

CHAPTER 10

OFFENSES AFFECTING PUBLIC HEALTH AND SAFETY

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11-10-1 DISORDERLY CONDUCT, ELEMENTS OF THE OFFENSE:

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 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 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 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 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. Enters upon the property of another and without attempting first to notify the occupant of the person's presence deliberately looks into a dwelling on the property through any window or other opening in it; or
- G. 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

- H. 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.

11-10-1-1 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.

11-10-1-2 PUBLIC NUISANCE ASSEMBLAGES:

- A. Definition: For the purpose of this Section, the following definition shall apply:

OWNER: A person either leasing, residing in, or in any way exerting control over any real property within the Village.

- B. Endangering Peace and Safety: 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.

- C. Endangering Acts Declared: 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:

1. Possession and 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.
2. Use or clear evidence of use of cannabis or other controlled substances

prohibited by Village ordinance and/or Illinois statute.

3. Illegal use or possession of fireworks as defined in Section 425 ILCS 35/1 of the Illinois Compiled Statutes.
4. Fighting, battery, assaults or threats or the throwing of objects capable of causing physical injury or property damage.
5. Depositing of trash, garbage or hazardous material upon public or private property.
6. Trespass of person on parked vehicles by persons attending such assemblage upon private property.
7. Such circumstances and conditions which, taken as a whole, constitute a condition of encouraging and contributing to the delinquency of minors.

D. Police Notice: Upon being given notice by any member of the Police Department of the existence of any of the activities set forth in subsection C, such owner shall immediately act to terminate the assemblage. Failure to do so shall constitute a further violation of this Section.

11-10-2 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 a telephone or telegraph facilities, equipment or wires 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.

11-10-3 HARASSMENT BY TELEPHONE OR THROUGH ELECTRONIC COMMUNICATIONS

11-10-3-1 HARASSMENT BY TELEPHONE:

Harassment by telephone is use of 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; or

- B. Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or
- C. Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
- D. Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
- E. Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein. Harassment by telephone prohibited.

11-10-3-2 HARASSMENT THROUGH ELECTRONIC COMMUNICATIONS:

- A. Harassment through electronic communications is the use of electronic communication for any of the following purposes:
 - 1. Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
 - 2. Interrupting with the intent to harass, the telephone service or the electronic communication service of any person;
 - 3. 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;
 - 4. 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
 - 5. Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection A.

11-10-3-3 DEFINITIONS:

- A. Electronic communication" means 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.

- B. 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.

11-10-3-4 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.

11-10-4 RESISTING OR OBSTRUCTING A PEACE OFFICER:

It is unlawful for a person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his or her official capacity commits an offense.

11-10-4-1 OBSTRUCTING IDENTIFICATION:

- A. It is a violation of this Code for any person to intentionally or knowingly furnish a false or fictitious name, residence address or date of birth to a peace officer who has:

1. Lawfully arrested the person;
2. Lawfully detained the person; or
3. Requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense. (Ord. 11-3206-28, eff. 6/13/11)

11-10-5 REFUSING TO AID AN OFFICER:

Whoever upon command refuses or knowingly fails reasonably to aid a person known by him or her to be a peace officer in:

- A. Apprehending a person whom the officer is authorized to apprehend; or
- B. Preventing the commission by another of any offense, commits an offense.

11-10-6 ILLEGAL CONTROL OF CANNABIS:

- A. It shall be unlawful for any person to possess or deliver any substance containing Cannabis, which includes Marijuana, Hashish or other derivatives from any part of the plant Cannabis Sativa.
- B. "Cannabis" includes Marijuana, Hashish and other substances as defined in 720 ILCS 550/3 of the Illinois Compiled Statutes.

11-10-6-5 SYNTHETIC CANNABINOIDS AND SYNTHETIC STIMULANTS:

- A. Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning. The omission of any product from any definition is not intended to represent exclusion from the intended scope of such definition so long as such product exhibits similar chemical or biological characteristics to the category being defined.

