

# ARTICLE 14

## CONDUCT AND OFFENSES

### CHAPTER

- 1 Nuisances Defined and Abatement
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## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 1 NUISANCES DEFINED AND ABATEMENT

##### SECTION

14-1-1	Definitions
14-1-2	Sight Distance at Uncontrolled Intersection
14-1-3	Unlawful Deposit of Snow Upon Public Right of Way
14-1-4	Municipal Authority to Abate Nuisances
14-1-5	Unlawful to Permit Nuisances
14-1-6	Abatement Procedure

##### 14-1-1 DEFINITIONS

The following conduct, acts and conditions are hereby declared and defined to be a nuisance, and when committed, performed or permitted to exist by any person within the territorial limits of the City, are hereby declared to be unlawful and prohibited, which nuisances so declared and defined, are the following:

- A. The obstruction or encroachment upon any public highway, public street, public sidewalk or alley, or public grounds.
- B. Any act which endangers public health or results in annoyance or discomfort to the public.
- C. Any act or offense which is a nuisance according to the common law of the land, or declared or defined to be a nuisance by the Statutes of the State of Illinois.
- D. A dwelling unfit for human habitation when it is dangerous or detrimental to life or health because of lack of repair, defects in the plumbing system or lighting or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.
- E. The acts or omissions described in and declared to be unlawful, in each and every Chapter of this Article.

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### **14-1-2           SIGHT DISTANCE AT UNCONTROLLED INTERSECTIONS**

The act of allowing bushes, shrubs or other plant material other than trees to grow in areas as hereinafter defined is hereby declared to be a public nuisance. No person shall allow bushes, shrubs or other plant material other than trees to grow to a height in excess of twenty-four inches (24") above the elevation of the centerlines of intersecting, uncontrolled streets within a sixty foot (60') radius of the intersecting centerlines of said uncontrolled streets. Trees may be maintained within said areas as long as there is no foliage within forty-eight inches (48") as measured from the ground to the lowest foliage. Any person violating the terms of this Section shall be guilty of a misdemeanor and such act shall be punishable in accordance with the terms of this Article. Further, the provisions of Section 14-1-4 and 14-1-6 of this Chapter shall be applicable to this Section.

*(Ord. 2011-05, 1/17/2011)*

### **14-1-3           UNLAWFUL DEPOSIT OF SNOW UPON PUBLIC RIGHT OF WAY**

It shall be unlawful and is hereby declared to be a public nuisance for any person to remove snow from private property and deposit the same upon any public right of way within the territorial limits of the City. Any person violating the above provisions shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

### **14-1-4           MUNICIPAL AUTHORITY TO ABATE NUISANCES**

All of the acts and operations or failures to act or omissions enumerated in the immediately preceding Sections of this Chapter are hereby declared to be nuisances; and the Municipal authorities and law-enforcing officers of the City are hereby authorized and empowered to abate any such nuisance existing in the City, whether the said nuisance is one specifically recognized by ordinance or not. The Environmental Health Officer specifically authorized to do all things necessary which will correct, minimize or abate any nuisance or violation which he may find to exist within the City and which might affect the health and safety of any persons within the City. To that end the Environmental Health Officer may declare a condition to be a public nuisance and order it to be removed, abated, altered, improved or purified.

### **14-1-5           UNLAWFUL TO PERMIT NUISANCES**

It is unlawful for any person to permit or maintain the existence of any nuisance upon property or premises under his control.

### **14-1-6           ABATEMENT PROCEDURE**

It is hereby made the duty of the Police Chief, Fire Chief, Environmental Health Officer or the Building Administrator to serve a notice, in writing, upon the owner, agent, occupant or person in possession, charge or control of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or cause of any nuisance, requiring them, or either of them, to abate the same within a specified time in such manner as such officer shall direct; provided that it shall not be necessary in any case for the officer to specify in such notice the manner in which any nuisance shall be abated unless he shall deem it advisable so to do. If the person so notified shall refuse or neglect to comply with such order within the time and in the manner specified, the above officials or one of them shall cause the summary abatement of such nuisance at the expense of the

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person responsible for, or permitting the same, and such person shall be subject to the penalties provided for violations of the provisions of this Article; provided further, that whenever the owner, occupant, agent or person in possession, charge or control of premises in or upon which any nuisance may be found, is unknown or cannot be found, the said official shall proceed to abate the nuisance without notice; and in either case, the expense of such abatement shall be collected from the person who may have created, continued or suffered such nuisance to exist.

*(Ord 2005-46, 8/15/05, S24)*

*Supp. 18 (January, 1999)*

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#### CHAPTER 2 IMMORAL AND DISHONEST CONDUCT

##### SECTION

14-2-1	Gambling
14-2-2	Video Gaming
14-2-3	Reserved
14-2-4	Reserved
14-2-5	Classification of Licenses and Schedule of Fees
14-2-6	Unlawful Business
14-2-7	False Pretenses
14-2-8	Reserved
14-2-9	Reserved
14-2-10	Prostitution
14-2-11	Pimping
14-2-12	Frequenting House of Ill Fame
14-2-13	Reserved
14-2-14	Reserved
14-2-15	Altering or Forging City Permits, Licenses or Other Official City Document; Penalty

*(Ord. 2009-109, 12/21/2009)*

##### **14-2-1 GAMBLING**

Article 28 of the Gambling and Related Offenses of the Illinois Criminal Code of 1961, as amended, is hereby incorporated by reference into this Article 14, except that any action brought pursuant to this Section 14-2-1 shall be punishable as a Class A Misdemeanor only.

*(Ord. 2009-109, 12/21/2009)*

##### **14-2-2 VIDEO GAMING**

Video gaming, as set forth in the Illinois Video Gaming Act, is prohibited.

*(Ord. 2009-109, 12/21/2009)*

##### **14-2-3 RESERVED**

*(Ord. 2009-109, 12/21/2009)*

##### **14-2-4 RESERVED**

*(Ord. 2009-109, 12/21/2009)*

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### **14-2-5        RAFFLES**

- A. No person, firm or corporation shall conduct a raffle within the City of Park Ridge without having first obtained a license therefor pursuant to this Section.
- B. A license to conduct a raffle may be issued only to (i) a bona fide religious, charitable, labor, business, fraternal, educational or veterans organization that operates without profit to its members and which has been in existence continuously for a period of not less than five years immediately preceding making application for such license; or to (ii) a non-profit fund-raising organization that the City Clerk determines is organized for the sole purpose of providing financial assistance to an identified person or group of people suffering extreme financial hardship as the result of illness, disability, accident or disaster. A single license may be issued to a parent organization for the benefit of affiliated organizations, provided that each affiliate is otherwise qualified.
- C. Application for a raffle license shall be made to the City Clerk on forms provided not less than fifteen (15) days prior to the date of the first drawing or other determination of the winning chance. The application shall specify (i) the name and address of the organization sponsoring, administering or promoting the raffle; (ii) the name and home address of the natural person who is the chief officer or administrator of the organization; (iii) how long the organization has been in existence; (iv) the type of organization, i.e., religious, charitable, labor, business, fraternal, veterans or non-profit fund-raising and, if the latter, the person(s) receiving financial assistance; (v) the method to be used to determine the winning chance (e.g. drawing).
- D. For purposes of this Section, the terms raffle, chance, non-profit, religious, charitable, labor, business, fraternal, veterans, and educational shall have the same meanings ascribed to them as in the Illinois Raffles Act, 230 ILCS 15/1 et seq.
- E. A raffle license shall continue in effect for so long as the organization and each covered affiliate continues to meet qualifications of paragraph B hereof. The fee for a raffle license shall be \$15.00.

### **14-2-6        UNLAWFUL BUSINESS**

It shall be unlawful to advertise any unlawful business or article in the City; and it shall be unlawful to injure or deface any lawful advertisement or notice.

*(Supp 19 December, 1999)*

### **14-2-7        FALSE PRETENSES**

It shall be unlawful for any person to obtain possession of any goods, property or thing of value by any false proceedings or by cheating or by fraud of any kind.

### **14-2-8        RESERVED**

*(Ord. 2011-56, 1-/03/2011)*

### **14-2-9        RESERVED**

*(Ord. 2005-25,4/18/2005,S24)*

### **14-2-10       PROSTITUTION**

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It shall be unlawful for any person to practice prostitution in the City.

### **14-2-11 PIMPING**

It shall be unlawful for any person to solicit on any street, alley or public place in the City for the purpose of inducing any person to engage in prostitution or any unlawful sexual intercourse of any kind.

### **14-2-12 FREQUENTING HOUSE OF ILL FAME**

It shall be unlawful to maintain, frequent or patronize any house of ill fame or house of prostitution in the City.

### **14-2-13 RESERVED**

*(Ord 2007-44, 5/21/07)*

### **14-2-14 RESERVED**

*(Ord 2007-44, 5/21/07)*

### **14-2-15 ALTERING OR FORGING CITY PERMITS, LICENSES OR OTHER OFFICIAL CITY DOCUMENT; PENALTY**

It shall be unlawful to alter, forge or counterfeit any City Permit, License or Other Official document issued or required to be issued pursuant to this Municipal Code, or to hold or use such an altered, forged, or counterfeit permit, license or other official document knowing it to have been altered, forged or counterfeited. Any person found guilty of violating this Section shall be fined not less than \$1,000.00 nor more than \$2,500.00.

*(Ord 2004-76, 11/1/04, S24)*

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#### CHAPTER 3 DANGEROUS CONDITIONS AND CONDUCT

##### SECTION

14-3-1	False Alarm
14-3-2	Assault and Battery
14-3-3	Tacks, Glass on Street
14-3-4	Concealed Weapons
14-3-5	Storing Gunpowder and TNT
14-3-6	Storing Firearms
14-3-7	Reserved
14-3-8	Storage of Gasoline, Flammables
14-3-9	Firearms
14-3-10	Establishment of Cemetery Prohibited
14-3-11	Dangerous Building
14-3-12	Bows and Arrows
14-3-13	Storage of Inoperable Vehicles
14-3-14	Abatement
14-3-15	Penalty
14-3-16	Abandoned Vehicles Prohibited

##### **14-3-1 FALSE ALARM**

It shall be unlawful for any person to knowingly start or spread any false alarm in the City.

##### **14-3-2 ASSAULT AND BATTERY**

It shall be unlawful for any person to commit an assault or battery within the territorial limits of the City.

- A. A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.
- B. A person commits battery if he intentionally or knowingly without legal justification and by any means:
  - 1. Causes bodily harm to an individual; or



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2. Makes a physical contact of an insulting or provoking nature with an individual.

### **14-3-3 TACKS, GLASS ON STREET**

It shall be unlawful to cast, throw or propel any missile on any street, alley or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks or other similar articles on any street, sidewalk or alley in the City.

### **14-3-4 CONCEALED WEAPONS**

It shall be unlawful to carry any concealed weapons in the City without first having a license to carry such concealed weapons duly issued under the laws of the State of Illinois.

### **14-3-5 STORING GUNPOWDER AND TNT**

It shall be unlawful to store any gunpowder or black powder in any place in the City. It shall be unlawful to store any TNT or nitroglycerin in the City except that nitroglycerin may be stored for medicinal purposes.

### **14-3-6 STORING FIREARMS**

It shall be unlawful for any person to keep or store or to permit to be kept or stored in any place readily accessible to a person under the age of eighteen (18) any firearm unless the firearm is secured by a trigger lock or placed within a locked container.

*(Ord 2004-57, 9/7/04, S24)*

### **14-3-7 RESERVED**

*(Ord 2004-57, 9/7/04, S24)*

### **14-3-8 STORAGE OF GASOLINE, FLAMMABLES**

It shall be unlawful to store any petroleum, kerosene, gasoline, coal, oil or any of their products in an excess of fifteen (15) gallons in any place in the City unless in underground containers. All tanks or containers used for the storage of such liquids must be properly constructed and kept free from leaks. It shall be unlawful to smoke or permit any open flame in any room or enclosure used for the storage of such flammable liquids.

### **14-3-9 FIREARMS**

The use and discharge of firearms is prohibited within the City except for justifiable use of force pursuant to state law.

*(Ord 2004-57, 9/7/04, S24)*

### **14-3-10 ESTABLISHMENT OF CEMETERY PROHIBITED**

It shall be unlawful for any person to establish a cemetery within the City limits.

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### **14-3-11 DANGEROUS BUILDING**

It is unlawful to maintain any building or structure which is in an unsanitary condition, or in an unsafe or dangerous condition or which in any manner endangers the health or safety of any person. (See Section 14-1-10 of this Code.)

### **14-3-12 BOWS AND ARROWS**

No person shall at any time use or knowingly aid and abet the use of any bow and arrow in any manner which threatens to cause or causes the arrow to enter, fall upon or cross over any public or private property (unless the occupant of the private property has consented thereto). This Section shall not be construed to prevent the use of toy bows and arrows, the arrows of which have blunt rubber tips and the bows of which are less than twenty-four inches (24") long.

### **14-3-13 STORAGE OF INOPERABLE VEHICLES**

The placing or keeping of inoperable motor vehicles, machinery, implements or mechanical equipment on any private property for a period in excess of ten (10) days is hereby declared to be a nuisance; provided, however, that no more than one inoperable motor vehicle may be stored upon a lot if said vehicle is kept within a structure enclosed on all four (4) sides. Provided, further, that within an appropriate zoning district a legal land use engaged in the repair of such vehicles or equipment may store it for a period not exceeding ninety (90) days while it is undergoing repairs.

As used in this Section, "inoperable motor vehicle" means any motor vehicle, machinery, implements or mechanical equipment which is incapable of moving under its own power, or has one or more flat tires, or lacks any structural or mechanical component necessary to normal operation, or lacks valid State or local registration or licensing, or is raised on blocks.

### **14-3-14 ABATEMENT**

Upon written notice from the Police Department, the owner, tenant, lessee or occupant (hereinafter "owner") of any lot upon which said nuisance exists shall abate such nuisance by the prompt removal of said vehicle or equipment into completely enclosed buildings authorized to be used for such storage or otherwise remove it from the City.

### **14-3-15 PENALTY**

If said owners allow such nuisance to exist or fail to abate said nuisance, they, and each of them, upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

### **14-3-16 ABANDONED VEHICLES PROHIBITED**

A. It shall be unlawful to abandon a motor vehicle on any street, highway or other public way in the City.

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- B. For purposes of this section
1. "Abandon" means to cause or permit a motor vehicle to remain in any public way for a period of seven (7) days or more when the vehicle is in inoperable condition; an "abandoned vehicle" is such a vehicle.
  2. "Inoperable condition" means the vehicle
    - a. is incapable of moving under its own power; or
    - b. has one or more flat tires; or
    - c. has any defective, non-functional or missing component necessary to normal operation; or
    - d. lacks valid state or local registration or licensing; or
    - e. is uninsured.
  3. Any motor vehicle which has remained in any public way without apparent operation or use for a period of seven (7) days is presumed to be inoperable.  
*(Ordin 2002-39, 10/21/2002, Supp22)*
- C. The person in whose name any abandoned vehicle is or was last registered is presumed to be the person to have abandoned the vehicle.
- D. Any motor vehicle found abandoned on any public property is declared to be a nuisance which may be abated in any manner authorized by law.
- E. Any abandoned motor vehicle may be towed or otherwise removed from a public way and impounded at the direction of the Police Chief or his designee after notice and an opportunity for hearing in accordance with the following:
1. Upon determining that a vehicle is abandoned in a public way, the Chief shall post a notice on the vehicle directing that it be removed within seven (7) days, indicating the date, warning that if not so removed the vehicle will be towed, advising that the owner is entitled to a hearing prior to towing, upon request; and giving information about how to obtain further information.
  2. The Chief shall make a reasonable effort, using normal law enforcement information systems, to identify the registered owner of the vehicle and, if that owner can be identified, shall mail to the owner a notice containing the same information in subparagraph 1 above. If the owner is not identifiable through normal means no such mail notice need be attempted.
  3. If the owner fails to respond to the notice and the vehicle is not removed the Chief shall issue a citation for violation of this section and shall proceed to remove the vehicle.
  4. If the registered owner or an authorized representative appears to request a hearing on the pending towing of the vehicle, the Chief shall hold such a hearing as soon as may be

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practical within not more than three (3) days. The owner shall be notified of the time and place of the hearing. The vehicle shall not be towed while a hearing is pending.

