

CHAPTER 4

MISDEMEANORS

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9-4-1: **MISDEMEANOR DEFINED:** A misdemeanor is any act or omission forbidden by this Chapter.

9-4-2: **OFFENSES AGAINST THE PERSON:**

A.

No person shall commit an assault, nor an assault and battery, within the limits of the Village. Whoever shall be guilty of an assault or an assault and battery shall be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00).

B.

No person shall provoke a breach of the peace, nor use any violent, threatening, profane or indecent language to the disturbance of any person, nor use threatening or abusive language toward any other person tending to a breach of the peace. Any person convicted for violating any of the provisions of this subsection shall be fined not less than

twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00).

C.

No person shall manage, use or practice any game or device whatever, with intent to cheat or defraud another. Any person found guilty of any of the provisions of this subsection shall, upon conviction thereof, be fined a sum not less than twenty-five (\$25.00) nor more than three hundred dollars (\$300.00).

9-4-3: DISORDERLY AND DISTURBING CONDUCT:

A.

No person shall be guilty of disorderly conduct so as to alarm or disturb another and provoke a breach of the peace. Any person violating any of the offenses set out herein shall, upon conviction, be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00).

B.

No person shall be intoxicated in any street, highway, thoroughfare, park or public place, or in any private house or place to the disturbance of any person. Any person convicted for violation of this subsection shall be fined not less than twenty-five (\$25.00) nor more than three hundred dollars (\$300.00).

C.

No person shall wilfully interrupt or disturb any school or other assembly of people met for a lawful purpose. Any person violating any of the provisions of this subsection shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00).

9-4-4: INDECENT, OBSCENE CONDUCT:

A.

No person shall bathe or swim in any lake, river, pond, ditch, body of water, or swimming pool or hot tub within the corporate limits of the Village, in a naked state, where such is reasonably visible to non-consenting adults or any child under the age of 18 years and not a member of the immediate family of said person. Any person violating the provisions of this subsection, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each offense.

C.

No person shall write any obscene or indecent words or make obscene or indecent pictures upon any bridge, fence, depot, station house, church, building or public place. Any person violating any of the provisions of this subsection shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00).

D.

No person shall deface, damage, or destroy any public monument, memorial, or historic marker. Any person violating the provisions of this subsection shall be fined not less than \$300.00 and not more than \$1000.00, and may be imprisoned for a period not to exceed thirty (30) days.

9-4-5: OFFENSES RELATING TO ANIMALS:

A.

No person shall shoot any bird or animal, nor hunt with gun or dog in any street, highway, alley, thoroughfare, park or public grounds. Upon conviction thereof, such person violating the provisions of this subsection shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).

B.

No person shall instigate, cause or assist in any dog fight, prize fight, cock fight or any public or private fighting. Any person violating any of the provisions of this subsection shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

C.

No person shall overload, overwork, torture, mutilate or cruelly beat or kill any animal, or knowingly allow the same to be done.

D.

No person shall suffer or permit any cattle to pasture on any highway, alley, park or public ground, nor shall any cattle be allowed to stop for the purpose of pasturing while the same are being driven in a drove or herd thereon.

E.

No person, being the owner or having the charge of swine, shall suffer the same to run or be at large.

F.

No person shall break open or in any manner, directly or indirectly, aid or assist in our counsel or advise the breaking of any pound.

G.

No person shall allow or suffer any dead or disabled dog, horse or other animal belonging to him, or in his charge, to lie upon any street, alley, road or other ground or public or private place.

9-4-6: **FIREWORKS, EXPLOSIVES AND FIREARMS:**

A.

No squibs, rockets, crackers, bombs or fireworks containing powder, or other combustible or explosive materials shall be kept or stored within the Village, except the same be kept or stored in a fireproof vault.

B.

No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description or fire, explode or set off any squib, crackers or other thing containing powder, or other explosive substance, within the Village limits. This subsection shall not apply to a police officer in the performance of his duties, nor to any person in the defense of his person or property.

9-4-7: **FIRES; BURNING:**

No person shall burn or set fire to any combustible matter within the limits of the Village nearer than fifty feet (50') to any house, barn, shed or wooden building of another nor in a manner that the fire or smoke interferes with the proper use of the property of another.

