

AN ORDINANCE ESTABLISHING ORDINANCE VIOLATIONS
FOR CERTAIN PETTY OFFENSES AND PROVIDING FOR VOLUNTARY SETTLEMENT
OF ORDINANCE VIOLATION FINES

Adopted by the

President and Board of Trustees

of

The Village of Gifford

this 6th day of February, 2003.

(Published in pamphlet form by authority of the President and Board of Trustees this
6th day of February, 2003.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE
OF GIFFORD, ILLINOIS, as follows:

Section 1:

- A. Village Police Officers are authorized to issue a Notice of Violation in the form prescribed in Section © below to any person who has committed any violation of those ordinances listed below. A Notice of Violation may be issued for each day that a violation occurs or continues.
- B. The Notice of Violation shall be served by leaving a copy thereof with the Defendant personally or by leaving a copy at the Defendant's usual place of abode, with some person of the family, of the age of thirteen (13) or upwards, and informing that person of the contents thereof providing the person making the service of the Notice of Violation shall also send a copy of the Notice of Violation in a sealed envelope with postage fully prepaid addressed to the Defendant at his or her usual place of abode within seven (7) days of the issuance of the said Notice of Violation.
- C. A Notice of Violation shall set forth the name of the violator (Defendant), name of the offense (e.g. "Dog running at large"), the section number of the Village Ordinance that prohibits the conduct, the date, time and location where the violation occurred and a statement that the violator may settle the matter of the violation by a voluntary payment to the Village Clerk or the Chief of Police within ten (10) days of the date the Notice was issued of the amount of money set opposite the respective violation as appears below.
- D. The Notice of Violation provided for herein shall be considered to be a courtesy in lieu of an arrest for the violation charged.

- E. If the person named in the Notice of Violation as the Defendant does not settle the claim within the ten (10) day period provided, a complaint may be filed in the Circuit Court of Champaign County, Illinois and upon conviction of the violation the Defendant shall be fined as per State Statute that provides the penalty for such offense if different than the penalty set forth below.
- F. If, after a complaint is filed in the Office of the Circuit Clerk of Champaign County, Illinois, the Defendant wants to voluntarily settle the claim of violation, if the Chief of Police and Village attorney agree, the matter may be settled and the complaint dismissed upon payment to the Village Clerk or Chief of Police of the amount set forth below plus \$50.00 additional and all court costs accrued to the date of dismissal.
- G. To the extent that this Ordinance differs from a previously enacted Gifford Ordinance, the prior ordinance shall be deemed to have been repealed and the provisions of this Ordinance shall control

Section II: List of Violations – Alcohol

- A. Minor in possession or consumption of alcohol: Any person under the age of twenty-one (21) years who possesses or consumes alcoholic liquor shall be guilty of a petty offense under the Ordinance of the village of Gifford, and shall be cited under this Ordinance. The penalty for a violation thereof shall be \$50.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford.
- B. Minor misrepresenting age: Any person under the age of twenty-one (21) years who, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represents that he is twenty-one (21) years of age or over, shall be guilty of a petty offense under the Ordinance of the Village of Gifford, and shall be cited under this Ordinance. The penalty for a violation thereof shall be \$50.00, payable to the Village Clerk or Chief of Police of the Village of Gifford..
- C... Illegal Place of Possession. If the owner of the licensed premises or any person from whom the licensee derives the right to possession shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Ordinance, said owner, agent or other person shall be deemed to be in violation of this Ordinance. The penalty for such violation shall be \$50.00m payable to the Village Clerk or Chief of Police of the Village of Gifford.
- D. Illegal Transportation of Alcohol. Any person who transports, carries, possesses or has any alcoholic liquor within the passenger area of any motor vehicle upon any roadway in the Village of Gifford except in its original container and with the seal unbroken shall be in violation of this Ordinance. The penalty for such violation shall be \$50.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford

Section III: List of Violations - Cannabis, Cannabis Equipment or Controlled Substance Equipment.