5. At the hearing, the Chief shall explain why the vehicle is determined to be abandoned and what the owner must do to avoid having the vehicle towed. The owner may present evidence (including an examination of the vehicle) that the vehicle is not abandoned or otherwise should not be towed. If the Chief finds that the vehicle is not abandoned, it shall not be towed and any notice of violation of this Section shall be rescinded. Otherwise, the owner shall have twenty-four (24) hours following the hearing to remove the vehicle.
- F. Any vehicle towed and impounded in accordance with this Section shall be subject to the provisions of 625 ILCS 5/4-205 through 5/4-213 and may be disposed of by the Chief in accordance with those procedures.
- G. This Section shall not apply to any motor vehicle which is obstructing or impeding traffic or which otherwise constitutes a present hazard. Any such vehicle may be removed summarily at the direction of any law enforcement officer.

*Supp. 18 (January, 1999)*

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#### CHAPTER 4 OFFENSIVE CONDITIONS AND CONDUCT

##### SECTION

- 14-4-1 Offensive Businesses
- 14-4-2 Damage to City Property
- 14-4-3 Criminal Damage to Property
- 14-4-4 Parental Responsibility

##### **14-4-1 OFFENSIVE BUSINESSES**

It shall be unlawful to permit any offensive or unwholesome business or establishment to be operated within the territorial limits of the City and within a distance of one mile beyond said territorial limits, and all offensive or unwholesome businesses or establishments are hereby prohibited within the City and within the distance of one mile of the Municipal limits thereof.

##### **14-4-2 DAMAGE TO CITY PROPERTY**

Whoever shall intentionally, knowingly or recklessly, or whoever shall, while operating or causing to be operated, parking or causing to be parked, any motor vehicle in any improper manner, cause damage or injury to any public building, sewer, water pipe, hydrant, or any tree, grass, shrub or walk in any public way or public park, or any pavement, side or crosswalk, or any part thereof, or any other City property shall be deemed guilty of a violation of this Section and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

*(Ord 2007-30, 4/2/07, S25)*

##### **14-4-3 CRIMINAL DAMAGE TO PROPERTY**

It shall be unlawful for any person to commit any act described in the following subsections:

- A. Knowingly damage any property of another without his consent; or
- B. Recklessly, by means of fire or explosives, damage property of another; or
- C. Knowingly start a fire on the land of another without his consent; or

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- D. Knowingly injure a domestic animal of another without his consent; or
- E. Knowingly deposit on the land or in the building of another, without his consent, any stinkbomb or any offensive-smelling compound, thereby intending to interfere with the use by another of the land or building.

The aforesaid acts are hereby declared to be misdemeanors and shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

### 14-4-4 PARENTAL RESPONSIBILITY

- A. Definitions: As used in this Section, unless the context other requires, the terms specified have the following meanings:

LEGAL GUARDIAN: 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. (705 ILCS 405/1-1) The term "legal guardian" does not include guardian ad litem.

MINOR: A person who is above the age of eleven (11) years, but not yet eighteen (18) years old.

- B. Illegal Acts: The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the 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 subsections B1, B2 and B3 below:

1. An unemancipated minor residing with a parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or Statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or Statute prohibiting willful and 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 following said adjudication or nonjudicial sanction; and
3. If at any time within two (2) years following receipt of the notice set forth in subsection B2 above, said minor is either adjudicated to be in violation of any ordinance, law or Statute as described in B1 above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or Statute as described in subsection B1 above.

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- C. Penalty: Any person convicted of any violation of the provisions of this Section shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

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#### CHAPTER 5 DISORDERLY CONDUCT AND OBSCENITY

##### SECTION

14-5-1	Definitions	
14-5-2	Disorderly Conduct Prohibited	
14-5-3	Exemptions	
14-5-4	Penalties	
14-5-5	Public Streets, Alleys	(Ord. 2011-56, 10/03/2011)
14-5-6	Indecent Exposure	
14-5-7	Obscene Material	
14-5-8	Definition, Obscene	
14-5-9	Audience	
14-5-10	Presumption of Knowledge	
14-5-11	Indecent Show	
14-5-12	Drinking on the Public Way	(Ord. 2011-56, 10/03/2011)

##### 14-5-1 DEFINITIONS

**PUBLIC PLACE:** Any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

**RIOT:** A public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual, or (2) a threat or threats of the commission of an act or acts of violence by one or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

**INCITE A RIOT:** Shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas, or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion to the rightness of, or the right to commit, any such act or acts.



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### 14-5-2 DISORDERLY CONDUCT PROHIBITED

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A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place or in any place where a breach of the public peace occurs:

- A. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;
- B. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;
- D. Interferes with another's pursuit of a lawful occupation by acts of violence;
- E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City police or other lawful authority known to be such;
- F. Resists or obstructs the performance of duties by City police or any other authorized official of the City, when known to be such an official;
- G. Incites, attempts to incite, or is involved in attempting to incite a riot;
- H. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;
- I. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
- J. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;
- K. Acts with intent to annoy another, makes a telephone call, whether or not conversation thereby ensues;
- L. Transmits in any manner to the Fire Department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such a fire exists;
- M. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing a bomb or explosive is concealed in such place;

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- N. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed;
- O. Enters upon the property of another for a lewd or unlawful purpose or, while trespassing, deliberately looks into a dwelling on the property through any window or opening in it.

*(Ord. 2011-56, 10/03/2011)*

### **14-5-3 EXEMPTIONS**

This Chapter shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

### **14-5-4 PENALTIES**

Any person convicted of violating Section 14-5-2, entitled "Disorderly Conduct Prohibited", of this Chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

### **14-5-5 PUBLIC STREETS, ALLEYS**

*(Ord. 2011-56, 10/03/2011)*

It shall be unlawful conduct for any person to appear in or on any street, alley or other public place in the City, manifestly under the influence of alcohol, narcotics or other drugs to the degree that he or she (i) may endanger himself/herself or other persons or property and fails to cooperate with a police officer or other intermediary person in being assisted to his/her home, a treatment facility or other health facility, or (ii) annoys or disturbs other persons in his/her vicinity.

### **14-5-6 INDECENT EXPOSURE**

It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or in any such place to make any indecent exposure of his or her person or private parts thereof or the private parts of another or to conduct himself in a lewd or lascivious manner or to appear in any such place in a dress not belonging to his sex.

### **14-5-7 OBSCENE MATERIAL**

It shall be unlawful for any person knowingly 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, statue, drawing or other article which is obscene.

### **14-5-8 DEFINITION, OBSCENE**

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Material shall be deemed "obscene" for the purpose of this Chapter when to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole, appeals to prurient interests.

### **14-5-9 AUDIENCE**

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.

### **14-5-10 PRESUMPTION OF KNOWLEDGE**

Any person shall be presumed to have "knowingly" engaged in the exhibition, sale, printing, offering to sell, giving away, circulating, publishing or distribution of material, if not less than ten (10) days prior to the service of summons or arrest for violation of this Chapter, the Police Chief or his duly authorized deputy shall have notified such person in writing that certain named materials in his possession or control is obscene, and that he will be prosecuted, if he persists in such activity, and such person thereafter persists in such activity. Such notification shall, however, not be a condition precedent for prosecution under the terms of this Chapter.

### **14-5-11 INDECENT SHOW**

It shall be unlawful for any person to present, exhibit or conduct any indecent show, theatrical, play, motion picture, exhibition or other form of public amusement or show.

### **14-5-12 DRINKING ON THE PUBLIC WAY**

- A. It shall be unlawful for any person to drink or to possess any alcoholic liquor in an open container on any street, alley or other public place within the City.
- B. The provisions of subsection (A) of this section shall not apply to the drinking or possession of alcoholic liquor at such public places licensed to sell alcoholic liquor by the City or at block parties pursuant to a permit issued by the City.

*(Ord. 2011-56, 10/03/2011)*

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 6 OFFENSES AGAINST PROPERTY

##### SECTION

- 14-6-1 Trespass to Residential Land
- 14-6-2 Trespass

##### **14-6-1 TRESPASS TO RESIDENTIAL LAND**

Whoever enters upon the land or any part thereof of another without having been invited to so do or remains upon the land of another after being requested to leave by the owner or occupant is guilty of a misdemeanor. Any person violating the terms and provisions of this Section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

##### **14-6-2 TRESPASS**

- A. Trespasses Prohibited: It shall be unlawful for any person to commit a trespass within the City upon either public or private property.
- B. Specifically Enumerated Trespasses; Suppression: Without constituting any limitation upon the provisions of subsection A above, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of said subsection A above, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation of this Section, the aforesaid enumerated acts so included:
  - 1. An entry upon the premises or any part thereof of another, including any public property in violation of a notice posted or exhibited at the main entrance of said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant; provided however, that no such posted notice shall be on a sign less than two inches by two inches (2" x 2"); or
  - 2. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a public notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

### **Park Ridge Municipal Code**

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3. A failure or refusal to depart from the premise of another in case of being requested, either orally or in writing, to leave, by any owner or occupant thereof; or
  4. An entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.
- C. Penalty: Any person violating any of the provisions of this Section shall, upon conviction thereof, be fined in an amount not exceeding five hundred dollars (\$500.00).

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 7 PUBLIC GATHERINGS AND CROWDS

##### SECTION

14-7-1	Conduct in Public Library
14-7-2	Order in Theaters
14-7-3	Crowding in Theaters
14-7-4	Inciting Riots
14-7-5	Unlawful Gatherings
14-7-6	Disturbing Assemblages
14-7-7	Charitable Solicitations; Permit Required
14-7-8	Charitable Solicitations; Issuance of Permit
14-7-9	Charitable Solicitations; Revocation of Permit
14-7-10	Charitable Solicitations; Penalty
14-7-11	Camping on Public Grounds
14-7-12	Impair Traffic, Public

##### **14-7-1 CONDUCT IN PUBLIC LIBRARY**

It shall be unlawful for any person using the PARK RIDGE PUBLIC LIBRARY or its facilities to:

- A. Disturb the peace in said library building.
- B. Cause disturbing speech or noise within the reading rooms.
- C. Damage property of the library including buildings, furniture, fixtures or grounds. This subsection shall apply whether or not the person doing such damage is using the Park Ridge Public Library at the time of doing such damage.
- D. Fail to return books or other loaned material within the grace period provided by the rules and regulations of said library.
- E. Disobey or violate any rules or regulations established by the Board of Directors of said library, providing said rules and regulations have been posted in a conspicuous place within said library building.

##### **14-7-2 ORDER IN THEATERS**

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The audience of any amusement, show or theatrical must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement, show or theatrical to create a disturbance in the audience.

### **14-7-3 CROWDING IN THEATERS**

It shall be unlawful to allow in theaters or opera houses more persons than can be accommodated by the seating capacity thereof; and it shall be unlawful for any person to remain standing or to permit any person to remain standing at any time during the performance of an amusement which is conducted or displayed in a building or hall.

### **14-7-4 INCITING RIOTS**

It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or promote any riot or public disturbance.

### **14-7-5 UNLAWFUL GATHERINGS**

It shall be unlawful to collect, gather or be a member of any disorderly crowd, or any crowd gathered together for an unlawful purpose.

### **14-7-6 DISTURBING ASSEMBLAGES**

It shall be unlawful for any person to disturb any lawful assemblage or gathering in the City.

### **14-7-7 CHARITABLE SOLICITATIONS; PERMIT REQUIRED**

Any charitable organization registered with the Attorney General in the manner provided by law may stand upon the streets or highways within the City, at any intersection where all traffic is required to come to a full stop, for the purpose of soliciting contributions from the occupants of any vehicle as part of a Statewide fund-raising activity. Any person engaged in the act of solicitation shall be at least eighteen (18) years of age and shall wear a high-visibility vest. Any charitable organization wishing to engage in such solicitation for contributions shall apply to the City Clerk for a permit. The application shall state the following facts along with such other facts as may be required by the Clerk:

- A. The name, address and telephone number of the organization.
- B. The name, address and telephone number of a local representative of the organization or of the person making the application.
- C. An affidavit from the organization stating that the organization is registered with the Attorney General as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor", approved July 26, 1963, and as amended.

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- D. An affidavit that the organization is engaged in Statewide fund-raising activity.
- E. A certificate of insurance verifying that the organization has in effect at the time of said application an indemnity agreement in excess of one million dollars (\$1,000,000.00) indemnifying and holding the City harmless against any and all liability and expenses whatsoever, for bodily injury or death, including without limitation, injury or death to agents, employees, servants or volunteers of the organization which may be causally related to any act of ordinary negligence, intentional, willful or wanton misconduct of the soliciting agent acting on behalf of said organization. The certificate of insurance shall be subject to the approval of the City Manager.
- F. The location or locations at which approval to solicit is being sought.
- G. The days and times of days at which such solicitation is proposed to take place next.
- H. The number of persons proposed to solicit at each location.

### **14-7-8 CHARITABLE SOLICITATIONS; ISSUANCE OF PERMIT**

The City Clerk shall issue a permit for such solicitation if he finds that the applicant has complied with all of the terms and provisions of State law regarding such solicitation and the provisions of this Chapter. The Clerk must also find that the location, times and duration of the proposed solicitation and number of proposed solicitors shall not result in an interference with the flow of vehicular traffic.

### **14-7-9 CHARITABLE SOLICITATIONS; REVOCATION OF PERMIT**

The City Clerk is authorized to revoke instantly the permit of any organization in the event he determines that the actions or conduct of the representatives of the soliciting organization have violated any of the terms and provisions of this Chapter, or in the event it is determined by the Clerk that such actions have resulted in an interference with the flow of vehicular traffic.

### **14-7-10 CHARITABLE SOLICITATIONS; PENALTY**

Any person, corporation, unincorporated association or other entity violating any provisions of this Chapter shall, upon a judicial finding of such violation, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each such separate offense.

*Supp. 19 (January, 1999)*

### **14-7-11 CAMPING ON PUBLIC GROUNDS**

It shall be unlawful for any person to camp on any public street, sidewalk, in a public park, building or on any public property.



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**14-7-12 IMPAIR TRAFFIC, PUBLIC**

It shall be unlawful for any person to remain in or upon any public place or property in such a manner as to impair traffic, free use by the public or the conduct of business in or upon said public place or property.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 8 PARADES AND ASSEMBLIES

##### SECTION

- 14-8-1 Definitions
- 14-8-2 Permit Required
- 14-8-3 Applications
- 14-8-4 Standards for Issuance
- 14-8-5 Notice of Rejection
- 14-8-6 Appeal Procedure
- 14-8-7 Alternative Permit
- 14-8-8 Notice to City and Other Officials
- 14-8-9 Contents of Permit
- 14-8-10 Duties of Permittee
- 14-8-11 Public Conduct during Parades
- 14-8-12 Revocation of Permit
- 14-8-13 Penalties
- 14-8-14 Residential Picketing Prohibited

##### **14-8-1 DEFINITIONS**

AREA OF USE: Any public street, sidewalk, parkway, park or other public place within the sphere of influence of the conduct of a parade.

CITY: The City of Park Ridge.

CITY MANAGER: The City Comptroller-Manager of the City.

PARADE: Any parade, picket, march, ceremony, show, exhibition, pageant, demonstration or procession of any kind or any similar display with more than ten (10) participants in or upon any street, sidewalk, parkway, park or other public place within the territorial limits of the City.

PARADE PERMIT: A permit as required by this Chapter.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PLACE: Any place within the City which is open to free use by the general public.

