

CHAPTER 13.

OFFENSES--MISCELLANEOUS

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Sec. 13-1. Assault; Fighting; etc.

- (A) It shall be unlawful for any person to commit any assault or battery or to fight in any place in the Village.
- (B) Any person who violates the provisions of this Section shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00) for each such offense (Code 1959, §747; Ord. 93-80)

Sec. 13-2. Bills, Advertisements, etc.--Posting; Attaching to Trees or Shrubs.

It shall be unlawful for any person to post any bills or advertisements on any property, and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner of such property. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway or any other place. (Code 1959, §§167, 170; Ord. 64-33)

Sec. 13-2.1. Citations for Violations; Penalties and Procedures.

The Police Department is authorized to issue violation notices to anyone violating Section 13-2 of this Chapter and to cause a summons or warrant to be issued to commence prosecution against violators. If such penalty is not paid within ten (10) days, the Police Department shall ascertain the name of the owner of the building and cause to be mailed to the owner the goldenrod copy of the citation form marked "final notice". The Police Department shall enter a final notice date which shall be at least fifteen (15) days from the date of issuance of the final notice and shall enter the amount of twenty dollars (\$20.00) as total penalty on the citation. If such warrant or citation has not been paid by the notice date, the Police Department shall place the matter on the court date of the officer issuing the citation. Such court date shall be at least thirty (30) days and no more than sixty (60) days from the date of issuance of the notice to appear form. The court date shall then be entered on the notice along with the location of the court and with the fine of thirty dollars (\$30.00).

When a notice to appear has been issued and the proper court date has been entered, together with the proper penalty including court costs, the Police Department shall cause the notice to appear to be served upon the defendant. If such defendant does not live within the corporate limits of the Village, the notice to appear shall be mailed to the defendant at the last known address by certified mail. If such violator fails to appear in response to the notice to appear which has been served upon him, either by personal service or by certified mail, the police officer shall swear to the complaint before the judge of the Circuit Court of the County. (Ord. 80-87)

Sec. 13-3. Same--Advertising Unlawful Business or Article; Injuring or Defacing Lawful Advertisement or Notice.

It shall be unlawful to advertise any unlawful business or article in the Village, and it shall be unlawful to injure or deface any lawful advertisement or notice. (Code 1959, §755.)

Sec. 13-4. Curfew for Minors Generally.

- (A) It shall be unlawful for a person less than seventeen years of age to be present at or upon any assembly, building, place, street or highway at the following times:
- (1) Between 12:01 a.m. and 6:00 a.m. Saturday.
 - (2) Between 12:01 a.m. and 6:00 a.m. Sunday.
 - (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
- (B) It is a defense to a violation under this Section that the minor engaged in the prohibited conduct while:
- (1) Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least eighteen (18) years of age;
 - (2) Accompanied by an adult at least eighteen (18) years of age approved by the child's parent, guardian or custodian;
 - (3) Participating or returning from:
 - (a) employment which the laws of this state authorize a person less than eighteen (18) years of age to perform;
 - (b) a school recreational activity;
 - (c) a religious event;
 - (d) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - (e) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4, and 5 of the Constitution of the State of Illinois, or both;
 - (f) an activity conducted by a not-for-profit or governmental entity that provides recreation, education, training or other care under the supervision of one (1) or more adults.
- (C) Before issuing a citation or making an arrest for violating the curfew ordinance, a police officer shall inquire into a minor's reasons for being in a public place during curfew hours, and the officer may issue a citation or make an arrest only if the officer reasonably believes that the person has violated this Section and that no defenses apply.
- (D) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate this Section.

Sec. 13-5. Same--Detention of Willful Violators.

Every member of the police force, while on duty, is hereby authorized to detain any minor

willfully violating the provisions of Section 13-4 until the parent or guardian of the child shall take such child into custody. However, such officer shall immediately upon taking custody of the child communicate with the parent or guardian. (Ord. 69-7)

Sec. 13-6. Same--Commitment of Certain Children Taken into Custody to State Institution.

If it shall appear that any child taken into custody for a violation of Section 13-4 is growing up in mendicancy or vagrancy, or is incorrigible, due to lack of proper parental care or having no home, proper proceedings shall be taken to have such child placed in the care of a state institution, as provided by statute. (Ord. 69-7)

Sec. 13-7. Disorderly Conduct.

- (A) Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:
- (1) Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in danger of safety of his life, limb or health.
 - (2) Any person who shall act in a violent or tumultuous manner toward another, whereby property or property of any person is placed in danger of being destroyed or damaged.
 - (3) Any person who shall endanger lawful pursuits of another by acts of violence or threats of bodily harm.
 - (4) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property.
 - (5) Any person who shall assemble or congregate with another or others and cause, provoke or engage in any fight or brawl.
 - (6) Any person who shall assemble or congregate with another or others and engage or attempt to engage in gaming.
 - (7) Any person who shall use "fighting words" directed toward any person who becomes outraged and thus creates turmoil.
 - (8) Any person who shall assemble or congregate with another or others and do bodily harm to another.
 - (9) Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
 - (10) Any person who is in possession of an alcoholic beverage on a public street or other public place, unless the alcoholic beverage is in its original container with the seal unbroken or unless possession is on the premises of an establishment with a valid Village liquor license. For purposes of this subsection, a public place shall include,

but not be limited to, all Village streets, all Village rights-of-way, all Village parking lots, and all Village owned properties that do not have permission of the Village or other governmental body for events which may include the consumption of alcohol.

- (11) Any person who is in a state of intoxication to a degree which renders himself a hazard shall not walk or be upon any street, alley or public place in the Village except on a sidewalk. (Ord. 20-51)
- (B) Any person who violates the provisions of this Section shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00) for each such offense. (Ord. 93-80)

Sec. 13-7.1. Miscellaneous Offenses.

- (A) Any person who shall do or engage in any of the following shall be guilty of a violation of this Section of the Code:
 - (1) Any person who shall collect in bodies or in crowds and engage in unlawful activities.
 - (2) Any person who shall frequent any place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
 - (3) Any person who assembles with another or others and engages in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person, or attempts to do so.
 - (4) Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
 - (5) Any person who shall congregate with another or others in or on any way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such way when ordered to do so by a peace officer or other person having authority.
 - (6) Any person who damages, befouls or disturbs property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
 - (7) Any person who creates or maintains loud or raucous noises in an unreasonable manner so as to alarm or to disturb another. (Ord. 11-15)
- (B) Any person who violates the 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 such offense. (Ord. 93-80)

Sec. 13-7.2. Noise Violations.

- 1. It shall be unlawful for any person or property owner to create, maintain, make, allow, permit, continue, or cause to be made or continued, between the hours of 10:00 p.m. to 7:00 a.m. on Sunday's through Thursday's, and 11:00 p.m. to 7:00 a.m. on Friday's and

Saturday's:

- (a) Any unreasonably loud or raucous noise in an unreasonable manner so as to alarm or disturb another;
 - (b) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the Village of Addison; or
 - (c) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
2. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
- (a) The proximity of the sound to sleeping facilities, whether residential or commercial;
 - (b) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (c) The time of day or night the sound occurs;
 - (d) The duration of the sound; and
 - (e) Whether the sound is recurrent, intermittent, or constant.
3. The following acts are declared to be per se violations of this article. This list does not constitute an exclusive list.
- (a) *Yelling, shouting, and similar activities*: Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.
 - (b) *Radios, televisions, boom boxes, phonographs, stereos, musical instruments and similar devices*: The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by. The use or operation of a radio, television, boom box, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or commercial areas, including multi-family or single-family dwellings.
 - (c) *Blowers, and similar devices*: In residential or commercial areas, between the hours of 9:00 p.m. to 7:00 a.m. of the following day, the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases, fuels, or fluids, provided that the noise

is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. This subsection shall not apply to snow blowers and other snow removal machinery nor to landscaping operations conducted on golf courses.

- (d) *Commercial establishments.* Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 6:00 a.m. of the following day which is plainly audible at a distance of fifty feet (50') from any residential property.
 - (e) It shall be unlawful and constitute a public nuisance for any person to cause or allow a loud gathering to occur at any residential or commercial area within the Village between the hours of 10:00 p.m. to 7:00 a.m. on Sunday's through Thursday's, and 11:00 p.m. to 7:00 a.m. on Friday's and Saturday's. A loud and unruly gathering may be abated by the Village by all reasonable means, including, but not limited to:
 - 1. An order by a Village police officer to a responsible person to immediately terminate the occasion or activity; and/or
 - 2. An order of a Village police officer to all non-resident persons at a gathering to immediately leave the premises.
 - (f) It shall be unlawful and a violation of this article for any person to fail to comply with an order of a Village police officer that is issued in connection with a loud or unruly gathering. The abatement of a loud or unruly gathering by Village police officers shall not preclude the Village from exercising its other remedies against a person who violated this Article, including without limitation, the issuance of administrative or criminal citations.
- 4. Officers of the Addison Police Department may use their discretion when deciding to issue a loud noise citation at any point throughout the day; the times allotted are merely a guideline and do not supersede officer discretion.
 - 5. The penalty for violation of this Section shall be not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each such offense. If such penalty is paid directly to the Police Department within ten (10) days in the envelope provided for such purpose, the amount of the penalty shall be one hundred dollars (\$100.00), i.e., the minimum fine amount.
 - 6. The Police Department is authorized to issue administrative adjudication citations for violations of this Section pursuant to Chapter 30 of the Village Code by personal service or by placing violation notices at the site where violation of this Section has occurred. (Ord. 08-67; 23-19)

Sec. 13-8. Disturbing Assemblages.

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

(Code 1959, §750)

Sec. 13-9. False Alarms.

It shall be unlawful for any person to knowingly start or spread any false alarm in the Village. (Code 1959, §478)

Sec. 13-10. Injury to Property.

It shall be unlawful for any one to injure, deface or interfere with any property belonging to the Village. (Code 1959, §138)

Sec. 13-11. Public Indecency.

(A) Definitions: As used herein, the following terms shall have the meanings hereafter ascribed to them:

- (1) "Nudity" means the showing of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering on any part of the nipple and areola; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum, anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.
- (2) "Public place" includes all outdoor places owned by or open to the general public and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

(B) It shall be unlawful for a person to knowingly or intentionally, in a public place:

- (1) Engage in sexual intercourse.
- (2) Engage in deviate sexual intercourse as defined by the Illinois Criminal Code.
- (3) Appear in a state of nudity.
- (4) Fondle the genitals of himself, herself or another person.

(C) The prohibition set forth in Section 13-11(B) shall not apply to:

- (1) Any child under ten (10) years of age.
- (2) Any individual exposing a breast in the process of breastfeeding an infant under two (2) years of age. (Ord. 00-56)

Sec. 13-11.1. Shopping Carts.