9-4-8: **OFFENSES AGAINST PROPERTY:**

A.

No person shall injure, destroy, deface or assist in injuring, destroying or defacing any bridge, fence, public or private building, sign, lamp, post office box or hydrant.

B.

No person shall wilfully enter and pass over any garden, yard or improved field, after being expressly forbidden so to do by the owner or occupant thereof.

9-4-9: **MAINTAINING DANGEROUS CONDITIONS:**

A.

No person shall keep or leave open any cellar door or grating of any vault on any highway or sidewalk, or suffer the same to be left open or kept open, or suffer any sidewalk in front of his premises to become or continue so out of repair as to endanger life or limb.

B.

All scaffolds erected in the Village shall be well and safely supported and be of sufficient width and properly secured so as to insure the safety of persons working thereon, or passing under or by the same, against the falling thereof or of any materials used, placed or deposited thereon. Any scaffold which may be otherwise erected shall be deemed a nuisance. Each day the same shall remain after notice given by any policeman of the Village to remove or reconstruct the same shall constitute a separate offense. All scaffolds shall conform to IL OSHA regulations.

C.

No person shall erect, maintain or use on or over any public street within the Village, except for the purpose of advertising his own business, any sign or advertising board without a special permit first being obtained from the Board of Trustees.

9-4-10: **UNSANITARY CONDITIONS, ACTS:**

A.

No person shall bring into or transport through the Village the body or carcass of any unslaughtered dead animal, or any offal, blood, bones, or tank stuff in a state of decomposition, or any putrid or offensive animal matter.

B.

No person shall throw, place, leave or suffer to be thrown, placed or left, any coal, ashes, refuse, tins or rubbish of any kind upon any paved, macadamized, or otherwise improved street or highway in the Village.

C.

No person shall transport waste from barns, barn yards, feed lots or pastures unless the material is in an enclosed leak-proof tank.

D.

No person shall operate any motor vehicle, construction equipment, implement of husbandry or tractor upon the roadway in a manner to cause the deposit of mud or debris upon the roadway without seeing to the prompt removal of such mud or debris within thirty (30) minutes of deposit.

9-4-11: **INOPERABLE VEHICLES** (superceded by 9-4-13)

9-4-12: **VEHICLES UPON A ROADWAY:**

- A. Any motor vehicle or personal property left inoperable and unattended upon any roadway or right-of-way along any roadway in a position such that it constitutes a hazard to the safe operation of other vehicles on the roadway may be removed by order of any law enforcement office and impounded for safe keeping.
- B. The owner, if ascertainable, shall be notified of the impound location as soon as may be practically done.
- C. If feasible, the owner shall be notified of the intent to remove said vehicle and allowed fifteen (15) minutes after notification to report to the scene of the disabled vehicle to remove it.
- D. Written notice of impound shall be mailed to the owner of record within seventy-two (72) hours, certified mail, return receipt requested, advising the owner of the location of the vehicle.
- E. The owner may redeem said vehicle pursuant to 9-4-9G above.

9-4-13: **TOWING OF MOTOR VEHICLES:**

- A. **DEFINITIONS:** For the purposes of this ordinance, the following words shall have the meanings ascribed to them as follows:

“Highway” means any street, alley or public way within the corporate limits of the Village of Dakota.

“Abandoned Vehicle” means all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and in apparently deserted.

“Antique Vehicle” means any motor vehicle or other vehicle twenty-five (25) years of age or older.

- B. **TEMPORARY POSSESSION:** When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person within this Village, not the owner of the vehicle, such person shall immediately notify the Village Marshall when the vehicle is within the corporate limits of the Village. The Village Marshall shall issue a written notice that the vehicle will be towed if not removed within seven (7) days. The notice and procedures shall be the same as provided for in Article C

Inoperable Motor Vehicles of this Section. If the vehicle is not removed by the owner within the seven (7) day period, the Village Marshall shall authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the two until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Section.

