

MUNICIPAL OFFENSE CODE
VILLAGE OF YATES CITY, KNOX COUNTY, ILLINOIS

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ARTICLE I. GENERAL PROVISIONS

1.01 SHORT TITLE.

This Ordinance shall be known, and may be cited, as the Municipal Offense Code of the Village of Yates City.

1.02 VILLAGE JURISDICTION.

- A. A person is subject to prosecution by the Village for an offense which that person commits, while either within or outside the Village, by such person's own conduct or that of another for which that person is legally accountable, if the offense is committed either wholly or partly within the Village of Yates City.
- B. An offense is committed partly within the Village if either the conduct, which is an element of the offense, or the result, which is an element of the offense, occurs within the Village.
- C. An offense which is based on an omission to perform a duty imposed by an ordinance of the Village is committed within the Village regardless of the location of the offender at the time of the omission.

1.03. CIVIL REMEDIES PRESERVED.

This municipal offense code, or any ordinance adopting it, does not bar any right to, or liability for, damages or any other remedy authorized by law to be recovered or enforced in a civil action for any conduct which this code makes punishable as a municipal offense, and the civil injury is not merged in the municipal offense.

1.04 PENALTY.

Unless otherwise provided by a specific provision in this municipal offense code, or in any other provision in the Village Code, a violation of any provision in this municipal offense code shall be subject to the penalty provisions set forth in Section 10.01 hereof.

1.05 SAVING CLAUSE.

If any provision of this municipal offense code shall be held unconstitutional or invalid for any reason, such holding shall not serve to invalidate the remaining provisions of this municipal offense code.

ARTICLE II. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

2.01 INTERFERING WITH LAWFUL ASSEMBLY.

No person shall willfully disturb any lawful assembly or create a disturbance in a public place.

2.02 HINDERING PUBLIC PASSAGE.

No person shall obstruct or hinder any member *of* the public from freely passing wherever such member of the public has a legal right to go.

2.03 JOSTLING OR CROWDING.

No person shall jostle or willfully crowd any other person in any public or private place, or otherwise interfere intentionally with the peaceful pursuit of such other person's affairs.

2.04 REFUSAL TO LEAVE.

No person shall remain in or at any public or private place after being requested to leave by the person in charge thereof, or by a police officer.

2.05 FIGHTING OR THREATENING.

No person shall engage in fighting or make insulting or threatening remarks or gestures calculated to result in a fight or other breach of the peace.

2.06 DISORDERLY CONDUCT.

No person shall conduct himself or herself in such a manner as is likely to lead to a breach of peace; and, no person shall behave in a rude, offensive or indecent manner while in a public place.

2.07 LOUD NOISE.

No person shall create, maintain, assist or participate in the creation or maintenance of a loud or raucous noise likely to disturb the public peace.

2.08 PUBLIC INTOXICATION.

No person shall appear in a public place while intoxicated or under the influence of any drug or other substance so that such person constitutes a nuisance or a threat to the health or safety of any person, including himself or herself.

2.09 BEGGING OR SOLICITING.

- A. No person shall beg or solicit donations from the public for that person's personal use.
- B. No person shall solicit any donation or contribution for any cause or purpose whatsoever on any public property without having first obtained permission therefore from the Village Board.

2.10 ALLOWING DISTURBANCES.

No person in charge of a place or amusement or recreation shall permit or allow any unnecessary disturbance therein, or any conduct which is likely to result in a breach of the peace.

2.11 ASSAULT.

No person shall commit an assault on another person by engaging in conduct which places the other person in reasonable apprehension of physical harm, when such conduct is committed without lawful authority.

2.12 BATTERY.

No person shall intentionally and without legal justification cause any bodily harm or physical contact of an insulting or provoking nature on another person.

2.13 RECKLESS CONDUCT.

No person shall cause physical harm to, or endanger the bodily safety of, another person by means of reckless performance of any act which causes harm or endangers the safety of such other person, whether such conduct is lawful or unlawful.

2.14 THROWING DANGEROUS OBJECTS.

No person shall purposefully or recklessly throw or cast any hard object or substance onto any street, alley, or other public way or at any person, residence or other building, motor vehicle or other property.

2.15 INTIMIDATION.

No person shall commit intimidation, with intent to cause another person to perform or to omit the performance of any act, by communicating to such other person without lawful authority a threat to perform any of the following:

- (1) Infliction of physical harm on the other person, or on any other person or property;
- (2) Subjection of the other person to physical confinement or restraint;
- (3) Commission of any criminal offense;
- (4) Accuse the other person of a criminal offense;
- (5) Exposure of the other person to hatred, contempt, or ridicule; or.
- (6) Commencement of action as a public official against the other person, or any other person; the withholding of official action; or, to cause such action or withholding.

2.16 WEAPONS.

- A. No person shall display or flourish any weapon in a threatening manner or in a manner calculated or likely to intimidate another person, except for those persons specifically authorized to do so.
- B. No person shall simulate the presence of a weapon so to intimidate another person, even though no such weapon in fact exists.
- C. No person shall fire or discharge any firearm, air gun, sling shot or other device designed to fire or project any hard substance within the Village; however, this provision shall not apply to any police officer or other law enforcement official in the performance of such officer's or official's duty.

2.17 DANGEROUS FIRES.

No person shall start by any means any fire which endangers the health, person or property of another.

2.18. FIREWORKS.

No person, firm, partnership or corporation shall knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks in the Village of Yates City, other than in accordance with a public display permit issued by the Village of Yates City. The term fireworks as used herein shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include

blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects. However, as used in this section, the term “fireworks” shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, “trick matches”. “cigarette loads” and “auto burglar alarms”; sparklers, toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty-hundredths grains of explosive mixture.

ARTICLE III. OFFENSES INVOLVING PROPERTY.

3.01 TRESPASS.

- A. No person shall willfully trespass upon any property belonging to another person or other entity. A trespass shall be deemed to occur when such person enters upon the premises of another person or other entity in violation of notice that such entry is forbidden, whether in writing or oral, by any owner or other legal occupant thereof; or, by failing or refusing to depart from said premises upon request or direction to do so.
- B. No person, after receiving notice that entry is forbidden, shall trespass upon any public property. A trespass shall be deemed to occur when such person enters upon the public property and fails or refuses to depart therefrom in violation of any notice given in writing or orally by an authorized occupant thereof.

3.02 DAMAGE TO PROPERTY.

- A. No person or other entity shall willfully damage, deface, destroy, remove or injure in any way any property belonging to another person or other entity without the consent of the owner.
- B. No person shall willfully damage, deface, destroy, remove or injure in any way any public property without the consent of the public owner.