##### **14-8-2 PERMIT REQUIRED**

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No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the City Manager (or other appropriate official or body under the terms of this Chapter).

EXCEPTIONS: This Chapter shall not apply to:

- A. Funeral processions or weddings;
- B. Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
- C. A governmental agency acting within the scope of its functions.

### **14-8-3 APPLICATIONS**

A person seeking issuance of a parade permit shall file an application with the City Manager on forms provided by such officer.

- A. Filing Period: An application for a parade permit shall be filed with the City Manager not less than two (2) days before the date on which it is proposed to conduct the parade.
- B. Contents: The application for a parade permit shall set forth the following information:
  - 1. The name, address and telephone number of the person seeking to conduct such parade;
  - 2. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
  - 3. The name, address and telephone number of the person who will be responsible for its conduct;
  - 4. The date when the parade is to be conducted;
  - 5. The route to be traveled, the starting point and the termination point.
  - 6. The approximate number of persons who, and the equipment which, will constitute such parade; the type and description of the vehicles and equipment;
  - 7. The hours when such parade shall start and terminate;
  - 8. A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalks, parks or public places proposed to be traversed or used;
  - 9. The location by streets of any assembly areas for such parade;
  - 10. The time at which units of the parade will begin to assemble at any such assembly area or areas;

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11. The interval of space to be maintained between units of such parade;
  12. Any additional information which the City Manager shall find reasonably necessary to a fair determination as to whether permit should be issued.
- C. Late Applications: The City Manager, where good cause is shown therefore, shall have the authority to consider any application hereunder which is filed less than two (2) days before the date such parade is proposed to be conducted; provided however, that any person filing application less than ten (10) days prior to the day on which the parade is to be held waives the right to appeal as provided in this Chapter.

### **14-8-4 STANDARDS FOR ISSUANCE**

The City Manager shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of traffic in the area of use and contiguous areas;
- B. The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the area of use and the areas contiguous thereto as to prevent normal police protection to the City;
- C. The concentration of persons and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- D. The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;
- E. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or incite a riot;
- F. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute;
- G. The conduct of the parade will not unreasonably interfere with use of any street, sidewalk, parkway, park or public place by the public in general.

### **14-8-5 NOTICE OF REJECTION**

The City Manager shall act promptly upon the application for a parade permit. If the City Manager disapproves the application, he shall give prompt notice of his action, stating the reasons for his denial of the permit.

### **14-8-6 APPEAL PROCEDURE**

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Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The City Council shall act upon the appeal at the regular meeting of the City Council after receipt of the notice of appeal.

### **14-8-7 ALTERNATIVE PERMIT**

The City Manager, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within three (3) days after notice of the action of the City Manager, file a written notice of acceptance with the City Manager. An alternative parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this Chapter.

### **14-8-8 NOTICE TO CITY AND OTHER OFFICIALS**

Immediately upon the issuance of a parade permit, the City Manager shall send a copy thereof to the following:

- The Mayor
- The City Attorney
- The Fire Chief
- The Police Chief
- The Director of Public Works

### **14-8-9 CONTENTS OF PERMIT**

Each parade permit shall state the following information:

- A. Starting time;
- B. Minimum duration;
- C. Maximum duration;
- D. Maximum interval of space to be maintained between the units of the parade;
- E. The portions of the streets, sidewalks or public places to be traversed or that may be occupied by the parade;
- F. The maximum length of the parade in miles or fractions thereof;
- G. Such other reasonable directions and conditions as the City Manager shall find necessary to the enforcement of this Chapter;
- H. Approximate number of participants.

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### **14-8-10 DUTIES OF PERMITTEE**

- A. Compliance Required: A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances of the City.
- B. Possession of Permit: The parade chairman or other person heading or leading the parade shall carry the parade permit upon his person during the conduct of the parade.

### **14-8-11 PUBLIC CONDUCT DURING PARADES**

- A. Interference: No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or equipment participating or used in a parade.
- B. Driving Through Parades: No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
- C. Parking on Parade Route: The Police Chief shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Police Chief shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on an unposted street in violation of this Chapter.

### **14-8-12 REVOCATION OF PERMIT**

The City Manager shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth.

### **14-8-13 PENALTIES**

Any person who violates any of the terms of this Chapter shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

*(Ord 2007-30, 4/2/07, S25)*

### **14-8-14 RESIDENTIAL PICKETING PROHIBITED**

Notwithstanding any other provision in this Code it shall be unlawful for any person or group of persons to engage in picketing directed at the residence or dwelling of any person in the City of Park Ridge. For purposes of this Section, "picketing" means posting, standing, walking, marching, gathering or demonstrating on streets, sidewalks or other public places.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 9 NOISE

##### SECTION

14-9-1	Definitions
14-9-2	Premises Creating Noise
14-9-3	Construction Noise
14-9-4	Machine or Device Noise
14-9-5	Sound System Noise
14-9-6	Maximum Permissible Sound Levels
14-9-7	Sound Level Measurement Procedures
14-9-8	Offense
14-9-9	Exemptions

#### 14-9-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

**HOLIDAYS**: The following days are designated as holidays for purposes of this Chapter: New Year's Day, January 1; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25.

**NOISE DISTURBANCE**: Any sound which endangers Public Health or results in annoyance or discomfort to the public.

**REAL PROPERTY BOUNDARY**: A line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, including intra-building real property divisions.

**SOUND**: An oscillation in pressure in air.

**SOUND LEVEL**: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards

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Institute specifications for sound level meters (ANSI S1.4 – 1971), or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

**SOUND LEVEL METER:** An instrument meeting American National Standard Institute's Standard S1.41971 or most recent revision therefore for Type 1 to Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

*(Ord 2006-11, 2/6/06, S24)*

### **14-9-2 PREMISES CREATING NOISE**

No person owning, or in possession, charge or control of any building or premises shall use the same, or permit the use of the same, or rent the same to be used for any business or employment, or for any purpose of pleasure or recreation, if such use shall, from its noise or its boisterous nature, disturb or destroy the peace of the neighborhood in which such building or premises are situated, or create a noise disturbance across a real property boundary, and such use is hereby declared to be a nuisance.

### **14-9-3 CONSTRUCTION HOURS**

It shall be unlawful to conduct any construction operation, including the delivery of equipment, supplies or materials, except between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Friday, and between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. on Saturdays.. It shall be unlawful to conduct any construction operation, including the delivery of equipment, supplies or materials, at any time on Sundays or holidays on any lot where a Building Permit has been issued for demolition, new construction, room addition or other project where fencing is required to be installed around the entire perimeter of the construction site or around the perimeter of the construction areas, unless the construction operation is necessary to prevent property damage and prior written approval is given by a Building Official or his/her designee. Construction work that does not require fencing around the construction site or the construction area may be performed on Sundays and holidays between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. This Section shall not apply to any construction operation by any governmental agency or governmental contractor.

*(Ord 2006-11, 2/6/06, S24)*

### **14-9-4 MACHINE OR DEVICE NOISE**

It shall be unlawful to operate any machine, device or apparatus including but not limited to lawn mowing equipment, leaf blowers, flying insect electrocution devices, instruments, power tools and powered toy models so as to cause a noise disturbance across a real property boundary between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. Monday through Friday and between ten o'clock (10:00) P.M. and eight o'clock (8:00) A.M. Saturdays, Sundays, and holidays. The following operations or uses of machines, devices and apparatus are not included within the aforesaid prohibition:

- A. Private snow removal operations.
- B. Governmental operations and governmental contractors.

*(Ord 2005-14, 2/21/05, S24)*



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- C. The operation of heating, ventilation and air-conditioning equipment or emergency electrical generators, which are in sound and satisfactory working condition and were installed in conformance with the appropriate statutes, ordinances and regulations of the City.  
*(Ord. 2009-57, 8/17/2009)*
- D. The operation or the use of a machine, device or apparatus with the approval of the Police Department or Health Authority.

### **14-9-5 SOUND SYSTEM NOISE**

It shall be unlawful for any person to use or operate, or cause to be used or operated any mechanical or electrical device, machine, apparatus or instruments to intensify or to amplify or to reproduce the human voice, or any other sound, on any public street within the City. It shall likewise be unlawful for any person to use or operate, or cause to be operated, any such mechanical or electrical device, machine, apparatus or instrument, whether involving amplification or not, that emits or causes any noise, in any building or on any premises in the City, whereby the sound therefrom is cast directly upon the public streets or across any real property boundary or which is so placed or operated that the sounds therefrom cause a noise disturbance. Governmental operations are not included within the aforesaid prohibition.

### **14-9-6 MAXIMUM PERMISSIBLE SOUND LEVELS**

No person shall operate or cause to be operated on private property any continuous, predictable or recurring source of sound in such a manner as to create a sound level measured on a sound level meter using the A-weighting network at or within the property boundary of the receiving property which exceeds; 35 decibels (dbA) in intensity between the hours of ten o'clock (10:00) p.m. and seven o'clock (7:00) a.m. or which exceeds 50 decibels (dbA) in intensity between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m.

### **14-9-7 SOUND LEVEL MEASUREMENT PROCEDURES**

The Health Authority shall use procedures for the measurement of sound that conform with the standards and recommended practices established by the American National Standards Institute, Inc. (ANSI), or the Society of Automotive Engineers (SAE).

### **14-9-8 OFFENSE**

Any person violating the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed for each day such violation shall continue. Where the act charged to be a violation or the act which is the causation of the violation is committed in whole or part by a person acting as an employee, representative, agent or officer of the owner or operator of the vehicle, machine or device, the operation or maintenance of which the causation of said violation, then and in that event such employee, representative, agent or officer as well as such owner or operator shall be held liable for such violation. In addition, an employee, representative, agent or officer of the general contractor or any subcontractor may be held liable for a violation of Section 14-9-3.

*(Ord 2006-11, 2/6/06, S24)*

**14-9-9 EXEMPTIONS**

Noise produced by transportation vehicles such as airplanes, motor vehicles, rail carrier vehicles and noise emanating from sources outside the City of Park Ridge are not included under the provisions of this Chapter.

**ARTICLE 14**

**CHAPTER 10**

**Reserved**

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 11 REGULATION OF LIGHTING

##### SECTION

14-11-1	Definitions
14-11-2	Regulations on Intensity of Light
14-11-3	Regulations on Glare
14-11-4	Standards of Measurement
14-11-5	Notice of Violations
14-11-6	Hearing on Variations
14-11-7	Penalty

##### 14-11-1 DEFINITIONS

The following words and terms wherever they occur in this Chapter shall be construed as herein defined:

**FLOOD LIGHT:** A luminaire designed so that ninety percent (90%) of the emitted light is within an angle of thirty (30) degrees to the center line of the light beam.

**FOOT CANDLE:** One foot candle is the amount of illumination provided by a light source of one international candle at a distance of one foot (1') from the light source.

**FOOT LAMBERT:** One foot lambert is the brightness of a perfectly diffusing surface uniformity emitting or reflecting one lumen per square foot of surface.

**INTERNATIONAL CANDLE OR CANDLE POWER:** One international candle is the unit of luminous intensity as established by standard light sources as maintained by the U.S. Bureau of Standards. This is called more commonly one candle power.

**LUMEN:** One lumen is that quantity of luminous energy included in one steradian unit solid angle from a uniform point source of one candle power. It is also defined as the luminous flux intercepted by a surface of one square foot, all points of which are one foot (1') from a uniform point source of one candle power.

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**LUMINARE:** A device or fixture containing a light source and means for directing and controlling the distribution of light emitted therefrom.

### **14-11-2 REGULATIONS ON INTENSITY OF LIGHT**

Regulations on intensity of light permitted shall be as follows:

- A. No lighting source shall cause more than one-tenth (.1) foot candle of illumination to fall on adjoining R1A, R1, R2 residentially zoned property.
- B. No lighting source shall cause more than two-tenths (.2) foot candle of illumination to fall on adjoining R3 or R4 residential or O office zoned property.
- C. No lighting source shall cause more than two (2.0) foot candles of illumination to fall on any adjoining commercially zoned property.
- D. No lighting source shall cause more than five (5.0) foot candles of illumination to fall on any public way in commercial areas.

### **14-11-3 REGULATIONS ON GLARE**

Regulations on glare shall be as follows:

- A. No floodlight shall be mounted higher than twenty-five feet (25') above the ground nor shall any part of its beam strike the ground at an angle of more than forty-five (45) degrees from vertical.
- B. No light source shall present a surface brightness when viewed between horizontal and an angle of forty-five degrees (45) above horizontal from adjoining property in accordance with the following:

- 750 foot lamberts from R1A, R1 and R2 zoned property
- 1,500 foot lamberts from R3 and R4 zoned property
- 2,200 foot lamberts from any commercially zoned property
- 10,000 foot lamberts from any public way

### **14-11-4 STANDARDS OF MEASUREMENT**

Light intensity shall be measured in foot candles with a direct reading portable low range light meter having a range of zero to twenty (0 - 20) foot candles; said meter shall be tested by an independent commercial photometric laboratory to obtain a certificate of calibration. Values set forth in this Chapter are maximum values measured at ninety (90) degrees to the incidence of light from the source: Measurement methods and techniques shall be those recommended by the illuminating Engineering Society in their "Standard Methods for Measuring and Reporting Horizontal Foot Candle".

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Brightness measurement based on the foot lambert must be governed by the definition of the foot lambert and lumen. Because of the practical difficulties of measurement, calculated values for source brightness can be used with an accuracy comparable to measurements. Calculations should be in accordance with the following:

- A. Spherical Bare Sources (Incandescent Lamps): The brightness shall be calculated as total lumens divided by one-tenth (1/10) the square of the diameter of the source measured in inches.
- B. Cylindrical Bare Sources (Fluorescent Lamps): The brightness shall be calculated as total lumens divided by one-fiftieth (1/50) the product of length and diameter of the source in inches.
- C. Floodlight Sources: The brightness of floodlight sources shall be calculated as the eight-tenths (.8) of the total lumens divided by the area of the face of the floodlight in square feet. If the light source is mounted in a diffuse luminaire, seven-tenths (.7) of the above values shall be issued.

The values of lumens to be used shall be based on the following efficiencies:

### Incandescent Filament Lamps

25 watt - 250 lumens  
40 watt - 500 lumens  
60 watt - 800 lumens  
100 watt - 1,600 lumens  
200 watt - 3,300 lumens  
300 watt - 5,000 lumens  
500 watt - 9,000 lumens  
1,000 watt - 20,000 lumens

### Gaseous Discharge Lamps

40 watts - 1,200 lumens  
100 watts - 3,000 lumens  
250 watts - 11,000 lumens  
400 watts - 5,000 lumens  
1,000 watts - 65,000 lumens

## **14-11-5 NOTICE OF VIOLATIONS**

Where, after inspection by the City Building Inspector and after written notice to the violator, an existing lighting condition is determined to be a nuisance or in violation of the aforesaid provisions, the violator shall have sixty (60) days in which to correct such violations so that the requirements of this Chapter are complied with.

## **14-11-6 HEARING ON VARIATIONS**

Where practical difficulties or particular hardship prevents carrying out the strict letter of any of the provisions herein contained, the City Council may, on petition, determine and vary the requirement of this Chapter in harmony with its general purpose and intent. However, no such variation shall be

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made by the City Council as specified without a hearing before the City Council or Building Board of Review, of which hearing there shall be at least ten (10) days notice of the time and place of the hearing given by United States certified or registered mail addressed to the person or entity seeking a variation from the requirements of this Chapter.