C. INOPERABLE MOTOR VEHICLES:

DEFINITIONS: As used in this Chapter, "Inoperable Motor Vehicles" shall mean:

- a) Any motor vehicle from which, for a period of not less than seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power; or
- b) Any engines, wheels or other automotive parts which are detached and separated from a motor vehicle and which have remained on public or private property for seven (7) days or more; or
- c) Any motor vehicle which, for a period of at least seven (7) days, has remained on a lot or parcel of property and is not currently registered with a duly Illinois or another state's Department of Motor Vehicles, Transportation, Secretary of State, Registration, or other applicable agency or department.

D. EXEMPTION: The term "inoperable motor vehicle" shall not include the following:

- a) A motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, provided that the repairs or service are completed within thirty (30) days of the date the motor vehicle was rendered incapable of being driven under its own motor power; or
- b) A motor vehicle which, when not in use, is kept within a building and is totally concealed from public view; or
- c) An operable historic motor vehicle in excess of twenty-five (25) years of age; or
- d) A motor vehicle located on the sales lot of a licensed automobile dealer.

E. PROHIBITION AS A PUBLIC NUISANCE: The Village of Dakota declares that it is a violation of this Ordinance and a public nuisance to maintain, keep, store, or permit an inoperable motor vehicle on any private or public property within the Village of Dakota for a period of seven (7) days or more.

F. PROCEDURE: Upon complaint or observation of any inoperable motor vehicle upon any public or private property, the Village Marshall shall issue a notice to the owner of the inoperable motor vehicle as follows:

- 1) For an inoperable motor vehicle with proper registration and licensing:
 - (a) Notice shall be sent by certified mail, return receipt requested, or shall be personally served upon the owner as authorized by Section 2-203 (a) of the Illinois Code of Civil Procedure; and
 - (b) The notice shall also be affixed to the inoperable motor vehicle in a conspicuous location; or
- 2) For an inoperable motor vehicle without identifiable licensing, registration, or ownership, the notification shall be affixed to the inoperable motor vehicle in a conspicuous location.

G. CONTENTS OF NOTICE: The notice referred to in Article F shall contain the following information:

- a) Advising the owner that the vehicle is an inoperable motor vehicle as defined by this Article; and
- b) That the owner has seven (7) days within which to remove the inoperable motor vehicle; and
- c) That the owner is entitled to a hearing concerning the Village's decision to classify the vehicle as inoperable; and
- d) That the request for the hearing must be made in writing to the Village Clerk within seven (7) days of the date of the notice; and
- e) That the failure of the owner to remove the inoperable motor vehicle will subject the inoperable motor vehicle to being towed and stored at the owner's expenses and will also subject the owner of the inoperable motor vehicle to the penalties provided in this Article.

H. TOWING:

- a) The Village Marshall is hereby authorized to cause the towing, removal and storage of any motor vehicle which is in violation of Article E of this Section and whose owner has not removed or caused the removal or said motor vehicle within seven (7) days after the service of the notice as provided in Article F of this Section. The owner of the vehicle towed shall be financially responsible for the costs of said towing, removal, and storage.
- b) Upon the towing and removal of the inoperable motor vehicle, the Village Marshall shall keep and maintain a record of the vehicle towed, including the following information concerning the vehicle towed:

- 1) Color
- 2) Year of manufacture
- 3) Manufacturer's trade name
- 4) Body style
- 5) Manufacturer's series name
- 6) Vehicle identification number
- 7) License plate
- 8) License plate number
- 9) Registration sticker year
- 10) Registration number displayed
- 11) Date and hour of the tow
- 12) Location towed from
- 13) Location towed to
- 14) Reason for the tow; and
- 15) Name of the Village official authorizing the tow.

I. PENALTIES:

- a) A person who fails to comply with any of the provisions of this Article shall be deemed in violation of this Article. Any person found by a court to be in violation of this article shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first violation and not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the second and each subsequent violation of any of the provisions of this Article. Each day the violation continues shall be a separate violation. Enforcement proceedings may be commenced either by the Issuance of a Notice to Appear or by a Summons.
- b) The failure of the owner of the inoperable motor vehicle to remove the vehicle duly served as required by this Article and upon the expiration of the seven (7) day period shall subject the vehicle to removal and possible disposal in accordance with state statute (codified as 625 ILCS 5/4-201, et seg.)