

MAYOR
Irvana K. Wilks



VILLAGE MANAGER
Michael E. Janonis

VILLAGE CLERK
M. Lisa Angell

TRUSTEES
Timothy J. Corcoran
Paul Wm. Hoefert
Arlene A. Juracek
A. John Korn
Richard M. Lohrstorfer
Michael A. Zadel

Phone: 847/392-6000
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www.mountprospect.org

Village of Mount Prospect

50 South Emerson Street, Mount Prospect, Illinois 60056

January 29, 2008

Firearms Service Bureau
Illinois State Police
100 Iles Park Place
Springfield, Illinois 62718

Subject: Firearms Owners Identification Card Act, 430 ILCS 65/13.3
Village of Mount Prospect Municipal Code

In accordance with the Firearms Owners Identification Card Act, the Village of Mount Prospect submits for your records Ordinance No. 4752, passed and approved September 5, 1995. This ordinance amended Section 23.109.B, "Firearms or Facsimile Weapons" of Chapter 23, "Offenses and Miscellaneous Regulations," of the Village Code of the Village of Mount Prospect.

Ordinance 5518 passed and approved November 1, 2005 amended Section 23.116. Penalty (General Offenses)," of Appendix A, Division III, "Penalties and Fines" of the Village Code of the Village of Mount Prospect by increasing the fine for offenses. (Section 23.116 as it appears in the Village Code is enclosed.)

Should you have any questions, please contact me at 847.818.5333.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Lisa Angell".

M. Lisa Angell
Village Clerk
Village of Mount Prospect
50 South Emerson Street
Mount Prospect, Illinois 60056

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50 South Emerson Street, Mount Prospect, Illinois 60056

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, M. Lisa Angell, do hereby certify that I am the duly appointed Village Clerk of the Village of Mount Prospect and as such, am keeper of the records and files of said Village.

I do further certify that attached hereto is a true and correct copy of Ordinance No. 4752 "AN ORDINANCE AMENDING CHAPTER 23 OF THE VILLAGE CODE ENUMERATING YOUTH AND GANG RELATED OFFENSES" passed at the regular meeting of the Mayor and Board of Trustees held September 5, 1995 at which time the Village Board voted as follows:

AYES: Corcoran, Hendricks, Hoefert, Skowron, Wilks

NAYS: Clowes

ABSENT: None

all as appears in the official records and files in my care and custody.

Dated this 29th day of January, 2008.

M. Lisa Angell
Village Clerk
Village of Mount Prospect
Cook County, Illinois

(Seal)

ORDINANCE NO. 4752

AN ORDINANCE AMENDING CHAPTER 23 OF THE VILLAGE CODE
ENUMERATING YOUTH AND GANG AND RELATED OFFENSES

Passed and approved by
the President and Board of Trustees
the 5th day of September, 1995

Published in pamphlet form by
authority of the corporate
authorities of the Village of
Mount Prospect, Illinois, the
5th day of September, 1995.

BH/caf
7/27/95
7/31/95
8/1/95
8/31/95
9/6/95

ORDINANCE NO. 4752

AN ORDINANCE AMENDING CHAPTER 23 OF THE VILLAGE CODE
ENUMERATING YOUTH AND GANG AND RELATED OFFENSES

WHEREAS, the Village of Mount Prospect is authorized and empowered to provide for the protection of the public health, safety, morals and welfare; and

WHEREAS, the rapidly spreading pattern of street gang activity poses an immediate threat to the public health, safety, morals and welfare of the community; and

WHEREAS, it is necessary to repel the advance of such activities in the community by every means authorized by the laws of the State of Illinois; and

WHEREAS, the Village of Mount Prospect is authorized and empowered by statute to adopt and enforce the provisions of this ordinance; and

WHEREAS, graffiti is placed on public and private property by individuals and by groups of individuals who associate together in gangs which endorse the act of placing graffiti on property; and