### **14-11-7 PENALTY**

Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each day that such violation shall continue.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 12 CURFEW

*(Ord. 2004-33, 4/19/04, S23)*

#### SECTION

14-12-1	Curfew
14-12-2	Parent Permitting Violation
14-12-3	Penalty

#### 14-12-1 CURFEW

##### A. General Curfew

1. It is unlawful for a person less than eighteen (18) years of age to be present at or upon any public assembly, building, place, street or highway at the following times set forth in this Chapter 12:
  - Between 12:01 A.M. and 6:00 A.M. Saturday; and
  - Between 12:01 A.M. and 6:00 A.M. Sunday; and
  - Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.
2. Exceptions:
  - a. The curfew set forth in subsection (A) does not apply to a child who is:
    - i. accompanied by the child's parent, guardian or custodian;
    - ii. accompanied by a person at least twenty-one (21) years of age approved by the child's parent, guardian or custodian;



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- iii. participating in, going to, or returning from:
  1. an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
  2. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article I, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both, such as freedoms of religion and speech and the right of assembly, to include, but not be limited to:
    - a religious event, including, but not limited to, prayer and vigil services; or
    - a political event, including, but not limited to observing or influencing a legislative session and attending a political rally or event.
  3. an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or
  4. a business or occupation which the laws of this State authorize a person less than 18 years of age to perform.

### 3. Reasonable Inquiry.

Prior to arresting or citing a child for curfew under this Section, the Police Officer must make reasonable inquiry to determine whether any of the exceptions contained in this section apply, in addition to the age and time requirements set forth in A of this Section. A Police Officer shall issue a citation or make an arrest for curfew only if the officer has reasonable grounds to believe that the child has violated this Section and that no exceptions apply.

### B. Pickwick Plaza Curfew

1. It shall be unlawful for a person less than eighteen (18) years of age to be present in the Pickwick Plaza, being the public pedestrian plaza between Northwest Highway and Summit Avenue on the east side of buildings fronting on Prospect Avenue, between the hours of 9:00 P.M. and 6:00 A.M. unless such person is:
  - a. accompanied by a parent or legal guardian; or
  - b. exiting business premises adjoining the plaza and proceeding directly out of the plaza; or
  - c. lawfully engaged in a business or occupation involving work within the plaza; or

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- d. attending a supervised and organized entertainment or recreational event within the plaza; or
- e. a political event, including, but not limited to observing or influencing a legislative session and attending a political rally or event.

### 2. Reasonable Inquiry.

Prior to arresting or citing a child for curfew under this Section, the Police Officer must make reasonable inquiry to determine whether any of the exceptions contained in section A apply, in addition to the age and time requirements set forth in section A of this Section. A Police Officer shall issue a citation or make an arrest for curfew only if the officer has reasonable grounds to believe that the child has violated this Section and that no exceptions apply.

### C. School Curfew

1. It shall be unlawful for any person under the age of eighteen (18) who is enrolled in any public, private or parochial school to be present in any public place, building, street, or assembly in the City of Park Ridge other than school, during any hours when school is in session during the regular school term, unless he or she is
  - a. traveling to or from school by the most direct route, or
  - b. accompanied by a parent, legal guardian, or school official; or
  - c. engaged in school-related activities with written approval of school authorities; or
  - d. engaged in personal business, including but not limited to, employment, medical care and religious activities, with prior notice from a parent or legal guardian to school authorities.
2. A police officer may stop and detain a person whom the officer reasonably suspects to be violating this section for not to exceed fifteen (15) minutes for the purpose of verifying the person's identity, age, school enrollment and authority to be absent from school. The police officer shall immediately inform the person of the reason for the detention and that he or she will be released upon verification of authorization to be absent from school. The person shall not be removed from the scene of the investigatory detention unless he or she refuses to provide the officer with the necessary information.
3. A person violating this section shall, if practical, be taken to school authorities or a parent or legal guardian, and may be issued a notice to appear in the Municipal Court.
4. It shall be unlawful for a parent, legal guardian, or other person having custody or control of any person subject to this section to knowingly permit such person to violate this section.

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**14-12-2 PARENT PERMITTING VIOLATION**

It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate any Section of this Chapter.

**14-12-3 PENALTY**

Any person found guilty of violating this Chapter 12 shall be fined not less than one hundred (\$100.00) dollars nor more than two hundred and fifty (\$250.00) dollars.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 13 PENALTIES

##### SECTION

14-13-1 Penalties

##### **14-13-1 PENALTIES**

*(Ord. 2010-29, 03/15/2010)*

- A. Unless another fine or penalty is specified, any residential property owner/occupier violating, resisting or opposing the enforcement of any of the terms or provisions of this Article shall be fined not less than one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense, and five hundred dollars (\$500.00) for each subsequent offense but not more than two thousand five hundred dollars (\$2,500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such hereunder. For purposes of this paragraph A, residential property owner/occupier shall mean a person who occupies or dwells in a residential dwelling unit of which the same person is the legal or beneficial owner or the owner of residential property that is not offered to tenants for occupancy.
- B. Unless another fine or penalty is specified, any contractor, commercial property owner, firm or corporation violating, resisting or opposing the enforcement of any of the terms or provisions of this Article, shall be fined not less than two hundred dollars (\$200.00) for the first offense, four hundred dollars (\$400.00) for the second offense, and one thousand dollars (\$1,000.00) for each subsequent offense but not more than two thousand five hundred dollars (\$2,500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such hereunder. For purposes of this paragraph B, commercial property owner shall include the landlord of a residential dwelling unit that is tenant occupied or offered to tenants for occupancy.
- C. Where the violation is committed in whole or in part by a person acting as an employee, representative, salesperson or agent of the owner or operator of the premises, the operation or maintenance which is the causation of the violation, or is the owner or operator of a business or enterprise causing the violation, then and in that event the owner or operator of the business or enterprise, as well as such employee, representative, salesperson or agent of the owner or operator of the business or enterprise, shall be held liable for the violation.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 14 FAIR HOUSING

*(2006-61, Entire Re-write, 8/21/06, S24)*

#### SECTION

14-14-1	Policy
14-14-2	Construction
14-14-3	Definitions
14-14-4	Sale or Rental of Housing
14-14-5	Finance of Housing
14-14-6	Brokerage Services
14-14-7	Exemptions
14-14-8	Fair Housing Commission Created
14-14-9	Administration and Enforcement; Fair Housing Commission
14-14-10	Processing of Complaints, Conciliation, Hearing Procedure and Commission Report
14-14-11	Interference, Coercion or Intimidation
14-14-12	Severability of Provisions
14-14-13	Penalty

#### 14-14-1 POLICY

A. It is hereby declared to be the policy of the City and the purposes of this Chapter that all persons shall be assured full and equal opportunity to obtain fair housing for themselves and their families within the City, and to secure to all persons an equal opportunity to view, purchase, lease, rent or occupy real estate in the City without discrimination because of their race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, military discharge, source of income, housing, or parental status.

*(Ord. 2008-60, 08/18/2008)*

B. It is the clear purpose and intent of this Chapter to impose absolute liability for the conduct described and that the burden of proving any violation of this Chapter be by the preponderance of the evidence.

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### 14-14-2 CONSTRUCTION

This Chapter shall be construed according to the fair import of its terms and shall be construed to further the purposes and policy as stated and the special purpose and the particular provision involved.

*(Ord. 2008-60, 08/18/2008)*

### 14-14-3 DEFINITIONS

As used in this Chapter:

CHARGE: An allegation contained in a complaint.

COMMISSION: The Fair Housing Commission of the City. (See Section 14-14-8 of this Code).

COMPLAINT: Document filed by a party/person with the City Manager.

DISABLED PERSON : Any person having a physical or mental impairment that substantially limits one (or more) major life activities or having a record of physical or mental impairment or being perceived by another as an individual with a physical or mental impairment.

DISCRIMINATORY HOUSING PRACTICE: An act that is unlawful under Sections 14-14-4, 14-14-5 or 14-14-6 of this Chapter.

DWELLING: Any building, structure or portion of a structure which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location of any such building or structure.

FAMILY: Includes single individual.

GENDER EXPRESSION: The gender with which a person may choose to identify or express himself or herself, irrespective of the person's birth gender.

HOUSING STATUS: The type of housing in which an individual resides, whether publicly or privately owned; an individual's ownership status with respect to the individual's residence; or the status of having or not having a fixed residence.

MARITAL STATUS: The status of being single, married, divorced, separated or widowed.

MILITARY DISCHARGE STATUS: The fact of having been discharged from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia.

NATIONAL ORIGIN: The place in which an individual or one of his or her ancestors was born.

PARENTAL STATUS: The status of living with one or more dependent minors or disabled children.

PERSON: Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

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**RELIGION:** All aspects of religious observance and practice, as well as belief, non-belief, or the actual identification with or perceived identification with a religion.

**SEXUAL ORIENTATION:** The status or expression, whether actual or perceived, of heterosexuality, homosexuality or bisexuality.

**SOURCE OF INCOME:** Means any lawful income, subsidy, or benefit with which an individual supports himself or herself and his or her dependents, including but not limited to, child support, maintenance, and any federal, state or local public assistance, medical assistance, or rental assistance program, provided that:

Nothing in this Chapter prevents an owner or agent acting in good faith from taking into consideration factors other than lawful sources of income such as credit history, criminal history or references.

Nothing in this Chapter shall require or prevent any person whose property fails to meet federal housing quality standards in connection with the federal Housing Choice Voucher (also known as Section 8) program (42 U.S.C. 1437f) to lease or rent a unit to a prospective tenant who is relying on such a subsidy, payment assistance contribution, or voucher for payment of part or all of the rent for such unit.

In addition, during such time as a landlord is waiting for an inspection or other agency response relative to a Section 8 participant's application for rental of the landlord's housing unit, this Chapter shall not prohibit such landlord from choosing to rent such unit to another applicant who may or may not be a Section 8 participant.

**TO RENT:** Includes to lease, sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

### **14-14-4 SALE OR RENTAL OF HOUSING**

It shall be unlawful:

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or provision of services or facilities.

To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination.

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To represent to any person because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person that any dwelling is not available for inspection, sale or rental when such dwelling is in fact available to others.

To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

To discriminate against any disabled person by:

Refusing to permit, at the expense of the disabled person, reasonable modifications of an existing dwelling unit occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted; a person with disabilities may make reasonable modifications to the interior or exterior public and common use areas of a building as well as to his and her individual dwelling unit.

Refusing to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

### **14-14-5 FINANCE OF HOUSING**

It shall be unlawful for any bank, building and loan association, insurance or other corporation, association, firm or business enterprise to deny a loan or other financial assistance which is sought for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person. Nothing in this provision should be deemed to interfere with actions, which would occur within the ordinary course of business.

### **14-14-6 BROKERAGE SERVICES**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate broker's organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against a person in the terms and



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conditions of such access, membership or participation on account of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

### **14-14-7 EXEMPTIONS**

Nothing in this Chapter shall prohibit:

- A. A religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin;  
*(Ord. 2008-60, 08/18/08)*
- B. The rental, lease, or occupancy of a room in an owner occupied single-family dwelling having not more than two (2) roomers living independently exclusive of salaried household employees living on such premises;
- C. A private club, the membership of which is not open to the public, which as incident to its primary purpose(s), provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;
- D. The operation of housing units designed and offered predominately for the use and occupancy by person fifty-five (55) years of age or older;
- E. The operation of housing units designed and offered predominately for use and occupancy by persons with disabilities;
- F. Any charitable or educational organization from limiting, to persons of the same sex the rental of living accommodations and facilities primarily for single room occupancy;
- G. An initial condominium declaration limiting ownership, rental, or occupancy of a condominium unit to a person fifty-five (55) years of age or older, provided that the person or immediate family of a person owning, renting, or lawfully occupying such unit prior to the recording of the initial declaration shall not be deemed to be in violation of such age restriction as long as the person continues to own or reside in such housing accommodation;
- H. The application of any local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling;
- I. Restrictions on the rental or sale of a unit to any person found guilty of illegal manufacture or distribution of a controlled substance;

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- J. Restrictions on the rental or sale of a unit to any person found guilty of: (i) child pornography, (ii) criminal sexual assault, (iii) aggravated criminal sexual assault, (iv) criminal sexual abuse, (v) aggravated criminal sexual abuse as set forth in Illinois Compiled Statutes (720 ILCS 5/11-20.1, 5/12-13, 5/12-14, 5/12-15, and 5/12-16 or any successor statute thereto). A finding of guilt for any offense of federal law or the law of another state that is substantially equivalent to any offense listed in this Chapter shall constitute a finding of guilt for purposes of this Chapter.

### **14-14-8 FAIR HOUSING COMMISSION CREATED**

There is hereby created a Park Ridge Fair Housing Commission, which shall consist of six (6) persons to be appointed by the Mayor with the advice and consent of the City Council. Of the six (6) original appointees, three (3) shall serve until December 31, 2007 and three (3) shall serve until December 31, 2009. All subsequent appointees shall be appointed to a term of four (4) years, except those who are appointed for the purpose of serving the time remaining for a vacated seat on the Commission.

The Fair Housing Commission shall submit, for City Council approval, procedures for conciliatory action in cases of discriminatory housing practice.

*(Ord. 2008-60, 08/18/2008)*

### **14-14-9 ADMINISTRATION AND ENFORCEMENT; FAIR HOUSING COMMISSION**

A majority of Commissioners then holding office shall constitute a quorum for the purpose of transacting any Commission business or any decision by the Commission under this Chapter.

The Commission shall have and exercise, with respect to all real property and with respect to all persons subject to this Chapter, the following powers and responsibilities:

To act to assure to persons living, working or desiring to live a Park Ridge, or in any particular real property, opportunity to purchase, lease or occupy without discrimination because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, gender expression, marital status, parental status, military discharge status, source of income, or housing status; or the actual or perceived association with such a person.

To hold meetings to attempt, by informal conference, to conciliate Fair Housing complaints.

To submit from time to time, but not less often than annually, a written report to the Corporate Authorities of the general scope of the Commission's activities and recommendations with respect to fair real estate practices, which written report shall be made public after its submission; such annual report shall be submitted by May 1 of each year, to cover the prior calendar year.

To create from time to time ad hoc committee(s) consisting of Commissioners to expedite and facilitate the work of the Commission in respect to the Commission's fair housing responsibilities.

To take such action, and to make such recommendations to the Corporate Authorities as may be necessary or desirable to fulfill and implement the foregoing powers and responsibilities.

**14-14-10 PROCESSING OF COMPLAINTS, CONCILIATION, HEARING  
PROCEDURE AND COMMISSION REPORT**

A. Filing a Complaint.

Any person(s) aggrieved in any manner by a violation of any provision of this Chapter may file with the City Manager a verified, written complaint setting forth their grievance within ninety (90) days after the date of the alleged violation. (References to City Manager shall include a designee of the City Manager.) The complaint shall be filed on a form authorized by the Commission and provided by the City Manager. The complaint shall state the name and address of the complainant; the name and address of the person against whom the complaint is brought, if known to the complainant; facts sufficient to allege a violation of this Chapter; the names and addresses of all persons believed to have knowledge concerning the alleged facts; and such other relevant information as the City Manager may deem desirable.

(Ord. 2008-60, 08/18/08)

B. Investigation.

Upon receipt of a complaint, the City Manager will notify the Commission and commence an investigation into the complaint. Within twenty-one (21) days of receipt of the complaint, the City Manager shall complete an investigation of the alleged violation. The City Manager will issue a report to the chair of the Commission regarding the findings of the investigation. If the City Manager finds that there is probable cause to believe that a violation exists, the City Manager shall submit his or her finding in writing to the chair of the Commission. Upon receipt of a finding of probable cause, the Commission shall schedule a conciliation conference not less than 10 and not more than 30 days from the date the chair receives the written findings.

The City Manager shall cause a copy of the complaint to be served upon the respondent along with notice of the date, time and location of the conciliation conference. A copy of the complaint and notice of the date, time and location of the conference shall also be served upon the complainant.

If the City Manager finds that probable cause does not exist, the City Manager will recommend dismissal of the complaint and shall notify the Commission's chair in writing of the City Manager's findings. Upon receipt of the findings, the chair may send out notification to the complainant, indicating the results of the investigation and the finding of no probable cause.

