

Chapter 16

MISCELLANEOUS REGULATIONS

Article I. Plants and Weeds

Sec. 1. WEEDS - NUISANCE

It shall be unlawful for anyone to permit any weeds, grass or plants other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding twelve (12) inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

Sec. 2. REMOVAL - NOTICE

It shall be the duty of the Village Board to serve or cause to be served, a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this Article and to demand the abatement of the nuisance within ten (10) days.

Sec. 3. ABATEMENT

If the person so served does not abate the nuisance within ten (10) days after such notice, the Village Board may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged to and paid by such owner or occupant.

Sec. 4. PENALTY

Any person, firm or corporation violating any provision of this article may be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense; and a separate offense shall be deemed committed on each day during or on which such nuisance continues unabated after ten (10) days from receipt of notice. Change to: 1st fine: \$50; 2nd fine: \$100; 3rd fine: \$200

Revised: February 4, 2016

Chapter 16

MISCELLANEOUS REGULATIONS

Article II. Curfew

Sec. 1. DEFINITION

Persons under eighteen (18) years of age are prohibited on streets between certain hours. It shall be unlawful for any person under the age of eighteen (18) years to be or remain in or upon any of the streets, alleys, public places, or establishments in the Village between the hours set by State Statute.

Sec. 2. EXCEPTIONS

The foregoing section shall not apply to any case in which such person under eighteen (18) years of age is accompanied by a parent, a guardian, or some adult person having the legal care and custody of such person, or any case in which the employment of such person under eighteen (18) years of age makes it necessary for him or her to be upon said streets, alleys or public places between said hours or to any case in which said person is enroute from a recognized school, church or public function to his or her home, or to any case in which said person under eighteen (18) years of age is in the performance of an errand or duty directed to be done or performed by such parent or guardian and has with him or her a written note, signed by his or her parent, guardian or person having the legal custody and control of said person, dated on the day it is used, and stating that the said person is in the performance of an errand and designating where said person is going to perform said errand.

Sec. 3. PENALTY

Any person under eighteen (18) years of age, violating the above provisions of this Article, shall be taken into custody by the law enforcement officer of said Village and held in custody until the parents or guardian of said child appears and removes him. Anyone violating this article may be fined: 1st fine: \$50; 2nd fine: \$100; 3rd fine: \$200 for each subsequent offense

Revised: February 4, 2016

Chapter 16

MISCELLANEOUS REGULATIONS

Article III. Other Offenses

Sec. 1. DISORDERLY CONDUCT

It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward a breach of the peace. The causing or making of any unnecessary loud noise and shouting or yelling shall be considered disorderly conduct.

Sec. 2. INTOXICATION

It shall be unlawful for any person to be in an intoxicated condition in or on any street, alley or other public place in the Village.

Sec. 3. INDECENT CONDUCT

It shall be unlawful for any person to commit any indecent or immoral act; or to appear in any public place not properly or decently garbed.

Sec. 4. FIGHTING

It shall be unlawful for any person to commit any assault or battery or to fight in any public place in the Village.

Sec. 5. FALSE ALARMS

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

Sec. 6. DISTURBING ASSEMBLAGES

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

Sec. 7. HUNTING

It shall be unlawful for any person to engage in killing or to hunt any animal, other than as prescribed by law, in the Village.

Sec. 8. COMBUSTIBLE REFUSE

It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw any refuse of any kind on any street, alley or other public place.

Chapter 16

MISCELLANEOUS REGULATIONS

Sec. 9. MISSILES

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

Sec. 10. ADVERTISING

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.

Sec. 11. UNLAWFUL ASSEMBLAGES

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

Sec. 12. FIRES

It shall be unlawful to build or light any bonfire so close to any building or structure as to endanger such building or structure, or on any public street, sidewalk or pavement.

Sec. 13. DISCHARGE OF FIREARMS

It shall be unlawful to discharge any firearms or airgun in the Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; not to any citizen to discharge a firearm when lawfully defending his person or property.

Sec. 14. BATHING

It shall be unlawful for any person to bathe at any public place or in any place open to the public view unless such person is adequately garbed in a bathing suit.

Sec. 15. POSTING BILLS

It shall be unlawful to post any bills or advertisements on any Village property or public right-of-way without the authority of the President and Board of Trustees; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

Chapter 16

MISCELLANEOUS REGULATIONS

Sec. 16. SOLICITING OR PEDDLING

It shall be unlawful for any person to go upon the premises of another for the purposes of soliciting orders, selling or peddling without the consent or invitation of the owner or occupant.

Sec. 17. INDECENT PUBLICATIONS

- a. It shall be unlawful to sell or offer for sale or to circulate, pass from one person to another, or expose in any public place or anywhere in view of a store or place frequented by the public, any immoral, indecent or obscene publications, printed or written matter, picture or other representation.
- b. It shall be unlawful to keep any such publications, printed or written matter, picture or other representation in any place frequented by, or where it may come into the possession of minors, or to disclose or expose any such material to minors.

Sec. 18. SCAFFOLDS

Any scaffold or ladders placed in such a position that they overhang or can fall onto any public street, alley or other public place in the Village, shall be firmly and properly constructed and safeguarded; and it shall be unlawful to place or leave any tools or articles on any such place in such a manner that the same can fall into any such street, sidewalk, alley or other public way from a greater height than four (4) feet.

Sec. 19. ARTICLES ON WINDOWS

It shall be unlawful to place any moveable article on any window ledge, or other place abutting on a public street, alley or other place at a height above four (4) feet from the ground, in such a manner that the same can be or is in danger of falling onto such sidewalk, street, alley or other public place.

Sec. 20. OBSTRUCTING STAIRWAYS OR EXITS

It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall, or any building used by two or more tenants or families, in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit.