It shall be unlawful for any person to remove a shopping cart not belonging to such person from any parking lot or premises related to a shopping area within the Village. However, it is provided that a removal from the premises to the parking lot of the shopping area premises for the purpose of unloading the contents therein shall not be unlawful. All stores permitting the use of shopping carts within such store or permitting such shopping carts to be removed from such store shall be required to place on each shopping cart a sign in the minimum dimensions of four inches by six inches (4"x 6") stating:

"It is unlawful under Village Ordinance for removal of this cart off these premises."

Each store must also contain a sign not less than one and one-half feet by three feet (1-1/2' x 3') which must be affixed in a conspicuous place in the store setting forth the terms of this Section.

Any shopping carts remaining on the parking lot adjacent to the premises or at any other location in the Village will be deemed to be abandoned. All shopping carts must have means of identification to be placed thereon by the owner. (Ord. 75-55; 99-149)

Section 13-11.2. Return of Abandoned Shopping Carts.

Upon acquisition by the Village of a shopping cart or carts deemed to be abandoned, the Village shall, within thirty (30) days thereafter, notify the owner, as identified on the shopping cart(s) that the Village has possession of the cart(s). The notice shall be by certified mail, return receipt requested. The notice shall advise the owner an administrative fee in the amount of twenty-five dollars (\$25.00) per shopping cart is due and owing. The notice shall further advise the owner (1) that the shopping cart(s) must be picked up, and the administrative fee paid, not less than fourteen (14) days after the date of the notice, and (2) that failure to retrieve the shopping cart(s) and to pay the fee in a timely manner shall result in the cart(s) being sold or otherwise disposed of by the Village. (Ord. 99-149)

Sec. 13-12. Trespasses--Generally.

It shall be unlawful for any person to commit a trespass within the Village, upon either public or private property. (Ord. 70-55)

Sec. 13-13. Same--Enumerated Offenses.

Without constituting any limitation upon the provisions of Section 13-12, any of the following acts by any person shall be deemed included among those that constitute trespasses in violation of the provisions of such section, and appropriate action may be taken under this Section at any time to prevent or suppress any violation of this Section:

- (A) An entry upon the premises, or any part thereof, of another, including any public property, in violation of a notice posted or exhibited at the main entrance to such premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof.
- (B) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to such

premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof.

- (C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof.
- (D) 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. (Ord. 70-56)
- (E) Depositing, abandoning or dumping any waste material, garbage, refuse, or offensive substance upon the premises, or any part thereof, of another, including any public property, without the prior consent of the owner of said property. (Ord. 07-102)

Sec. 13-14. Trick or Treating.

It shall be unlawful for any person to engage in the act of solicitation commonly known or referred to as "trick or treating" at any time other than Halloween Day (October 31) between the hours of 3:00 p.m. and 7:00 p.m.

It shall be unlawful for any person to engage in the act of solicitation commonly known as "trick or treating" more than three (3) blocks from such person's home.

It shall be the duty and responsibility of the parents to see that no soliciting other than in compliance with this Section is engaged in by their children. (Ord. 72-50; 93-106; 06-142)

Sec. 13-15. Vandalism--Definitions.

For the purposes of Sections 13-16 to 13-18, the following phrases shall have the meanings respectively ascribed to them by this Section:

Legal guardian means a person appointed guardian or given custody of a minor by a Circuit Court of the state; but not a person appointed guardian or given custody of a minor under the state Juvenile Court Act.

Minor means a person who has attained eleven (11) years of age but who has not yet reached eighteen (18) years of age.

Parent means the lawful mother or father of an unemancipated minor, whether by birth or by adoption.

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

Property means any real estate, including improvements thereon and tangible personalty. (Ord. 77-20)

Sec. 13-16. Same--Unlawful Acts Enumerated.

Within the corporate limits of the Village, no person shall:

- (A) Knowingly or recklessly damage any property of another person without his consent; or
- (B) Knowingly and without authority enter into or obtain control over any motor vehicle, bicycle, aircraft or watercraft or any part thereof belonging to another person, without such other person's consent; or
- (C) Knowingly and without the consent of the property owner inscribe, draw, paint, or otherwise place upon the surface of any structure or wall that is privately or publicly owned any word, phrase, diagram, symbol, sketch or letters. (Ord. 77-20; 86-25)

Sec. 13-17. Same--Violations.

Every person found guilty of an offense under Section 13-16 shall be subject to either or both of the following penalties:

- (A) Fine. A fine not in excess of five hundred dollars (\$500.00).
- (B) Conditional discharge--Generally. The court may provide for a period of conditional discharge subject to the rules and conditions set forth or as may be set forth by the 18th Judicial Circuit Court. The conditions of conditional discharge may include that the defendant make restitution in an amount not to exceed the actual loss or damage to the property and pecuniary loss, that upon the receipt of restitution, the owner shall restore the structure or wall to its former condition, and such other conditions as the court may deem just and appropriate. (Ord. 86-25)

Sec. 13-18. Same--Offenses by Minors.

- (A) Petition by aggrieved party. Should any aggrieved party desire a hearing relative to any actual damages sustained by reason of any act under Section 13-16 by any unemancipated minor, such person shall petition the 18th Judicial Circuit, in the name of the Village, for such hearing.
- (B) Responsibility of parent or guardian; hearing procedure; penalties. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is financially responsible for actual damages by such minor child, as defined in Section 13-16; provided, that such parent or legal guardian has been served with a summons and a copy of petition for hearing. All actions hereunder shall be commenced and proceed in accordance with the Parental Responsibility Law (740 ILCS 115/1 *et seq.*). (Ord. 86-25)

Sec. 13-19. Spiritualism and Fortune Telling--Prohibited.

No person shall hold or give any or private meeting, gathering, circle or seance of any kind in the name of spiritualism, or of any other religious body, society, cult or denomination, and therein practice, or permit to be practiced, fraud or deception of any kind. No person shall obtain money or property from another by fraudulent devices and practices in the name of, or by means of, spirit mediumship, palmistry, card reading, astrology, seership, phrenology, tealeaf and coffee ground reading, voodoo, or like crafty science or fortune telling of any kind. (Ord. 78-1)

Sec. 13-20. Same--Advertising Prohibited. (Originally Sec. 13-19.1)

No person shall advertise by display, sign, circular, handbill, or in any newspaper, periodical, magazine, or other publication, or by any other means, to tell fortunes or reveal the future; or by means of occult or psychic power, faculties, or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, phrenology or like crafty science, cards, talismans, charms, potions, magnetism, magnetized articles or substances, oriental mysteries, or magic of any kind or nature to find or restore lost or stolen property, to locate oil wells, gold, silver, other ore, metal or natural product, to restore lost love, friendship or affection, to reunite or procure lovers, husbands, wives, lost relatives or friends, or to give advice in business affairs or advice of any kind or nature to others for or without pay. (Ord. 78-1)

Sec. 13-21. Retail Theft--Definitions. (Originally Sec. 13-20)

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

- (A) **Conceal** means to conceal merchandise means that although there may be some notice of its presence, that merchandise is not visible through ordinary observation.
- (B) **Full retail value** means the merchant's stated or advertised price of the merchandise.
- (C) **Merchandise** means any item of tangible personal property.
- (D) **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.
- (E) **Peace officer** means any person who by virtue of his office or 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.
- (F) **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 the patrons of such retail mercantile establishment.
- (G) **Retail mercantile establishment** means any place where merchandise is displayed, held, stored or offered for sale to the public.
- (H) **Shopping cart** means those push carts of the type or types which are commonly provided by grocery stores, drugstores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.
- (I) **Under-ring** means to cause the cash register or other sales recording device to reflect less than full retail value of the merchandise. (Ord. 78-15)

Sec. 13-22. Same--Prohibited. (Originally Sec. 13-20.1)

No person shall commit retail theft. A person commits the offense of retail theft when he knowingly:

- (A) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
- (B) Alters, transfers or 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
- (C) 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
- (D) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
- (E) 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. (Ord. 78-15)

Sec. 13-23. Same--Presumptions. (Originally Sec. 13-20.2)

If any person conceals upon his person or among his belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment, and removes that merchandise beyond the last known station for receiving payments 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 such merchandise without paying the full retail value of such merchandise. (Ord. 78-15)

Sec. 13-24. Same--Penalty. (Originally Sec. 13-20.3)

Any person who violates the provisions of Sections 13-21 through 13-23, shall be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00). (Ord. 78-15)

Sec. 13-25. Fireworks--Defined. (Originally Sec. 13-21)

The term fireworks shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, sparklers, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; provided, however, that the term fireworks shall not include, toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing twenty-five hundredths (.25) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come into contact with the cap when in place for the explosion, and toy pistol paper or plastic caps which contain less than twenty hundredths (.20) grains of explosive mixture, the sale and use of which shall be permitted at all times.

Sec. 13-25.1. Possession, Sale and Use Prohibited Generally. (Originally Sec. 13-21.1)

Except as hereinafter provided, it shall be unlawful for any person to possess, offer for sale, expose for sale or sell at retail any fireworks within the Village. It also shall be unlawful for any person to discharge, explode, light, or make any similar use of fireworks within the Village.

Sec. 13-25.2. Exhibitions; Permit Required. (Originally Sec. 13-21.2)

Public exhibitions of fireworks may be given if a permit therefor be granted by the board of trustees. Such exhibitions shall be given subject to the supervision of the Fire Chief or some person designated by him.

Sec. 13-25.3. Permit Application; Fee; Nature of Permit. (Originally Sec. 13-21.3)

Application for a permit to exhibit fireworks shall be made in writing at least fifteen (15) days in advance of the date of the display and action shall be taken on such application within forty-eight (48) hours after such application is made. The fee for such permit shall be fifty dollars (\$50.00). The sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose stated in this article only. No permit granted hereunder shall be transferable.

Sec. 13-25.4. Liability Insurance--Required. (Originally Sec. 13-21.4)

Each person applying for a permit to exhibit fireworks shall, as a condition precedent to the issuance of such permit, file or cause to be filed with the Village Clerk a policy of insurance in which the Village, its officials, agents and employees, are insured against liability that may be imposed upon them by law for damages because of bodily injury, sickness or disease, including death, at any time resulting therefrom, sustained by any person, and injury to or destruction of property, including the loss thereof, arising out of any fireworks display. In lieu of filing the policy of insurance, a certificate evidencing the issuance of such insurance, executed by a duly authorized agent, servant or employee of the carrier, may be so filed; provided, that such issuance shall be written by an insurance carrier authorized to conduct such business in the State.