If a complaint indicates multiple respondents, and subsequent to the investigation by the City Manager, probable cause is found with regard to one or more of the respondents, then the Commission shall proceed on the complaint against those parties for which probable cause was found. The named parties for which no probable cause was found shall be dismissed by the Commission. The chair shall cause notification to be sent to the complainant with regard to the findings of the investigation and to the parties for which probable cause was found.

(Ord. 2008-60, 08/18/2008)

C. Conciliation Conference.

A panel shall be convened in an effort to resolve the parties' differences in private. The Commission's chair or the chair's designee shall preside over the Conciliation Conference Panel. The chair or any member of the Commission, the City Manager, and the City Attorney or the City

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Attorney's designee shall be present. The complainant and respondent may be represented by attorneys if they desire. The conference shall be closed to all other persons. However, in the discretion of the Panel, a complainant or respondent may include an additional person such as an interpreter or family member.

No evidence shall be taken at the conciliation conference. The sole purpose of the conference will be to attempt to reconcile the parties. If the parties cannot reach agreement at the conference, a public hearing upon the complaint shall be scheduled.

### D. Nondisclosure.

Members of the Commission or its staff shall not disclose what transpires during the course of an investigation, or what transpires during the course of a conciliation conference, except as such disclosures are deemed essential to the investigation or the conciliation or are made at a public hearing in accordance with subsection E of this Section. Nothing in this subsection shall be construed to prevent the City Manager and the Commission from disclosing dismissal notices or conciliation agreements and the reasons for such dismissal or agreement. The identities of the parties shall not be disclosed without their consent.

*(Ord. 2008-60, 08/18/2008)*

### E. Public Hearing.

1. If an agreement between the parties cannot be reached at the conciliation conference and the Manager's report found probable cause to believe that a violation occurred, the Commission chair or the chair's designee shall forward the matter to the City Prosecutor for prosecution before the City's Administrative Adjudication Hearing Officer, in accordance with Article 20, Chapter 6 of this Code.

2. If the Administrative Adjudication Hearing Officer makes a finding of guilty, a member of the Commission will have the right to testify and to recommend any of the following penalties to the Hearing Officer:

- a. Imposing a penalty as set forth in 14-14-13.
- b. Issuing an order to cease and desist from any unlawful housing practices as determined by the panel.
- c. Recommending that the City Manager request that the City Attorney petition or institute proceedings with the Illinois Department of Financial and Professional Regulation for the purpose of causing the Department to revoke, suspend, or refuse to renew the license granted by such Department to the party found to have violated any provision of this Chapter.
- d. In the case of any unlawful real estate practice or violation of this Chapter by any person in the course of performing under a contract or subcontract with the state or any political subdivision or agency, or with the United States of America or any agency or instrumentality, notify such contracting agency of the unlawful real estate practice or violation of this Chapter committed by the person or business. For the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of this Chapter.

*(Ord. 2008-60, 08/18/2008)*

### F. Court Action by Complainant or other Aggrieved Person.

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Any person aggrieved in any manner by the violation of any provision of this Chapter who has exhausted the remedies otherwise provided for in this Chapter may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

1. An order compelling compliance with this Chapter.
2. An order prohibiting any such person found by the court to have violated any provision of this Chapter from the sale, lease, exchange, transfer, conveyance or assignment of the real property in question during the pendency of the case.
3. Compensatory damages.
4. Such other and further relief as may seem appropriate to the court for the enforcement of this Chapter and the elimination of violations.

*(Ord. 2008-60, 08/18/2008)*

### G. Retention of Jurisdiction.

The Commission shall retain jurisdiction for 1 year after the conciliation conference or public hearing.

*(Ord. 2008-60, 08/18/2008)*

### H. Compliance.

Proof of compliance with the Commission's order(s) shall be provided by the adjudged respondent at a date and time set by the Commission.

*(Ord. 2008-60, 08/18/2008)*

## **14-14-11 INTERFERENCE, COERCION OR INTIMIDATION**

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by this Chapter.

## **14-14-12 SEVERABILITY OF PROVISIONS**

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of this Chapter and the application of the provisions to other persons not similarly situated or to other circumstances shall not be affected.

## **14-14-13 PENALTY**

Any person who violates any provisions of this Chapter shall be fined not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00) for each offense, in addition to payment of all costs incurred by the City. Each day a violation continues may be deemed a separate offense.

# Park Ridge Municipal Code

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## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 15 CRIMINAL CODE

##### SECTION

14-15-1	Short Title
14-15-2	General Purposes
14-15-3	State Criminal Remedies Preserved
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#### **14-15-1 SHORT TITLE**

This Chapter shall be known and may be cited as the Criminal Code of the City of Park Ridge.

#### **14-15-2 GENERAL PURPOSES**

The provisions of this Chapter shall be construed in accordance with the general purposes hereof, to:

- A. Forbid and prevent the commission of offenses:
- B. Prescribe penalties which are proportionate to the seriousness of offenses:
- C. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

#### **14-15-3 STATE CRIMINAL REMEDIES PRESERVED**

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This Criminal Code does not bar, suspend or otherwise effect any right or liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action or a prosecution by the State of Illinois; provided however, that in the event that the State's Attorney of Cook County elects to prosecute an offender for a violation of this Code under the State Criminal Code, as heretofore amended, the offender shall not be prosecuted under this Code.

### **14-15-4 JURISDICTION**

A person is subject to prosecution in the City for an offense which he commits, by his own conduct or that of another for which he is legally accountable, if the offense is committed wholly within the territorial limits of the City.

### **14-15-5 DEFINITIONS**

For the purposes of this Chapter, the words and phrases described in this Section have the meanings designated herein except when a particular context clearly requires a different meaning:

ACQUITTAL: A verdict or finding of not guilty of an offense rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

ACT: Includes a failure or omission to take action.

ANOTHER: A person or persons as defined in this Section other than the offender.

CITY OR THIS CITY: The City of Park Ridge and all land and water in respect to which the City has territorial jurisdiction.

CONDUCT: An act or series of acts, and the accompanying mental state.

CONVICTION: A judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

DWELLING: A building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.

INCLUDED OFFENSE: A defense which:

- A. Is established by proof of the same or less than all culpable mental state, or both, than that which is required to establish the commission of the offense charged; or
- B. Consists of an attempt to commit the offense charged or an offense included therein.

INCLUDES: Includes or including means comprehending, among other particulars, without limiting the generality of the foregoing word or phrase.

OFFENSES: A violation of any penal ordinance of the City.



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**PEACE OFFICER:** Any person who, by virtue of his office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses whether that duty extends to all offenses or is limited to specific offenses.

**PERSON:** An individual, public or private corporation, government, partnership or incorporated association.

**PROSECUTION:** All legal proceedings by which a person's liability for an offense is determined commencing with the signing of a complaint and including the final disposition of the case upon appeal.

**PUBLIC EMPLOYEE:** A person other than a public officer as authorized to perform any official function on behalf of, and as paid by, the State or any of its political subdivisions.

**PUBLIC OFFICER:** A person who is elected to office pursuant to Statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed by Statute to discharge a public duty for the State or any of its political subdivisions.

**REASONABLE BELIEF:** Reasonable belief or reasonably believes means that the person concerned acting as a reasonable man believes that the described facts exist.

**SOLICIT OR SOLICITATION:** To command, authorize, urge and cite, request or advise another to commit an offense.

### **14-15-6      ASSAULT (See also Section 14-3-2 of this Code.)**

- A. A person commits assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.
- B. A person who commits an assault shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

### **14-15-7      AGGRAVATED ASSAULT**

- A. A person commits an aggravated assault when, in committing an assault, he:
  - 1. Uses a deadly weapon;
  - 2. Is hooded, robed or masked in such a manner as to conceal his identity;
  - 3. Knows the individual assaulted to be a teacher or other person employed in any school, and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto;
  - 4. Knows the individual assaulted to be a supervisor, director, instructor or other person employed in any park district, and such supervisor, director, instructor or other employee is upon the grounds adjacent thereto, or in any part of a building used for park purposes;

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5. Knows the individual assaulted to be a peace officer, or a person summoned and directed by him, or a correctional officer, while such officer is engaged in the execution of any of his official duties;
  6. Knows the individual assaulted to be a fireman engaged in the execution of any of his official duties;
  7. Knows the individual assaulted to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire, and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger, or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure or transfer location;
  8. Or the individual assaulted is on or about a public way, public property or public place of accommodation or amusement;
  9. Knows the individual assaulted to be an employee of the State of Illinois, a municipal corporation therein or a political subdivision thereof, engaged in the performance of his authorized duties as such employee.
- B. A person convicted of aggravated assault as defined herein shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

### **14-15-8 BATTERY**

- A. A person commits battery if he intentionally or knowingly without legal justification and by any means:
1. Causes bodily harm to an individual; or
  2. Makes physical contact of any insulting or provoking nature with an individual.
- B. A person convicted of battery as defined herein shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

### **14-15-9 RECKLESS CONDUCT**

- A. A person who causes bodily harm to or endangers the bodily safety of an individual by any means, commits reckless conduct if he performs recklessly the acts which cause the harm or endanger safety whether they otherwise are lawful or unlawful.
- B. A person convicted of reckless conduct as defined herein shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

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### **14-15-10 CRIMINAL HOUSING MANAGEMENT**

- A. A person commits the offense of criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner of residential real estate or as a managing agent or otherwise, he knowingly permits by his gross carelessness or neglect the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health or safety of any inhabitant is endangered.
- B. A person convicted of criminal housing management as defined herein shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day a condition as defined herein occurs.

### **14-15-11 OFFENSES DIRECTED AGAINST PROPERTY**

- A. **Property:** As used in this Section, property means anything of value. Property includes real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor or services, or otherwise of value to the owner; things growing on, affixed to or found on land, or part of or affixed to any building; electricity, gas and water; birds, animals and fish, which ordinarily are kept in a state of confinement; food and drink; samples, cultures, micro-organisms, specimens, records, recordings, documents, blueprints, drawings, maps and whole or partial copies, descriptions, photographs, prototypes or models thereof, or any other articles, materials, devices, substances, and whole or partial copies, descriptions, photographs, prototypes or models thereof, which constitute, represent, evidence, reflect or record a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention or improvement.
- B. **Owner:** As used in this Section, owner means a person other than the offender, who has possession of or any other interest in the property involved, even though such interest or possession is unlawful, and without whose consent the offender has no authority to exert control over the property.
- C. **Permanent Deprivation:** As used in this Section, to permanently deprive means to:
  - 1. Defeat all recovery of the property by the owner; or
  - 2. Deprive the owner permanently of the beneficial use of the property; or
  - 3. Retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or compensation for its return; or
  - 4. Sell, give pledge or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.
- D. **Deception:** As used in this Section, deception means knowingly to:
  - 1. Create or confirm another's impression which is false and which the offender does not believe to be true; or

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2. Fail to correct a false impression which the offender previously has created or confirmed; or
  3. Prevent another from acquiring information pertinent to the disposition of the property involved; or
  4. Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
  5. Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.
- E. Threat: As used in this Section, threat means a menace, however communicated, to:
1. Inflict physical harm on the person threatened or any other person or on property; or
  2. Subject any person to physical confinement or restraint; or
  3. Commit any criminal offense; or
  4. Accuse any person of a criminal offense; or
  5. Expose any person to hatred, contempt or ridicule; or
  6. Harm the credit or business repute of any person; or
  7. Reveal any information sought to be concealed by the person threatened; or
  8. Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
  9. Inflict any other harm which would not benefit the offender.
- F. Stolen Property: As used in this Section, stolen property means property over which control has been obtained by theft.
- G. Obtain: As used in this Section, obtain means:
1. In Relation to Property: Bring about a transfer of interest or possession, whether to the offender or to another, and
  2. In Relation to Labor or Services: To secure the performance thereof.
- H. Obtains Control: As used in this Section, the phrase "obtains control over property" includes but is not limited to the taking, carrying away or the sale, conveyance or transfer of title to, or interest in, or possession of property.

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- I. Value: As used in this Section, the value of property consisting of any commercial instrument of any written instrument representing or embodying rights concerning anything of value, labor or services or otherwise of value to the owner shall be:
1. The marked value of such instrument if such instrument is negotiable and has a market value; and
  2. The actual value of such instrument if such instrument is not negotiable or is otherwise of market value. For the purpose of establishing such actual value, the interest of any owner or owners entitled to any or all of the property represented by such instrument, by reason of such instrument, may be shown, even if another owner may be named in the complaint.
- J. Theft: A person commits theft when he knowingly:
1. Obtains or exerts unauthorized control over property of the owner; or
  2. Obtains by deception control over property of the owner; or
  3. Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and
    - a. Intends to deprive the owner permanently of the use and benefit of the property; or
    - b. Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
    - c. Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit. Nothing in this Section shall apply to a theft of a firearm.
- No person shall be prosecuted under this Section if he has previously been convicted of theft under the Criminal Code of the State of Illinois. Any person who violates any of the provisions of this Section shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).
- K. Prima Facie Evidence, Theft by Lessee: It shall be prima facie evidence that a person knowingly obtains or exerts unauthorized control over property of the owner when a lessee of personal property of another fails to return to the owner within thirty (30) days after written demand from the owner for its return. A notice in writing given after the expiration of the leasing agreement, addressed and mailed by registered mail to the lessee at the address given by him and shown on the leasing agreement shall constitute a proper demand.
- L. Theft of Lost or Mislaid Property: A person who obtains control over lost or mislaid property commits theft when he:
1. Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner; and

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2. Fails to take reasonable measures to restore the property to the owner; and
3. Intends to deprive the owner permanently of the use and benefit of the property.

A person convicted of theft of lost or mislaid property shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

M. **Theft of Labor or Services or Use of Property:** A person commits theft when he obtains temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such uses are being obtained without the consent of the person providing the property, labor or services. Any person convicted of theft of labor or services or uses of property shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

N. **Offender's Interest in Property:**

1. It is no defense to charge of theft of property that the offender has an interest therein, when the owner also has an interest to which the offender is not entitled;
2. Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft.

O. **Theft From Coin-Operated Machines:**

1. A person commits theft from a coin-operated machine when he knowingly and without authority and with intent to commit a theft from such machine, opens, breaks into, tampers with or damages a coin-operated machine.
2. As used in this Section, the term coin-operated machine shall include any automatic vending machine or any part thereof, parking meter, coin telephone, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, money changer. A person convicted of theft from coin-operated machines shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

No person shall be prosecuted under the terms of this subsection if such person has previously been convicted of theft from coin-operated machines.

P. **Coin-Operated Machines: Possession of a Key or Device:** Whoever possesses a key, tool, instrument, explosive or device, or a drawing, print or mold of a key, tool, instrument, explosive or device designated to open, break into, tamper with or damage a coin-operated machine as defined in subsection O above, of this Section, with intent to commit a theft from such machine, shall be guilty of an offense. A person convicted of possession of a key or device as defined herein shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

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- A. **Statement of Policy and Definitions:** It is the public policy of the City that the substantial burden placed upon the economy of the City resulting from the rising incidence of retail theft is a matter of grave concern to the people of the City who have the right to be protected in their health, safety and welfare, from the effects of this offense.

For the purposes of this Section, the words and phrases defined herein have the meanings ascribed to them in the following subsections, unless a contrary meaning is clear from the context.