- 1. **A PRODUCT CONTAINING A SYNTHETIC CANNABINOID OR A SYNTHETIC SYNTHETIC STIMULANT OR PRODUCT(S)** means any product containing a synthetic cannabinoid or a synthetic stimulant, as those terms are defined herein such as, but not limited to, the following examples of brand names or identifiers: Spice, Chronic Spice, Spice Gold, Spice Silver, K2, K2 Sky, K2 Solid Sex, K2 Orisha, K2 Amazonian Shelter, K2 Thai Dream, K3, K3 Legal, Stinger, Red X Dawn, Spike 99, Spicylicious, Zohai, Serenity, Genie, Yucatan Fire, Earthquake, Mystery, Black Mamba, Mr. Nice Guy, Skunk, Pulse, Ivory Wave, Pure Ivory, Purple Wave, Vanilla Sky, Bliss, Meow Meow, Zoom, Sextacy, Molly's Plant Food, Purple Monkey Plant Food, Buzz Grow, 4MMC, m-Cat and Energy 1.
- 2. **SYNTHETIC CANNABINOID** means any laboratory-created compound that functions similar 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, such as:

- JWH-007 (1-pentyl-2-methyl-3-(1-naphthoylindole)
- 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-butylyndol-3-yl)methanone)
- JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylyndol-3-yl)methanone)
- JWH-09(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-pentylyndol-3-yl)methanone)
- JWH-200(1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone)
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylyndol-3-yl)ethanone)
- JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylyndol-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)-6a,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)

3. **SYNTHETIC STIMULANT** means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, 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, such as:

- 3-Fluoromethcathinone
- Fluoromethcathinone
- 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)
- Beta-keto-N-methylbenzodioxolylpropylamine (other names: butylone, bk-MBDB)
- Naphthylpyrovalerone (other names: naphyrone, NRG-1)
- 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, alkylenedioxy, 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, dialkyl, benzyl, or methoxybenzyl groups;
4. Or by inclusion of the nitrogen atom in a cyclic structure.

4. **MANUFACTURE** means the production, preparation, propagation, compounding, conversion or processing of a product containing a synthetic cannabinoid or a synthetic stimulant, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of such products or labeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of such products as an incident to lawful research, teaching, or chemical analysis and not for sale.

B. Sale or Delivery. It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid or a synthetic stimulant.

C. Possession. It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid or a synthetic stimulant with the intent of

using the product for ingestion, consumption, inhaling, or intravenous use. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product to drug paraphernalia (see, Lincolnshire Municipal Code, §11-10-13-1(D)); the presence of the product on or within drug paraphernalia; the proximity of the product to a different controlled substance; and whether or not the individual in possession of the product is exhibiting physical effects commonly associated with being under the influence of a controlled substance.

- D. Use. It shall be unlawful for any person to be under the influence of a synthetic cannabinoid or a synthetic stimulant.
- E. Manufacture. It shall be unlawful for any person to manufacture, or assemble the ingredients with the intent to manufacture, a synthetic cannabinoid or a synthetic stimulant. In determining intent under this subsection, a trier of fact may take into consideration, among other things: the proximity of the product or ingredients to drug paraphernalia (see, Lincolnshire Municipal Code, §11-10-13-1(D)); the presence of the product or ingredients on or within drug paraphernalia; the proximity of the product or ingredients to a different controlled substance. (Ord. 12-3232-02, eff. 1/9/12)

11-10-7 GAMBLING OFFENSES:

11-10-7-1 GAMBLING:

- A. A person commits the offense of gambling when he or she:
 - 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. Knowingly 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. Knowingly 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. Knowingly 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 11 of the Illinois Compiled Statutes shall not be convicted of gambling.

11-10-7-2 DEFINITIONS:

- A. A "gambling device" is 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. A "gambling device" does not include:
1. A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

2. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.
- B. 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)
- C. A "policy game" is 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.

11-10-8 WEAPONS:

11-10-8-1 UNLAWFUL USE OF WEAPONS:

- A. OFFENSE: A person commits the offense of unlawful use of weapons when he or she knowingly:
1. Sells, manufactures, purchases, possesses or carries any bludgeon, blackjack, slung-shot, sand-club, sand bag, metal knuckles, throwing star or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas; or
 2. Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or
 3. Carries on or about his or her person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a nonlethal noxious liquid

gas or substance designed solely for personal defense carried by a person eighteen (18) years of age or older; or

4. Carries or possesses in any vehicle or concealed on or about his or her person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm; or
5. Sets a spring gun; or
6. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or
7. Sells, manufactures, purchases, possesses or carries:
 - a. A machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;
 - b. Any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or
 - c. Any bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or
8. Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is

charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or

9. Carries or possesses in a vehicle or on or about his or her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when the person is hooded, robed or masked in such manner as to conceal his or her identity; or
10. Carries or possesses on or about his person, upon any public street or other public lands within the corporate limits of the Village, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode or fixed place of business, any handgun, rifle, shotgun, stun gun, taser or other firearm of any description, except assault weapons (see Section 11-10-10), and as otherwise provided for in Section 11-10-8-3.
 - a. For the purposes of this Section, "Firearm: means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas.
 - b. A "stun gun" or "taser", as used in this Section, means any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render the person incapable of normal functioning, or any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render the person incapable of normal functioning.
11. Sells, manufactures or purchases any explosive bullet. For purposes of this section "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front and a cap or primer at the rear end, with the propellant contained in the tube between the projectile and the cap.