A. Cannabis, Prohibition of Possession, Sale or Delivery or Possession of Equipment

Cannabis: Cannabis includes marijuana hashish and other substances which are identified as including any parts of the plant Cannabil-Saliva, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and any compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, but shall not include the mature stalks of such plant, any other compound, manufacture, salt, derivatives, mixture or preparations of such mature stalks (except the resin extracted therefrom), fiber, the following specific equipment or property:

- B. An instrument for the Use of Cannabis. "Any equipment or property which is substantially and instrumentally connected with the use of cannabis, including but not limited to the following specific equipment and property:
- (1) a smoking pipe made of metal, wood, plastic, ceramic, glass or other material and commonly called a "Pot Pipe" or "Hash Pipe".
 - (2) a smoking pipe made of metal wood, plastic, ceramic, glass or other material which allows for the liquid filtration of the substance being smoked, commonly called a "Water Pipe".
 - (3) any instrument which when used could extract derivatives of the plant Cannabis Saliva, this process being commonly called "manicuring";
 - (4) any instrument which appears to have spring loaded clips, tweezers, hemostats, bobby pins, two pieces of metal with an adjustable tension or alligator clips, or which could be commonly called a "Roach Clip".
- C. It shall be unlawful for any person to grow, possess, sell, give away, barter, deliver exchange, distribute or administer any substance containing cannabis or any derivative thereof.
- D. It shall be unlawful for any person to sell, deliver, possess or possess with intent to sell or deliver any equipment of any kind which is used, or intended for use, as a container of cannabis or as an instrument for the use of cannabis as defined in this Ordinance, except where such articles or equipment are prescribed for strictly medical purposes and uses as such.
- E. Any person who violates this Section shall be fined \$100.00 for each offence, payable to the Chief of Police, or the Village Clerk of the Village of Gifford.
- F. The provisions of this Ordinance shall not apply to:

1. Any person, firm or corporation who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Department of Law Enforcement, to process and deliver substances containing cannabis.
2. Persons, firms or corporations registered under Federal Law or conduct research with cannabis.

Section IV Controlled Substances.

A. For the purpose of this Ordinance, the following definitions are stated:

- 1.. Controlled Substances. This is defined in accordance with the Schedules and Determinations contained within Chapter 56 ½ of the Illinois Revised Statutes now in effect and including any additions and/or revisions made subsequently therein. Said Schedules and Determinations are incorporated by reference and are made a part hereof.
- 2, An Instrument for the Use of Controlled Substances, including but no limited to Cocaine. "Any equipment or property which is substantially and instrumentally connected with the use of controlled substances, including but not limited to cocaine, including but not limited to the following specific equipment or property.

Any instrument that would be similar to a small spoon, usually 1 ½ to 2 inches in length with the spoon portion being less than ½ inch in diameter, commonly called a "Coke Spoon".

Any instrument which can be used for ingestion or use of any controlled substance and contains residue or otherwise contained evidence of its use for ingestion of a controlled substance.

B. It shall be unlawful for any person to have on their person or in their possession any instrument which can be used for ingestion or use of any controlled substance, and which contains residue or otherwise contains evidence of its use for ingestion or use of any controlled substance, and the penalty therefore shall be a fine of \$200.00, payable to the Police Chief or the Village Clerk of the Village of Gifford.

C. The provisions of this Ordinance shall not apply to:

- 1.. Any person, firm or corporation who has been authorized by the Department of Mental Health and Developmental Disabilities, with the approval of the Department of Law Enforcement, to process and deliver substances containing controlled substances, including but not limited to cocaine.

- A. Dogs Running at Large. Any owner or keeper of a dog found running at large (when off the property of the owner or keeper and not under the control of a responsible person) shall be deemed to be in violation of the Ordinance of the Village of Gifford, and shall be cited under this section. The penalty for such violation shall be \$50.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford.
- B. Barking Dogs. If a dog disturbs the peace by loud noises at any time of the day or night, the owner or keeper of said dog shall be in violation of this Ordinance. The fine for such violation shall be \$50.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford.
- C. Soliciting Without a Registration. It shall be unlawful for any person, firm or corporation to engage in the business of soliciting for the sale of any merchandise, article or thing without having first registered with the Village of Gifford, and such solicitation shall constitute a violation of this Ordinance. The penalty for such violation shall be \$50.00, payable to the Village Clerk or Chief of Police of the Village of Gifford.
- D. Possession of Fireworks. It shall be unlawful for any person, firm, co-partnership or cooperation possess, use, or explode, any fireworks within the Village Limits of the Village of Gifford, such possession, use of explosion shall constitute a violation of this Ordinance. The fine for such violation shall be \$50.00, payable to the Village Clerk or Chief of Police of the Village of Gifford.
- E. Accumulation of Junk or Debris. It shall be unlawful for the owner or occupant of any property within the Village of Gifford to leave, accumulate, scatter, dispose or store useless junk, debris, waste material, refuse, rubbish, inoperable or junk appliances or vehicles or parts thereof, salvage materials, or any other materials of no practical value in any area, public or private, outside of any building or which is in view of the public or is accessible to the public in the Village, or to throw or deposit such materials upon the street, private property or other public place, within the Village, and to do so shall constitute a violation of this Ordinance. The penalty for such violation shall be \$50.00, payable to the Village Clerk or Chief of Police of the Village of Gifford.
- F. Unlawful Burning. It shall be unlawful and a violation of this Ordinance for any person to burn any material in any manner whatsoever within the Village limits of the Village of Gifford, except for the burning of plant debris from plantings and trees located on premises owned by the person so burning. The penalty for such violation shall be \$50.00, payable to the Village Clerk or Chief of Police of the Village of Gifford