- B. **Conceal:** To conceal merchandise means that, although there may be some notice of its presence, that merchandise is not visible through ordinary observation.
- C. **Full Retail Value:** Full retail value means the merchant's stated or advertised price of the merchandise.
- D. **Merchandise:** Merchandise means any item of tangible personal property.
- E. **Merchant:** Merchant means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.
- F. **Minor:** Minor means a person who is less than nineteen (19) years of age, is un-emancipated, and resides with his parents or legal guardian.
- G. **Person:** Person means any natural person or individual.
- H. **Peace Officer:** Peace officer has the meaning ascribed to that term in Section 14-12-5 of this Chapter.
- I. **Premises of a Retail Mercantile Establishment:** Premises of a retail mercantile establishment includes but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of patrons of such retail mercantile establishment.
- J. **Retail Mercantile Establishment:** Retail mercantile establishment means any place where merchandise is displayed, held, stored or offered for sale to the public.
- K. **Shopping Cart:** Shopping cart means those pushcarts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use by the public in transporting commodities in stores and markets, and incidentally, from the stores to a place outside the stores.
- L. **Underring:** Underring means to cause the cash register or other sales recording device to reflect less than the full retail value of merchandise.
- M. **Offense of Retail Theft:** A person commits the offense of retail theft when he knowingly:
1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise, display, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise, or with the intention of

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depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

2. Alters, transfers, removes any label, price tag, marking indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment, and attempts to purchase such merchandise personally or in consort with another at less than the full retail value, with the intention of depriving the merchant of the full retail value of such merchandise; or
3. Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
4. Underrings with the intention of depriving the merchant of the full retail value of the merchandise.
5. Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal, with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

N. Presumptions: If any person:

1. Conceals upon his person among his belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
2. Removes that merchandise beyond the last known station receiving payment for that merchandise in that retail mercantile establishment, such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of the merchandise without paying the full retail value of such merchandise.

O. Detention: Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner for a reasonable length of time, for all or any of the following purposes:

1. To request identification;
2. To verify such identification;
3. Make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and, to make reasonable investigation of the ownership of such merchandise;
4. To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;



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5. In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.

A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

- P. **Affirmative Defense:** A detention as permitted in this Section does not constitute an arrest or an unlawful restraint, as defined in the Criminal Code of the State of Illinois, nor shall it render the merchant liable to the person so detained.
- Q. **Civil Liability:** The parents or legal guardian of a minor who commits the offense of retail theft as herein defined shall be civilly liable for the full retail value or cost of repair or cost of replacement of the merchandise and actual damages not to exceed five hundred dollars (\$500.00).
- R. **Penalty:** A person who commits retail theft as defined in this Section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); provided however, that no person shall be prosecuted under the terms of this Section for the retail theft of property, the full retail value of which exceeds one hundred fifty dollars (\$150.00); and further, no person shall be prosecuted under the terms of this Section if he has previously been convicted of theft.

### **14-15-13      INTOXICATING COMPOUNDS**

- A. **Use:** No person shall breathe, inhale or drink any compound, liquid or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methylethylketone, trichloroathane, isopropanol, methylisobutylketone, methylcellosolveacetate, cyclohexanone, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes. For the purposes of this Section, any such condition so induced shall be deemed to be an intoxicated condition.
- B. **Sale:** No person shall knowingly sell or offer for sale, deliver or give to any person under seventeen (17) years of age unless upon written order of such person's parent or guardian, any compound, liquid or chemical set forth in subsection A hereof.

Any person convicted of violating the terms of this Section shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00).

### **14-15-14      AIR RIFLES: (See also Sections 14-3-6 and 14-3-9 of this Code.)**

*(Ord. 2004-57, 9/7/04, S24)*

- A. **Definitions**

“Air Rifle” means and includes any air gun, spring gun, B-B gun, paint ball gun, pellet gun or any implement or device that is not a firearm but which impels a pellet

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constructed of plastic, steel, lead, rubber or other material with a force that may reasonably be expected to cause bodily harm or property damage.

### **B. Air Rifle Sales Prohibited**

No person shall sell any air rifle in the City and no business license shall be granted by the City for a purpose which includes selling air rifles.

### **C. Air Rifle Possession**

No person under eighteen (18) years of age shall possess, in the City, any air rifle.

### **D. Discharge of An Air Rifle Prohibited**

No person may discharge an air rifle within the limits of the City.

### **E. Transportation of Air Rifles**

It shall be unlawful to transport an air rifle within the City unless the person transporting the same is at least eighteen (18) years of age and the air rifle is broken down and nonfunctional or in a locked storage container.

### **F. Disposal of Prohibited Air Rifles**

A person may voluntarily and peaceably deliver and abandon to the Police Department any air rifle. Delivery under this subparagraph F may be made at the headquarters of the Police Department or by summoning a police officer to the person's residence or place of business. Every air rifle to be delivered and abandoned to the Police Department under the subparagraph F shall be unloaded and securely wrapped in a package and in the case of delivery to the Police Department, the package shall be carried in open view. No person who delivers and abandons an air rifle under this subparagraph F shall be required to furnish identification, photographs, or fingerprints. No amount of money shall be paid for any weapon delivered or abandoned under this subparagraph F.

### **G. Destruction of Weapons Confiscated Or Surrendered**

Whenever any air rifle is surrendered or confiscated pursuant to this Section 14-15-14, the Department shall ascertain whether such item is needed as evidence in any matter.

If the item is not required as evidence it shall be destroyed at the direction of the Department. A record of the date and method of destruction and an inventory of the air rifle so destroyed shall be maintained.

### **H. Acquisition or Possession Prohibited by Law**

Nothing in this Section 14-15-14 shall make lawful the acquisition or possession of firearms or firearm accessories which is otherwise prohibited by law.

### **I. Severability**

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If any provision or term of this Section 14-15-14 or any application thereof is held invalid, the invalidity shall not affect other applications of the provisions or terms of this Section 14-15-14 which reasonably can be given effect without the invalid provision or term for the application thereof.

### **J. Penalty**

Any person found guilty of violating any provision of this Section 14-15-14 shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) for each such offense. A finding of guilty of this Section 14-15-14 by a holder of a business license issued by the City shall constitute grounds for revocation of such business license.

### **14-15-15 LITTER CONTROL**

- A. Definitions: As used in this Section, unless the context otherwise requires, litter means any discarded use or unconsumed substance or waste. Litter may include, but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicles (as defined in section 4-100 of the Illinois Vehicle Code), motor vehicle parts, furniture, oil carcasses of dead animals, 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.

Motor vehicle has the meaning ascribed to that term in section 1-146 of the Illinois Vehicle Code.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate or other legal entity or their legal representative, agent or assign.

- B. Dumping, Deposit of Litter Prohibited; Exceptions: No person shall dump, deposit, drop, throw, discard, leave or cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property in the City, or upon or into any river, lake, pond or other stream or body of water in the City unless:
1. The property has been designated by the State or any of its agencies, political subdivisions, units of local government or school districts, for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Illinois Pollution Control Board;
  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, public nuisance or a fire hazard;

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4. Persons acting under the direction of proper public officials during a special cleanup day;  
or
  5. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes improperly, disposes of such litter when the emergency situation no longer exists.
- C. **Dumping, Deposit From Motor Vehicle Prohibited; Deposit of Garbage or Refuse in Receptacles Along Public Highways:** 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 the City except as permitted under subsection B above, 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 such material in, around or on top of trash barrels or other receptacles placed along public highways or roadside rest areas.
- D. **Accumulation of Litter Prohibited:** 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 natural elements onto the real property of another person.
- E. **Presumption of Violation by Operator; Throwing, Deposits of Litter From Motor Vehicle:** Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated this Section, but that presumption may be rebutted.
- F. **Penalty:** Any person who violates any of the provisions of this Section is subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). In addition to any fine imposed under this Section, the court may order that the person convicted of such a violation remove and properly dispose of the litter, and the City may employ persons to supervise such removal and disposal and may tax the cost of such supervision as costs against the person so convicted.

### **14-15-16 NOTICE OF UNUSUAL DEATH**

In any case in which any person in the City is required by law as set forth in 410 ILCS 505 or in an ordinance establishing the office of Cook County Medical Examiner enacted by the County Board of Cook County, to notify the Cook County Medical Examiner of any death occurring within the City or who shall in fact so notify said Medical Examiner, that person shall concurrently notify the Police Department of the City of such death.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 16 CONTROL OF CONTROLLED SUBSTANCES AND INSTRUMENTS USED FOR INHALING OR INGESTION OF CONTROLLED SUBSTANCES

##### SECTION:

- 14-16-1 Cannabis Defined
- 14-16-2 Simple Possession Defined
- 14-16-3 Simple Possession Prohibited
- 14-16-4 Definitions
- 14-16-5 Possession Prohibited
- 14-16-6 Sale and Display Prohibited
- 14-16-7 Penalty
- 14-16-8 Revocation of License
- 14-16-9 Nuisance

##### **14-16-1 CANNABIS DEFINED**

As used in this Chapter, cannabis includes marijuana, hashish and other substances which are identified as including any part 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 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 cake or the sterilized seed of such plant which is incapable of germination.

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### **14-16-2 SIMPLE POSSESSION DEFINED**

As used in this Chapter, "simple possession" means the knowing possession of cannabis in a quantity not exceeding thirty (30) grams, except where the possession of cannabis is connected with the manufacture, delivery or with intent to deliver or manufacture said substance in an amount more than ten (10) grams. "Simple possession" as used herein shall not include possession of up to thirty (30) grams of cannabis by a person who has previous to such possession been convicted of possession of cannabis.

### **14-16-3 SIMPLE POSSESSION PROHIBITED**

It shall be unlawful and a violation of this Chapter for any person to be in simple possession of cannabis in an amount up to thirty (30) grams.

### **14-16-4 DEFINITIONS:**

INSTRUMENT: A device used, designed for use, or intended for use in ingesting, smoking, administering or preparing cannabis as heretofore defined in Section 14-16-1 of this Chapter, cocaine, phencyclidine, opium or any derivative thereof, or any other controlled substance, and includes the following:

- A. Metal, Wooden, acrylic, glass, stone, plastic or ceramic marijuana (Cannabis Sativa) or hashish pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
- B. Water pipes designed for use or intended for use with marijuana (Cannabis Sativa), hashish, hashish oil or cocaine;
- C. Carburetion tubes and devices;
- D. Smoking and carburetion masks;
- E. Roach clips;
- F. Separation gins designed for use or intended for use in cleaning marijuana;
- G. Cocaine spoons and vials;
- H. Chamber pipes;
- I. Carburetor pipes;
- J. Electric pipes;
- K. Air driven pipes;
- L. Chilams

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M. Bongs; and

N. Ice pipes or chillers.

CONTROLLED SUBSTANCE: Any drug or controlled substance as defined under any law of the State of Illinois or of the United States of America.

MINOR: Any person who has not attained eighteen (18) years of age.

PREMISES OPEN TO MINORS: Any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

PLACE OF DISPLAY: Any museum, library, school or other similar public place upon which business is not transacted for a profit.

SCHOOL: Any public or private elementary, junior high or high school.

CLOSE PROXIMITY: Within one thousand five hundred feet (1,500) on a straight line commencing at the property lines nearest to each other.

### **14-16-5            POSSESSION PROHIBITED**

It shall be unlawful for any person to have, possess, sell, offer to sell, dispense or give away any pipe, device or contrivance adapted for the use of smoking or inhaling any controlled substance, which said pipe, device or contrivance is herein defined as an instrument; provided, however, that such pipe, device or contrivance defined herein as an instrument has been used for the purpose of smoking or inhaling or ingesting a controlled substance.

### **14-16-6            SALE AND DISPLAY PROHIBITED**

It shall be unlawful for any person to sell or display any instrument as defined in this Chapter in or upon any premises which:

- A. Is a premises open to minors; or
- B. Is in close proximity to a school or park; unless such premises is a place of display.

### **14-16-7            PENALTY**

Any person under the age of twenty-one (21) who shall violate any of the terms of this Chapter shall be fined not less than One Thousand Dollars (\$1,000.00) for the first offense and One Thousand Five Hundred Dollars (\$1,500.00) for each subsequent offense. If the offense is related to alcohol or substance abuse and the offender is under twenty-one (21) years of age, the court or administrative adjudication hearing officer may assign the offender to a drug and alcohol education and counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse and requires a certified evaluation program and not less than four (4) hours of counseling. If the violator agrees to attend such a program, the violator shall pay for the cost of the program and a

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One Hundred Dollar (\$100.00) fine for a first offense. For a second offense, the offender shall attend an education and counseling program of at least ten (10) hours in duration as determined by the licensed program and shall pay for the cost of the program and a fine of not less than Two Hundred Fifty Dollars (\$250.00). In cases of illegal display, a separate offense shall be deemed committed for each day that a violation exists.

Any person over the age of twenty-one (21) who shall violate any of the terms of this Chapter shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00).

*(Ord. 2006-69,8/21/06, S24), (Ord. 2012-50, 10/01/2012)*

### **14-16-8 REVOCATION OF LICENSE**

In addition to the penalty set forth in Section 14-16-7 above, any person convicted of a violation of Section 14-16-6 hereof shall be subject to revocation of the business license issued to the owner or operator of such premises.

### **14-16-9 NUISANCE**

A violation of Section 14-16-7 above is hereby declared to be a public nuisance and shall be subject to abatement as provided by law.



## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 17 REGULATION OF FOREST PRESERVE AREAS

##### SECTION

- 14-17-1 Application
- 14-17-2 Dumping or Littering
- 14-17-3 Swimming
- 14-17-4 Designated Parking in Prohibited Areas
- 14-17-5 Parking After Hours
- 14-17-6 Lights on Parked Vehicle
- 14-17-7 Driving on Walks, Paths, Trails or Woodland
- 14-17-8 Setting Fires
- 14-17-9 Possession or Consumption of Alcoholic Beverages  
Prohibited Within Certain Areas
- 14-17-10 Penalty

##### **14-17-1 APPLICATION**

This Chapter shall apply to all that territory contained within that part of the Forest Preserve District of Cook county which lies within the territorial limits of the City.

##### **14-17-2 DUMPING OR LITTERING**

No person shall deposit, dump, throw, cast, lay or place, nor cause to be deposited, dumped, thrown, cast, laid or placed, any ashes, trash, rubbish, paper, garbage, refuse or debris in or upon the property of the Forest Preserve District, nor in any watercourse, lake, pond or slough within said Forest Preserve District.

##### **14-17-3 SWIMMING**

No person shall swim or bathe in any of the swimming pools, watercourses, lakes, ponds or sloughs within the property of the Forest Preserve District except at such places as may be designated for such purpose by the Board of Commissioners of the Forest Preserve District and in accordance with the rules and regulations prescribed by said Board.

**14-17-4            DESIGNATED PARKING IN PROHIBITED AREAS**

- A. It shall be unlawful for the operator of a vehicle to stop, stand or park said vehicles in any place marked as a passenger or loading zone, other than for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick-up and loading of materials, and in no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
  
- B. It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle upon any roadway or in any parking area in such a manner as to form an unreasonable obstruction to the traffic thereon, or in violation of any restrictions or regulations prohibiting parking in any designated area within the Forest Preserve or territory under the jurisdiction of the Commissioners of the Forest Preserve District of Cook County, where, pursuant to regulations issued by the General Superintendent, a sign of such restriction or regulation has been placed.

**14-17-5            PARKING AFTER HOURS**

It shall be unlawful for the operator of any vehicle to park said vehicle on any driveway, parkway or parking area between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. of any day.

**14-17-6            LIGHTS ON PARKED VEHICLE**

Whenever a vehicle is parked or stopped on a street, roadway or parking area within any Forest Preserve District during the time between one hour after sunset to sunrise, when not prohibited by Section 14-17-5 hereof, or any other time when there is not sufficient light to render clearly discernible any vehicle on the street, roadway or parking area from a distance of two hundred feet (200'), there shall be displayed upon such vehicle two (2) or more lamps, one of which shall be on the roadway side and project a white light or lights of yellow or amber tint visible at a distance of two hundred feet (200') to the front of such vehicle and one of which lamps shall project a red light visible from a distance of two hundred feet (200') to the rear.

**14-17-7            DRIVING ON WALKS, PATHS, TRAILS OR WOODLAND**

It shall be unlawful for the operator of any automobile, motorcycle, motorscooter or other motor vehicle to drive or cause to be driven such motor vehicle through any woodland or upon any walk, sidewalk, path or trail, whether marked or unmarked, within the property of the Forest Preserve District; nor upon any road or drive or parking space within said District, except in the manner and according to the regulations prescribed by the Board of Commissioners of the Forest Preserve District.