3.03 TAMPERING WITH PUBLIC LIGHTING.

No person, except in the course of such person's lawful employment, shall tamper or interfere in any manner with any device used to light streets or alleys or other public ways, or with any pole or any other structure used to support such light.

3.04 CITY RECORDS.

No person shall remove, alter, damage or destroy any record kept or maintained by, or in the custody of any Village official or employee, unless so authorized by the Village Board.

3.05 LITTERING PROHIBITED.

No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property within the Village of Yates City, unless: (a) the litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter; (b) the person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance or a fire hazard; or, (c) the person is acting under the direction of proper public officials during special cleanup days.

3.06 ACCUMULATION OF LITTER PROHIBITED.

No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

3.07 LITTER DEFINED.

"Litter" means any discarded, used or unconsumed substance or waste. "Litter" may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, abandoned vehicle, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.

ARTICLE IV. OFFENSES INVOLVING PUBLIC HEALTH AND GENERAL NUISANCES

4.01 BURNING.

A. OUTDOOR BURNING HOURS.

- (1) Unless specifically authorized under this Article, no person shall burn outdoors, or allow to be burned outdoors, any landscape waste, household waste, or any other materials, during the period of time commencing one hour prior to sunset and until one hour after sunrise of the following day (except Sunday); and, no such burning shall be allowed until 12:00 noon on Sundays.
- (2) The word “person” in the foregoing subsection shall include the person conducting the burning and the owner or possessor of the property on which the burning takes place.
- (3) Burning shall be considered to continue so long as a fire remains snioldeeing.

B. LANDSCAPE WASTE.

Leaves, branches, brush and other landscape waste may be burned outdoors, provided:

- (1) Only dry, non-green landscape waste may be so burned;
- (2) Grass clippings may not be so burned;
- (3) The fire shall be located a minimum of twenty (20) feet away from any structure or other combustible object;
- (4) The fire shall not be located upon, or within 3 feet of, any public street or roadway;
- (5) A water hOSC connected to a water source that will reach to the fire area shall be present at all times until the fire is thoroughly extinguished;
- (6) No flammable liquid shall be used to start or maintain the fire; and,
- (7) The fire shall be attended at all times by a person 18 years of age or older.

C. WIENER ROAST FIRES.

Wiener roast fires shall be allowed outdoors, provided:

- (1) Fuel for the fire shall consist of seasoned dry wood, and shall not include construction materials;
- (2) The fire shall be no more than four (4) feet in diameter, nor more than two (2) feet in height;

- (3) The fire shall be located a minimum of twenty (20) feet away from any structure or other combustible object;
- (4) A water hose connected to a water source that will reach to the fire area shall be present at all times until the fire is thoroughly extinguished;
- (5) No flammable liquid shall be used to start or maintain the fire;
- (6) The fire shall be attended by an adult at all times, and thoroughly extinguished immediately after the event; and,
- (7) All weiner roast fires must be fully extinguished by 11:00 p.m.

D. PAPER AND CARDBOARD WASTE.

- (1) Paper and cardboard waste may be burned in a burn barrel, incinerator, or similar container or receptacle.
- (2) Any such burn barrel, incinerator or other container shall be constructed of a solid, non-porous metal material; such container shall be in an intact condition, without holes or cracks in the sides or bottom; and, such container shall be covered by a wire screen of sufficient density to prevent the emission of sparks and/or ash.

E. OTHER BURNING.

- (1) No person shall burn any materials, specifically including but not limited to, rubbish, refuse, construction waste, hazardous waste, buildings or structures, or other materials, within the corporate limits of the Village of Yates City, except as otherwise authorized under this Article or by written permission of the Village Board.
- (2) The above subsection shall not prohibit any of the following:
 - (i) Burning in industrial and commercial incinerators which have been approved and permitted by the Illinois Environmental Protection Agency (IEPA) and registered with the fire department;
 - (ii) Fires in indoor domestic fireplaces, provided that only seasoned dry wood may be used for such fires;
 - (iii) Fires for instruction in the methods of firefighting or for research in the control of fires provided written approval is obtained from the Illinois Environmental Protection Agency; or,

- (iv) Outdoor cooking grill fires, fueled by charcoal, seasoned dry wood, or liquid petroleum gas, for the purpose of preparing food for human consumption.

4.02 DEFINITIONS.

- A. *Premises* means any building, structure, lot plot, tract, parcel of land, or portion thereof, whether improved or unimproved, including adjacent parkways.
- B. *Curbside* means the area between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

4.03 ENUMERATION OF NUISANCES.

The following acts or omissions thereof are hereby declared to be nuisances:

- A. Allowing the growth of any weeds such as jimson, verdock, ragweed, thistle, cocklebur, or other weeds of a like kind;
- B. Allowing upon a premises any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow or develop over eight (8) inches in height;
- C. Causing or allowing grass clippings, leaves, underbrush, tree trunks, tree limbs or other combustible yard waste to be collected, deposited or to remain upon a premises in a brush pile in excess of 4 feet in height and/or 8 feet in diameter for a period of time exceeding 15 days;
- D. Causing or allowing the unsheltered storage of unused, discarded, stripped, junked or inoperable appliances, machinery, implements or equipment, or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of time in excess of 15 days. "Unsheltered storage" is hereby defined as storage other than within enclosed buildings or effectively screened from view of neighbors and the general public by solid fencing;
- E. Permitting or allowing garbage, junk, trash, debris or discarded material or property to exist upon a premises or parkway other than in a proper container;
- F. Placing, depositing or storing dirt, rock, brick, rubble or other similar used building materials on a residential lot for a period of time in excess of 30 days;
- G. Allowing rats or a rat harborage to exist on any premises in such numbers as to constitute an infestation;

- H. Causing or allowing a premises to become nauseous or offensive neighbors or other persons in the vicinity, including by reason of dilapidation;
- I. Causing or allowing to be discharged, placed, thrown or causing to flow any nauseous, foul, offensive, or putrid liquid or substance from any premises to any street, alley or adjacent premises;
- J. Obstructing any water course, ravine or gutter so as to cause water to stagnate therein;
- K. Causing or allowing stagnate water to stand upon any premises for a period of time exceeding seven (7) days;
- L. Obstructing or encroaching upon public highways, streets, alleys and/or sidewalks; or, obstructing or encroaching upon private ways to the prejudice of the owner thereof;
- M. Keeping or maintaining a house or premises for the purpose or encouragement of any illegal activity;
- N. Placing, other than on an established pick up day or after 4:00 p.m. on the day immediately prior to such pick up day, a trash bag, garbage can or other receptacle used to collect garbage or other refuse, within the front yard or terrace of any premises;
- O. Owning or permitting an unoccupied or vacant dwelling structure or other building to have broken windows and/or exterior doors which do not securely latch and lock for a period of time in excess of 30 days;
- P. Causing or allowing the storage of any used tire upon any premises unless the tire is altered, reprocessed, converted, covered or otherwise prevented from accumulating water”;
- Q. Causing or allowing the open dumping of any used or waste tire;
- R. Causing or allowing the open burning of any used or waste tire; and,
- S. Any other thing, condition, or activity which endangers health, or offends the senses, or objects or interferes with the free use and comfortable enjoyment of life or property.