WHEREAS, the presence of graffiti on public and private property within the Village offends the aesthetic sensibilities of Village residents, decreases property values, is destructive to property and fosters criminal activity; and

WHEREAS, the President and Board of Trustees of the Village of Mount Prospect hereby find and determine that graffiti as herein defined constitutes a nuisance which should be abated; and

WHEREAS, the Village of Mount Prospect is authorized and empowered by statute to enforce the provisions of the Illinois' Parental Responsibility Law (740 ILCS 115/4 et. seq. (1992); and

WHEREAS, it is the policy of the Village of Mount Prospect to join in any efforts by surrounding communities to curtail unlawful activities; and

WHEREAS, gangs utilize private dwellings and buildings to conduct gang-related activities and to recruit gang members, posing an immediate threat to the community.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS, IN EXERCISE OF THEIR HOME RULE POWER AS FOLLOWS:

SECTION ONE: That paragraph B of Section 23.109 of Chapter 23 of the Village Code of Mount Prospect, as amended, is hereby further amended in its entirety; so that hereafter said Section 23.109.B shall be and read as follows:

" B. It shall be unlawful for any person to carry in any vehicle, or on or about his/her person whether concealed or unconcealed firearm, except provided that this subsection shall not apply to any person when on his/her own land or in her/her own abode or place of business. Likewise it shall not apply to peace officers; members of the armed services or reserve forces of the United States; special agents employed by railroads to perform police functions; employees of licensed security guard agencies; private detectives and private patrol officers while on the

premises of their employers and actually engaged in the performance of the duties of employment. Neither shall this subsection apply to members of any firearm club or organization while commuting between home and the established range; persons transporting weapons between a duly licensed firearms dealer and his/her residence or place of business; duly authorized military or veterans' organizations; school color guards and drill organizations; and licensed hunters while engaged in hunting and commuting between homes and the person's hunting grounds and carrying the appropriate license on their person. "

SECTION TWO: That Section 23.405 entitled "Minor Offenders; Financial Responsibility of Parent or Legal Guardian" of Chapter 23 (Offenses and Miscellaneous Regulations) and Article VI entitled "Minors" of Chapter 23, of the Village Code of Mount Prospect, as amended, are hereby further amended by deleting Section 23.405 in its entirety and renumbering Section 23.406 entitled "Theft of Recyclables" to Section 23.405 and that Article VI of Chapter 23 entitled "Minors" be amended by deleting said Section Article VI in its entirety and substituting therefor the following; so that hereafter said Article VI of Chapter 23 shall be and read as follows:

" Article VI

AGE AND GANG RELATED OFFENSES

SECTION:

- Sec. 23.601 Definitions
- Sec. 23.602 Enhanced Penalties for Violating School or Park Safe Zones
- Sec. 23.603 Sale of Tobacco Products to Minors
- Sec. 23.604 Curfew
- Sec. 23.605 Truancy
- Sec. 23.606 Firearms Regulation with Respect to Schools and Minors
- Sec. 23.607 Vandalism
- Sec. 23.608 Gang Signs Prohibited
- Sec. 23.609 Loitering For the Purpose of Causing Street Gang Activity or Recruitment is Prohibited
- Sec. 23.610 Loitering For the Purpose of Illegally Using, Possessing or Selling or Buying Cannabis or Controlled Substances is Prohibited
- Sec. 23.611 Temporary Questioning Prior to Arrest
- Sec. 23.612 Minor Offenders; Financial Responsibility of Parent or Legal Guardian
- Sec. 23.613 Maintaining Public Nuisance
- Sec. 23.614 Regulations Governing Use of Alcoholic Beverages By and Delivery to Underage Persons
- Sec. 23.615 Penalties; General

Section 23-601. Definitions.

CONTROL OF PREMISES: The legal or beneficial ownership, rental, lease or holding of a license shall constitute control of property. Control may also exist where none of the aforesaid legal relationships apply, but where an adult is otherwise in charge of or charged with controlling a particular premises.