**14-17-8            SETTING FIRES**

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No person shall willfully set on fire, nor cause to be set on fire, any tree, woodland, brushland, grassland or meadow within the Forest Preserve District. No person shall build any fire in or near any tree, woodland, grassland, building or other structure, nor make use of any inflammable material within the Forest Preserve District, except within the fireplaces, receptacles or open areas provided for and designated by the Board of Commissioners of the Forest Preserve District for such purpose, and then only according to the regulations prescribed for such use and in such manner as will cause no harm or injury to any tree, woodland, grassland, building or other structure.

### **14-17-9        POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED WITHIN CERTAIN AREAS**

It shall be unlawful for any person to possess or consume alcoholic beverages within fifty feet (50') of any roadway or parking lot in any area designated Forest Preserve within the City.

### **14-17-10        PENALTY**

Upon conviction of a violation of this Chapter, the person so convicted shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 18 HANDBILLS

##### SECTION

14-18-1	Definitions
14-18-2	Handbill Distribution
14-18-3	Handbills on Vehicles
14-18-4	Handbills in Vacant Lots
14-18-5	Handbills on Posted Property
14-18-6	Handbills on Private Property
14-18-7	Mail and Newspapers Exempt
14-18-8	Posting Signs

#### 14-18-1 DEFINITIONS

COMMERCIAL HANDBILL: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- A. Which advertises for same any merchandise, produce, commodity or thing; or
- B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereon by sales; or
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; or
- D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

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**NEWSPAPER:** Any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with Federal Statute or regulations, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

**NONCOMMERCIAL HANDBILL:** Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

### **14-18-2 HANDBILL DISTRIBUTION**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

### **14-18-3 HANDBILLS ON VEHICLES**

No person shall throw or deposit any commercial or noncommercial handbill upon any vehicle. Provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute, without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

### **14-18-4 HANDBILLS IN VACANT LOTS**

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

### **14-18-5 HANDBILLS ON POSTED PROPERTY**

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisement" or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

### **14-18-6 HANDBILLS ON PRIVATE PROPERTY**

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No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this Chapter, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal laws or regulations.

### **14-18-7 MAIL AND NEWSPAPERS EXEMPT**

The provisions of the preceding Section 14-18-6 shall not apply to the distribution of mail by the United States, nor to newspapers as defined herein.

### **14-18-8 POSTING SIGNS**

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public to any lamppost, public utility pole or shade trees, or upon any public structure or building, except as may be authorized or required by law.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 19 INFECTED, INFESTED AND DEAD TREES

*(Entire rewrite, Ord 2007-14, 3/5/07, S25)*

##### SECTION

- 14-19-1 Definitions
- 14-19-2 Inspection
- 14-19-3 Declaration of Nuisance
- 14-19-4 Removal by Owner
- 14-19-5 Abatement by City Authorities
- 14-19-6 Penalty

##### **14-19-1 DEFINITIONS**

“Infected” means the presence of a disease deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture, the presence of circumstances that make it reasonable to believe that such a disease is present or the presence of any plant disease that is liable to spread to other plants, trees or shrubs to the injury of such plants, trees or shrubs or to the injury of humans or property.

“Infested” means the presence of a pest deemed a nuisance by the Illinois Department of Agriculture or the United States Department of Agriculture, the presence of circumstances that make it reasonable to believe that such a pest is present or the presence of any injurious insect or pest that is liable to spread to other plants, trees or shrubs to the injury of such plants, trees or shrubs or to the injury of humans or property.

##### **14-19-2 INSPECTION**

The officers, agents, servants and employees of the City are hereby authorized and directed to enter upon private property whereon there is located any tree having the appearance of being dead or suspected of being infected or infested, for the purpose of inspecting said dead or suspected infected or infested tree and removing therefrom samples or portions thereof to be tested to establish whether said tree is in fact dead, infected or infested.

##### **14-19-3 DECLARATION OF NUISANCE**

In the event that it is determined by said officers, agents, servants and employees of the City or by any forestry or agricultural laboratory, school or agency of the State of Illinois that the tree from

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which said samples have been taken, is in fact dead, infected or infested, said tree and all dead wood, or debris, which, because of its condition may serve as a breeding place for such pests or diseases or enable transmission of such pests or diseases shall forthwith be and it is hereby declared to be a nuisance.

### **14-19-4        REMOVAL BY OWNER**

The owner, or his agent or occupant, of the parcel of land on which said dead, infected or infested tree, dead wood, or debris exists shall forthwith remove and destroy the same or shall cause the same to be removed and destroyed, in accordance with the procedures prescribed by the City, within ten (10) days of notification to such owner, occupant or agent by the officers, agents, servants or employees of the City that said tree, dead wood, or debris situated on said parcel of land is in fact dead, infested or infected and is declared a nuisance. The notice shall include the following:

- a.     the identity of the property, by common description;
- b.     the tree(s) affected;
- c.     notice that the dead, infected or infested tree(s) is a nuisance and that it is unlawful to permit the dead, infected or infested tree(s) to remain on the property;
- d.     a request for the removal of the tree(s);
- e.     notice that if the tree(s) is not removed within ten (10) days, the City will make necessary arrangements for the removal and destruction of the tree(s) and will charge the cost of removal and destruction to the owner or his agent or occupant; and
- e.     instructions regarding the proper removal and destruction of each dead, infected or infested tree.

### **14-19-5        ABATEMENT BY CITY AUTHORITIES**

In all cases where the owner, occupant or agent of the parcel of land on which said dead, infected or infested tree, dead wood or debris is located cannot be found or if found and notified as aforesaid neglects or refuses to abate said nuisance, it shall be lawful for the Municipal authorities of the City, its officers, agents, servants and employees, to abate the same by the removal and destruction of said dead, infected or infested tree, dead wood, or debris; and in that event the said owner, occupant and agent, or any of them, shall be charged with those expenses which may be incurred by the City in the removal or abatement of the dead, infected or infested tree, dead wood, or debris, as aforesaid, which expense shall be collected by the City by suit or otherwise in addition to the fine or penalty herein provided.

### **14-19-6        PENALTY**

Any person who shall violate any of the provisions of this Chapter or who shall neglect or refuse to remove and destroy said dead, infected or infested tree, dead wood, or debris on any parcel of land of which said person is owner, agent, occupant or person in possession, when ordered so to do or



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who shall interfere with the removal and destruction of such dead, infected or infested tree, dead wood, or debris shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed for each day on which said person shall continue to maintain said nuisance or to permit said dead, infected or infested tree, dead wood, or debris to continue to exist on said parcel of land.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 20 DOOR-TO-DOOR SOLICITATION

(See also Sections 14-7-7 through 14-7-10 of this Article for regulations on charitable solicitations.)

#### SECTION

14-20-1	Definitions
14-20-2	Certificate of Registration Required
14-20-3	Application for Certificate of Registration
14-20-4	Application; Issuance of a Certificate of Registration; Review Procedure
14-20-5	Records of Applications, Certificates
14-20-6	Charitable Solicitation; Financial Disclosure
14-20-7	Notice Regulating Solicitation
14-20-8	Obedience to Notice of Premises
14-20-9	Uninvited Soliciting Prohibited
14-20-10	Duty to Leave Premises on Request
14-20-11	Hours of Solicitation
14-20-12	Felons as Solicitors
14-20-13	Fraudulent Misrepresentation and Misstatement Prohibited
14-20-14	Revocation of Certificate; Review
14-20-15	Charitable Solicitations on Streets and Highways; Permit Required
14-20-16	Charitable Solicitations; Issuance of Permit
14-20-17	Charitable Solicitations; Revocation of Permit
14-20-18	Charitable Solicitations; Penalty

#### 14-20-1 DEFINITIONS

The following words and phrases as used in this Chapter shall have the following meanings, unless a different meaning is required by the context.

**CHARITABLE ORGANIZATION:** Any benevolent, philanthropic, patriotic, not-for-profit, religious or eleemosynary person or one purporting to be such which solicits and collects funds for charitable purposes.

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**CHARITABLE PURPOSE:** Any charitable, benevolent, philanthropic, patriotic, not-for-profit, religious eleemosynary purpose.

**CHARITABLE SOLICITATION:** Any request for the donation of money, property or anything of value, or the pledge of as future donation of money, property or anything of value; or the selling or offering for sale of any property, real or personal, tangible including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications or brochures, upon the representation, express or implied, that the proceeds of such sale will be used by a charitable organization for a charitable purpose.

**COMMERCIAL SOLICITATION:** Any offer to sell, or the taking of orders or subscriptions for purchase of any goods, wares, merchandise, foodstuffs, printed material or services of any kind or description.

**PERSON:** Any individual, organization, group, association, partnership, corporation, trust or any combination thereof.

**REGISTERED SOLICITOR:** Any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor, conspicuously displayed on his or her person while engaged in solicitation.

### **14-20-2            CERTIFICATE OF REGISTRATION REQUIRED**

It shall be unlawful for any charitable organization or agent thereof to engage in charitable solicitation, or for any person to engage in commercial solicitation, at any residential premises within the corporate limits of the City, unless such organization or person shall have first obtained a certificate of registration from the City as hereinafter provided.

### **14-20-3            APPLICATION FOR CERTIFICATE OF REGISTRATION**

Application for a certificate of registration shall be made upon a form provided by the City. The applicant shall truthfully state in full the information required on the application:

- A. The name and address of the charitable or commercial organization.
- B. The name and address of the supervisor or person in charge of solicitation (if a school or youth organization) in the City or name of the individual solicitor if a commercial organization.
- C. Length of permit: 2 month or 4 month period.
- D. The dates and time of day such solicitation are to be made and the geographic area within the City wherein such solicitation shall be conducted at a particular time and day.
- E. The date, or approximate date, of the latest previous application for a certificate under this Chapter, if any.

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- F. Whether a certificate of registration issued to the applicant under this Chapter has ever been revoked.
- G. Whether the applicant or any listed solicitor has ever been arrested or convicted of a violation of any of the provisions of this Chapter or the ordinances of any other Illinois municipality regulating solicitation.
- H. If a charitable organization:
  - 1. A written statement of recent date issued by the Attorney General of Illinois that the charitable organization has complied with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes", 225 ILCS 460/1, or a written statement by the Attorney General of exemption under 225 ILCS 460/3.
  - 2. A copy of the most recent annual report filed with the Illinois Attorney General pursuant to 225 ILCS 460/4. In the event a charitable organization has not yet been required to file an annual report, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 ILCS 460/2 may be utilized.
  - 3. A financial statement as described in Section 14-20-6.

This requirement shall not apply to Park Ridge based youth or school organizations.

*Ord. rev. 2015-09, 2/15/2015*

- I. If commercial solicitation:
  - 1. The name, address, telephone number, and date of birth must be indicated on the application for a commercial solicitor.
  - 2. Name and address of the organization to which the applicant is employed by or represents, and the date of hire of the solicitor.
  - 3. A description sufficient for identification of the subject matter of the solicitation which the applicant will engage in.

*Ord. rev. 2015-09, 2/15/2015*
  - 4. Whether the applicant or any listed solicitor has ever been convicted of the commission of a felony or crime involving moral turpitude or truth and veracity under the laws of the State of Illinois or any other State, or of a Federal law of the United States. (See also Section 14-20-12 of this Chapter.)

### **14-20-4 APPLICATION; ISSUANCE OF A CERTIFICATE OF REGISTRATION; REVIEW PROCEDURE**

All applications for a certificate of registration shall be submitted to the City Clerk and shall be verified under oath. For Commercial Solicitation applications, a fee of forty dollars (\$40) per person shall be imposed for a permit of two (2) months. The City Clerk shall act upon such application within ten (10) days after its receipt. No application shall be effective until acted upon by the City Clerk. If the City Clerk finds and determines that all the requirements of this Chapter have been met, the City Clerk shall issue said certificate of registration forthwith.

- A. Denial - Charitable Solicitation: In the case of an application for a certificate of registration to engage in charitable solicitation, the failure of an applicant to fulfill the requirements of this Chapter shall be the sole basis for the denial of a certificate of registration by the City Clerk. In the event that any certificate of registration to engage in charitable solicitation is denied for failure to comply with the requirements of this Chapter, the City Clerk shall immediately notify the applicant in writing of the reasons for said denial. If said application is not cured within ten (10) days after the date on which the City Clerk denies the issuance of said certificate of registration, the City Attorney shall be and is hereby authorized to apply to the Circuit Court of Cook County, Illinois, or the United States District Court for the Northern District of Illinois for a judicial determination as to whether the charitable solicitation described in the application may be prohibited. The applicant shall be named in any action as a party defendant. The City shall assert every possible and reasonable effort to have the case heard on its merits without undue delay as soon as legally possible.
- B. Denial - Commercial Solicitation: In the case of an application for commercial solicitation, the failure of an applicant to fulfill the requirements of this Chapter shall be a basis for the denial of a certificate of registration by the City Clerk. In addition, no certificate of registration for commercial solicitation shall be issued to any person who has been convicted of a felony or crime involving moral turpitude or truth and veracity under the laws of the State of Illinois or any other State or under the Federal laws of the United States within five (5) years of the date of the application; (See also Section 14-20-12 of this Chapter) nor to any person who has been convicted of a violation of any of the provisions of this Chapter; nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided. In the event that any certificate of registration for commercial solicitation is denied for failure to comply with the requirements set forth herein above, the City Clerk shall immediately notify the applicant in writing of the reasons for denial. If said application is not cured within ten (10) days after the date on which the City Clerk denies the issuance of said certificate of registration, said application shall be null and void.

**14-20-5 RECORDS OF APPLICATIONS, CERTIFICATES**

The City Clerk shall cause to be kept in his office, an accurate record of every application received and acted upon, together with all other information and data pertaining thereto, all certificates of registration issued under the provisions of this Chapter, and a record of the denial of any and all applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

**14-20-6 CHARITABLE SOLICITATION; FINANCIAL DISCLOSURE**

A charitable organization shall, upon request, make available to every person solicited, a financial statement of said charitable organization for the preceding twelve (12) months which shall include a balance sheet and statement of income and expenses clearly setting forth the following: gross receipts and gross income from all sources broken down into total receipts and income from each separate solicitation project or source; cost of administration; cost of solicitation; cost of programs designed to inform or educate the public; funds or properties transferred out of the State, with

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explanation as to recipient and purpose; total net income amount for each major purpose, charitable or otherwise. Statements shall be signed by the president or other authorized officer or agent and shall be accompanied by an opinion signed by an independent certified public accountant that said financial statement fairly represents the financial operation of the charitable organization.

A copy of the annual report to the Attorney General of Illinois required by 225 ILCS 460/4, may be presented in lieu of the aforementioned financial statement. For the purpose of financial statements, the definitions and standards applicable to the annual report to the Attorney General as set forth in section 5104 shall be utilized.

In the event a charitable organization has not been established for a period of twelve (12) months, a copy of the registration statement filed with the Attorney General of Illinois pursuant to 225 ILCS 460/2, may be utilized.

### **14-20-7 NOTICE REGULATING SOLICITATION**

Any person owning or occupying any residential premises within the City may post a notice indicating whether or not solicitors are invited at said premises. Any such notice shall be given in the following manner:

A weatherproof sign, approximately two inches by two inches (2" x 2") in size shall be exhibited upon or near the main entrance door to the premises indicating the determination made by the owner or occupant, containing the applicable words, as follows:

"NO SOLICITING"

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the owner or occupant of the premises to forbid solicitors from entering upon such premises.

### **14-20-8 OBEDIENCE TO NOTICE ON PREMISES**

It shall be the duty of every solicitor, upon going onto any premises in the City, to first examine the notice provided for in Section 14-20-7, if any is attached, and be governed by the statement contained on the notice. If the notice states, "No Soliciting", then the solicitor shall immediately and peacefully depart from the premises.

