

**TITLE 11: PEACE AND SAFETY**  
**CHAPTER 7: DISORDERLY CONDUCT AND GAMBLING OFFENSES**

**SECTION:**

- 11-7-1: Definitions**
- 11-7-2: Disorderly Conduct**
- 11-7-3: Public Intoxication**
- 11-7-4: Public Nuisance Assemblages**
- 11-7-5: Transmission of Obscene Messages Prohibited**
- 11-7-6: Harassment by Telephone**
- 11-7-7: Harassment through Electronic Communications**
- 11-7-8: Evidence Interference**
- 11-7-9: Unauthorized Video Recording and Live Video Transmission**
- 11-7-10: Urinating or Defecating in Public**
- 11-7-11: Gambling Offenses**
- 11-7-12: Penalty**

**11-7-1: DEFINITIONS**

**Electronic Communication**

Any transfer or signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.

**Family or Household Member**

Includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Title, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

**Gaming Device**

Any clock, tape machine, slot machine or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won or lost; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place.

**Live Video**

Includes any real-time or contemporaneous electronic or digital transmission of a still or moving visual image.

**Lottery**

A lottery is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name; provided raffles conducted in compliance with Title 3, Chapter 4G shall not be considered a Lottery and the conduct of raffles in such manner shall not be deemed gambling. (Amd. Ord. 10-3140-17, eff. 5/10/10)

<b>Owner</b>	A person either leasing, residing in, or in any way exerting control over any real property within the Village.
<b>Policy Game</b>	Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property or evidence of debt.
<b>Video Record</b>	Includes any videotape, photograph, film, or other electronic or digital recording of a still or moving visual image.

**11-7-2: DISORDERLY CONDUCT**

A person commits disorderly conduct when he or she knowingly:

- A. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- B. Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- C. Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- D. Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
- E. Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or
- F. Transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session; or
- G. Enters upon the property of another and without attempting first to notify the occupant of the person's presence and deliberately looks into a dwelling on the property through any window or other opening in it; or
- H. While acting as a collection agency as defined in the "Collection Agency Act", sections 225 ILCS 425/1 et seq., of the Illinois Compiled Statutes, or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or
- I. Congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse where failure to disperse would result in likelihood of riot, rout, affrays, noises, disturbances, trespasses and disorderly assemblies which could result in serious harm or alarm

to the public.

**11-7-3: PUBLIC INTOXICATION**

It is unlawful for any person to be in a state of intoxication from alcoholic liquor in or upon any public way or other public place within the Village so as to:

- A. Unreasonably alarm and disturb other persons and create a breach of the peace; or
- B. Interfere with the free passage of persons or vehicles on the public ways; or
- C. Interfere with persons attempting to enter or exit public or private buildings; or
- D. Be an immediate hazard to the health and safety of said person.

**11-7-4: PUBLIC NUISANCE ASSEMBLAGES**

It shall be unlawful for the owner of any real property within the Village to knowingly cause, permit, host, or condone thereon any assemblage of persons which endangers the peace and safety of the residents of the Village. Acts which are hereby declared to endanger the peace and safety of the residents of the Village shall include, but are not limited to the following:

- A. Possession or consumption of alcoholic beverages by persons under the age of twenty-one (21) years, intoxicated persons and others prohibited by Village ordinance and/or Illinois statute from possession or consumption of alcoholic beverages.
- B. Possession or consumption of cannabis by persons under twenty-one (21) years of age, intoxicated persons and others prohibited by Village ordinance and/or Illinois statute from possession or consumption of cannabis.
- C. Possession or consumption of cannabis in a volume or an occurrence which is not permitted by the Cannabis Control Act.
- D. Possession or use of controlled substances prohibited by Village ordinance and/or Illinois statute.
- E. Illegal use or possession of fireworks as defined in Section 425 ILCS 35/1 of the Illinois Compiled Statutes.
- F. Fighting, battery, assaults or threats or the throwing of objects capable of causing physical injury or property damage.
- G. Depositing of trash, garbage or hazardous material upon public or private property.
- H. Trespass of person on parked vehicles by persons attending such assemblage upon private property.
- I. Such circumstances and conditions which, taken as a whole, constitute a condition of encouraging and contributing to the delinquency of minors.

**11-7-5: TRANSMISSION OF OBSCENE MESSAGES PROHIBITED**

The sending of messages or use of language or terms which are obscene, lewd or immoral under circumstances which would offend a person of reasonable sensibilities by means of or while using electronic communications of any person, firm or corporation engaged in the transmission of news or messages between states or within the Village is prohibited. The use of language or terms which are obscene, lewd or immoral is prima facie evidence of the intent to offend.

**11-7-6: HARASSMENT BY TELEPHONE**

A person commits the offense of Harassment by Telephone if such person uses a telephone communication for any of the following purposes:

- A. Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent when not specifically requested to do so by the other person.
- B. Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number.
- C. Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number.
- D. Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number.
- E. Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

**11-7-7: HARASSMENT THROUGH ELECTRONIC COMMUNICATIONS:**

A person commits the offense of Harassment Through Electronic Communications when he or she uses of electronic communication for any of the following purposes:

- A. Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
- B. Interrupting with the intent to harass, the telephone service or the electronic communication service of any person;
- C. Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device;
- D. Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
- E. Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection.

**11-7-8: EVIDENCE INFERENCE**

Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.

**11-7-9: UNAUTHORIZED VIDEO RECORDING AND LIVE VIDEO TRANSMISSION**

- A. It is unlawful for any person to knowingly make a video record or transmit live video of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.
- B. It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmit live video of another person without that person's consent.

- C. It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video with the intent to make a video record or transmit live video of another person in that other person's residence without that person's consent.

**11-7-10: URINATING OR DEFECATING IN PUBLIC**

It shall be unlawful for any person to urinate or defecate in or on a public street, sidewalk, yard, park, building, structure, plaza, public or utility right-of-way, or other public place, other than in a restroom or in public view.

**11-7-11: GAMBLING OFFENSES**

A. A person commits the offense of gambling when he or she knowingly:

1. Plays a game of chance or skill for money or other thing of value, unless excepted in subsection B of this Section;
2. Makes a wager upon the result of any game, contest, or any political nomination, appointment or election; or
3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or
4. Owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he or she has received in the course of a bet or wager; or
5. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or
6. Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or
7. Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or
8. Advertises any lottery or policy game or knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, or any advertisement of any lottery or policy game, except for such activity related to the Illinois State lottery, bingo games and raffles authorized by and conducted in accordance with State law.
9. Transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subsection A.9 prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

B. Participants in the activities as provided for in 720 ILCS 5/28-1(b) 1 through 15 of the Illinois Compiled Statutes shall not be convicted of gambling.

**11-7-12: PENALTY**

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Code described in Title 1, Chapter 17.