Sec. 13-25.5. Same--Minimum Coverage. (Originally Sec. 13-21.5)

The insurance policy required by this article shall be written for at least the following minimum coverage:

- (A) A limit of three hundred thousand dollars (\$300,000.00) for all damages arising out of bodily injury, sickness or disease, including death, at any time resulting therefrom, sustained by each person as a result of any one accident and a total limit of five hundred thousand dollars (\$500,000.00) for all such damages sustained by two (2) or more persons as the result of any one accident.
- (B) A limit of one hundred thousand dollars (\$100,000.00) for all damages arising out of injury or destruction of all property of one (1) or more persons as the result of any one accident.
- (C) The policy shall contain a provision that it shall not be canceled by the carrier until at least ten (10) days' notice thereof by mail shall have been given to the Village by mailing such notice to the Village Clerk.

Sec. 13-25.6. Permit Revocation. (Originally Sec. 13-21.5)

Any permit issued under the provisions of this article may be revoked by the Village Manager for a violation of the provisions of this article, and the revocation of the permit shall not preclude the imposition of a penalty under the provisions of Sections 1-5 of this Code. (Ord. 79-39)

Sec. 13-26. Repealed by Ord. 81-26.

Sec. 13-27. Obscenity Prohibited.

It shall be unlawful for any person, firm, corporation, partnership or other business entity to sell, deliver, offer for sale, distribute, publish, print, exhibit or possess with intent to distribute, with knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection

which would have disclosed the nature or content thereof, any obscene writing, picture, moving picture, record or other representation or embodiment of the obscene, or to present or to direct an obscene play or other performance or to perform an obscene act or otherwise present an obscene exhibition or to advertise or otherwise promote obscene material. (Ord. 80-71)

Sec. 13-27.1. Obscenity Defined.

A thing shall be deemed to be obscene if, the average person applying statewide contemporary standards finds that the work taken as a whole appeals to a prurient interest and the work depicts or describes patently offensive representations or descriptions of sexual conduct or sado-masochistic abuse, hereinafter described, and the work is utterly without redeeming social value.

Sexual conduct means human masturbation, sexual intercourse, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breast of the female, whether alone or between members of the same or opposite sex, between humans and animals in an act of apparent sexual stimulation or gratification.

Sado-masochistic abuse means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed. (Ord. 80-71)

Sec. 13-27.2. Affirmative Defense.

It shall be an affirmative defense to obscenity that the dissemination:

- (1) was not for gain and was made to personal associates other than children under eighteen (18) years of age;
- (2) was to institutions or individuals having scientific or other special justification for possession of such material. (Ord. 80-71)

Sec. 13-27.3. Penalty.

Any person, firm, corporation, partnership or other business entity violating the provisions of this ordinance shall pay a fine of not less than fifteen dollars (\$15.00) and not more than five hundred dollars (\$500.00). (Ord. 80-71)

Sec. 13-27.4. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby and shall remain in full force and effect and the same shall not affect the validity of the remaining portions of this ordinance. (Ord. 80-71)

Sec. 13-28. Sale of Harmful Material to Minors Prohibited.

No person, corporation, firm, partnership or other business entity shall, with knowledge that a person is under twenty-one (21) years of age, or with a failure to exercise reasonable care in ascertaining a person's age, knowingly distribute to, or send or cause to be sent to, or exhibit to any

minor under the age of twenty-one (21) any harmful material. (Ord. 80-70; 19-36)

Sec. 13-28.1. Definitions.

- (A) Material is "**harmful**" if, to the average person applying statewide community standards, its predominant appeal, taken as a whole, is to prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters and if the social importance of materials is substantially less than its prurient appeal. (Ord. 80-70)
- (B) **Material** means any writing, picture, record or other representation or embodiment.
- (C) **Distribute** means to transfer possession of, whether with or without consideration.
- (D) **Knowingly** means having knowledge of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof. (Ord. 80-70; 19-36)

Sec. 13-28.2. Exceptions.

Nothing in this Section shall prohibit any public library or accredited educational institution from circulating harmful material to any person under the age of twenty-one (21) years old provided such circulation is with parental consent and for a legitimate educational or scientific purpose. Nothing in this Section shall prohibit a parent from distributing to his child any harmful material. (Ord. 80-70; 19-36)

Sec. 13-28.3. Penalty.

Any person, corporation, firm, partnership or other business entity violating any provision of this ordinance shall pay a fine of not less than one hundred fifty dollars (\$150.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 80-70; 19-36)

Sec. 13-28.4. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby and shall remain in full force and effect and the same shall not affect the validity of the remaining portions of this ordinance. (Ord. 80-70; 19-36)

Sec. 13-29. Definitions.

Original retailer means any retailer who buys merchandise from a wholesaler and pays Illinois sales tax upon such merchandise.

Precious stones means diamonds, emeralds, jade, pearls, rubies and sapphires.

Semi-precious stones means amethyst, aquamarine, garnets, opals, peridots, topaz and zirconia.

Minor means any person under the age of eighteen (18). (Ord. 81-30)

Sec. 13-30. Registration Required.

It shall be the duty of all persons dealing in the purchase, sale or exchange of jewelry, watches, precious stones and semi-precious stones, cutlery, coins, precious metals or any second hand manufactured articles, composed wholly or in part of precious metals, to keep a book in which every article received by them in the course of their business, except for merchandise which has been purchased from a wholesaler and a sales tax has been paid, shall be registered. Such registration shall include as minute a description of every article as possible, including the maker's name and number of every article so received. The name, age, sex, residence, driver's license number, date and time of sale and general description of the person selling or exchanging articles shall be taken and entered in the register. If the person selling or exchanging articles shall not have a driver's license, he must, in lieu of a driver's license, produce identification showing both the person's age and picture. These other types of identification shall include, but not be limited to, an identification card issued by the Secretary of State, a passport, a voter's registration along with a picture identification card. The type of identification shall also be included in the register. All entries in the book shall be made in ink. (Ord. 81-30)

Sec. 13-31. Availability of Register.

The register shall at all times be kept at the place of business of every person engaging in the business as set forth in Section 13-30. Members of the Police Department shall be allowed free access to the register and the person shall give to such officers all information in his possession concerning such articles and all persons selling or exchanging the same. (Ord. 81-30)

Sec. 13-32. Reports to the Chief of Police.

All persons engaging in the business as set forth in Section 13-30 shall furnish a weekly report to the Chief of Police at his office. Such report shall be due by 12:00 noon every Monday. The report shall cover all merchandise bought or exchanged during the preceding week. The report shall show the name, age, sex, residence, driver's license number and general description of each person who shall have sold or exchanged any article during the preceding week, together with a full description of the articles sold or exchanged by such person and the day and the hour of the transaction. If a type of identification other than a driver's license as described in Section 13-30 is used, that source should be documented in the report. Every person engaging in such business shall keep duplicates of such reports in a well bound book or register, which book or register shall at all times be subject to the inspection of members of the Police Department. (Any person intending to engage in business as set forth in Section 13-30 who will not operate that business at an establishment and permanent location shall give the Chief of Police at least seventy-two (72) hours' prior notice of the location and date and hours of the operation of such business.) (Ord. 81-30)

Sec. 13-33. Retention of Articles.

All persons engaging in business as set forth in Section 13-30 shall retain any article received for a period of forty-eight (48) hours after the deadline for the weekly police report in which that article was included. Articles included in the 12:00 noon police report on Monday shall not be resold, exchanged or otherwise disposed of before 12:00 noon on Wednesday of the same week. Articles must be kept in the same state or condition in which they were received, and shall not be commingled with other articles separately received and shall be made available for examination by members of the Police Department during this retention period. (Ord. 81-30)

Sec. 13-34. Purchase or Exchange from Minors, Intoxicated Persons and Thieves Prohibited.

It shall be unlawful for anyone engaged in business as set forth in Section 13-30 to purchase from a minor or exchange with a minor any articles regulated by Section 13-30. It shall be unlawful for anyone engaged in business as set forth in Section 13-30 to purchase from or exchange with any person appearing to be intoxicated or any person known to be a thief or to have been convicted of larceny, any articles regulated by Section 13-30. (Ord. 81-30)

Sec. 13-35. Penalties.

Any person found guilty of violating Sections 13-30 to 13-34, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Such person shall also be subject to the revocation of any business license issued by the Village. (Ord. 81-21, 81-30)

Sec. 13-36. Transfer of Smoking Materials to any Person under the Age of Twenty-One (21) Years Old Prohibited.

(A) Definitions. For the purpose of Sections 13-36 through 13-40 inclusive, the following words and phrases shall have the meanings respectively ascribed to them:

Age restricted area means a signed designated area in a retail establishment to which any person under twenty-one (21) years of age are not permitted access unless accompanied by a parent or legal guardian.

Alternative nicotine product means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means. Alternative nicotine product excludes cigarettes, smokeless tobacco or other tobacco products, as these terms are defined in 720 ILCS 675/1 and any product approved by the United States Food and Drug Administration as a non-tobacco dependence product or for other medical purposes, and is marketed and sold solely for that approved purpose.

Line of sight means visible to a cashier or other employee.

Smoking materials means any substance containing either smoking herbs or tobacco leaf

and paraphernalia associated therewith, including, but not limited to, cigarettes, cigars, pipe tobacco, loose tobacco, snuff, chewing tobacco or dipping tobacco, cigarette paper, tobacco pipes, and also means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling the device, including but not limited to, an electronic cigarette, e-cigar, vape pen, hookah or alternative nicotine product.

Vending machine means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses smoking materials.

Tobacco products means any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an alternative nicotine product as defined in defined in 720 ILCS 675/1; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Electronic cigarette means: (1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or (3) any solution or substance, whether or not it contains nicotine intended for use in the device. Electronic cigarette includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, any components or parts that can be used to build the product or device, and any component, part, or accessory of a device used during the operation of the device, even if the part or accessory was sold separately. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act; tobacco product and alternative nicotine product as defined in 720 ILCS 675/1; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; any device that meets the definition of cannabis paraphernalia under Section 1-10 of the Cannabis Regulation and Tax Act; or any cannabis product sold by a dispensing organization pursuant to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

- (B) License required. It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering smoking materials within the Village without having first obtained a tobacco dealer's license therefor pursuant to Chapter 10, Article I.
- (C) Prohibited sales, delivery.

- (1) It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver smoking materials to any person under the age of twenty-one (21) years.
 - (2) If any person contemplating the sale or furnishing of smoking materials believes or has reason to believe that a sale or delivery of smoking materials is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.
- (D) Warning signs. Every person engaged in the business of selling smoking materials shall at all times display signs informing the public of the age restrictions provided for herein. The sign shall be posted by every licensee at or near every display of smoking materials and on or immediately adjacent to every vending machine which offers smoking materials for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF SMOKING MATERIALS TO PERSONS UNDER
TWENTY-ONE YEARS OF AGE IS PROHIBITED BY LAW."

The text of such signs shall be in red letters on a white background, said letters to be at least one inch (1") high.