### **14-20-9 UNINVITED SOLICITING PROHIBITED**

It is hereby declared to be unlawful and shall constitute trespass and a nuisance for any person to remain upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the owner or occupant of such premises for the purpose of securing an audience with the owner or occupant thereof, to engage in solicitation as herein defined in defiance of the notice exhibited at the premises in accordance with the provisions of Section 14-20-7.

### **14-20-10 DUTY TO LEAVE PREMISES ON REQUEST**

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Any solicitor who has gained entrance to any premises, whether invited or not, shall immediately and peacefully depart from the premises when notified to do so by the occupant.

### **14-20-11 HOURS OF SOLICITATION**

No person shall engage in solicitation as herein defined in any residential area prior to nine o'clock (9:00) A.M. or after seven o'clock (7:00) P.M.

*(Ord. 2008-66, 09/02/2008)*

### **14-20-12 FELONS AS SOLICITORS**

It shall be unlawful for any person or organization to utilize as a solicitor any person who has been convicted of a felony or crime involving moral turpitude under the laws of the State of Illinois or any other state, or under the Federal law of the United States, or who has been released from any penal institution, within five (5) years of the date of the application.

### **14-20-13 FRAUDULENT MISREPRESENTATION AND MISSTATEMENT PROHIBITED**

No person shall misrepresent his name, occupation, financial condition, or residence, and no person shall make or perpetrate any other misstatement, deception or fraud, in connection with any charitable or commercial solicitation, or in any application or report filed under this Chapter.

### **14-20-14 REVOCATION OF CERTIFICATE; REVIEW**

- A. The City Clerk shall revoke a certificate of registration for a violation of any of the regulations listed in Sections 14-20-6 through 14-20-13, inclusive. Immediately upon such revocation, written notice thereof shall be given by the City Clerk to the holder of the certificate by certified or registered mail, return receipt requested, or by causing personal notice to be delivered to any solicitor registered under such certificate. Upon receipt of said notice of revocation, all solicitation activity shall cease.
- B. In the event the City Clerk revokes any certificate of registration for charitable solicitation, the City shall seek a judicial determination of such action in the same manner as is provided for in Section 14-20-4 of this Chapter.
- C. In the event the City Clerk revokes any certificate of registration for commercial solicitation, the person aggrieved by said decision shall have the right to appeal and have a hearing before the City Clerk. Such appeal shall be taken by filing with the City Clerk within ten (10) days after receipt of the notice of revocation, a written statement under oath setting forth specifically the grounds for appeal. The City Clerk shall thereupon set the time and a place for the hearing on such appeal and notice of such hearing shall be given to the appellant.

### **14-20-15 CHARITABLE SOLICITATIONS ON STREETS AND HIGHWAYS; PERMIT REQUIRED**

*(Ord 2005-18, S24, 3/7/05)*

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Any charitable organization registered with the Attorney General in the manner provided by law may stand upon selected streets or highways within the City, at intersections where all traffic is required to come to a full stop, for the purpose of soliciting contributions from the occupants of any vehicle as part of a statewide fund-raising activity. Any person engaged in the act of solicitation shall be at least eighteen (18) years of age and shall wear a high-visibility vest. Any charitable organization wishing to engage in such solicitation for contributions shall apply to the City for a permit. The application shall contain the following along with such other information as may be required by the City:

- A. The name, address and telephone number of the organization.
- B. The name, address and telephone number of a local representative of the organization or of the person making the application.
- C. The location or locations at which approval to solicit is being sought.
- D. The days of the week and time of day at which such solicitation is proposed to take place.
- E. The number of persons proposed to solicit at each location.
- F. An affidavit from the organization stating that the organization is registered with the Attorney General as a charitable organization as provided by "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefore", approved July 26, 1963, and as amended.
- G. An affidavit that the organization is engaged in statewide fund-raising activity.
- H. A certificate of insurance verifying that the organization has in effect at the time of application general liability insurance of at least one million dollars (\$1,000,000.00) Naming the City of Park Ridge as an additional insured.
- I. Release and Hold Harmless Letter releasing and indemnifying the City of Park Ridge against any and all liability and expenses whatsoever, for bodily injury or death, including without limitation, injury or death to agents, employees, servants or volunteers of the organization which may be causally related to any act of ordinary negligence, intentional, willful or wanton misconduct of the soliciting agent acting on behalf of the organization. The Certificate of Insurance and Release shall be subject to the approval of the City Manager.

### Additional Requirements for Solicitors:

Solicitors will only be permitted to enter upon the roadway from the curb side of the roadway, not the median. Solicitors may not stand in or on the median portion of the roadway.

Solicitors may only solicit when the traffic signal is red. Solicitors must immediately get off the roadway when the signal changes to green, before traffic proceeds.



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Solicitors may only solicit at intersections that the City has predetermined to be safe and appropriate based on the safety of the solicitors and motorists and the expeditious flow of vehicular traffic. The City shall create and maintain a list of streets approved for solicitation.

If notified of a violation of this Chapter pertaining to solicitation on roadways, the police department may issue a warning to the solicitor, may cause the solicitor to cease operations, or may cause the soliciting organization to cease operations immediately.

### **14-20-16 CHARITABLE SOLICITATIONS; ISSUANCE OF PERMIT**

*(Ord 2005-18, S24, 3/7/05)*

The City shall issue a permit for such solicitation if the applicant has complied with all of the terms and provisions of State law regarding such solicitation and the provisions of this Chapter. The City must also find that the location, times and duration of the proposed solicitation and number of proposed solicitors shall not result in interference with the flow of vehicular traffic nor jeopardize the safety of solicitors and/or motorists.

### **14-20-17 CHARITABLE SOLICITATIONS; REVOCATION OF PERMIT**

*(Ord 2005-18, S24, 3/7/05)*

The City is authorized to instantly revoke the permit of any organization in the event there is a determination that the actions or conduct of the representatives of the soliciting organization have violated any of the terms and provisions of this Chapter, or in the event it is determined by the City that such actions have resulted in interference with the flow of vehicular traffic or have jeopardized the safety of solicitors or motorists.

### **14-20-18 CHARITABLE SOLICITATIONS; PENALTY**

*(Ord 2005-18, S24, 3/7/05)*

Any person, corporation, unincorporated association or other entity violating any provisions of this Chapter shall, upon a judicial finding of such violation, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such separate offense.

## ARTICLE 14

### CONDUCT AND OFFENSES

#### CHAPTER 21 PROVISIONS WITH RESPECT TO THE USE OF ALCOHOL BY UNDERAGE PERSONS *(Ord. 2015-24, 4/21/15)*

##### SECTION

14-21-1	Provisions to and Use of Alcohol by Underage Persons
14-21-2	Referral to Peer Jury
14-21-3	Violations and Penalties

##### **14-21-1: PROVISIONS TO AND USE OF ALCOHOL BY UNDERAGE PERSONS**

A. Delivery of Alcoholic Liquor to An Underage Person: It shall be unlawful for any person, regardless of relationship, age or circumstances, to deliver any alcoholic liquor to any underage person, except as set forth in subsection C of this Section.

B. Use of Premises for Consumption of an Alcoholic Liquor: It shall be unlawful for any person to knowingly permit or to knowingly or negligently fail to prevent, on any premises under his or her control, the consumption of an alcoholic liquor by an underage person. This Section shall apply to residential, public and commercial premises.

C. Exceptions: Subsections A and B of this Section shall not apply in the following circumstances:

1. The performance of a bona fide religious service.
2. The delivery of an alcoholic liquor within the home to an underage person, by and under the direct supervision of that underage person's parent. However, the following rules shall be applied to this subsection C2:
  - a. In any prosecution of an underage person for the commission of any State or local offense, the prosecutor, upon reasonable grounds, may

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request a ruling and the court shall rule as to whether the consumption of an alcoholic liquor, as permitted by the parent, was a contributing factor to the commission of the offense. If it is so determined in the affirmative, then the penalty set forth in subsection D of this Section shall apply. For purposes of this subsection, the consumption of alcohol may be determined to be a contributing factor if it had the effect of substantially causing an impairment to the person as "impairment" is defined in this Chapter. It need not be shown that, but for the consumption of alcohol, the offense would not have been committed.

b. The parent shall remain vicariously liable as set forth in subsection E of this Section.

D. Penalty. Any person found guilty of violating subsection (A) or (B) shall be fined in the mandatory amount of one thousand dollars (\$1,000.00).

E. Vicarious Liability Of A Parent Or Other Person Facilitating The Use Or Abuse Of Alcoholic Liquor: The following persons shall be liable to any individual who has been injured by an alcohol impaired underage person when the impairment is a contributing cause of the injury:

1. Any person who delivered or permitted the delivery of an alcoholic liquor to the underage person. The person making or permitting the initial delivery to an underage person remains liable to anyone injured by the same or different underage person regardless of how many times the alcoholic liquor changed hands.

2. Any person in control of a premises, who knowingly or negligently fails to maintain supervision to such an extent that an alcoholic liquor is consumed on the premises by an underage person.

3. Any person who knowingly or negligently allows the operation of a motor vehicle under his or her control by an underage person, when the person knew or in the exercise of ordinary judgment should have known that the underage person was either impaired or had consumed any amount of alcohol within two (2) hours prior to when this allowance to drive occurred.

The vicarious liability established by this Section shall not be subject to the limitations on damages as set forth in 235 Illinois Compiled Statutes 5/6-21.

F. Use of False Identification. Any underage person found guilty of attempting to obtain delivery of an alcoholic liquor by use of false proof of age shall be subject to a mandatory fine of Five Hundred Dollars (\$500.00). If the false proof of age was an improperly used driver's license, the person so using it shall not be permitted, for a period of six (6) months, to operate a motor vehicle on any public way within the corporate limits of the City unless accompanied by a licensed driver over thirty (30) years of age.

G. False Identification Not a Defense. It shall not be a defense to any action brought criminally, civilly or administratively against any liquor licensee or any other person charged with the delivery of any alcoholic liquor to an underage person that

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such a person produced false identification or false proof of age. The person or persons hearing and deciding the charges may consider such a claim when determining the penalty to be assessed or the apportionment of damages.

H. Operation of a Motor Vehicle While in a State of Impairment. It shall be unlawful for any underage person to operate a motor vehicle on a street or highway of the City while in a state of impairment due to the consumption of an alcoholic liquor or with any alcohol at all in his or her system. For purposes of this section only, "operation of a motor vehicle" shall have the definition ascribed to it in the Illinois Vehicle Code rather than the definition set forth in Section 12-6-27 of this Code.

I. Operation of a Motor Vehicle by Underage Persons with an Alcoholic Liquor in or on the Vehicle; When the Underage Person is Impaired Due to Alcohol or has Alcohol in the System or is Operating the Vehicle in Violation of a Restriction Pursuant to this Chapter. The following shall apply when any underage person is found in the City operating any motor vehicle in which or on which is found any alcoholic liquor, or when the underage person is in a state of impairment due to consumption of alcohol or to have alcohol in his or her system or is found operating a motor vehicle in violation of a restriction pursuant to this Chapter:

1. The motor vehicle shall be subject to immediate impoundment by the police department.

2. The following factors shall not be considerations in determining whether or not to impound the motor vehicle:

a. Whether the alcoholic liquor is in an opened or an unopened container.

b. Whether the operator is the owner of the alcoholic liquor in the vehicle.

c. Whether the operator had knowledge of the existence of the alcoholic liquor within the motor vehicle.

3. Upon impoundment, the motor vehicle may be released only to another person showing proof of ownership or lease rights to the motor vehicle.

a. If the underage operator is the owner or lessor of the vehicle, then the vehicle may be released only to a parent or spouse of the underage owner. If the underage person has no parent or spouse living in the immediate area, the vehicle may be released, upon satisfactory proof of such fact, as set forth in subsection 4 of this Section.

4. The motor vehicle may not be released to any person who was a passenger in the motor vehicle at the time the alcoholic liquor or impairment was found unless at least twenty four (24) hours have passed from the time of the finding.

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5. The vehicle shall not be released until the person seeking the release has paid an administrative fee of Two Hundred Dollars (\$200.00) to the City, plus any towing or storage costs.

6. If the operator is subsequently found guilty of driving with open alcohol in a motor vehicle or possession of alcohol by a minor or of operating a motor vehicle while impaired pursuant to Subsection G of this Section, that person shall not be permitted for a period of six (6) months, to operate a motor vehicle on any public way within the limits of the City unless accompanied by a licensed driver over thirty (30) years of age.

7. The above obligations and penalties shall be in addition to the penalties that may be assessed in a court of law for any charges incident to the stop.

8. Any law enforcement officer, the police department and the City and any of its officers or agents shall be absolutely immune from any liability or exposure to liability of any kind or nature for the enforcement or implementation of this Section.

### J. Procedure for Driving Restriction Notification; Hearing.

1. If a person has committed a violation that subjects the person to a restriction on driving in Park Ridge, such a restriction shall not take place until the police department has sent, by regular mail, a notice of the pending driving restriction. The notice shall be mailed at least two (2) weeks before the restriction is to go into effect and shall contain: 1) a statement that the restriction applies only to the City; 2) the date the restriction is to go into effect and the date on which it ends; 3) a map showing the City limits; 4) a notice that the operator has the right to request a hearing within ten (10) days of notification to determine the validity of the restriction. The validity of the restriction may be challenged only on the grounds that the person was not the actual person found guilty or that there was no finding of guilty for the underlying offense.

2. The hearing shall be conducted by a supervisory member of the City police department, appointed by the Chief of Police and whose determination shall be final.

### K. Penalty for Violating Driving Restriction.

1. Restriction: No person shall operate and no person, including a parent, shall permit another to operate a motor vehicle within the corporate limits of the City in violation of the restrictions set forth in this Chapter.

2. Penalty: Any person found guilty of violating this Subsection (K) shall be fined in the mandatory amount of Five Hundred Dollars (\$500.00).

### L. Zero Tolerance With Respect to Alcohol Use.

It shall be unlawful for any underage person to have any alcohol of any level detectable by observation or blood/alcohol testing in the person's system. If the blood/alcohol level is less than .05 milliliters of alcohol per liter of blood, then it shall

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be a defense that the alcohol was acquired pursuant to the exceptions set forth in subsection (C) of this Section. Such defense may be established by clear and convincing evidence and by the testimony of the adult providing the alcoholic liquor.

### **M. Possession of Alcohol By Underage Persons**

It shall be unlawful for any person under the age of twenty-one (21) to possess, dispense, or consume alcoholic liquor. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

### **14-21-2: REFERRAL TO PEER JURY**

Nothing in this Chapter shall prevent the referral of underage persons to the peer jury for disposition consistent with the rules and regulations of the peer jury.

### **14-21-3: VIOLATIONS AND PENALTIES**

Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding.

#### **A. General.**

Unless another penalty is set forth in this Chapter, every person found guilty of a violation of any of the provisions of this Chapter shall be subject to a fine of One Thousand Dollars (\$1,000.00) for the first offense and One Thousand Five Hundred Dollars (\$1,500.00) for each subsequent offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court.

#### **B. Substance Abuse.**

If the offense is related to alcohol or substance abuse and the offender is under twenty-one (21) years of age, the court or administrative adjudication hearing officer may assign the offender to a drug and alcohol education and abuse counseling program that is licensed by the Illinois Department of Alcohol and Substance Abuse and requires a certified evaluation program and not less than four (4) hours of counseling. If the violator agrees to attend such a program, the violator shall pay for the cost of the program and a fine of One Hundred Dollars (\$100.00) for a first offense. For a second offense, the offender shall attend a drug and alcohol education and counseling program of at least ten (10) hours in duration as determined by the licensed program and shall pay for the cost of the program and a fine of not less than Two Hundred Fifty Dollars (\$250.00). If the offense is related to alcohol or substance abuse and the offender is under twenty-one (21) years of age and is either found guilty or pleads no contest and agrees to pay the applicable fine, the City will report the person to the Secretary of State's Office and his/her driver's license will be suspended in accordance with state law.

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