4.04 NUISANCES PROHIBITED.

No person shall commit any act or omission that is declared by this Article to be nuisance.

4.05 ABATEMENT OF NUISANCES.

A. WEEDS. GRASS OR PLANTS.

- (1) In the event weeds, grass or plants are allowed to exist on premises in violation of Sections 4.03 A & B of this Article. the Village shall give written notice to cut the same to the owner, tenant, agent or other person having control of the premises.
- (2) If the weeds, grass and/or plants are not cut within ten (10) days after service of the notice, the Village shall have the power to enter upon the premises, or to authorize its agent to do so, and to cut the weeds, grass and/or plants.
- (3) The expense of cutting such weeds, grass or plants by the Village or its agent shall be billed to and paid by the owner or such other person having control of the premises. If the expense is not paid within thii (30) days after billing, the Village may proceed to perfect and enforce a statutory lien on the premises for the expenses, as provided by state law in Section 11-20-7 of the Illinois Municipal Code [65 ILCS 5/11-20-7], as now or hereafter amended.
- (4) The notices provided by Subsection (1) and the billing provided by Subsection (3) may be served personally on the owner, tenant, agent or other person in control of the premises, or may be sent by regular mail to the last known address of such person.

B. RATS.

- (1) In the event any rat infestation exists in violation of this chapter, the Village shall give a written notice to the owner, occupant, agent, or other person having control of the premises to prevent the ingress of rats to the property and to exterminate the rats therein.
- (Z) If the ingress of rats to such property is not blocked, or the rats therein not exterminated, within a period of fifteen (15) days after such notice is served, the Village or its agent shall have the power to take the steps necessary to prevent such ingress and to effect such extermination.

- (3) The expenses incurred by the Village shall be billed to and paid by the owner or such other person having control of the premises. If the expense is not paid within thirty (30) days after billing, the Village may proceed to perfect and enforce a statutory lien on the premises as provided by state law in Section 11-20-8 of the Illinois Municipal Code [65 ILCS 5/11-20-8], as now or hereafter amended.
- (4) The notice provided by Subsection (1) and the billing provided by Subsection (3) may be served personally on the owner, occupant, agent or other person having control of the premises, or may be sent by mail to the last known address of such person.

C. GARBAGE AND TRASH.

- (1) If any garbage, junk, trash, debris or discarded materials or property exists upon the premises other than in a proper container, the Village shall give a written notice to the owner, occupant, agent or other person having control of the premises to remove such items from the premises. The notice shall be reasonably specific in describing the items to be removed.
- (2) If the items are not removed from the premises within ten (10) days after the notice is served, the Village or its agent shall have the power to remove all such items from the premises. In addition to, or in lieu of the removal of the items, any person who fails to remove the items after due notice to do so may be fined in accordance with this Village Code.
- (3) The expense incurred by the Village in removing the items shall be billed to and paid by the owner or such other person having control of the premises. If the expense is not paid within thirty (30) days after billing, the Village may proceed to perfect and enforce a statutory lien on the premises as provided by state law in Section 11-20-1a of the Illinois Municipal Code [65 ILCS 5/11-20-13], as now or hereinafter amended.
- (4) The notice provided by Subsection (1) and the billing provided by Subsection (3) may be served personally on the owner, occupant, agent or other person having control of the premises, or may be sent by mail to the last known address of such person.

ARTICLE V. ANIMAL CONTROL.

5.01 ANIMALS CAUSING PUBLIC NUISANCE.

No person shall keep or maintain any animal, poultry or fowl in such a manner to cause inconvenience or disturbance to other persons by reason of noise, odor or other cause.

5.02 FARM ANIMALS.

Except upon property zoned Agricultural, and as provided in the Knox County Zoning Ordinance, no person shall keep, harbor or maintain any farm animal within the Village. "Farm animals" shall include, but not be limited to, horses, cattle, swine and fowl.

5.03 DOGS AND CATS.

- A. **KEEPING OF DOGS AND CATS.** No person shall keep or maintain more than four (4) adult dogs and/or cats on or about his or her place of residence.
- B. **COLLARS AND TAGS.** No person shall permit any adult dog or cat owned by him or in his custody or control to be on any public street, sidewalk, alley or other public place, or upon the private property of any person other than such owner, unless said dog or cat shall have a collar firmly attached around its neck with a tag evidencing the name and address or phone number of the owner of said dog or cat. Any person owning or having in his custody or control a dog or cat which does not have such a collar firmly attached around its neck with a tag evidencing its owner's name and address or phone number shall keep such dog or cat confined in an enclosure in or on his premises at all times.
- C. **RABIES INOCULATION.** The owner of any dog or cat shall possess and keep a veterinarian certificate or tag evidencing current rabies inoculation of said dog or cat. Failure to provide such proof of current rabies inoculation upon the request of an animal control officer or member of the Village Police Department shall be a violation of this ordinance.
- D. **DOGS OR CATS IN HEAT.** The owner of any female dog or cat shall, during the period when said female is in heat, keep said female confined in an enclosure in such a manner so that said female cannot come into contact with male dogs or cats, except for the purpose of planned breeding.

5.04 DANGEROUS ANIMALS.

The members of the Police Department and the Animal Control Officer are authorized to kill any dangerous animal of any kind when necessary for the protection of any person. "Dangerous animals" shall include any animal which has been known to attack or injure any person or other animal who is peacefully conducting itself where it lawfully may be.

5.05 ANIMAL BITES.

- A. The owner of any dog, cat or other animal which bites any human being shall notify the Animal Control Officer or a member of the Village Police Department and the Knox County Illinois Rabies Control Officer within twenty-four (24) hours. Such dog, cat or other animal shall be confined under the observation of a licensed veterinarian for a period of 10 days following the time the dog, cat or other animal has bitten a person in accordance with 510 ILCS 5/13.
- B. If a dog or other animal, without provocation, bites or injures any person who is peacefully conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal shall be in violation hereof and subject to a fine as provided in Article X.