- (E) Tobacco product displays. All single packs of cigarettes must be sold from behind the counter or in an age restricted area or in a sealed display case. Any other tobacco products must be sold in line of sight. The restrictions described in this Section do not apply to a retail tobacco store that (i) derives at least ninety percent (90%) of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of twenty-one (21) to enter the premises unless accompanied by a parent or legal guardian; and (iii) posts a sign on the main entrance way stating that persons under the age of twenty-one (21) are prohibited from entering unless accompanied by a parent or legal guardian.
- (F) Certain free distributions prohibited. It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promotion or advertising smoking materials, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver smoking materials free of charge to any person on any right-of-way, park, playground or other property owned by the Village, any school district, any park district or any public library.
- (G) Responsibility for agents and employees. Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Ordinance by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally. (Ord. 19-36; 24-28)

Sec. 13-37. Minimum Age to Sell, Purchase or Possess Smoking Materials.

- (A) Sale by persons under the age of twenty-one (21) prohibited. It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such

licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell smoking materials in any licensed premises.

- (B) Purchase by persons under the age of twenty-one (21) prohibited. It shall be unlawful for any person under the age of twenty-one (21) years to purchase smoking materials, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing smoking materials. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.
- (C) Possession by persons under the age of twenty-one (21) prohibited. It shall be unlawful for any person under the age of twenty-one (21) years to possess any smoking materials including alternative nicotine products; provided that the possession by a person under the age of twenty-one (21) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. (Ord. 81-26; 89-101; 18-05; 19-36)

Sec. 13-38. Transfer or Sale of Tobacco Products Through a Vending Machine Prohibited.

- (A) Transfer or Sale Prohibited. It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver any tobacco product, electronic cigarette, or alternative nicotine product through a vending machine.
- (B) Penalty. Any person convicted of a violation of any of the provisions of this Section shall be subject to a fine of not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 81-26; 89-101; 24-28)

Sec. 13-39. Suspension; Revocation of License; Fines Against Licensees; Costs.

- (A) The Mayor shall be charged with the administration of this Ordinance. The Mayor may fine a licensee in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per violation (each day in which a violation continues shall constitute a separate violation) or ten thousand dollars (\$10,000.00) in the aggregate during the period of the license and may revoke or suspend any license issued under Chapter 10, Article I of the Village Code, if he determines that the licensee has violated any of the provisions of the Village Code, this Chapter or any other ordinance or resolution enacted by the corporate authorities of the Village of Addison, or any state and/or federal statute which is not inconsistent with the law. However, no such license shall be revoked or suspended except after a public hearing by the Mayor with a seven (7) day written notice to the licensee affording the licensee an opportunity to appear and defend the charges contained in such notice. The seven (7) day notice provision shall begin the day following delivery by certified or registered mail or by personal service.

The Mayor shall within seven (7) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, and/or that the licensee should be fined, state the reason for such determination in a written order and include the amount of the fine, the period of suspension and/or that the license has been revoked. A copy of such order shall be served within the seven (7) days upon the licensee.

Any licensee determined by the Mayor to have violated any of the provisions of this Ordinance shall pay to the Village the costs of the hearing before the Mayor on such

violation. The Mayor shall determine the costs incurred by the Village for said hearing, including, but not limited to: court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the Village.

The licensee shall pay said costs to the Village within thirty (30) days of notification of the costs by the Mayor. Failure to pay said costs within thirty (30) days of notification is a violation of this Ordinance.

- (C) Effect of revocation. When any license shall have been revoked for any cause, no license shall be granted to said licensee for the period of six (6) months thereafter for the conduct of the business of selling smoking materials in the premises described in the revoked license. (Ord. 81-26; 89-101; 19-36; 23-24)

Sec. 40. Penalties.

The penalties for violations of this Ordinance by any person other than a licensee shall be not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00) for each violation. (Ord. 81-26; 89-101; 19-36)

Sec. 13-41 -through Sec. 13-43 repealed by Ord. 99-106.

Sec. 13-44. Cannabis Defined.

Cannabis includes marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also includes concentrate and cannabis-infused products. (Ord. 84-16; 19-73)

Sec. 13-45. Cannabis Possession.

- (A) It shall be a violation of this ordinance for any person who is twenty-one (21) years of age or older and a resident of this State to knowingly possess cannabis, as defined in Section 13-44, in excess of the following quantities:
- (1) 30 grams of cannabis flower;
 - (2) no more than 500 milligrams of THC contained in cannabis-infused product;
 - (3) 5 grams of cannabis concentrate; and

- (B) It shall be a violation of this ordinance for any person who is twenty-one (21) years of age or older and who is not a resident of this State to knowingly possess cannabis in excess of the following quantities:
- (1) 15 grams of cannabis flower;
 - (2) 2.5 grams of cannabis concentrate; and
 - (3) 250 milligrams of THC contained in a cannabis-infused product.
- (C) The possession limits found in subsections (A) and (B) of this Section are to be considered cumulative.
- (D) No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower that would cause him or her to exceed the possession limit under this Section, including cannabis that is cultivated by a person under the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or obtained under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*).
- (E) For registered qualifying patients, any cannabis produced by cannabis plants grown under subsection (b) of Section 10-5 of the Cannabis Regulation and Tax Act, shall be allowed provided that any amount of cannabis produced in excess of thirty (30) grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.
- (F) It shall be unlawful for any person under the age of twenty-one (21) years to possess any amount of cannabis and any person under the age of twenty-one (21) with cannabis in his or her possession is guilty of a civil law violation except when otherwise authorized by law.
- (G) It shall be unlawful for any person, regardless of age, to possess cannabis:
- (1) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (2) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (3) in any correctional facility;
 - (4) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
 - (5) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
- (H) It shall be unlawful for any person, regardless of age, to use cannabis:

- (1) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (2) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (3) in any correctional facility;
 - (4) in any motor vehicle;
 - (5) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 - (6) in any public place; or
 - (7) knowingly in close physical proximity to anyone under twenty-one (21) years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act.
- (I) It shall be unlawful for any person, regardless of age, to:
- (1) smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
 - (2) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code;
 - (3) facilitate the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
 - (4) transfer cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act; or
 - (5) as a parent or guardian to knowingly permit his or her residence or any other private property under his or her control, or any vehicle under his or her control to permit the consumption of cannabis by a person under twenty-one (21) years of age.

As used in this Section, “public place” means any place where a person could reasonably be expected to be observed by others. “Public place” includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. “Public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. (Ord. 84-16; 14-04; 19-73)

Sec. 13-46. Penalty.

Any person convicted of a violation of any of the provisions of this ordinance shall be fined Two Hundred Dollars (\$200.00) as a civil penalty for each offense. Upon satisfaction of the penalty, records relating to the violation shall be expunged in the manner provided by law. (Ord. 84-16; 16-44)

Sec. 13-47. Short Title and Citation.

This ordinance shall be known and may be cited as the Drug paraphernalia ordinance of the Village of Addison. (Ord. 84-15, 85-45)

Sec. 13-48. Definitions.

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

Drug paraphernalia means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.* It includes but is not limited to:

- (A) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (B) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- (C) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (D) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- (E) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (F) Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (G) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- (H) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

- (I) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (J) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (K) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (L) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (2) Carburetion tubes and devices;
 - (3) Water pipes;
 - (4) Smoking and carburetion masks;
 - (5) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - (6) Miniature cocaine spoons, and cocaine vials;
 - (7) Chamber pipes;
 - (8) Carburetor pipes;
 - (9) Electric pipes;
 - (10) Air-driven pipes;
 - (11) Chillums;
 - (12) Bongs;
 - (13) Ice pipes or chillers.

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

- (A) Statements by an owner or by anyone in control of the object concerning its use;
- (B) Prior convictions, if any, of any owner, or of anyone in control of the object, under any State or federal law relating to any controlled substance;
- (C) The proximity of the object, in time and space, to a direct violation of 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*;

- (D) The proximity of the object to controlled substances;
- (E) The existence of any residue of controlled substances on the object;
- (F) Direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*; the innocence of an owner, or of anyone in control of the object, as to a direct violation of 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*, shall not prevent a finding that the object is used, or intended for use, or designed for use as drug paraphernalia;
- (G) Instructions, oral or written, provided with the object concerning its use;
- (H) Descriptive materials accompanying the object which explain or depict its use;
- (I) National and local advertising concerning its use;
- (J) The manner in which the object is displayed for sale;
- (K) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (M) The existence and scope of legitimate uses for the object in the community;
- (N) Expert testimony concerning its use.

Sec. 13-49. Prohibition.

- (A) Possession of Drug Paraphernalia: Except as otherwise provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*
- (B) Manufacture, Sale or Delivery of Drug Paraphernalia: Except as otherwise provided in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it is unlawful for any person to manufacture, sell, offer for sale, display, furnish, deliver, possess with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of 720 ILCS 550/1 *et seq.* and 720 ILCS 570/100 *et seq.*
- (C) Advertisement of Drug Paraphernalia: Except as otherwise provided in the Cannabis

Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), it is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (Ord. 85-45; 14-04; 19-73)

Sec. 13-50. Penalties.

A person who violated any provision or provisions of this Ordinance, upon conviction, shall be fined Two Hundred Dollars (\$200.00) as a civil penalty. Each day of the violation shall be considered a separate offense. Upon satisfaction of the penalty, records relating to the violation shall be expunged in the manner provided by law. (Ord. 85-45; 16-44)

Sec. 13-51. Construction; Severability.

It is the legislative intent that all provisions and sections, clauses and sentences of the Ordinance be liberally construed, and should any provision, section, clause or sentence be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, sections, clauses, or sentences, it being the intent that this Ordinance shall stand notwithstanding the invalidity of any provision, section, clause or sentence. (Ord. 84-15, 85-45)

Sec. 13-52. Raffles Prohibited; Exception.

Unless otherwise provided by State law, no person shall conduct a raffle within the Village of Addison except that bona fide religious, charitable, labor, business, fraternal, educational or veterans', or other bona fide not-for-profit organizations that operate without profit to their members shall be allowed to conduct raffles subject to the provisions of this Ordinance.

Political committees may conduct raffles without a Village license if said raffles are licensed by the State Board of Elections and otherwise conducted in the manner provided by State law (230 ILCS 15/8.1). (Ord. 90-104; 20-61; 21-05)

Sec. 13-52.1 Sweepstakes Machines Prohibited.

- (A) It shall be unlawful to own, lease or operate any Sweepstakes Machine, as herein defined, in any business or public place within the Village.
- (B) For purposes of this Section, Sweepstakes Machines shall be defined as any stand-alone, table top, or similar mechanically, electrically or electronically operated device in which, upon payment, a participant is automatically entered into a sweepstakes or similar promotion wherein the participant has the option to reveal the results of entry into said sweepstakes or promotion via a display mimicking slot machines, poker, keno, bingo, or any other similar gambling game and thereafter exchange any credits, whether in the form of a printed ticket or otherwise, for cash or merchandise as a prize. Any such device shall be considered a Sweepstakes Machine regardless of whether a coupon for a product or service is provided in exchange for the payment.

