

# Chapter 16

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## 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 unless otherwise protected by Illinois State Statute.

#### **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 shall be fined fifty dollars (\$50) for the 1<sup>st</sup> violation; One hundred dollars (\$100) for the 2<sup>nd</sup> violation; Two hundred dollars (\$200) for each subsequent violation; 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.

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### 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 Illinois 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 shall be fined fifty dollars (\$50) for the 1<sup>st</sup> violation; One hundred dollars (\$100) for the 2<sup>nd</sup> violation; Two hundred dollars (\$200) for each subsequent violation.

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### 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 or on any street, alley or other public place in the Village.

#### **Sec. 5. FALSE ALARMS**

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

#### **Sec. 6. ASSEMBLAGES**

- a. Disturbing – It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.
- b. Unlawful – 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. 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 or by Illinois State Statute

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### ***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.

### ***Sec. 9. 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. 10. FIRES***

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

### ***Sec. 11. 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. 12. POSTING ADVERTISEMENTS OR NOTICES***

It shall be unlawful to post any notice or advertisement on any Village property or public right-of-way beyond a reasonable timeframe; and it shall be unlawful to post any notice or advertisement on any private property without the written consent of the property owner.

### ***Sec. 13. 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. 14. 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;

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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; without the written permission from the Village Board of Trustees or Village President.

### ***Sec. 15. 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. 16. OBSTRUCTING STAIRWAYS OR EXITS***

It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor or exit in any building, in such a manner that it interferes with the free use of such stairway, aisle, corridor or exit.

### ***Sec. 17. 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.
- b. Any person found sleeping in such place, and who has no established domicile or residence, shall be considered a vagrant.

### ***Sec. 18. 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. 19. 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

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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; and not for commercial use; is prohibited within the Village of Downs.
- c. 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; and must obtain written permission from the Village Board of Trustees or Village President.

### ***Sec. 20. 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.

### ***Sec. 21. 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 any public streets, sidewalks or alleys. Any person, firm or corporation violating any provision of this section shall be fined one hundred dollars (\$100) for the 1<sup>st</sup> violation; One hundred- fifty dollars (\$150) for the 2<sup>nd</sup> violation; Two hundred-fifty dollars (\$250) for each subsequent violation.

### ***Sec. 22. ILLEGAL DRUGS AND/OR PARAPHERNALIA***

- a. Definitions. The following definitions shall apply in this Section:
  - 1) Deliver – Any private property within the Village which is not a street, highway or alley
  - 2) Drug Paraphernalia – An object used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, other illegal controlled substances, or imitation controlled substances into the human body as defined under either federal law or Illinois State law, including but not limited to:
    1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls,
    2. Water pipes, carburetion tubes and devices,

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3. Smoking and carburetion masks,
  4. 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,
  5. Miniature cocaine spoons and cocaine vials,
  6. Chamber pipes,
  7. Carburetor pipes,
  8. Electric pipes,
  9. Air-driven pipes,
  10. Chillums,
  11. Bongs,
  12. Ice pipes or chillers,
  13. Any other objects commonly used or adapted for use in ingesting, inhaling or otherwise involving a controlled substance, regardless if such object has another intended use;
- 3) In determining whether an object is drug paraphernalia, a court of other authority should consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use,
  2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance, imitation controlled substance, or drug paraphernalia,
  3. The proximity of the object, in time and space, to a direct violation of state or federal laws
  4. The proximity of the object, in time and space, to a direct violation of state or federal laws
  5. The proximity of the object to controlled substances or imitation controlled substances on the object,
  6. The existence of any residue of controlled substances or imitation controlled substances on the object,
  7. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of state or federal laws concerning use or sale of controlled substances; the laws concerning use or sale of controlled substances; shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia,
  8. Instructions, oral or written, provided with the object concerning its use,
  9. Descriptive materials accompanying the object which explain or depict its use,
  10. National or local advertising concerning its use,
  11. The manner in which the object is displayed for sale,
  12. 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,

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13. Director or circumstantial evidence of the ratio of sales of the object or similar objects to the total sales of the business enterprise,
  14. The existence and scope of legitimate uses for the object in the community,
  15. Expert testimony concerning its use,
  16. Where the object has been or is being offered for sale, the manner in which the object is displayed and the number of similar objects displayed.
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- 4) "Person" means individual, corporation, firm, business trust, estate, trust, partnership or association, or any other legal entity. Possession, delivery and manufacture of drug paraphernalia is prohibited. It is unlawful for any person to use, possess with intent to use, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia.
  - 5) It shall be unlawful for anyone to possess, consume, ingest, and/or sell any type of illegal drug or product containing an illegal drug 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. Any person, firm or corporation violating any provision of this section shall be fined seven hundred-fifty dollars (\$750).

### ***Sec. 23. 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. 24. PENALTY***

Unless otherwise stated, any person, firm or corporation violating any provision of this article shall be fined fifty dollars (\$50.00) for each occurrence.

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### 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) over (need to reference state statute

#### **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.

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### 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.

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### Article VI. Civil Emergencies

#### **Sec. 1. LOCAL STATE OF EMERGENCY**

- a. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
  - 1) **Emergency:** (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) Any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the Village, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
  - 2) **Curfew:** a prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village except officials of any governmental unit and persons officially designated to duty with reference to said civil emergency.
  
- b. *Declaration.* Whenever an emergency, as defined in subsection (a) of this section exists, the Village President is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Village President, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the municipal clerk as soon as practicable after issuance.
  
- c. *Curfew authorized.* After proclamation of a Local State of Emergency by the Village President, the Village President may order a general curfew applicable to such geographical areas of the Village or the Village as a whole, as deemed reasonable and advisable, and applicable during such hours of the day or night as the Village President deems necessary in the best interest of the public safety and welfare.
  
- d. *Orders authorized.* After the proclamation of a Local State of Emergency, the Village President may also, in the best interest of public safety and welfare, and to address matters caused or threatened by the emergency, take any or all of the following actions by executive order during the state of emergency:
  - 1) All actions reasonably necessary to respond to the emergency;
  - 2) Approve previously appropriated expenditures of the Village for the purpose of continuing the operations of the Village; and

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- 3) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Village President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency.
  - 4) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted;
  - 5) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
  - 6) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;
  - 7) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever;
- e. Duration. The declaration herein authorized shall be effective for a period of up to sixty (60) days or until the adjournment of the next regular or special meeting of the Board of Trustees of the Village, whichever comes first, unless sooner terminated by a proclamation of the Village President, or the interim emergency successor to the Village President, indicating that the civil emergency no longer exists. The Village President or the interim emergency successor to the Village President, shall have the power to re-proclaim the existence of an emergency at the end of each sixty (60) day period during the time said emergency exists.
- f. Notice. Upon issuing the proclamation herein authorized, the Village Clerk shall notify by use of local social media platforms available within the Village, and shall cause at least four copies of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the Village: the Village Hall, the Village Police Department, the Village Post Office and other areas open to the general public in the geographic area of any curfew.
- g. Violations. Any person violating the provisions of this Article VI or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided by Chapter 8, Article VIII, "Penalty" of the Municipal Code of the Village.
- h. Effect on other ordinances. Nothing contained in this Article VI shall be construed to impair the powers contained in this Municipal Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

**Modified: November 2, 1995**

**Modified: September 3, 1998**

**Modified: July 1, 2004 via Ordinance 2004-07**

**Modified: October 1, 2015**

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**Modified:** February 4, 2016 via Ordinance 2016-07

**Modified:** April 16, 2020 via Ordinance 2020-05