5.06 ANIMAL AT LARGE.

- A. **DOGS AT LARGE.** It is unlawful for any dog to run at large within the corporate limits of the Village. If a dog does run at large, the owner or keeper of such dog shall be in violation of this Ordinance. Any dog which goes upon any public street, sidewalk, alley or other public place, or upon any private property other than that of the owner of said dog, shall be deemed to be running at large unless such dog is firmly held on a leash, or is in an enclosed vehicle, or is then and there under the complete control of a competent person and obedient to that person's command.
- B. **CATS AT LARGE.** It is unlawful for any cat to run at large upon a public street, sidewalk, alley or other public place or upon any private property other than that of the owner of such and create a nuisance or disturbance. If a cat does run at large and create a nuisance or disturbance, the owner or keeper of such cat shall be in violation of this Ordinance.
- C. **LIVESTOCK AND POULTRY AT LARGE.** No person shall permit any cattle, horse, mule, swine, sheep, goats or poultry to run at large within the corporate limits of the Village. No person shall picket or tie any such animal in any of the streets of the city for the purpose of grazing or feeding.

D. IMPOUNDMENT OF ANIMALS AT LARGE.

- (1) Any such animal found at large may be impounded by the Animal Control Officer or by any police officer; provided, however, that any fierce, vicious dog or other animal which cannot be safely captured may be slain by the Animal Control Officer or by any police officer.
- (2) Impoundment shall be at the Knox County Humane Society Shelter in Galesburg, Illinois, or with a duly licensed doctor of veterinary medicine who shall provide proper care and inailitenance for such animal.

E. REDEMPTION OF IMPOUNDED ANIMAL; PAYMENT OF CHARGES; FAILURE OR REFUSAL TO REDEEM.

- (1) The animal may be redeemed by its owner or keeper only by payment of all charges imposed by the Knox County Humane Society Shelter or the doctor of veterinary medicine for care and maintenance of the animal. Upon payment of such charges, the Knox County Humane Society Shelter or doctor of veterinary medicine shall release the animal to the owner or keeper; provided, however, that the owner or keeper shall acknowledge in writing receipt of the animal.
- (2) If any animal impounded is not redeemed by the owner or keeper within three (3) days after it has been impounded, such animal may be turned over to any authorized representative of a humane society on the request of such representative. If such animal is not so redeemed by the owner or keeper thereof, or so turned over to a representative of a humane society, it shall be sold or humanely killed by a doctor of veterinary medicine. All charges remaining unpaid shall be billed by the doctor of veterinary medicine to the Village after first applying any sale proceeds first to such charges.

F IMPOUNDMENT, NO DUTY TO OWNER OR KEEPER OF ANIMAL.

Whenever any animal is impounded pursuant to the provision of this Ordinance, no provision herein shall be construed to apply any duty on the Animal Control Officer, Health Officer, Chief of Police, any member of the Yates City Police Department, any doctor of veterinary medicine, or any official, employee or agent of the Village, or any other person who takes action pursuant to the provisions herein, to inquire into the ownership of any animal so impounded or to notify any owner or keepei thereof that said animal has been impounded, unless the owner or keeper's name and address or telephone number shall be affixed to a collar or tag

firmly attached to such animal, and in such event reasonable notice shall be given by the Animal Control Officer or the doctor of veterinary medicine to such person.

5.07 MAINTENANCE AND CARE OF ANIMALS.

- A. **REMOVAL OF WASTE MATERIAL.** The owner of any animal which deposits fecal waste on any public place or private property other than that of the owner shall be responsible for the removal of any solid waste material deposited by his animal.
- B. **PREMISES TO BE CLEAN.** The owner of any animal or bird shall maintain the premises wherein such animals or birds are kept in a clean and sanitary condition, free from rodents, vermin and disagreeable odors and waste.
- C. **FOOD AND WATER.** The owner of any animal or bird shall provide food and water of adequate quality and quantity for animals or birds in accordance with the needs of such animals or birds.
- D. **SHELTER.** The owner of any animal or bird shall provide adequate shelter from the elements for said animal or bird. For such animals or birds which are kept out of doors, adequate shelter shall be a structure with a top and enclosed sides except for an opening large enough for the passage of such animal or bird.

5.08 CRUELTY TO ANIMALS.

- A. **CRUELTY TO AND ENDANGERING OF ANIMALS.** No person shall beat, cruelly ill treat, torment or abuse any animal or bird. No person shall throw or deposit any poisonous substance on any exposed or private place where it may endanger any animal.
- B. **INHUMANE TREATMENT.** No person shall tie, confine, or otherwise restrain any animal or bird in such a manner as to constitute cruel or inhumane treatment.

5.09 BURNING OF ANIMAL MATTER.

No person shall burn any feathers, hides, waste or any other animal matter within the corporate limits of the Village.

5.10 DEAD ANIMALS.

- A. **PROHIBITED DISPOSAL.** No person shall deposit, place or throw any dead or fatally sick or injured animal, or part thereof, onto any public or

private place, or into any reservoir or on the banks of any stream, lake, pond, sewer, well or other body of water.

- B. **BURIAL.** All dead animals, or parts thereof, may be buried at a distance of not less than one hundred (100) feet of any residence or well, and the carcass shall be placed underground and well covered with dirt at least two feet underground to the upper part of the carcass.

5.11 KEEPING OF CHICKENS

A. Definitions. As used in this Section, the following terms shall have the following meanings:

- (i) **CHICKEN:** a domesticated fowl which is a member of the subspecies *Gallus Gallus Domesticus*;
- (ii) **ROOSTER:** a male domesticated fowl older than 3 months; and,
- (iii) **HENHOUSE/COOP:** a structure in which chickens are kept;
- (iv) **CHICKEN RUN:** an outdoor enclosure attached to a henhouse/coop; and,
- (v) **CHICKEN TRACTOR:** a movable chicken coop lacking a floor.

B. Within the Village limits, no person shall cause or allow chickens to roam free outside of a henhouse, coop or enclosed chicken run.

C. No person shall keep chickens or have or maintain a henhouse or coop upon any premises within the Village limits without a valid permit approved and issued by the Village Clerk or her/his designee.

D. Permit.

- (i) Permits shall be issued only for tracts of land which contain one single-family dwelling and are used as the primary residence of the permittee. Written owner permission shall be required if the single-family dwelling is occupied by someone other than the owner thereof.
- (ii) The permit application shall include a diagram showing the location of the henhouse or coop in relation to lot boundaries, other structures located on the property, and residential structures on adjoining properties.