- (C) Nothing contained in this Section shall be construed as prohibiting video gaming terminals as otherwise authorized by the Village Code. (Ord. 19-34; 20-61)

Sec. 13-53. Definitions.

For the purposes of this Ordinance, the terms defined in this Section have the meaning given them.

Net proceeds means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

Raffle means a form of lottery, as defined in Section 28-2(b) of the "Criminal Code of 1961," conducted by an organization licensed under this Ordinance, in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest. (Ord. 20-61)

Sec. 13-54. Licensing.

- (A) Licenses shall be issued only to bona fide religious, charitable, labor, business fraternal, education or veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license, unless otherwise provided by State law. (Ord. 21-05)
- (B) The following limitations shall apply to all raffles licensed hereunder:
 - (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed one hundred fifty thousand dollars (\$150,000.00) unless the applicant follows the procedure established in Paragraph (B)(5).
 - (2) The maximum retail value of each prize awarded by a licensee shall not exceed one hundred fifty thousand dollars (\$150,000.00) unless the applicant follows the procedure established in Paragraph (B)(5).
 - (3) The maximum price for which each raffle chance issued or sold shall not exceed two hundred fifty dollars (\$250.00).
 - (4) The maximum number of days during which raffle chances may be issued or sold shall not exceed three hundred sixty-five (365).

- (5) Any applicant requesting a license for a raffle in which the maximum aggregate retail value of all prizes or the maximum retail value of each individual prize will exceed one hundred fifty thousand dollars (\$150,000.00) must receive prior approval of the Village Board of Trustees. The application for a raffle in which prizes exceed the value of one hundred fifty thousand dollars (\$150,000.00) shall be made and investigated as outlined in this Article. Following the investigation, the Mayor shall cause the application to be placed on the meeting agenda for action by the Board of Trustees prior to the issuance of said license.

(C) The following shall be included in the raffle license application:

- (1) The applicant for license shall attest to the not-for-profit character of the organization, signed by the presiding officer and secretary of the organization.
- (2) The applicant for license must specify the location at which winning chances in the raffle will be determined, the time period during which the raffle will be sold or issued, the time of determination of winning chances and the location at which winning chances will be determined.
- (3) All bona fide director, officer, employee or member of sponsoring organization of the applicant who plan to manage or participate in the operation of the raffle shall be listed on the application and may be subject to a background investigation by the Addison Police Department.
- (4) The application for licensure shall be prepared in accordance with the form provided by the Village Manager.

(D) No raffle license shall be issued to:

- (1) Any person whose felony conviction will impair the person's ability to engage in the licensed position;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any organization in which a person defined in Paragraphs (1), (2), or (3) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
- (5) Any organization in which a person defined in Paragraphs (1), (2), or (3) is an officer, director, or employee, whether compensated or not;
- (6) Any organization in which a person defined in Paragraphs (1), (2), or (3) is to participate in the management or operation of a lottery as defined in this Chapter. (Ord. 06-40; 20-61)

Sec. 13-55. Conduct of Raffles.

The conducting of raffles is subject to the following restrictions:

- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (B) No person except a bona fide director, officer, employee, or member of the sponsoring organization may participate in the management or operation of the raffle.
- (C) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (D) A licensee may rent premises only within the Village on which to determine the winning chance or chances in a raffle. (Ord. 06-40)
- (E) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license. (Ord. 20-61)

Sec. 13-56. Raffles - Manager - Bond.

All operations of and the conduct of raffles shall be under the supervision of a single raffle's manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation. The Village of Addison may waive this bond requirement by including a waiver provision in the license issued to an organization under this Ordinance. (Ord. 00-47; 20-61)

Sec. 13-57. Records.

Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined.

All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefore issued by the Department of Revenue of the State of Illinois, and placed in a separate account.

Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

Each organization licensed to conduct raffles shall report monthly to its membership and to the Village of Addison, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Section.

Records required by this Section shall be preserved for three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (Ord. 20-61)

Sec. 13-58. Penalty.

Any person who violates this Section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). (Ord. 19-34; 20-61)

Sec. 13-59. Village Manager to Issue License.

The Village Manager shall issue a raffle license to all qualified applicants. In the event of a denial of a raffle license, applicant may request a hearing by notifying the Village Manager within five (5) days of receipt of the denial of the application. At the hearing, applicant may be represented by counsel with the right to confront and cross-examine witnesses against him. Testimony shall be taken upon oath or affirmation, first of witnesses in support of the denial; applicant may then testify and present witnesses on the organization's behalf. The findings and order of the Village Manager shall, within ten (10) days of the conclusion of the hearing, be forthwith sent to the applicant by certified mail, return receipt requested, at the address listed on the application. (Ord. 19-34; 20-61)

Sec. 13-52. Raffles Prohibited; Exception.

No person shall conduct a raffle within the Village of Addison except that bona fide religious, charitable, labor, fraternal, educational or veterans' organizations shall be allowed to conduct raffles subject to the provisions of this Ordinance.

Political committees may conduct raffles without a Village license if said raffles are licensed by the State Board of Elections and otherwise conducted in the manner provided by State law (230 ILCS 15/8.1). (Ord. 90-104)

Sec. 13-52.1 Sweepstakes Machines Prohibited.

- (A) It shall be unlawful to own, lease or operate any Sweepstakes Machine, as herein defined, in any business or public place within the Village.
- (B) For purposes of this Section, Sweepstakes Machines shall be defined as any stand-alone, table top, or similar mechanically, electrically or electronically operated device in which, upon payment, a participant is automatically entered into a sweepstakes or similar promotion wherein the participant has the option to reveal the results of entry into said sweepstakes or promotion via a display mimicking slot machines, poker, keno, bingo, or any other similar gambling game and thereafter exchange any credits, whether in the form of a printed ticket or otherwise, for cash or merchandise as a prize. Any such device shall be considered a Sweepstakes Machine regardless of whether a coupon for a product or service is provided in exchange for the payment.
- (C) Nothing contained in this Section shall be construed as prohibiting video gaming terminals

as otherwise authorized by the Village Code. (Ord. 19-34)

Sec. 13-53. Definitions.

For the purposes of this ordinance, the terms defined in this Section have the meaning given them.

Net proceeds means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

Raffle means a form of lottery, as defined in Section 28-2(b) of the "Criminal Code of 1961," conducted by an organization licensed under this Ordinance, in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest. (Ord. 20-61)

Sec. 13-54. Licensing.

- (A) Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, education or veterans' or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license, unless otherwise provided by State law. (Ord. 21-05)
- (B) The following limitations shall apply to all raffles licensed hereunder:
 - (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed one hundred fifty thousand dollars (\$150,000.00) unless the applicant follows the procedure established in Paragraph (B)(5).
 - (2) The maximum retail value of each prize awarded by a licensee shall not exceed one hundred one hundred fifty thousand dollars (\$150,000.00) unless the applicant follows the procedure established in Paragraph (B)(5).
 - (3) The maximum price for which each raffle chance issued or sold shall not exceed two hundred fifty dollars (\$250.00).
 - (4) The maximum number of days during which raffle chances may be issued or sold shall not exceed three hundred sixty-five (365).
 - (5) Any applicant requesting a license for a raffle in which the maximum aggregate retail value of all prizes or the maximum retail value of each individual prize will exceed

one hundred fifty thousand dollars (\$150,000.00) must receive prior approval of the Village Board of Trustees. The application for a raffle in which prizes exceed the value of one hundred fifty thousand dollars (\$150,000.00) shall be made and investigated as outlined in this Article. Following the investigation the Mayor shall cause the application to be placed on the meeting agenda for action by the Board of Trustees prior to the issuance of said license.

- (C) The following shall be included in the raffle license application:
- (1) The applicant for license shall attest to the not-for-profit character of the organization, signed by the presiding officer and secretary of the organization.
 - (2) The applicant for license must specify the location at which winning chances in the raffle will be determined, the time period during which the raffle will be sold or issued, the time of determination of winning chances and the location at which winning chances will be determined.
 - (3) All bona fide director, officer, employee or member of sponsoring organization of the applicant who plan to manage or participate in the operation of the raffle shall be listed on the application and may be subject to a background investigation by the Addison Police Department.
 - (4) The application for licensure shall be prepared in accordance with the form provided by the Village Manager.
- (D) No raffle license shall be issued to:
- (1) Any person whose felony conviction will impair the person's ability to engage in the licensed position;
 - (2) Any person who is or has been a professional gambler or gambling promoter;
 - (3) Any person who is not of good moral character;
 - (4) Any organization in which a person defined in Paragraphs (1), (2), or (3) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 - (5) Any organization in which a person defined in Paragraphs (1), (2), or (3) is an officer, director, or employee, whether compensated or not;
 - (6) Any organization in which a person defined in Paragraphs (1), (2), or (3) is to participate in the management or operation of a lottery as defined in this Chapter. (Ord. 06-40; 20-61)

Sec. 13-55. Conduct of Raffles.

The conducting of raffles is subject to the following restrictions:

- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (B) No person except a bona fide director, officer, employee, or member of the sponsoring organization may participate in the management or operation of the raffle.
- (C) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (D) A licensee may rent premises only within the Village on which to determine the winning chance or chances in a raffle. (Ord. 06-40)
- (E) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license. (Ord. 20-61)

Sec. 13-56. Raffles - Manager - Bond.

All operations of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in the sum of an amount determined by the licensing authority in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation. The Village of Addison may waive this bond requirement by including a waiver provision in the license issued to an organization under this Ordinance. (Ord. 00-47; 20-61)

Sec. 13-57. Records.

Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined.

All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment. Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account.

Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

Each organization licensed to conduct raffles shall report monthly to its membership and to the Village of Addison, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in this Section.

Records required by this Section shall be preserved for three (3) years, and organizations

shall make available their records relating to operation of raffles for public inspection at reasonable times and places. (Ord. 20-61)

Sec. 13-58. Penalty.

Any person who violates any provision of Sections 13-52 through 13-57 inclusive of this Chapter shall be subject to a fine of not less than one hundred and fifty dollars (\$150.00) nor more than seven hundred and fifty dollars (\$750.00). (Ord. 19-34; 20-61)

Sec. 13-59. Village Manager to Issue License.

The Village Manager shall issue a raffle license to all qualified applicants. In the event of a denial of a raffle license, applicant may request a hearing by notifying the Village Manager within five (5) days of receipt of the denial of the application. At the hearing, applicant may be represented by counsel with the right to confront and cross-examine witnesses against him. Testimony shall be taken upon oath or affirmation, first of witnesses in support of the denial; applicant may then testify and present witnesses on the organization's behalf. The findings and order of the Village Manager shall, within ten (10) days of the conclusion of the hearing, be forthwith sent to the applicant by certified mail, return receipt requested, at the address listed on the application. (Ord. 19-34; 20-61)

Sec. 13-60. Truancy Prohibited.