G. Weeds. It is hereby declared that it is unlawful for the owner or occupant of real estate in the Village of Gifford to refuse or neglect to cut weeds when such weed has reached a height in excess of eight (8) inches. If such owner or occupant has been given a written notice at least three days prior, and to fail or refuse to cut weeds shall constitute a violation of this Ordinance. The penalty for such violation shall be a fine of \$50.00, payable to the Clerk or Chief of Police of the Village of Gifford.

H. Depositing harmful materials on Roadway . It shall be unlawful for any person to deposit on any public roadway or street in the Village of Gifford any material which presents harm or a threat of harm to any person, vehicle or animal lawfully using said roadway or street, and to do so shall constitute a fine of \$50.00, payable to the Clerk or the Chief of Police of the Village of Gifford.

Section VI Minor Criminal Offenses

A. Damage to Village Property of Gifford. No person in the Village of Gifford shall deface, destroy, or in any way injure any public property, or any other apparatus of the Village, and to do so constitutes a violation of this Ordinance. The penalty for such violation shall be \$100.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford.

B. Damage to Property. A person commits an unlawful act when he knowingly damages another without consent, recklessly by means of fire or exploding damages property of another within the Village of Gifford knowingly starts a fire on the land of another without his consent, knowingly injures a domestic animal of another without his consent, knowingly deposits on the land or in the building of another, without his consent, any offensive smelling substance which interferes with the use by another of the land or building, and any such act constitutes a violation of this Ordinance. The penalty for such violation shall be \$100.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford.

C. Criminal Trespass. It is unlawful for any person to enter upon or remain upon the land or building or motor vehicle of another in the Village of Gifford after having received notice from the owner or occupant either prior to or after entry that such entry is forbidden. The penalty for such violation shall be a fine of \$100.00, payable to the Clerk or the Chief of Police of the Village of Gifford.

D. Petty Theft. It is unlawful for any person for any person, with respect to any property with a value under \$250.00 within the Village of Gifford to obtain or exert unauthorized control over said property, obtain by deception, control over said property, obtaining by threat, control over said property, or to obtain said property which is stolen or is obtained under such circumstances as would reasonably induce the person to believe that the property was stolen, and said acts constitute a violation of this Ordinance. The penalty for such violation shall be a fine of \$100.00, payable to the Clerk or the Chief of Police of the Village of Gifford.

- E. Noise. It is unlawful for any person, within the Village of Gifford, to cause or allow the creation of any noise so loud as to interfere with the use by another of his own property, and such noise creation, if not abated after being told to do so by a property owner or police officer, shall constitute a violation of this Ordinance. The penalty for such violation shall be a fine of \$50.00, payable to the Clerk or the Chief of Police of the Village of Gifford.
- F. Amplifier without a permit. No person shall broadcast or amplify by electronic means any noise, music or broadcast in a way intended to be heard beyond one's own premises, without first obtaining a permit therefore from the Village of Gifford, and to so amplify without a permit shall constitute a violation of this Ordinance. The penalty for such violation shall be a fine of \$50.00, payable to the Clerk or the Chief of Police of the Village of Gifford.
- G.. Disorderly Conduct. It shall be unlawful for any person to perform any act within the Village of Gifford in such an unreasonable manner as to alarm or disturb another or provoke a breach of the peace, or, with the intent to annoy another, makes a telephone call, whether or not conversation thereby ensues, or transmits to any fire protection district a false alarm of fire without reasonable belief that a fire exists, or transmits a false alarm of a bomb without reasonable belief that a bond exists, or transmits to a peace officer a false report of an offense having occurred without reasonable basis to such belief, or enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening, and any of these acts shall constitute a violation of this Ordinance. The penalty for such violation shall be a fine of \$100.00, payable to the Police Chief or the Clerk of the Village of Gifford.
- H.. Assault. It shall be unlawful for any person within the Village of Gifford to commit an assault, which is to engage in any conduct which places another person within reasonable apprehension of receiving a battery as defined in Section "S" of this Ordinance, and any such act constitutes a violation of this Ordinance. The penalty for such violation shall be \$100.00, payable to the Village Clerk or the Chief of Police of the Village of Gifford..
- I.. Battery. It shall be unlawful for a person within the Village of Gifford to commit a battery which is to intentionally or knowingly, without legal justification and by any means, either cause bodily harm to an individual, and to do so is a violation of this Ordinance. The penalty for such violation shall be a fine of \$100.00 payable to the Clerk or the Chief of Police of the Village of Gifford.
- J.. Curfew. It shall be unlawful for a person under the age of seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway within the Village of Gifford, at the following times unless accompanied and supervised by parent, legal guardian, or other responsible companion at least eighteen (18) years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than seventeen (17) years of age to perform:

1. Between 12:01 a.m. and 6:00 a.m. Saturday;
2. Between 12:01 a.m. and 6:00 a.m. Sunday; and
3. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day. and it shall be unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her own custody or control to so violate this provision, and any such act constitutes a violation of this Ordinance. The penalty for such violation shall be a fine of \$50.00, payable to the Clerk or the Chief of Police of the Village of Gifford.

K. **Missiles.** It shall be unlawful in the Village of Gifford for any person to throw or cast any stone or other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place, and to do so constitutes a violation of the Ordinance. The penalty for such violation shall be a fine of \$50.00, payable to the Clerk or Chief of Police of the Village of Gifford.

L. **Discharge of Firearms.** It shall be unlawful in the Village of Gifford for a person to fire or discharge any firearm, air gun, crossbow or compound bow without written permission from the Chief of Police, which permission shall describe the limits within which such firing or discharging may be done. and may be revoked at any time after it has been granted, and to do so without a permit shall constitute a violation of this Ordinance. The penalty for such violation shall be a fine of \$100.00, payable to the Clerk or Chief of Police of the Village of Gifford. All law enforcement personnel shall be excluded from the provisions of this Ordinance.

Section VII: Violation - Parking

- A. Parking violations – fire hydrant. Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall park a vehicle within fifteen (15) feet of a fire hydrant, and to do so constitutes a violation. The penalty for such violation shall be a fine of \$50.00, payable to the Clerk or Chief of Police of the Village of Gifford.
- B. Parking violations – fire station. Except where necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, no person shall park a vehicle within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly sign-posted), and to do so constitutes a violation which penalty shall be a fine for \$50.00, payable to the Clerk or Chief of Police of the Village of Gifford.
- C. Parking violations – Handicapped Parking: Except at the directions of a police officer, no person shall park a vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by S1-159.1, pursuant to Sections 3-616, 11-1301.1, or 11-1301.2 of Illinois Compiled Statutes, Chapter 625; or to a disabled veteran pursuant to Illinois Compiled Statutes, Chapter 625,

Section 3-609, in any parking place specifically reserved by the posting of an official sign for motor vehicles bearing such registration, and to do such constitutes a violation of this Ordinance, the penalty for violation being a fine of \$50.00 payable to the Policy Chief or to the Village Clerk of the Village of Gifford.

Section VIII. That the Village Clerk is hereby directed to publish this ordinance in pamphlet form.

Section XIX. This Ordinance shall be in effect ten (10) days after its passage, approval and publication.

Yeas: 5

Nays: 0

Absent: 1

PASSED and APPROVED this 10th day of February, 2003

Terence Blazk
President

ATTEST:

Cynthia Wuden
Village Clerk

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Cynthia Duden, certify that I am the Village Clerk of the Village of Gifford, Champaign County, Illinois.

I certify that on the 6th day of February, 2003, the corporate authorities of the Village of Gifford, passed and approved Ordinance No. 259 entitled 'AN ORDINANCE PROVIDING FOR VOLUNTARY SETTLEMENT OF ORDINANCE VIOLATION FINES,' which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 259 was prepared, and a copy of such Ordinance was posted in the Village of Gifford Building commencing on the 7th day of February, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the Village Clerk.

DATED at Gifford, Illinois, this 6th day of February, 2003.

Cynthia Duden
Village Clerk

APPROVED by the President of the Village Board this 6th day of February, 2003.

Terrance Blak
President

I, the undersigned Village Clerk certify that I caused this Ordinance to be published in pamphlet form on this 6th day of February, 2003.

Cynthia Duden
Village Clerk