fourteen must be exactly eight feet (8') from all property lines.

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Section 6 Acceptable Trees (revised: Ord. 2009-1)

- A. Subject to the provisions of this Chapter Fourteen, only the following described “shade” trees may be planted or transplanted on public property, including but not limited to, public right-of-way, terrace, or parkway except beneath or near overhead electric power lines:

COMMON NAME	BOTANICAL NAME
Walnut Black	Juglans Nigra
Thornless Honey Locust	Gleditsia Triancanthis
American Linden	Tilia Americana
Little Leaf Linden	Tilia Cordata
Redmond Linden	Tilia Americana “Redmond”
Norway Maple	Acer Plananoides
Red Maple	Acer Rubrum
Sugar Maple	Acer Saccarnium
Pin Oak	Quercus Palustris
Red Oak	Quercus Rubra
White Oak	Quercus Alba
Hackberry Common	Celtis Occidentalis

- The Board of Trustees reserves the right to waive the requirements regarding the type of “shade” tree that is allowed to be planted in the public right-of-way.

- B. Subject to the provisions this Chapter Fourteen, only the following described “ornamental” trees may be planted or transplanted on public property, including but not limited to, public right-of-way, terrace or parkway beneath or near overhead electric lines:

COMMON NAME	BOTANICAL NAME
Amur Maple	Acer Ginnala
Sargent Crabapple	Malus Sargentii
Knockspur Hawthorn	Crataegus Crusgalli
Washington Hawthorn	Crataegus Phaenopyrum
Service Berry	Amelanchier Canadensis
Flowering Crab	Malus Vanguard
Coffeetree Kentucky	Gymnocladus Dioica
Pear Callery	Pyrus Calleryana

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1. The Board of Trustees reserves the right to waive the requirements regarding type of “ornamental” tree that is allowed to be planted in the public right-of-way.

Section 7 Penalties

- A. Any person who shall remove a tree in violation of this Chapter Fourteen shall be subject to a fine of up to \$500.00 plus costs incurred for removal of the stump and replacement of the tree.
- B. Any person who shall plant a tree in violation of this Chapter Fourteen shall be subject to costs incurred for removal of the tree.

Section 8 Contacting J.U.L.I.E.

- A. Any person who intends to plant or remove any tree, shrub or flowers on public property must first have all underground facilities (underground power, telephone, gas lines, etc.) marked out by J.U.L.I.E. or other recognized underground facilities locator.

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Chapter Fifteen Child Curfew Act (added: Ordinance 2008-15)

(720 ILCS 555/0.01) (from Ch. 23, par. 2370.9)

Section 0.01. Short title. This Act may be cited as the Child Curfew Act.
(Source: P.A. 86-1324.)

(720 ILCS 555/1) (from Ch. 23, par. 2371)

Section 1. Curfew.

- (a) Definitions. In this Section.
- (1) "Curfew hours" means:
 - (A) Between 12:01a.m. and 6:00a.m. Saturday;
 - (B) Between 12:01a.m. and 6:00a.m. Sunday; and
 - (C) Between 11:00p.m. on Sunday to Thursday, inclusive, and 6:00a.m. on the following day.
 - (2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for the immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 - (3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment.
 - (4) "Guardian" means:
 - (A) a person who, under court order, is the guardian of the person of a minor; or
 - (B) a public or private agency with whom a minor has been placed by a court.
 - (5) "Minor" means any person under 17 years of age.
 - (6) "Parent" means a person who is:
 - (A) a natural parent, adoptive parent, or step-parent of another person; or
 - (B) at least 18 years of age and authorized by a parent or a guardian to have the care and custody of a minor.

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- (7) “Public Place” means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
 - (8) “Remain” means to:
 - (A) linger or stay; or
 - (B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
 - (9) “Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- (b) Offenses
- (1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.
 - (2) A parent or guardian of a minor to other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.
- (c) Defenses. It is defense to prosecution under subsection (b) that the minor was:
- (A) accompanied by the minor’s parent or guardian or other person in custody or control of the minor;
 - (B) on an errand at the direction of the minor’s parent or guardian, without any detour or stop;
 - (C) in a motor vehicle involved in interstate travel;
 - (D) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
 - (E) involved in an emergency;
 - (F) on the sidewalk abutting the minor’s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor’s presence;

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- (G) attending an official school, religious or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;
- (H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (I) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(d) Enforcement.

Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present.

- (e) A person convicted of a violation of any provision of this Chapter shall be guilty of a petty offense and shall be fined not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian shall be subject to any fine. In addition to or instead of the fine imposed by this Paragraph, the court may order a parent, legal guardian, or other person convicted of a violation of paragraph (b) of this Chapter to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of paragraph (b) of this Chapter shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(Source: P.A. 93-1092, eff. 3-29-05.)

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(720 ILCS 555/2) (from Ch. 23, par. 2372)

Section 2. Exercise of Legislative or Regulatory Authority by Municipalities

- (a) County, municipal and other local boards and bodies authorized to adopt local police laws of this State may exercise legislative or regulatory authority over this subject matter by ordinance or resolution incorporating the substance of this Act or increasing the requirements thereof or otherwise not in conflict with this Act.

(Source: Laws 1963, p. 3323.)