It shall be unlawful for any person under the age of eighteen (18) , enrolled in a public, private or parochial school within the corporate limits of the Village to absent himself or herself from attendance at school during such period when school is in session without parental permission or valid cause.

A valid cause for absence from school shall include illness, death in the immediate family, other family emergencies, or other causes beyond the control of the person so absenting himself or herself from school, provided that parental permission for absence due to such cause is obtained, in writing, from the parent or legal guardian and is submitted to the proper school authorities within twenty-four (24) hours after such absence.

Parental permission as required by this Section shall refer to and include permission obtained from a parent, legal guardian or other adult person standing in loco parentis and having custody and control over a person under the age of eighteen (18). (Ord. 89-74)

Sec. 13-61. Penalty.

Any person who shall so absent himself or herself from school attendance without valid cause or parental permission as provided herein shall be guilty of the offense of truancy and, upon conviction, shall be subject to a fine of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and each day that such person shall absent himself or herself from school attendance shall constitute a separate offense. (Ord. 89-74)

Sec. 13-62. Solicitation Materials Delivered to Private Property.

(A) It shall be unlawful for any person to leave advertisements, circulars or other types of solicitation materials on private property unless the solicitation materials are firmly affixed to the door of the premises with an elastic band or other fastener.

- (B) It shall be unlawful for any person to leave advertisements, circulars or other types of solicitation materials on private property where a "No Solicitation" notice is posted.
- (C) The prohibitions set forth in Subsections (A) and (B) above shall not apply to advertisements, circulars or other solicitation material delivered by the United States Postal Service and placed in a mailbox or mail chute.(Ord. 96-21)

Sec. 13-63. Impersonating Member of Police, Fraternal or Veteran's Organization, or Representative of Charitable Organization's Use of Words "Addison Police," Etc.

- (A) A person commits a false personation when he or she falsely represents himself or herself to be a member or representative of any veterans' or public safety personnel organization or a representative of any charitable organization, or when any person exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by the charitable, public safety personnel, or veterans' organization. "Public safety personnel organization" has the meaning ascribed to that term in Section 1 of the Solicitation for Charity Act (225 ILCS 460/1).
- (B) A person commits a false personation when he or she falsely represents himself or herself to be a veteran in seeking employment or public office. In this subsection, "veteran" means a person who has served in the armed services or reserved forces of the United States.
- (C) No person shall use the words "Addison Police," "Addison Police Department," "Addison Patrolman," "Addison Sergeant," "Addison Lieutenant," "Addison Peace Officer," or any other words to the same effect in the title of any organization, magazine, or other publication without the express approval of the Board of Trustees of the Village. Notwithstanding the foregoing, if the legal name of an organization contains any of the aforesaid words, the legal name may be used, provided that the following disclaimer is made by the organization: "This organization is not affiliated with, not do receipts go to the benefit of, the Village of Addison, Village departments or Village employees in their official capacity as employees of the Village."
- (D) No person may claim or represent that he or she is acting on behalf of the Police Department or Chief of Police of the Police Department when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements unless the Village Board of Trustees has first entered into a written agreement with the person or with an organization with which the person is affiliated and the agreement permits the activity.
- (E) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements within the Village, may claim or represent that he or she is representing or acting on behalf of any governmental organization by any name which includes, "officer," "peace officer," "police," "law enforcement," "trooper," "sheriff," deputy," "deputy sheriff," "Village police," or any other word or words which would reasonably be understood to imply that the organization is composed of law enforcement personnel, unless the person is actually representing or acting on behalf of the nongovernmental organization, and the nongovernmental organization is controlled by and governed by a membership and represents a group or association of active

duty peace officers, retired peace officers, or injured peace officers and before commencing the solicitation or the sale or the offers to sell any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization has been entered into.

- (F) No person may solicit financial contributions or sell or deliver or offer to sell or deliver any merchandise, goods, services, memberships, or advertisements on behalf of a police, sheriff, or other law enforcement department unless that person is actually representing or acting on behalf of the department or governmental organization and has entered into a written contract with the Police Chief, or head of the law enforcement department, and the corporate or municipal authority thereof, or the sheriff, which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution or sale will be used.

Sec. 13-64. Theft.

It shall be unlawful for any person to knowingly (1) obtain or exert unauthorized control over property of the owner or (2) obtain by deception control over property of the owner. (Ord. 05-86)

Sec. 13-65. Synthetic Alternative Drugs.

- A. For purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Product containing a synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names listed hereinbelow.

Synthetic cannabinoid means any laboratory-created compound that functions similarly to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, including, but not limited to:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)

JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone)

JWH-018 (1-pentyl-3-(1-naphthoyl)indole)

JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole)

JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone)

JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)

JWH-098(4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone)

JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole)

JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone)

JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone)

JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone)

JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone)

JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole)

JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole)

JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole)

HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)

HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol)

HU-308([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol)

HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione)

CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5-(2-methyloctan-2-yl)phenol)

CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5- (2-methyloctan-2-yl)phenol and its homologues)

WIN 55,212-2((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-nepthalenylmethanone)

RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone)

RCS-8(1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone)

Synthetic stimulant means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and M D E A , including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, including, but not limited to:

3-Fluoromethcathinone

4-Fluoromethcathinone (other name: flephedrone)

3,4-Methylenedioxy methcathinone (other name: methylone, MDMC)

3,4-Methylenedioxy pyrovalerone (other name: MDPV)

4-Methylmethcathinon (other names: mephedrone, 4-MMC)

4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC)

4-Ethylmethcathinone (other name: 4-EMC)

Ethcathinone

Beta-keto-N-methylbenzodioxoylpropylamine (other names: butylone, bk-MBDB)

Naphthylpyrovalerone (other names: naphyrone, NRG-1)

N,N-dimethylcathinone (other name: metamfepramone)
Alpha-pyrrolidinopropiophenone (other name: alpha-PPP)
4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP)
3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP)
Alpha-pyrrolidinovalerophenone (other name: alpha-PVP)
6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine (other name: MDAI)
Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

- (1) in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
- (2) at the 3-position with an alkyl substituent;
- (3) at the nitrogen atom with alkyl, dialkylbenzyl, or methoxybenzyl groups;
- (4) or by inclusion of the nitrogen atom in a cyclic structure.

Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule I substance, including but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers and salts of isomers) containing substances which have a psychedelic/ hallucinogenic effect on the central nervous system and/or brain, including, but not limited to:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
2-(4-(Ethylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-2);
2-(4-(Isopropylthio)-2,5-dimethoxyphenyl)ethanamine (2C-T-4);
2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

- B. Products containing a synthetic alternative drug include but are not limited to products commercially referred to as:

8-Ball	Forest Humus	K2 Silver
Aztec Gold	Freedom	K2 Solid Sex on the Aztec
Midnight Wind	Fully Loaded	Mountain
	Funky Monkey	K2 Standard
	Funky Monkey XXXX	K2 Strawberry
Back Draft	G Four	K2 Summit
Bad 2 the Bone	G Greenies Caramel Crunch	K2 Summit Coffee Wonk
	Gold Spirit Spice	K2 Thai Dream
Banana Cream Nuke	Green Monkey Chronic	K2 Ultra
Bayou Blaster	Salvia Texcatlipoca	K2 Watermelon
Black Diamond	Greenies Strawberry	K3
Black Magic Salvia	Heaven Improved	K3 Blueberry
Black Mamba	Heavenscent Suave	K3 Cosmic Blend
Blueberry Hayze	Humboldt Gold	K3 Dusk
Bombay Blue	Jamaican Gold	K3 Grape
Buzz	K Royal	K3 Heaven Improved
C3	K1 Gravity	K3 Heaven Legal
C4	K1 Orbit	K3 Kryptonite
C4 Herbal Incense	K2	K3 Legal
Caneff	K2 (unknown variety)	K3 Legal – Earth (silver)
Cherry Bomb	K2 Amazonian Shelter	K3 Legal – Original (Black)
Chill Out	K2 Blonde	K3 Legal – Sea (silver)
Chill X	K2 Blue	K3 Legal – Sun (Black)
Chronic Spice	K2 Blueberry	K3 Mango
Citrus	K2 Citron	K3 Original
Colorado Chronic	K2 Cloud 9	K3 Original Improved
D-Rail	K2 Kryptonite	K3 Strawberry
Da Block	K2 Latte	K3 Sun
Dark Night II	K2 Mellon	K3 Sun Improved
Demon	K2 Mint	K3 Sun Legal
Diamond Spirit	K2 Orisha Black Magic Max	K3 XXX
Dragon Spice	K2 Orisha Max	K4 Bubble Bubble
Dream	K2 Orisha Regular	K4 Gold
Earthquake	K2 Orisha Super	K4 Purple Haze
Eruption Spice	K2 Orisha White Magic	K4 Silver
Euphoria	Super	K4 Summit Remix
exSES	K2 Peach	Kind Spice
Ex-SES Platinum	K2 Pina Colada	Legal Eagle
Ex-SES Platinum Blueberry	K2 Pineapple	Legal Eagle Apple Pie
Ex-SES Platinum Cherry	K2 Pineapple Express	Love Potion 69
Ex-SES Platinum Strawberry	K2 Pink	Love Strawberry
Ex-SES Platinum Vanilla	K2 Pink Panties	Magic Dragon Platinum
Fire Bird Ultimate Strength	K2 Sex	Magic Gold
Magic Silver	Rasta Citrus Spice Pulse	Swagger Grape
Magic Spice	Rebel Spice	SYN Chill
Mega Bomb	Red Bird	SYN Incense LemonLime

Mid-Atlantic Exemplar	S1.S Werve	SYN Incense Smooth
Mid-Atlantic Exemplar (K2 Summit)	Samurai Spirit	SYN Incense Spearmint
Midnight Chill	Sativah	SYN Lemon Lime
MNGB Almond/Vanilla	Scope Vanilla	SYN Lemon Lime #2
MNGB Peppermint	Scope Wildberry	SYN Smooth
MNGP Pina Colada	Sence	SYN Spearmint
MNGB Spear Mint	Shanti Spice	SYN Spearmint #2
MNGB Tropical Thunder	Shanti Spice Blueberry	SYN Suave
Moe Joe Fire	Silent Black	SYN Swagg
Mojo	Skunk	SYN Vanilla
Mr. Smiley's	Smoke	SYN Vanilla #2
MTN-787	Smoke Plus	Texas Gold
Mystery	Space	Time Warp
Naughty Nights	Space Arctic Synergy	Tribal Warrior
New Improved K3	Spice Diamond	Ultra Cloud 10
Cosmic Blend	Spice Gold	Unknown cigarette
New Improved K3	Spice Silver	Utopia
Dynamite	Spice Tropical Synergy	Utopia- Blue Berry
	Spicey XXX	Voo Doo Remix (black package)
New Improved K3	Spicey Regular XXX	Voo Doo Remix (orange package)
Kryptonite	Blueberry	Voodoo Child
New K3 Earth	Spicey Regular XXX	Voodoo Magic
New K3 Heave	Strawberry	Voodoo Remix
New K3 Improved	Spicey Ultra Strong XXX	Who Dat
New K3 Sea Improved	Strawberry	Who Dat Herbal Incense
New-Kron Bomb	Spicey Ultra Strong XXX	Wicked X
Nitro	Vanilla	Winter Boost
Ocean Blue	Spiceylicious	Wood Stock
Paradise	Spike99	XTREME Spice
p.e.p. pourri Love	Spike 99 Ultra	Yucatan Fire
Strawberry	Spike 99 Ultra Blueberry	Zombie World
p.e.p. pourri Original	Spike 99 Ultra Strawberry	
Spearmint	Spike Diamond	
p.e.p. pourri Twisted	Spike Gold	
Vanilla	Spike Maxx	
p.e.p. pourri X Blueberry	Spike Silver	
Pink Tiger	Stinger	
Potpurri	Summer Skyy	
Potpourri Gold	Super Kush	
POW	Super Summit	

- C. Sale or delivery: It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- D. Possession: It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.