COURSE OR PATTERN OF CRIMINAL ACTIVITY: Two or more gang-related criminal offenses when: (i) one or more of the offenses was committed after the effective date of this Article VI; and (ii) the offenses were committed within five (5) years of each other; and (iii) at least one offense involved the solicitation to commit, conspiracy to commit, or commission of any offense defined as a felony or forcible

felony under the Illinois Criminal Code.

- EMANCIPATED MINOR:** Any person under the age of 18, but not living with or being under the care and custody of a parent.
- GANG OR STREET GANG:** Any ongoing organization, association or group of three or more persons, whether formal or informal, engage in gang activity, and at least two of whose members individually or collectively engage in or have engaged in a pattern of criminal activity.
- GANG ACTIVITY:** The commission, attempted commission, or solicitation, with the intent to promote the commission of two or more acts by gang members, of the following offenses: murder, drug induced homicide, kidnaping, forcible detention, aggravated assault-discharging firearm, aggravated battery, heinous battery, aggravated battery with firearm, aggravated battery of a child, aggravated battery of a senior citizen, intimidation, compelling organization membership of persons, home invasion, damage or trespass to property, aggravated criminal sexual assault, robbery, armed robbery, burglary, residential burglary, criminal fortification of a residence or building, arson, aggravated arson, possession of explosives or incendiary devices, unlawful use of weapons, unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections, aggravated discharge of a firearm, mob action/violence, bribery, armed violence, manufacture or delivery of cannabis, cannabis trafficking, calculated criminal cannabis conspiracy and related offenses, illegal manufacture or delivery of a controlled substance, controlled substance trafficking, calculated criminal drug conspiracy and related offenses.
- GANG SIGN:** A signal with the hands and/or other parts of the body, the purpose of which is to indicate gang affiliation or gang messages to other persons.
- GRAFFITI:** The inscription or marking, by carving, the application of paint, or other substance, or by any other means, of any wall, fence, sign, sidewalk, pavement, post, stone, tree or other natural object, or any other public or private structure or building other than as may be done in accordance with the ordinances of the Village.
- GUARDIAN:** See Legal Guardian.
- KNOWINGLY:** Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inquiry or inspection.
- LEGAL GUARDIAN:** A person appointed guardian, or given custody, of a minor by a Circuit Court of this State. This does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act.
- MINOR:** Any person under eighteen (18) years of age.
- PARENT:** A natural or adoptive parent or a court designated guardian.

RECKLESSLY: Acting in a manner or under circumstances such as evince disregard of, or indifference to, consequences involving danger to the property, life or safety of others.

UNDERAGE PERSON: Any person under twenty-one (21) years of age. This term will typically be used in relation to alcoholic liquor offenses.

UNEMANCIPATED MINOR: A person under the age of eighteen (18) years still under the care and custody of his or her parents.

UNSUPERVISED: A lack of visual or oral oversight coupled with lack of sufficient proximity to obtain immediate control over an item or minor.

VICARIOUS LIABILITY: That liability which is implied as a matter of law even though the person may not have directly caused an injury to another person.

WILFUL: Proceeding from a conscious and voluntary intentional notion of the will.

Sec. 23-602. Enhanced Penalties for Violating School or Park Safe Zones.