B. EXEMPTIONS:

1. Any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .8" in diameter or breakable paint balls containing washable marking colors; or
2. Any device used exclusively for signaling or safety as required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or
3. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; or
4. An antique firearm (other than a machine gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

11-10-8-2 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION:

A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- A. He or she is under eighteen (18) years of age and has in his or her possession any firearm of a size which may be concealed upon the person; or
- B. He or she is under twenty one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his or her possession; or
- C. He or she has been convicted of a felony under the laws of this State or any other jurisdiction, and has any firearms or firearm ammunition in his possession; or
- D. He or she is a narcotic addict and has any firearms or firearm ammunition in his possession; or
- E. He or she has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his or her possession; or

- F. He or she is mentally retarded and has any firearms or firearm ammunition in his or her possession; or
- G. He or she has in his or her possession any explosive bullet as defined in Section 11-10-8-1 (A) 11.
- H. He or she does not possess a firearm owner's identification card issued in his or her name pursuant to the provisions of 430 ILCS 65/1 et seq.

11-10-8-3 EXEMPTIONS:

The provisions of Section 11-10-8 shall not apply to the exemptions as listed in 720 ILCS 5/24-2 of the Illinois Compiled Statutes.

11-10-9 AIR RIFLES:

11-10-9-1 UNLAWFUL USE OF AIR RIFLES:

- A. Definition: "Air rifle" means and includes any air gun, air pistol, spring gun, spring pistol, B-B gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to inflict pain or cause bodily harm. An "AirSoft" gun means any air gun which impels a pellet constructed of a soft plastic polymer using compressed air as a propellant.
- B. It is unlawful for any person to carry or possess any air rifle on the public street, roads, highways or public lands within the Village, private property or the common property of a residential or commercial development without the express written permission of the property owner, unless such air rifle meets one of the following conditions:
 - 1. Is broken down in a non-functioning state;
 - a. Is not immediately accessible; or
 - b. Is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.
- C. It is unlawful for any person to discharge any air rifle (excluding paint ball

and "AirSoft" guns) within the Village.

- D. It is unlawful for any person to discharge any paint ball or "AirSoft" gun from, across or into any street, sidewalk, road, highway, public land, private property or the common property of a residential or commercial development, or any public place, except, however on a safely constructed target range, or entirely within the private property of a consenting owner.

11-10-9-2 SEIZURE AND REMOVAL:

The Lincolnshire Police Department shall seize, take, remove or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this Chapter.

11-10-9-3 EXEMPTIONS:

The relevant exemptions described in 720 ILCS 5/24-2 shall apply to the provisions of Section 11-10-9.(Ord. 05-2008-72, eff. 11/28/05)

11-10-10 ASSAULT WEAPONS:

11-10-10-1 DEFINITION:

"Assault Weapon", for the purposes of this Chapter, is defined to include:

- A. All of the following specified rifles:
1. Norinco, Mitchell and Poly Technologies Avtomat Kakashi-kovs (all models)
 2. Action Arms Israeli Military Industries UZI and Galil
 3. Beretta AR-70 (SC-70)
 4. CETME G3
 5. Colt AR-15 and CAR-15
 6. Daewoo K-1, K-2, Max 1 and Max 2

7. Fabrique Nationale FN/FAL, FN/LAR and FNC
8. FAMAS MAS223
9. Heckler & Koch HK-91, H-93, HK-94 and PSG-1
10. MAC 10 and MAC 11
11. SKS with detachable magazine
12. SIG AMT, SIG 500 Series, and SIG PE-57
13. Springfield Armory BM 59 and SAR-48
14. Sterling MK-6 and SAR
15. Steyr AUG
16. Valmet M62-M71S and M78
17. Armalite AR-180 Carbine
18. Bushmaster Assault Rifle (armgun)
19. Calico M-900 Assault Carbine
20. Mandall THE TAC-1 Carbine
21. Plainfield Machine Company Carbine
22. PJK M-68 Carbine
23. Weaver Arms Nighthawk