- (iii) Upon application for a permit, the applicant shall allow for an inspection by a Village official and/or employee as designated by the Village Clerk. At the time of such inspection, placement and construction the henhouse/coop and chicken run shall be complete.

- (1V) There shall be a permit fee of \$25.00.

- (v) Upon reasonable notice to the permittee, the Village shall be allowed access to the permitted property for purposes of inspection to determine whether permittee is in full compliance with the provisions of this Section.

- (vi) A permit shall expire at such time as the permittee no longer maintains chickens at the permitted address and/or when the permittee no longer resides at the permitted address. Permits are non-transferable.

- (V11) Revocation. A permit may be revoked by the Village Clerk or his/her designee for any of the following reasons:
 - (a) Failure to comply with any of the provisions of this Section of the Code; or,
 - (b) Where it is determined that the keeping of chickens is detrimental to the life or health of an adjacent property owner. A written physician's report of such medical condition is proof that it would be detrimental.

- (Viii) Once revoked, a permit shall not be issued to the same permittee, or a member of such permittee's household, for a period of two (2) years.

- (ix) Any applicant whose permit application has been denied, or any person whose permit has been revoked, shall have the right to appeal said denial or revocation to the Village Board of Trustees.

- (x) Any permit holder who has his/her permit revoked must within 96 hours remove all chickens and the henhouse/coop from the permitted property.

E. STANDARDS AND RESTRICTIONS

- (i) A total of 6 chickens per permitted property shall be allowed; and, the keeping of roosters is prohibited.
- (2) Chickens shall be housed within a detached stationary structure used exclusively to keep chickens. Only one henhouse or coop shall be allowed per permitted property. Temporary and/or moveable devices and structures including chicken tractors, are prohibited.
- (3) Henhouses or coops shall be designed to provide safe and healthy living conditions for the chickens, and shall provide adequate ventilation and shade.
- (4) A henhouse or coop shall be enclosed on all sides, and it shall have a roof and doors. Access doors shall be able to be closed and latched at night. All windows and vents shall be covered with predator and bird proof wire of one inch or smaller openings. The structure shall be impermeable to rodents, wild birds and predators, including cats and dogs.
- (5) The materials used in making a henhouse or coop shall be uniform for each element of the structure, such that the walls are all made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap wood, waste board, or similar materials is prohibited.
- (6) Henhouses or coops shall be well maintained, and shall be kept in a clean, dry, neat and sanitary condition at all times.
- (7) An enclosed chicken run, which is attached to the henhouse or coop shall be allowed. The run must be covered on all sides, including the top. The run and coop combined may not exceed 100 square feet in ground space, and the run shall not exceed the height of the henhouse or coop.
- (8) Any electrical service to a henhouse or coop shall comply with all electrical codes. Under no circumstances shall electrical service be provided to a henhouse or coop by using an extension cord or other temporary means.
- (9) Henhouses, coops, attached chicken runs shall be only located in the rear yard of the permitted property.

- (10) Henhouses or coops, including the chicken run, shall be at least 5 feet from the property line and at least 20 feet from any residential structure located upon a neighboring property.
- (11) Odor and/or noise from chickens, chicken manure, or other chicken related substances shall not be perceptible to persons of reasonable sensitivity beyond the boundaries of the permitted property.
- (12) Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be inaccessible to rodents and wild birds.
- (13) All stored manure shall be kept in a fully enclosed container with a lid. No more than 3 cubic feet of manure may be stored on the permitted property at any time. All other manure not used for coiuosting or fertilizing shall be properly removed from the property. The henhouse, coop and run shall be kept free of trash, accumulated droppings and uneaten feed.
- (14) Chickens shall be secured within a henhouse during non-daylight hours.
- (15) Chickens may be kept within the Village for non-commercial uses only, chicken breeding or fertilizer production for commercial purposes is prohibited.
- (16) Deceased hens must be disposed of properly. Examples include consumption, burning, incineration, taxidermy, composting in a compost bin with a secure lid or burial with at least 12 inches of soil on top of the carcass.

F. UNLAWFUL ACTS.

- A. It shall be unlawful for any person to keep chickens within the Village in VIOLation of any provision of this section or any other provision of this Code.

5.12 EXCEPTIONS.

Upon a proper showing, and upon due and convincing proof being made to the Village Board of unique and unusual circumstances under which the strict enforcement of this Article would result in extreme and peculiar hardship for the person, firm or corporation involved, the Village Board may grant special permission to such person, fHni or corporation to do some act contrary to the

letter of this Article provided, that such permission may be granted only after a public hearing has been held by the Village Board at a regularly scheduled board meeting. Notice of the time and place of such hearing shall be published at least one time in a secular newspaper of general circulation in the Village, said notice to be published not less than ten (10) days prior to such hearing. A fee of seventy-five dollars (\$75.00) shall accompany any request for such special permission.

ARTICLE VI. OFFENSES INVOLVING MINORS.

6.01 CURFEW.

It is unlawful for any person under seventeen (17) years of age to be present at or upon any building, place, street or highway at the following times, unless such person is accompanied and supervised by a parent, legal guardian or other responsible companion at least eighteen (18) years of age and approved by a parent or legal guardian, or unless such person is engaged in a business or occupation which the laws of this State authorize a person under 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.

6.02 PARENTS' RESPONSIBILITY.

It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate Section 6.01 hereof.

6.03 USE OF TOBACCO PRODUCTS.

No person under the age of eighteen (18) years shall use, consume or possess any tobacco product within the Village of Yates City.

6.04 PROHIBITED SALES OF TOBACCO PRODUCTS.

No person shall sell, offer to sell, give away or deliver any tobacco products to any person under the age of eighteen (18) years.

6.05 TOBACCO PRODUCTS DEFINED.

“Tobacco products” shall include cigarettes, cigars, pipe tobacco, snuff and chewing tobacco.

6.06 POSSESSION OF ALCOHOLIC BEVERAGE.

No person under the age of 21 years shall have in his or her possession any alcoholic beverage on any street or highway or in any public place within the Village of Yates City. This Section shall not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment.

6.07 CONSUMPTION OF ALCOHOLIC BEVERAGES.

No person under the age of 21 years shall consume any alcoholic beverage or liquor within the Village of Yates City. This Section shall not apply in the case of a person under the age of 21 years who possesses or consumes alcoholic liquor in or upon private premises in the presence of his or her parent or legal guardian when the alcoholic liquor was delivered to the minor by his or her parent or legal guardian.

ARTICLE VII. PARKS

7.01 HOURS OF OPERATION.

- A. HARVEST HOME PARK. No person shall frequent, loiter, be or remain in, or use any area within Harvest Home Park between dusk and dawn, except by prior written consent of the Village Board of Trustees.
- B. GAZEBO PARK. No person shall frequent, loiter, be or remain in any part of Gazebo Park between the hours of 11:00 p.m. and 6:00 a.m.