Any person who violates, within two hundred feet (200') of any public, private or parochial school or any public park including any private property designated and used as a public park (safe zones), Section 13.129 "Regulations with Respect to Underage Persons and Alcohol", Section 13.130 "Consequences of Facilitating the Use of Alcoholic Beverages by Underage Persons", Section 13.133 "Operation of a Motor Vehicle While in a State of Impairment", Section 13.134 "Operation of a Motor Vehicle by Underage Persons with an Alcoholic Beverage in or on the Vehicle; When the Underage Person is Impaired Due to Alcohol or has Alcohol in the System or is Operating the Vehicle in Violation of a Restriction Pursuant to this Chapter", Section 23.109 "Firearms or Facsimile Weapons", Section 23.603 "Sale of Tobacco Products to Minors", Section 23.604 "Curfew", Section 23.606 "Firearms Regulation with Respect to Schools and Minors", Section 23.607 "Vandalism", Section 23.608 "Gang Signs Prohibited", Section 23.609 "Loitering for the Purpose of Causing Street Gang Activity or Recruitment is Prohibited", Section 23.610 "Loitering for the Purpose of Illegally Using, Possessing or Selling or Buying Cannabis or Controlled Substances is Prohibited", and Section 23.613 "Maintaining Public Nuisance" of the Mount Prospect Village Code or any portion of the Illinois Substances Abuse Act, Illinois Cannabis Control Act or the Illinois Criminal Code shall in addition to any other penalties be required to perform not less than fifty (50) hours of community service, and if not a student at the school the person shall be prohibited from entering the school for a period of two (2) years. In addition, if the offense occurred within 200 feet of a park the person shall be prohibited from entering the park for a period of two (2) years. The enhanced penalties set forth in this Section 23.602 shall be mandatory, except that if the offense occurs within a residence located in the safe zone, then the enhanced penalties may be imposed in the discretion of the Court.

Sec. 23.603. Sale of Tobacco Products to Minors.

It shall be unlawful for any vendor, vending machine operator, tobacco dealer or other person operating a business in this Village where tobacco products are sold, to sell, give or make available to any person less than eighteen (18) years of age any cigarettes, cigars or other tobacco products except upon the written order of an adult known to the vendor, operator or dealer.

Sec. 23.604. Curfew.

Notwithstanding anything contained to the contrary in the Mount Prospect Village Code, the following shall apply with respect to curfew:

- A. It is unlawful for a person less than seventeen (17) years of age to be present at any public assembly or in any public building, park, sidewalk, street, or highway or other public place between:

1. 11:00 p.m. on Sunday, and Monday, Tuesday, Wednesday and Thursday, and 6:00 a.m. on the following day;
2. 11:59 p.m. Friday through 6:00 a.m. Saturday; and
3. 11:59 p.m. on Saturday through 6:00 a.m. on Sunday

unless accompanied and supervised by a parent.

- B. In addition, the curfews set forth in paragraph A above shall not apply if the person is either (1) engaged in a business or occupation which the laws of this state authorize the person to perform, or (2) in attendance at or traveling directly home from a school, place of worship or a not-for-profit community organization sponsored activity.
- C. It is unlawful for any parent, legal guardian or other person to knowingly permit a person in his/her custody or control to violate this section.

Sec. 23.605. Truancy.

- A. It shall be unlawful for any person under the age of eighteen (18) who either:
1. Is enrolled in a public, private or parochial school within the corporate limits of the Village; or
 2. Who resides within the Village but is enrolled in such a school outside of Mount Prospect, to absent himself or herself from attendance at school during such period when school is in session, without parental permission or valid cause.
- B. A valid cause for absence from school shall include illness, death in the immediate family, other family emergency or other causes beyond the control of the person absenting himself or herself from school, provided that parental permission for absence due to such a cause is obtained, in writing, from the parent and is submitted to the proper school authorities within twenty four (24) hours after the absence.
- C. A police officer may stop and detain a person whom the officer reasonably suspects to be violating this section a reasonable time for the purpose of verifying the person's identity, age, school enrollment and authority to be absent from school. The police officer shall immediately inform the person of the reason for the detention and that he or she will be released upon verification of authorization to be absent from school. The person shall not be removed from the scene of the investigatory detention unless he or she refuses to provide the officer with the necessary information.

Sec. 23.606. Firearms Regulation With Respect to Schools and Minors.

- A. Firearms in School Prohibited.

It shall be unlawful for any person other than a law enforcement officer to be in possession of any firearm on the premises of any public, private or parochial school. The sole exception to this is if an adult is in possession of a firearm for the purpose of a program or demonstration that has been specifically approved by the school authorities.