B. All of the following specified pistols:

1. Action Arms UZI
2. Encom MP-9 and MP-45
3. MAC 10 and MAC 11
4. INTRATEC TEC-9

5. Mitchell Arms Spectre Auto
 6. Sterling MK-7
 7. Calico M-900
- C. All of the following specified shotguns:
1. Franchi SPAS 12 and LAW 12
 2. Gilbert Equipment Company Striker 12
 3. Encom CM-55
- D. Other models by the same manufacturer that are identical to firearms listed above except for slight modification, including, but not limited to a folding or retractable stock; an adjustable sight; a case deflector for left-handed shooters; a shorter barrel; a wooden, plastic or metal stock; a larger clip size; a different caliber, provided the caliber exceeds .22 rimfire; or a bayonet mount.
- E. Firearms that have been redesigned from, renamed, renumbered, or patterned after one of the listed firearms, regardless of the company of production or distribution, or country or origin, or firearms which have been manufactured or sold by another company under a licensing agreement to manufacture or sell the identical or nearly identical firearms as those listed above, regardless of the company of production or distribution, or the country of origin.

11-10-10-2 POSSESSION OF ASSAULT WEAPON:

It is unlawful for any person to possess, harbor, control, transfer, sell, offer for sale, give, deliver or carry upon his or her person or in a vehicle within the corporate limits of the Village any assault weapon unless such weapon has been modified to render it permanently inoperable.

11-10-11 UNAUTHORIZED POSSESSION OR STORAGE OF WEAPONS:

- A. Whoever possesses or stores any weapon enumerated in Section 11-10-12, paragraphs A, B, or C, of Section 11-10-12 on land supported in whole

or in part with any government funds or in a building on such land without prior written permission from the chief security officer for such land or building or the chief managing officer of the governmental entity commits a Class A misdemeanor.

11-10-11-1 CONCEALED WEAPONS; DISCHARGE OF FIREARMS:

It shall be and is unlawful to carry any concealed weapons in said Village without complying with the laws of the State of Illinois, and it is further unlawful to discharge any firearms or air guns or pellet guns in said Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm within the Village when lawfully defending his person or property or when necessary in the process of making an arrest or otherwise in the performance of his duty within the law; or any State of Illinois licensed and registered hunter(s) when operating under the guidelines of an Animal Management Program approved and adopted by the Village Board and approved and permitted by the State of Illinois.

11-10-12 DEFINITIONS:

- A. "Armed with a Dangerous Weapon". A person is considered armed with a dangerous weapon for purposes of this Title, when he or she carries on or about his or her person or is otherwise armed with a category I or category II weapon.
- B. A category I weapon is a pistol, revolver, rifle, shotgun, spring gun, or any other firearm, sawed-off shotgun, a stun gun or taser as defined in 11-10-8-1 of the Chapter, knife with a blade of at least three (3) inches in length, dagger, dirk switchblade knife, stiletto, or any other deadly or dangerous weapon or instrument of like character.
- C. A category II weapon is a bludgeon, blackjack, slungshot, sand-bag, sand-club, metal knuckles, billy or other dangerous weapon of like character.

11-10-13 DRUG PARAPHERNALIA:

11-10-13-1 DEFINITIONS:

- A. "Cannabis" shall have the meaning ascribed to it in Section 3 of the

"Cannabis Control Act" (720 ILCS 550/3) as if that definition were incorporated herein.

- B. "Controlled Substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act" (720 ILCS 570/102) as if that definition were incorporated herein.
- C. "Deliver" or "Delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- D. "Drug Paraphernalia" means all equipment, products and materials of any kind which are intended to be used unlawfully 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 cannabis or a controlled substance in violation of the "Cannabis Control Act" (720 ILCS 550/1 et seq.) It includes but is not limited to:
 - 1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
 - 2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
 - 3. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
 - 4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
 - 5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - a. Water pipes;
 - b. Carburetion tubes and devices;

- c. Smoking and carburetion masks;
 - d. Miniature cocaine spoons and cocaine vials;
 - e. Carburetor pipes;
 - f. electric pipes;
 - g. air-driven pipes;
 - h. chillums;
 - i. bongs;
 - j. ice pipes or chillers;
6. Any item whose purpose, as announced or described by the seller, is for use in violation of this Section.