- E. Use: It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen. (Ord. 12-15)

Sec. 13-66. Parental Responsibility.

It shall be the continuous duty of the parent or legal guardian of any minor to exercise reasonable control to prevent the minor from committing any delinquent act. 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 when:

- (A) When he or she knowingly permits, or by insufficient controls, allows an unsupervised minor to remain in any public place or on the premises of any establishment within the Village of Addison during curfew hours.
- (B) When he or she knowingly aids or abets any minor in violation of any Federal or State Law or Municipal Ordinance regulating the sale, purchase, use or consumption of alcoholic liquor.
- (C) When he or she by act or omission, knowingly encourage or contribute to the truancy of a minor.
- (D) When he or she knowingly permits a minor to commit a lewd act, or commit an act tending to disturb the peace within the Village of Addison, or any other act that is a violation of any State Law or Municipal Ordinance of the Village of Addison. (Ord. 14-67)

13-67. Bully--Definitions.

As used in this section, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (A) **Bullying** means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one (1) or more of the following:
 - (1) Placing the person in reasonable fear of physical harm or harm to his or her property;
 - (2) Causing a substantially detrimental effect on the person's physical or mental health;
 - (3) Substantially interfering with a student's or students' academic performance; or
 - (4) Substantially interfering with a student's or students' ability to participate in or benefit from the services, activities or privileges provided by a school.

Bullying, as defined in this subsection, may take various forms, including without limitation one (1) or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

- (B) **Course of Conduct** is defined as a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.
- (C) **Harassment** is defined as any conduct, whether verbal, physical, written or by means of any mode of communication which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.
- (D) **Prohibition.** It shall be unlawful for any person to engage in any bullying or harassment of a person or induce another person to engage in such bullying or harassment.
- (E) **Retaliation prohibited.** No person shall retaliate against any person who reports any conduct which is prohibited by this section.
- (F) **Constitutionally protected activity.** This section shall not be construed to apply to any constitutionally protected activity or speech.
- (G) **Parental responsibility.** It shall be unlawful for any custodial parent or guardian of any unemancipated person under eighteen (18) years of age to knowingly allow or permit such person to violate the provisions of subsection (D) above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of subsection (D) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation. (Ord. 14-67)

Sec. 13-68. General Penalty.

Except where a fine is otherwise expressly provided for, any person who violates any provision of this Chapter 13 shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 93-80)

Sec. 13-69. Cannabis Business Establishments. (Adopted by virtue of Ord. 19-73)

It is the intent and purpose of this Section to provide regulations for Cannabis Business Establishments within the corporate limits of the Village of Addison. Such establishments shall comply with all requirements provided for in the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*) or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*), as they may be amended from time-to-time and any rules and regulations promulgated thereunder. In the event that either the statute is amended, the more restrictive of the state or local regulations shall apply.

- (A) Definitions.

"Act" shall mean the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 *et seq.*).

"Advertise" means to engage in promotional activities including, but not limited to:

newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

“Cannabis” means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis Business Establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization. As used in this section, a cannabis business establishment shall also include all medical cannabis cultivation centers and dispensaries licensed under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*)

"Cannabis Container" means a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by the Act may occur.

"Dispensing Organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers.

"Ownership and control" means ownership of at least fifty-one percent (51%) of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court, including any owner, manager, proprietor, employee, volunteer or agent.

- (B) It shall be unlawful for any person to operate a Dispensary or other Cannabis Business Establishment within the boundaries of the Village without having first registered the business with the Village and submitting the following information:

- (1) Name and address of all persons owning fifty percent (50%) or more of the Dispensing Organization;
 - (2) Location of operation;
 - (3) Hours of operation; and
 - (4) A copy of the license issued by the Illinois Department of Financial and Professional Registration.
- (C) It shall be unlawful to locate a Dispensary within 1,500 feet of another Dispensary.
- (D) It shall be unlawful to operate any Dispensary between the hours of 10:00 p.m. and 9:00 a.m.
- (E) It shall be unlawful to advertise cannabis or a cannabis infused product in any form or through any medium:
- (1) Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade where admission is not restricted to persons twenty-one (21) years of age or older;
 - (2) In or on a public transit vehicle or public transit shelter; or,
 - (3) On publicly owned or public operated property.
- (E) Any act or failure to act of an employee or agent of either the Cannabis Business Establishment or its management company with respect to the registered business shall be deemed to be the act of the registered business. Any duty set forth in this Chapter as a duty of the registered business shall also be the duty of any agent or employee of the registered business including:
- (1) No person, including any employee, manager, owner or agent of a Cannabis Business Establishment consume or be permitted to consume any cannabis product on the Cannabis Business Establishment's premises.
 - (2) All persons, including employees or agents, must be at least twenty-one (21) years of age to sell cannabis products in a Dispensary.
 - (3) A manager shall be on the premises at all times that a registered dispensary is open for business.
 - (4) A Dispensary shall submit a list to the State of the names of all service professionals that will work at the Dispensary.

- (G) Any registered business shall install building enhancements such as security cameras, lighting or other improvements as required by the Act to ensure the safety of employees and customers of the Cannabis Business Establishment. The Village Manager or his or her designee may, at his or her discretion, require a Cannabis Business Establishment to install improvements and building enhancements beyond the State's requirements based on the specific characteristics of the Cannabis Business Establishment in order to ensure the safety of employees, customers and Village residents. A Dispensary must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.
- (H) No Cannabis Business Establishment shall be located within two-hundred and fifty feet (250') of any residential structure.
- (I) All Cannabis Business Establishments shall, within five (5) business days of receipt, provide to the Village copies of any notices, citations or other enforcement actions undertaken against the facility, licensee or registered business by the State.
- (J) All Cannabis Business Establishments and property owners where such Cannabis Business Establishments are located shall provide access to Village police, fire and code enforcement personnel during periods when employees are present to verify compliance with this Chapter and other Village ordinances. Cannabis Business Establishments and property owners where such Cannabis Business Establishments are located shall cooperate with the Village police, fire and code enforcement personnel by providing security footage when requested, and in any related prosecution of any persons who violate State law or local ordinances within a Cannabis Business Establishment and on properties where such facilities are located.
- (K) No cannabis shall be smoked, eaten or otherwise consumed or ingested within any Cannabis Business Establishment and within the parking areas or other public areas of a Cannabis Business Establishment. Dispensaries are required to prominently display signs regarding this prohibition near all exits and entrances to the facility.
- (L) No cannabis odor shall be detectable outside of any Dispensary.
- (M) A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
- (N) A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act or the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 *et seq.*).
- (O) No products sold by a Dispensary shall be visible from the public street, sidewalk or other public place.
- (P) Dispensaries are prohibited from selling any product containing alcohol except tinctures, which must be limited to containers that are no larger than one hundred (100) milliliters.
- (Q) A Dispensary shall not:

- (1) Produce or manufacture cannabis.
- (2) Accept a cannabis product from an adult use cultivation center, craft grower, infuser, dispensing organization, or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act.
- (3) Obtain cannabis or cannabis-infused products from outside the State of Illinois.
- (5) Sell cannabis or cannabis-infused products to a purchaser unless the Dispensary is licensed under the Compassionate Use of Medical Cannabis Program, and the individual is registered under the Compassionate Use of Medical Cannabis Program or the purchaser has been verified to be over the age of twenty-one (21).
- (5) Operate drive-through windows.
- (6) Allow for the dispensing of cannabis or cannabis-infused products in vending machines.
- (7) Transport cannabis to residences or other locations where purchasers may be for delivery.
- (8) Enter into agreements to allow persons who are not Dispensary agents to deliver cannabis or transport cannabis to purchasers.
- (9) Operate the Dispensary if its video surveillance equipment is inoperative.
- (10) Operate the Dispensary if the point-of-sale equipment is inoperative.
- (11) Operate the Dispensary if the State's cannabis electronic verification system is inoperative.
- (12) Have fewer than two (2) people working at the Dispensary at any time while the Dispensary is open.
- (13) Sell clones or any other live plant material.
- (14) Sell cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate, or cannabis-infused product must be separately identified by quantity and price on the receipt.
- (15) Violate any other requirements or prohibits as required in the Act or set by State rules. (Ord. 24-39)

13-70. Transfer or Sale of Delta-8 Tetrahydrocannabinol Prohibited.

- (A) Definition.

THC acetate ester (THCO), which includes Delta-8-THCO and Delta-9-THCO, is a synthetic tetrahydrocannabinol having similar chemical structures and pharmacological activities to those contained in the Cannabis plant, according to the U.S. Department of Justice as of February 2023.

(B) Transfer or Sale Prohibited.

It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver any product that contains THC acetate ester (THCO). The provisions of this Section shall have no bearing or effect on Cannabis Business Establishments licensed by: (1) the Village pursuant to Section 13-69 of the Village Code; and (2) the State of Illinois pursuant to the Compassionate Use of Medical Cannabis Program Act or Cannabis Regulation and Tax Act.

(C) Penalty.

Any person convicted of a violation of any of the provisions of this Section shall be subject to a fine of not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00). The fine provided for in this Section shall be in addition to any suspension or revocation pursuant to Section 13-70(D) below.

(D) Revocation or Suspension of License.

In addition to the penalties outlined in Section 13-70(B) above, the Mayor may revoke or suspend any license issued under the Village Code, if he determines that the licensee has violated any of the provisions of the Village Code, this Section or any other ordinance or resolution enacted by the corporate authorities of the Village of Addison, or any state and/or federal statute which is not inconsistent with the law. However, no such license shall be revoked or suspended except after a public hearing by the Mayor with a seven (7) day written notice to the licensee affording the licensee an opportunity to appear and defend the charges contained in such notice. The seven (7) day notice provision shall begin the day following delivery by certified or registered mail or by personal service.