7.02 DESTROYING OR DEFACING PROPERTY OR VEGETATION.

- A. No person shall mar, mark, deface, damage, injure or destroy any public property in any public park.
- B. No person shall cut, pluck, pull or pick any flower or cut, break or otherwise mutilate any tree, shrub, bush or plant, or injure or destroy any turf, grass or sod in any public park.
- C. Subsections (a) and (b) shall not apply to persons acting under the authority and direction of the village board and engaged in the repair or maintenance of a park or of public property located therein, or in posting signs concerning the proper use of a park, or of a public highway located therein.

7.03 LITTER.

No person shall leave, place or deposit any glass, dirt, rubbish, garbage, paper or other waste material or refuse in any public park, including any body of water or stream located therein, except in a receptacle provided for such purpose.

7.04 FIREARMS OR OTHER WEAPONS.

No person shall carry, use, fire or discharge any firearm or other weapon causing a projectile of any sort to travel through the air in any public park. The word "projectile," as used in this section, shall include shot of any size, pellets, darts, arrows, bullets, rocks, pebbles or other objects capable of being shot or hurled through the air. The words "firearms or other weapons," as used in this section, shall include arms which obtain their motive force from gunpowder, compressed air, springs or elastic objects or material. This section shall not apply to police officers or other persons specially authorized to carry such firearms in the course of their duties in and about the public parks of the village.

7.05 WILD ANIMALS OR BIRDS.

No person shall molest, maim, injure or kill any wild animal or bird, or damage, destroy, or otherwise interfere with the nest or other dwelling of same, in any public park, including upon, around or in any body of water or stream located in any of such parks. This section shall not apply to the catching of fish by legal means at legal times.

7.06 DOGS AND CATS.

- A. **DOGS.** No dog shall be brought into or allowed to remain in any public park unless it is restrained by suitable leash not more than six (6) feet in length or is then and there under the direct and complete control of a competent adult person and obedient to that person's commands. However, no dogs shall be allowed in any public park during the Harvest Home Festival without prior authorization from the Village Board.
- B. **NUISANCE.** No person shall bring any animal of any kind, including reptiles and fowls, into any public park which shall in any manner whatsoever interfere with the use and enjoyment of such park by a member or members of the public.

7.07 MOTOR VEHICLES.

- A. No person shall operate a motor vehicle in any place in any village park except on roadways and in the parking areas provided therefore.
- B. No person shall park or leave a motor vehicle standing within any village park during hours when such park is closed. (See Section 7.01.)

ARTICLE VIII. PEDDLERS

8.01 DEFINED.

A person who goes from one (1) residential unit to another along, over or upon the streets or alleys of the Village and who shall sell or offer for sale or exchange any goods, wares, services, merchandise or produce, or who shall offer for sale or sell and deliver immediately from a vehicle or stand any such goods, wares, services, merchandise or produce, and who shall demand, accept or receive payment prior to delivery of such goods, wares, merchandise or produce, or performance of such service, is hereby declared to be a peddler.

8.02 EXEMPTIONS.

This article shall not cover persons dealing in produce raised by themselves; route salesmen having established customers to whom periodic deliveries are made and who may make calls upon prospective customers in their regular service area; persons representing bona fide civic or charitable organizations; persons under the age of eighteen (18); or persons delivering an item previously ordered or selling items to person who have requested or invited the seller to exhibit his merchandise.

8.03 LICENSE REQUIRED.

- A. It shall be unlawful for any person or other entity to engage in business within the Village as a peddler without first having obtained a license.
- B. If any person or other entity engaging in business within the Village as a peddler employs or otherwise includes more than one person engaging in such business. each individual peddler is required to have license.
- c. The license shall be worn in a conspicuous place on the person of each peddler while so engaged in business.
- D. For each license required, the following fees shall be paid:
 - (1) Ten dollars (\$10.00) for the issuance of the license, plus Two dollars (\$2.00) per day for each day the license is in effect, for licenses issued for a period not in excess of ten (10) days; or,
 - (2) Ten dollars (\$10.00) for the issuance of the license, plus Fifty dollars (\$50.00), for licenses issued for a period in excess of ten (10) days and but not exceed one (1) year.

8.04 APPLICATION FOR LICENSE ISSUANCE AND EXPIRATION.

- A. An application for each license shall be made to the Village Clerk, on forms prescribed by the corporate authorities, which shall specify the following information:
- (1) Name of individual peddler;
 - (2) Description and license plate registration number of each vehicle intended to be used by the peddler;
 - (3) The type and kind of merchandise, other chattels, or services to be peddled;
 - (4) The permanent residence address of the peddler;
 - (5) The permanent residence or business address of the peddler's employer, if any; and,
 - (6) The local residence address, if any, of the peddler.
- B. Each applicant shall also exhibit two (2) valid means of identification to the Village Clerk.
- C. Within two (2) business days of the making of the application, the Village Clerk shall issue the license, if all of the requirements herein have been met.
- D. Each license issued shall state on its face the date on which it expires.

8.05 PROHIBITED ACTIVITIES. REVOCATION OF LICENSE.

- A. It shall be unlawful for any peddler to conduct business at any residential unit earlier than 9:00 a.m. or later than 5:00 p.m.
- B. It shall be unlawful for any peddler to attempt to sell or sell any merchandise, other chattel, or service other than those specified in the peddler's application for a license, or to make any material misrepresentation concerning the merchandise, other chattel, or service or to engage in any fraudulent conduct.
- C. It shall be unlawful for any peddler to refuse to leave the premises of any residential unit, after having been requested by the owner or other occupant to leave.

- D. In the event that the premises of any residential unit are posted against solicitation by means of a notice prominently displayed, upon which is printed "No Solicitors" it shall be unlawful to engage in business as a peddler on such premises. For the purpose of this Section, a residential unit shall be deemed to be posted against peddlers if there is exhibited on or near the main entrance to the premises, or on or near the main door to any residential unit located on the premises, a sign at least three inches by four inches in size.
- E. Any unlawful act described in subsections A,B,C, or D of this Sections shall be cause for revocation of any or all licenses issued to the person.
- F. Revocation of any license may be effected by, and at the sole discretion of, the Village President, Village Clerk, or Chief of Police for any reason, including without limitation the violation of this Article.