B. Vicarious Liability.

Any person who provides to or permits possession of any firearm of any kind to a person under the age of twenty-one (21) shall be liable to any individual who has been injured in person or in property on account of the use of the firearm by the person under 21 years of age.

C. Penalty.

Any person found guilty of violating subsection A shall be fined not less than One Thousand Dollars (\$1,000.00) and the firearm shall be ordered confiscated by the Mount Prospect Police Department. The only exception to the order of confiscation shall be if a third party, who is legally able to possess a firearm in the State of Illinois proves, by clear and convincing evidence that the firearm was taken from the third party without the third party's consent.

Sec. 23.607. Vandalism.

A. General.

It shall be unlawful for any person to commit any of the following acts within the corporate limits of the Village;

1. Wilfully, maliciously, recklessly or knowingly damage, deface or destroy any property of another person without the person's consent; or
2. Wilfully, maliciously, recklessly or knowingly start a fire on the land of another person without the person's consent; or
3. Wilfully, maliciously, recklessly or knowingly deposit on the land or in a building of another, without the person's consent, any stink bomb or other offensive smelling compound and thereby interfere with the use and occupancy by another of the land or building; or
4. Wilfully, maliciously, recklessly or knowingly and without authority enter into any building, house, trailer, motor vehicle, aircraft or watercraft, or any part thereof, of another person without the person's consent.

B. Graffiti.

Graffiti in public view is hereby declared to be a nuisance as set forth in the Code of Ordinances of the Village of Mount Prospect and is subject to the provisions regarding nuisances and abatement, further:

1. It shall be unlawful for any person to place graffiti upon any public or private property whether real or personal.
2. It shall be unlawful for the owner and/or occupant of fixed real or personal property which is in public view to place or give permission for the placement of any graffiti on the property.
3. It shall be unlawful for any person under twenty-one (21) years of age to possess, while in any public building or public facility or while on private property, a spray paint container, paint, ink, marking pen which contains a fluid which is non-water soluble when dried or a brush, applicator, or any other material for marking, scratching or etching. This shall not apply to a

person who is:

- a. in the immediate presence of his or her parent;
- b. in the establishment in which the article was purchased;
- c. in the home or apartment which is the persons' domicile; or
- d. in the home of an acquaintance where permission to possess the material was granted by an adult occupant of the premisses.

Further, it shall be an affirmative defense to any charge brought pursuant to this section that the defendant was engaged in a bona fide business or educational pursuit in the building or on the property involved in the charge that required the use of the otherwise contraband marking material.

4. It shall be unlawful for any owner of real property or governing body of any association responsible for the common areas of any real property upon which graffiti is placed to fail to remove, cover or otherwise eradicate such graffiti within fourteen (14) days of receipt of a notice to remove graffiti by the Village. If the facade upon which the graffiti is placed is unpainted masonry, painting over the graffiti shall not be considered to be removal unless the entire structure is also painted.

C. Penalties.

1. The penalty for a violation of subsection A of this Section 23.607 shall be a fine of not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) for each offense.
2. The penalty for violation of subsection B.1 of this Section 23.607 shall be a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). In addition to the fine, the offender may be ordered by the Court to pay restitution to the property owner for the costs of restoring the property to its state prior to the application of graffiti.
3. The penalty for violation of subsections B.2 and 3 of this Section 23.607 shall be a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
4. The penalty for violation of subsection B.4 of this Section 23.607 shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

Sec. 23.608. Gang Signs Prohibited.

- A. It shall be a violation of this ordinance for any person to display, demonstrate or "throw" a gang sign that may be seen or received by other persons who are in or on any public place within the Village.
- B. It shall be a violation of this ordinance for any person to wear **or display** any clothing, jewelry or tattoo which has been made or altered to show gang names, insignia or information or to display any item that otherwise demonstrates allegiance to a gang.