The Mayor shall within seven (7) days after such hearing, if he determines after such hearing that the license should be revoked or suspended, and/or that the licensee should be fined, state the reason for such determination in a written order and include the amount of the fine, the period of suspension and/or that the license has been revoked. A copy of such order shall be served within the seven (7) days upon the licensee.

Any licensee determined by the Mayor to have violated any of the provisions of this Section shall pay to the Village the costs of the hearing before the Mayor on such violation. The Mayor shall determine the costs incurred by the Village for said hearing, including, but not limited to: court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the Village.

The licensee shall pay said costs to the Village within thirty (30) days of notification of the costs by the Mayor. Failure to pay said costs within thirty (30) days of notification is a violation of this Section. (Ord. 23-23, 23-28)

Section 13-71. Public Camping Prohibited.

(A) Definitions.

The following definitions apply to this Section:

- (1) “Bedding” means a sleeping bag, or any other material, used for bedding purposes.
- (2) “Campsite” means any physical space that is not within an established structure, where Bedding or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.
- (3) “Exempt Personal Property” means items which would otherwise constitute Personal Property under the terms of this Section, but which (i) has no apparent utility or monetary value; (ii) Personal Property which is unsanitary to store or otherwise maintain; (iii) any weapon possessed illegally; (iv) drug paraphernalia; (v) items appearing to be stolen or otherwise appearing to be evidence of a crime; (vi) items which the person cannot demonstrate the requisite lawful authority to possess; and, (vii) any items of food which can reasonably be expected to spoil or otherwise perish within the next thirty (30) days.
- (4) “Personal Property” means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value, except for Exempt Personal Property.
- (5) “Public Camping” means to cause or participate in the establishment of, or the act of remaining in or at, a Campsite.

(B) Public Camping Prohibited.

- (1) No person may sleep, nor otherwise engage in Public Camping, on a public sidewalk, street, alley, lane, other public right-of-way, park, bench, or any other publicly-owned property, nor on or under any bridge or viaduct, at any time.
- (2) No person may sleep, nor otherwise engage in Public Camping, in any pedestrian or vehicular entrance to public or private property abutting a public right-of-way.
- (3) No person may sleep, nor otherwise engage in Public Camping, on any real property owned or otherwise maintained by the Village.
- (4) No person may park a vehicle overnight within the Village for the purpose of sleeping or otherwise engaging in Public Camping in said vehicle.
- (5) For the purposes of this Section, the act of parking or leaving a vehicle parked for two consecutive hours, and/or remaining within a public vehicle on any property under the jurisdiction of the Village for the purpose of Public Camping, for two consecutive hours without permission from the Mayor and Board of Trustees,

between the hours of midnight and 6:00 a.m., shall be considered a violation of this Section.

(D) Exceptions to Prohibition on Public Camping.

Notwithstanding the foregoing, it shall not be a violation to engage in Public Camping when done: (i) in a manner specifically authorized by this Code; (ii) after a formal declaration of the Village in emergency circumstances; or, (iii) upon resolution of the Mayor and Board of Trustees, the same may exempt a special event from the prohibitions of this Section, if the Mayor and Board of Trustees finds such exemption to be in the public interest and consistent with the goals and objectives of the Mayor and Board of Trustees, and with such conditions imposed as the Mayor and Board of Trustees deems necessary. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the Village for any liability, damage or expense incurred by the Village as a result of the activities of the applicant. Any findings by the Board of Trustees shall specify the exact dates and location covered by the exemption.

(E) Removal of a Campsite.

- (1) Prior to removing a Campsite, the Village shall post a notice, 48-hours in advance of the removal, unless immediate removal of the Campsite is deemed to be necessary for one of the reasons in subparagraphs a-d, below. If such immediate removal is undertaken, the basis for causing the immediate removal of such Campsite should be adequately documented by the appropriate person(s).
 - a. Immediate removal of the Campsite is necessary to maintain access to a property;
 - b. Immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;
 - c. Immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or
 - d. Immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of the Village and its residents.
- (2) Upon any action pursuant to Section 13-71(D)(1), the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the Village, of the location of the Campsite and the persons found to be in violation of this Section, so said agency may determine whether or not it would be appropriate to offer its services to those persons.
- (3) If a 48-hour notice has been posted, and the 48-hour notice period has passed, then the Campsite, as well as all Personal Property thereon, shall be removed by the appropriate person(s) acting on behalf of the Village.
- (4) No portion of this Section shall be construed to prohibit any person found to be engaging in Public Camping from removing their Personal Property from the

Campsite; however, such Personal Property that constitutes Exempt Personal Property and which a reasonably prudent law enforcement officer, exercising the applicable constitutional standard, would conclude that said Exempt Personal Property constitutes items appearing to be stolen or otherwise appearing to be evidence of a crime, and/or items which the person cannot demonstrate the requisite lawful authority to possess, may be retained and stored as evidence.

- (5) Disposition and Release of Personal Property.
 - a. All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the appropriate law enforcement agency of the Village, for a minimum of thirty (30) days, during which time it shall be reasonably available for and released to an individual confirming ownership.
 - b. All Exempt Personal Property may be disposed of or retained as evidence by the appropriate law enforcement agency of the Village.

(E) Penalty; Mitigation.

- (1) The penalty for any person's first violation of this Section within a rolling twenty-four (24) month period shall be seventy-five dollars (\$75.00).
- (2) The penalty for any person's second violation of this Section within a rolling twenty-four (24) month period shall be one hundred fifty dollars (\$150.00).
- (3) The penalty for any person's third violation of this Section within a rolling twenty-four (24) month period shall be three hundred fifty dollars (\$350.00).
- (4) The penalty for any person's fourth violation of this Section within a rolling twenty-four (24) month period shall be five hundred dollars (\$500.00).
- (5) The penalty for any person's fifth or subsequent violation of this Section within a rolling twenty-four (24) month period shall be seven hundred fifty dollars (\$750.00).
- (6) As a substitute for any monetary penalty assessed pursuant to paragraphs 1-5, above, and if consented to by the Village, the penalty assessed to any person found in violation of this Section may be that said person must engage in public service by cleaning the rights-of-way and other public facilities of the Village for an amount of time that, if the person found to have violated this Section was being paid the minimum wage under Illinois law, the amount paid for that person's labors would have been equal to the monetary penalty assessed under this Section.
- (7) The Village is hereby empowered to exercise all powers afforded to it, at law or in equity, to collect any fines assessed against a person pursuant to this Section.
- (8) In the imposition of any penalty pursuant to this Section, the penalty shall be mitigated by whether or not the person immediately removed all Personal Property and litter, including but not limited to bottles, cans, and garbage, from the Campsite after the person was informed that the person was in violation of this Section.

- (9) A separate offense of this Section shall be deemed committed on each day on which a violation occurs or continues.
- (10) In addition to any other remedy provided by law or this Section, any person found in violation of this Section may be immediately removed from the premises where the Campsite is located. (Ord. 24-52)

Sec. 13-72. Open Burning.

- A. It shall be unlawful for any person to start, maintain or fuel an outdoor fire, or allow any outdoor fire on property in the Village that said person owns, leases or exercises control of, except as hereafter authorized.
- B. It shall be unlawful for any person to burn, or to allow burning, of any garbage, debris, refuse, landscape waste in an open fire. Garbage, debris, refuse, landscape waste may only be burned in a chamber, device, or equipment specifically designed for that purpose and which complies with the rules and regulations adopted by the Illinois Environmental Protection Agency and, or, the Illinois Pollution Control Board, and specified by this chapter.
- C. The following outdoor fires and open burning are allowed provided that the party, or parties, engaged in the burning activity, or the owner, tenant or manager of the property on which the open burning is taking place has first obtained a permit from the Illinois Environmental Protection Agency, the Addison Fire Protection District and from any other governmental agency having jurisdiction over open burning:
 1. Fire fighter training, extinguisher training.
 2. Use of an air curtain destructor.
 3. Prairie and ecological landscape burns.
 4. Disposal of disaster debris as authorized by State, County or local authorities.
- D. "Recreational Fires" are defined as an outdoor open fire for entertainment, leisure or cooking purposes, and which does not require a governmental permit. Recreational Fires must be outdoors, but in all instances shall comply with the following:
 1. Fuel for a Recreational Fire shall be limited to the burning of clean, seasoned, dry firewood, clean burning liquid gases, such as propane and natural gas, and charcoal. For the purpose of this Section, "clean, dry firewood" shall include dried logs and dried branches without leaves or greenery. "Firewood" shall not include grass, brush, roots, or other similar vegetation, construction materials, treated woods, plywood or pressure-treated wood.
 2. Recreational Fires shall not use any fuel or other material that produces excessive smoke, cinders or other emissions characteristic of non-seasoned wood.
 3. A Recreational Fire shall not be used to dispose of any garbage, debris, refuse or other waste (including landscape waste).
 4. Recreational Fires shall be controlled burns. For the purpose of this Section, "controlled burn" or "controlled burning" shall mean a fire that is physically contained by fire pit, grill or other recognized containment method, and which is

under constant, direct adult supervision at all times a flames or glowing embers are visibly present.

E. Penalties

1. Upon a finding of guilty for a violation of this section, such a person shall be fined not less than one hundred and fifty dollars (\$150.00) nor more than seven hundred and fifty dollars (\$750.00) for each offense, and each day on which a violation continues shall constitute a distinct and separate offense.
2. In addition to any fine imposed under this section, the court may order the person so convicted to remove and properly dispose of any illegally burnt waste at their own cost and expense. If the person so convicted fails to remove and properly dispose of the illegally burnt waste, the Village may remove and properly dispose of such waste and may tax the costs of such removal and disposal as costs against the person so convicted.
3. The penalties prescribed in this article are in addition to any penalties that may be imposed under state or federal laws for the same violation. (Ord. 25-24)

Sec. 13-73. Operation of Drones Near Village Property During Special Events.

- (A) For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

DRONE: Any aerial vehicle that does not carry a human operator.

VILLAGE: The Village of Addison

VILLAGE PROPERTY: Any real property owned by the Village of Addison and intended or permitted to be used for recreational or conservation purposes, including, but not limited to, the Village Green, parks, playgrounds, aquatic facilities, wildlife areas, or other recreational facilities.

- (B) Operation of Drones Prohibited. The operation of a Drone within 100 feet of the perimeter of any Village Property is hereby prohibited.
- (C) Exceptions. The prohibitions contained in Paragraph B above shall not apply to any Drone operated by or on behalf of the Village for purposes of monitoring or documenting any special event, or use by the Village for any law enforcement purpose.
- (D) Penalty. Any person, firm, corporation or other entity found to be violating the provisions of this Section shall be subject to a fine of no less than \$150.00 nor more than \$750.00 for each offense. (Ord. 25-29)