11-10-13-2 UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA:

- A. A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a Class A misdemeanor. This subsection (A) does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- B. In determining intent under subsection (A), the tryer of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or controlled substance on the drug paraphernalia.

11-10-13-3 SALE OR DELIVERY - PUBLIC NUISANCE

- A. Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits a Class B misdemeanor. Any person 18 years of age or older who sells or delivers for any commercial consideration any item of drug paraphernalia to a person under 18 years of age is guilty of a Class A misdemeanor.

- B. Any person who sells or delivers for a commercial consideration any item of drug paraphernalia to a woman he or she knows to be pregnant is guilty of a Class A misdemeanor.
- C. Any store, place or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.

The Village may commence an action in the circuit court to abate the public nuisance as described in this subsection (C).

Upon being satisfied by affidavits or other sworn evidence that an alleged nuisance exists, the court may, without bond, enter a temporary restraining order to enjoin any defendant from maintaining the nuisance and may, without bond, enter a preliminary injunction restraining any defendant from removing or interfering with any property used in connection with the public nuisance.

11-10-13-4 EXEMPTIONS:

This Section shall not apply to:

- A. Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
- B. Items historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

- C. Items listed in Section 11-10-13-2 which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Section.
- D. A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

1. The general, usual, customary, and historical use to which the item involved has been put;
2. Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
3. Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
4. Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
5. Any national or local advertising, concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;
6. The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
7. 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;
8. The existence and scope of legitimate uses for the object in the community.

11-10-14 PROHIBITED DELIVERIES WITHIN 300 FEET OF A RESIDENCE.

A. It shall be unlawful to commit any of the following acts in the Village between 6:00 P.M. Saturday and 8:00 A.M. on Sunday and between 6:00 P.M. Sunday and 7:00 A.M. Monday and between 7:00 P.M. and 7:00 A.M. the remainder of the week and within 300 feet (300') of any residence or the R1, R2, R2A, R3 or R4 residential districts.

1. Driving of a commercial vehicle (with the exception of residential

moving vans) to a specific address within the Village for the purpose of loading or unloading such a vehicle at that address; or

2. Running of the engine and/or refrigeration unit of a parked commercial vehicle; or
3. Loading or unloading of a commercial vehicle (with the exception of residential moving vans) regardless of who is doing the loading or unloading; or
4. Operating a business that suffers or permits, either deliberately or by inadvertence, the loading or unloading of any commercial vehicle regardless of who is doing the loading or unloading; or
5. Operating a business that suffers or permits, either deliberately or by inadvertence, the running of the engine or refrigeration unit of any commercial vehicle regardless of who is running the engine or refrigeration unit.

11-10-15 UNLAWFUL POSSESSION OF FRAUDULENT, FICTITIOUS OR ALTERED IDENTIFICATION CARD:

It is a violation of this Code for any person to knowingly possess, display, or cause to be displayed any fraudulent, fictitious or unlawfully altered identification card. (Ord. 11-3206-28, Eff. 6/13/11)

11-10-15-1 DEFINITIONS:

- A. **FRAUDULENT IDENTIFICATION CARD:** Any identification card that purports to be an official identification card for which a computerized number and file have not been created by the Illinois Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-governmental organization.
- B. **FICTITIOUS IDENTIFICATION CARD:** Any issued identification card for which a computerized number and file have been created by the Illinois Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the identification card;

- C. **UNLAWFULLY ALTERED IDENTIFICATION CARD:** Any issued identification card for which a computerized number and file have been created by the Illinois Secretary of State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card.
- D. **IDENTIFICATION CARD:** Any identification card that resembles an official identification card in either size, color, photograph location, or design or uses the word "official", "Lincolnshire" "state", "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any other state on the photograph side of the card, is deemed to be a fraudulent identification card unless the words "This is not an official Identification Card", appear prominently upon it in black colored lettering in 12 point type on the photograph side of the card, and no such card shall be smaller in size than 3 inches by 4 inches, and the photograph shall be on the left side of the card only.
- E. **LEGAL NAME:** The full given name and surname of an individual as recorded at birth, recorded at marriage, or deemed as the correct legal name for use in reporting income by the Social Security Administration or the name as otherwise established through legal action that appears on the associated official document presented to the Illinois Secretary of State. "Personally identifying information" means information that identifies an individual, including his or her identification card number, name, address and telephone number. (Ord. 11-3206-28, Eff. 6/13/11)