Sec. 23.609. Loitering For the Purpose of Causing Street Gang Activity or Recruitment is Prohibited.

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle, whether alone or in consort with others, in a public place for the purpose of recruiting others for membership in a street gang or for participation in gang-related or other criminal activities.

Sec. 23.610. Loitering for the Purpose of Illegally Using, Possessing or Selling or Buying Cannabis or Controlled Substances is Prohibited.

- A. No person shall loiter in a public place in a manner and under circumstances manifesting the purpose of illegally using, possessing, transferring, buying or selling any cannabis or controlled substance.
- B. Among the circumstances which may be considered in determining whether such a purpose is manifested are:
 - 1. The person is a known illegal user, possessor or seller of cannabis or controlled substance, or the person is loitering in a place frequented by persons who are known to illegally use, possess, transfer or sell cannabis or controlled substances; and
 - 2. The person repeatedly passes to or receives from passersby, whether such passersby are on foot or in a motor vehicle or other form of transportation, money, objects or written material that to an experienced investigator appear to be for the purposes of inducing, enticing, soliciting or procuring another to illegally possess, transfer or buy any cannabis or a controlled substance.
- C. If the circumstances of subsection B above are not present, a person may be deemed to have violated this Section 23.610 only if the person demonstrates a specific intent to induce, entice, solicit or procure another to illegally possess, transfer or buy cannabis or a controlled substance.
- D. A peace officer may not arrest a person for violation of this Section 23.610 unless the peace officer first offers the person an opportunity to explain the suspicious conduct.
- E. For the purpose of this section, a "known illegal user, possessor, or seller of controlled substances or cannabis" is a person who, within one (1) year previous to the date of arrest for violation of the section, has been convicted of illegal manufacturing, using, possessing, selling, purchasing or delivering any controlled substance.
- F. Any person found to have violated any provision of this section shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each offense.

Sec. 23.611. Temporary Questioning Prior to Arrest.

- A. A peace officer, after having identified himself or herself as a peace officer, may stop any person in a public place for a reasonable period of time when the person is wearing known gang colors, emblems or other gang insignia, and the officer reasonably suspects from the circumstances that the person is committing, is about to commit or has committed any offense, including those set forth in this Article VI. Once stopped, the officer may demand the name and address of the

person and any explanation of the person's actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.

- B. When a peace officer has stopped a person for temporary questioning pursuant to Subsection (A) and the officer reasonably suspects that the officer or another person is in danger of attack, the officer may search the person for weapons. If an officer discovers a weapon, the officer may take it until the completion of the questioning, at which time the officer shall return any lawfully possessed weapon.

Sec. 23.612. Minor Offenders; Financial Responsibility of Parent or Legal Guardian.

- A. The parent of an unemancipated minor is liable for actual damages for the wilful or malicious acts of the minor which cause injury or loss to the property of the public or any person.
- B. A minor shall be deemed to have committed the offense or offenses enumerated in this Article VI with the knowledge, consent, acquiescence and permission of the parent.
- C. The parent shall be liable for restitution or reparation in an amount equal to the actual loss or damage to the property or for the pecuniary reimbursement imposed by a court upon the minor defendant for violation of this Article VI. When the court orders restitution or reparation, the court shall determine the amount of and conditions for payment. If the parties have not agreed on the amount of damages, the judge shall conduct a separate hearing on that issue. The measure of liability shall be the cost of repairing partially damaged property or the depreciated replacement cost of the property that is damaged beyond repair. The amount of the actual loss or damage shall be presumed to be that amount represented by the lower of not less than two (2) bona fide itemized estimates of the damages incurred or by an actual bill for repair or replacement presented by the victim. The defendant shall then have an opportunity to challenge the reasonableness of the cost set forth in the documents. If the conditions of payment are not satisfied, the court may, upon the motion of the Village and within the limits set forth in this subparagraph (C), impose such additional penalties as it deems appropriate.