Sec. 21. MENDICANTS OR VAGRANTS

- a. It shall be unlawful for any mendicant or vagrant to frequent any depot, store, theater, street, alley, sidewalk, park or other public place or any place frequented by the public in the Village.

Chapter 16

MISCELLANEOUS REGULATIONS

- b. Any person found sleeping in such place, and who has no established domicile or residence, shall be considered a vagrant.

Sec. 22. FUEL TANKS

It shall be unlawful to install or maintain any fuel oil, gas or liquid gas tanks unless such tanks and all equipment connected therewith is installed and maintained in accordance with the regulation of the State Fire Marshal or any other State agency having jurisdiction thereof.

Sec. 23. UNDERGROUND STORAGE TANKS

- a. Definitions. The following definitions shall apply in this Section:
 - 1) Property – Any private property within the Village which is not a street, highway or alley and which is not owned by the Village of Downs.
 - 2) Public Property – Any property owned by the Village of Downs.
 - 3) Village – Village of Downs, Illinois, an Illinois municipal corporation.
 - 4) Underground Tank – Any storage tank, container or vessel containing or intended, or built to contain or that may contain at any future date, petroleum products, flammable or nonflammable liquids or gasses, other than water, or capable of containing any other substance which, if leaked from such tank, container or vessel, could contaminate a water supply, or otherwise have a potential to be injurious to the health and safety of any individual, animal, or property, public or private, in the Village.
- b. Any underground storage tank to be installed after the effective date of this Ordinance, or which is removed from its present location for any purpose whatsoever, including maintenance, and then placed back in the same location or the same general location, or at any new location, shall be placed and located in such manner as to be, at its nearest point, located not less than twenty-five (25) feet from any septic system discharge, drain tile, drain tile field, or other underground waste treatment facility or any part thereof, or any sewer pipe or main, and not less than 25 feet from any underground water line, water main, water storage tank or well.

Sec. 24. ILLEGAL POSSESSION OR CONSUMPTION OF ALCOHOL BY A MINOR

It shall be unlawful for anyone under the age of 21 to possess or consume any type of alcoholic beverage, except as allowed by State or Federal Statute.

Chapter 16

MISCELLANEOUS REGULATIONS

Sec. 25. CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY

It shall be unlawful for anyone to consume any type of alcoholic beverage on property owned by the Village of Downs or on any property designated as public right-of-way.

Sec. 26. CANNABIS

It shall be unlawful for anyone to possess, consume, ingest, and/or sell any type of cannabis or product containing cannabis on property owned by the Village of Downs or any property designated as a public right-of-way unless otherwise permitted under Illinois State law. However, nothing in this Section shall be read to preclude the possession of hemp bred for industrial uses including, but not limited to, oils and topical ointments as well as fiber for clothing and construction.

Sec. 27. ILLEGAL SALE OR USE OF FIREWORKS

It shall be unlawful to sell, possess, or discharge fireworks in the Village of Downs, unless allowed by State or Federal dollars (\$50.00) for each occurrence.

Sec. 28. PENALTY

Any person, firm or corporation violating any provision of this article shall be fined fifty dollars (\$50.00) for each occurrence. \$100 for 1st alcohol violation; \$150 for 2nd alcohol violation; \$250 for cannabis.

Revised: February 4, 2016

Chapter 16

MISCELLANEOUS REGULATIONS

Article IV. Responsible Bidder

Sec. 1. DEFINITION

The Village of Downs defines responsible bidder in the case of bidders for construction projects (construction of new facilities, renovation of current facilities or road construction projects) as mandated in the Illinois State Statutes under 30 ILCS 500/1-15.80 (Illinois Procurement Code).

Sec. 2. CRITERIA

Responsible bidder for construction contracts means a bidder who meets all of the following applicable criteria, and submits evidence of such compliance:

- a. All applicable laws prerequisite to doing business in Illinois.
- b. Evidence of compliance with:
 - 1) Federal Employer Tax Identification Number or Social Security number (for individuals).
 - 2) Provision of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive order No. 11244 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- c. Certificate of insurance indicating the following coverage's: general liability, completed operations, automobile, product liability at \$1,000,000.00 levels. Worker's Compensation at \$500,000.00 levels. Commercial Umbrella policy at \$5,000,000.00.
- d. Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the Act.
- e. Participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.
- f. Written statement regarding zero tolerance for harassment of any type.
- g. At the discretion of The Village of Downs Board of Trustees a wage and welfare bond, the amount of which is to be contingent upon the costs associated with any bid project.

Approved: November 2, 1995

Revised: September 3, 1998

Revised: February 4, 2016

Chapter 16

MISCELLANEOUS REGULATIONS

Article V. Disposition of Property

Sec. 1. TRADE-IN OF PERSONAL PROPERTY

Any item of personal property owned by the Village may be traded in as part of the purchase price of other property purchased by the Village through competitive bids; provided, however, the Notice to Bidders shall specify the items of personal property to be so traded. The award of a contract to the successful bidder shall be sufficient authorization to trade in personal property specified in the Notice to Bidders.

Sec. 2. OTHER DISPOSAL PROCEDURES

- a. If an item of personal property has a fair cash market value of more than 25% of its original purchase price, it shall not be junked or donated and shall not be sold except by competitive bid.
- b. If an item of personal property has a fair cash market value the lesser of 25% or less of its original purchase price or if its fair cash market value is less than \$500.00, the Mayor may authorize the use or disposal of such personal property without formal action of the Corporate Authority.
- c. In all other cases, personal property owned by the Village of Downs, Illinois, shall be sold, traded, donated, scrapped, junked, or otherwise disposed of only after prior approval by Motion or other official sanction of the Mayor and Board of Trustees.

Approved: July 1, 2004

Revised: February 4, 2016