ARTICLE IX. STREETS AND MOTOR VEHICLES

9.01 GENERAL PARKING RESTRICTIONS.

At any time it shall be unlawful to permit any vehicle or trailers to be parked or stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a policeman or traffic signal:

- (A) In any intersection;
- (B) In a crosswalk;
- (C) Upon any bridge or viaduct, or in any subway or the approach thereto;
- (D) At any curb within fifteen feet (15') of a fire hydrant;
- (E) At any place where the vehicle would block the use of a driveway;
- (F) Within fifty feet (50') of the nearest rail of a railroad grade crossing;
- (G) In or upon a public or private driveway in such a manner as to obstruct traffic on the adjacent street;
- (H) On any sidewalk;
- (I) On any street, alley, or highway in a manner which hinders or impedes the flow of traffic;
- (J) On the North Side of Main Street between Burson Street and Dixon Street; or,
- (K) At any place where official signs prohibit parking.

9.02 TEMPORARY NO PARKING AREAS.

No person shall park a vehicle or trailer in an area designated by "no parking" signs temporarily erected or placed by personnel employed by the village who are duly authorized to do so by the Board of Trustees, for the purposes of repairing, maintaining or cleaning the streets, removing snow or other substance therefrom,

or repairing, extending or replacing a utility, or for any authorized purpose related to the movement of traffic on a public roadway or parking lot.

9.03 PARKING OF SEMI-TRACTORS.

No semi-tractors or semi-trailers shall be stopped or parking parallel with the curb or should of any village street, alley or thoroughfare for more than two (2) hours. It shall also be unlawful for any semi-tractor oi semi-trailer to park in any manner which obstructs traffic flow. This ordinance shall not apply to moving vans being loaded or unloaded or to grain trucks waiting for loading or unloading at the grain elevator.

9.04 HANDICAPPED PARKING

- (A) Except when necessary to avoid conflict with other traffic or when in compliance with the directions of a police officer or traffic-control device, no person shall park a vehicle within a handicapped parking aiea without proper permit.
- (B) The Village Board shall have the authority to designate parking spaces or the use of authorized vehicles transporting handicapped persons, and to place signs and/or other markings restricting the parking in spaces to authorized vehicles so transporting handicapped persons.
- (C) A vehicle with has been issued handicap registration plates as provided for by law, or which is equipped with a decal or device as provided for by law, shall be considered an authorized vehicles.
- (D) If a handicapped person has no obtained handicap registration plates or a decal or device as provided for above, the Village Clerk, upon presentation of a certified statement by a licensed physician that the person is unable to walk 200 feet or more unassisted by another person or without the aid of a walker. crutches, braces, prosthetic device or a wheelchair or without great difficulty or discomfort due to the following impairments: neurologic, orthopedic, respirator, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs, may issue a temporary permit to the handicapped person for a period not to exceed three months, which shall allow parking in spaces reserved for handicapped parking in the Village.
- (E) Parking privileges granted by this section are strictly limited to the persons to whom special registration plates, special decals or devices have been issued by the Village or the state and to qualified operators acting under his or her express direction while the disabled person is present.

9.05 PARKING AT CURB.

No vehicle shall be parked with the left side of such vehicle next to the curb or edge of the roadway, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb or edge of the roadway and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line or discernible edge of the roadway, except that upon those streets that have been marked for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks.

906 VEHICLES FOR SALE.

It shall be unlawful to park any vehicle or trailer upon any street for the purpose of displaying it for sale, or to park any vehicle or trailer upon any business street from which vehicle or trailer merchandise is peddled.

9.07 PARKING RESTRICTIONS. WINTER MONTHS.

Between the hours of 2:00 a.m. and 7:00 a.m., no person shall park any vehicle or trailer along either curb of any street or highway marked or posted by official signs as an Emergency Snow Route whenever two (2) or more inches of snow has fallen within the Village during the previous 24 hours.

9.08 SEVENTY-TWO HOUR PARKING VIOLATIONS.

- A. It shall be unlawful for any person to park any vehicle or trailer on any public street, alley, terrace or other public place for a period of seventy-two (72) consecutive hours without being removed from such street or public place.
- B. Vehicles or trailers found in violation of this section shall be processed in the following manner:
 - (1) A non-moving traffic citation shall be issued to the vehicle.
 - (2) After ticketing, the vehicle may be towed front the street by a wrecked service.
 - (3) The vehicle shall be stored on Village property or upon the public garage or parking lot maintained by the wrecker service.
 - (4) The vehicle shall be returned to the owner or operator theieof after payment of the expense incurred by the Village in removing and storing such vehicle.

9.09 NOTICE OF PARKING VIOLATION.

Any police officer or other authorized personnel who shall observe any vehicle or trailer parked in violation of any of the provisions of this Article shall attach to such vehicle or trailer a notice setting forth such violation. The operator or owner of such vehicle or trailer may pay the Village Clerk in person, by deposit in the Village water payment deposit box, or by mail, as penalty for and in full satisfaction of such violation the sum of five dollars (\$25.00); if such payment is made and received by the Village Clerk within 14 days of such violation. The failure of any such operator or owner to make such payment within such 14 day period shall render such operator or owner or both liable to the penalty provided in Section 10.01 hereof.

9.10 GENERAL SPEED RESTRICTIONS

- A. No vehicle may be driven upon any street or highway at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the street or highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the street or highway in compliance with legal requirements and the duty of all persons to use due care.
- B. No person may drive a vehicle upon any street or highway at a speed which is greater than the applicable statutory maximum speed limit established by law or this Article.

9.11 SPECIFIC SPEED LIMITS

- A. Unless some other speed restriction is established and posted by authority of the Village Board or State of Illinois, the maximum speed limit for all vehicles is:
- (1) Twenty-Five (25) miles per hour on any street;
 - (2) Fifteen (15) miles per hour in any alley; and,
 - (3) Thirty (30) miles per hour on Union Street/Salem Road.
- B. For any vehicle equipped with two or more solid tires, the maximum speed is ten (10) miles per hour at all times and in all locations.

9.12 SCHOOL ZONE SPEED RESTRICTIONS.

- A. On a school day when school children are present and so close thereto that a potential liability exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school.
- B. For the purpose of this section, a school day shall begin at 7:00 a.m. and shall conclude at 4:00 p.m.
- C. This section shall not be applicable unless appropriate signs are posted upon streets and highways. The signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and maximum speed limit in effect during school days when children are present. Nothing in this chapter shall prohibit use of electronic speed detecting devices within 500 feet of signs within a special school speed zone indicating the zone, as defined in this section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the special speed zone.

9.13 MINIMUM SPEED

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation of his or her vehicle or in compliance with law.