In cases of actual or pecuniary loss or damage to public property, the court, on petition of the Village, may in its judgment and absolute discretion, in addition to or in lieu of any restitution, reparation or fine, direct that any minor found guilty perform appropriate and reasonable services to or for any public entity, including but not limited to maintenance of parks, office or janitorial work.

- D. No parent of a minor shall be held liable for damages as provided for in this Article VI, unless he or she is made a party defendant in the proceeding in which the order against the parent is entered.

A parent or legal guardian shall be made a party defendant by having received a written notice setting forth the charges against the minor either served personally or by certified or registered mail.

- E. Nothing in this Article VI shall prevent the court from ordering, as part of reparations, that the minor and/or parents, in appropriate cases, be required to perform the cleanup or repair of the damaged property.

Sec. 23.613. Maintaining Public Nuisance.

- A. Any building or dwelling used in the commission of offenses prohibited by Sections 9-1, 10-1, 11-14, 11-15, 11-16, 11-17, 11-20.1, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1), 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1 of the "Illinois Criminal Code, or prohibited by the "Illinois Controlled Substances Act," or the "Cannabis Control Act," or used in the Commission of an inchoate offense relative to any of the aforesaid principal offenses, or used to engage in gang related activities is a public nuisance.
- B. **Penalty.** Any person violating this Section 23.614 shall be fined not less than Five Hundred Dollars (\$500.00). Furthermore, if the person is not the owner of the building being used for gang-related activity, the Court may order the offender to pay restitution to the owner for the costs of any damage caused by gang-related activity, unless the owner knew or should have known that such activity was taking place and negligently or wilfully failed to notify the Village of the occurrence of the activities.
- C. **Abatement.**
1. The Village of Mount Prospect may after fourteen (14) days and within ninety (90) days of giving the Attorney General and the State's Attorney of Cook County written notice by certified or registered mail of the fact that a public nuisance as described in this section exists, commence an action to abate the nuisance in accordance with the procedures delineated below provided that the Attorney General or the State's Attorney of Cook County has not already commenced a similar action.
 2. The Village of Mount Prospect may commence an action to abate the public nuisance in the Circuit Court of Cook County. Upon being satisfied by affidavits of other sworn evidence that a public nuisance exists, the Court may without notice or bond enter a temporary restraining order or preliminary injunction to enjoin any defendant from maintaining the nuisance and may enter an order restraining any defendant from removing or interfering with all property used in connection with the public nuisance. If during the proceedings or hearings upon the merits, which shall be in the manner of the "Controlled Substance and Cannabis Nuisance Act" (740 ILCS 40/0.01 et. seq. 1992) the existence of the nuisance is established and it is found that such nuisance was maintained with the intentional, knowing, or reckless permission of the owner or agent of the owner managing the building, the court shall enter an order restraining all persons from using the property for a period of six (6) months thereafter. Provided that an owner, lessee or other occupant may use such place if the owner shall give bond with sufficient security or surety approved by the court, in an amount not less than Ten Thousand Dollars (\$10,000.00), payable to the Village of Mount Prospect, and including a condition that no offense specified in subsection A of this Section 23.613 shall be committed at, in or upon the property described and a condition that the principal obligor and surety assume responsibility for any fine, costs or damages resulting from such an offense. Nothing in this Article VI shall prevent the Village from seeking the demolition or placement into receivership of any structure declared to be a nuisance pursuant to this Section 23.613.

Sec. 23.614. Regulations Governing Use of Alcoholic Beverages by and Delivery to Underage Persons.

The regulations governing the use of alcoholic beverages by and delivery to underage persons as set forth in Chapter 13 Section 13.129 through Section 13.137 are incorporated by reference into this Article VI as though fully set forth.

Sec. 23.615. Penalties; General.

Unless another penalty is set forth in this Chapter, every person found guilty of a violation of any of the provisions of this Chapter shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues. Any fines set forth in this Chapter shall be assessed regardless of whether the violator is convicted or placed on supervision by the court. If the court is of the opinion that the ends of justice would be better served by requiring community service of the violator or a combination of a fine and community service, the fine may be mitigated at a rate of one hour of community service for every ten dollars (\$10.00) of the mandatory fine. Fines assessed by the court against any offender may be in addition to any penalty assessed against a licensee in any administrative proceeding. "

SECTION THREE: That all prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

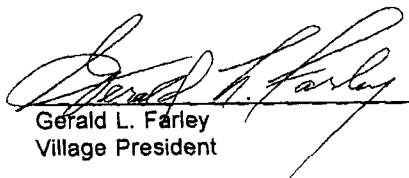
SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

AYES: Corcoran, Hendricks, Hoefert, Skowron, Wilks

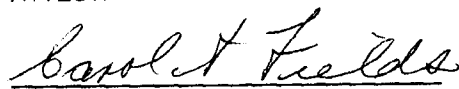
NAYS: Clowes

ABSENT: None

PASSED and APPROVED this 5th day of September, 1995.


Gerald L. Farley
Village President

ATTEST:


Carol A. Fields
Village Clerk

CHAPTER 23 - OFFENSES AND MISCELLANEOUS REGULATIONS

Section 23.103: MARIJUANA:

Fine: Not less than \$150.00 nor more than \$1,000.00.

Section 23.115: CONTROL OF CONTROLLED SUBSTANCES AND INSTRUMENTS USED FOR INHALING OR INGESTION OF CONTROLLED SUBSTANCES:

Fine: Not less than \$200.00 nor more than \$1,500.00.

Section 23.116: PENALTY (General Offenses):

Fine: Not less than \$100.00 nor more than \$1,500.00 for each offense.

Section 23.205: PROSTITUTION:

Fine: Not less than \$1,000.00 nor more than \$2,500.00 for each offense.

Section 23.206: OBSCENE AND HARASSING TELEPHONE CALLS:

B. Penalty: Not less than \$500.00 nor more than \$2,500.00.

Section 23.303: PENALTY (Trespass):

Fine: Not less than \$100.00 nor more than \$1,500.00.

Section 23.401: DAMAGE, POSSESSION AND REMOVAL OF VILLAGE PROPERTY OR STRUCTURES OR INSTALLATIONS ON VILLAGE PROPERTY:

C. Fine: Not less than \$250.00 nor more than \$1,000.00 for each offense.

Section 23.402: DUMPING IN WELLER CREEK AND OTHER PLACES:

B. Fine: Not less than \$250.00 nor more than \$1,000.00 for each offense.

Section 23.404: VANDALISM:

B. Fine: Not less than \$250.00 nor in excess of \$1,000.00 for each offense.

23.109: FIREARMS OR FACSIMILE WEAPONS:

- A. It shall be unlawful to discharge any firearms or air guns in the village; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property.
- B. It shall be unlawful for any person to carry in any vehicle, or on or about his/her person whether concealed or unconcealed firearm, except provided that this subsection shall not apply to any person when on his/her own land or in his/her own abode or place of business. Likewise it shall not apply to peace officers; members of the armed services or reserve forces of the United States; special agents employed by railroads to perform police functions; employees of licensed security guard agencies; private detectives and private patrol officers while on the premises of their employers and actually engaged in the performance of the duties of employment. Neither shall this subsection apply to members of any firearm club or organization while commuting between home and the established range; persons transporting weapons between a duly licensed firearms dealer and his/her residence or place of business; duly authorized military or veterans' organizations; school color guards and drill organizations; and licensed hunters while engaged in hunting and commuting between homes and the person's hunting grounds and carrying the appropriate license on their person.
- C. It shall be unlawful for any person to carry or display any facsimile of a firearm with the intent to terrify, alarm, threaten or intimidate any other person. (Ord. 2218, 2-3-1970; amd. Ord. 4752, 9-5-1995)