9.14 STOP AND YIELD SIGNS

- A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.
- B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest to the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- C. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

9.15 RECKLESS DRIVING

Any person who drives any vehicle with a willful and wanton disregard for the safety of persons or property is guilty of reckless driving.

9.16 SPINNING TIRES EXCESSIVE NOISE EXCESSIVE ACCELERATION

No person shall operate an automobile or any other self-propelled vehicle in such a manner as to cause a sudden and unnecessary increase or decrease in the speed of the motor vehicle from a stopped or moving position which causes the wheels of said vehicle to make an excessive noise or to spin in other than usual movement of a motor vehicle wheel; or unreasonably loud, disturbing and unnecessary noise which is not customarily caused by the ordinary motor vehicle in proper condition.

9.17 TRANSPORTING LIQUOR.

No person shall transport, carry, possess, or have any alcoholic liquor in or about any motor vehicle, except in the original package and with the seal unbroken.

9.18 IMPROPER U-TURN.

It shall be unlawful for the operator of any motor vehicle to make a U-turn on Main Street from the intersection of Burson Street to the intersection of Elizabeth Street in the Village of Yates City, Knox County, Illinois.

9.19 EXCESSIVE NOISE. LOUD MUFFLERS. ILLEGAL SOUND AMPLIFICATION SYSTEMS.

Every motor vehicle driven or operated in the Village shall at all times be equipped with an adequate muffler or exhaust system to prevent any excessive or unusual noise. No driver of any motor vehicle within the Village shall operate or permit the operation of any sound amplification system which can be heard outside the vehicle from seventy-five (75) feet or more when the vehicle is being operated.

9.20 ABANDONED MOTOR VEHICLES

- A. ABANDONED MOTOR VEHICLE DEFINED. As used in this section, "abandoned motor vehicle" means any motor vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has not been moved or used for seven (7) consecutive days or more and appears to have been abandoned.

B. ABANDONMENT OF MOTOR VEHICLES PROHIBITED.

- (1) The abandonment of a vehicle, or any part thereof, on any highway, street, alley or other public way within the Village is prohibited. A vehicle, or any part thereof, so abandoned on a highway, street, alley or other public way may be authorized for removal by a law enforcement agency having jurisdiction or by the Village Board of Trustees after a waiting period of 24 hours, or such vehicle may be removed immediately if determined to be a traffic safety hazard.
- (2) The abandonment of a motor vehicle, or any part thereof, on any private or public property, other than a highway, street, alley or other public way, in view of the general public, anywhere within the Village, is prohibited except on property of the owner or bailee of such abandoned vehicle. A vehicle, or any part thereof, so abandoned on private property may be authorized for removal by a law enforcement agency having jurisdiction or the Village Board of Trustees after a waiting period of seven (7) days or more.

C. DISPOSITION OF TOWED OR IMPOUNDED VEHICLES. Any abandoned motor vehicle towed or impounded pursuant to this section shall be disposed of pursuant to the provisions set forth in 625 ILCS 5/4-200 *et seq.*

9.21 INOPERABLE MOTOR VEHICLES.

- A. INOPERABLE MOTOR VEHICLE DEFINED. As used in this section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 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, so-treated or otherwise are in such condition that the vehicle is incapable of being driven under its own motor power.
- B. NUISANCE DECLARED; REMOVAL REQUIRED.
 - (1) All inoperable motor vehicles, whether on public or private property, which are in view of the general public, are hereby declared to be a nuisance.
 - (?) No person shall fail to remove any inoperable motor vehicle under that person's control after due notice as provided in Subsection 9.11C below.

- C. REMOVAL NOTICE. A notice from the Village to remove an inoperable motor vehicle shall be delivered, or sent by certified mail, to the owner of such inoperable motor vehicle, or to the owner or occupier of the premises where such inoperable motor vehicle is located, or to any other person who is found to have control over such inoperable motor vehicle; and, such notice shall reasonably describe the inoperable motor vehicle and its location, and shall require removal of the inoperable vehicle within seven (7) days.
- D. EXEMPTIONS. Nothing in this section shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

9.22 OPERATION OF NON-HIGHWAY VEHICLES ON VILLAGE STREETS, ROADS AND HIGHWAYS.

A. DEFINITIONS.

- (1) "All-terrain vehicle" means any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering when for steering control, except equipment such as lawnmowers.
- (2) "Golf cart" means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.
- (3) "Recreational off-highway vehicle" means any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and steering wheel for steering control, except equipment such as lawnmowers.

B. RULES AND REGULATIONS.

- (1) Except as authorized within this Article of the Municipal Ordinance

Code of the Village of Yates City, it is unlawful for any person to drive or operate a non-highway vehicle, including a golf cart or all-terrain vehicle, upon any street, road or highway within the Village.

- (2) Golf carts, all-terrain vehicles and recreational off-highway vehicles may only be driven or operated on streets within the Village in accordance with the following rules and regulations:
 - (i) Such motor vehicle shall be equipped with the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. Such motor vehicles which are gas or diesel fuel powered shall also be equipped with a factory installed or other stock muffler system.
 - (ii) When being operated upon a street or roadway, such motor vehicle must have its headlight(s) and tail lamps lighted.
 - (iii) No person shall operate such a motor vehicle upon a Village street unless such person is at least twenty-one (21) years of age and has a valid driver's license issued by the State of Illinois or any other state.
 - (iv) No person shall operate such a motor vehicle upon any sidewalk within the Village or in any Village park, other than in designated parking areas.
 - (v) No person shall operate, and no owner shall permit another to operate, such a motor vehicle on any Village street unless the vehicle is covered by a liability insurance policy.

The insurance policy shall be issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of the Illinois Vehicle Code, and shall be issued in accordance with the requirements of Section 143a and 143a-2 of the Illinois Insurance Code, as amended.

Proof of insurance as required by this Section shall be produced and displayed by the owner or operator of the

motor vehicle upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of the motor vehicle by the owner or operator.

- (vi) No person shall operate such a motor vehicle at a speed exceeding twenty (20) miles per hour upon any street with in the Village.
- (vii) No person shall operate such a motor vehicle upon a Village street unless a valid numbered Village permit sticker, issued under this Section, is displayed on the left rear portion of the vehicle.
- (viii) Any modification of a golf cart suspension may not exceed six (6) inches in height.
- (ix) Such motor vehicles shall only be operated on Village streets between the hours of 6:00 a.m. and 10:00 p.m. However, any such vehicle which is owned by the Village of Yates City, when being used for official purposes, may be operated upon a Village street at any time.
- (x) Such motor vehicles shall not be operated in inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of five hundred feet (500').
- (xi) Such a motor vehicle shall not be operated on any street, highway or road under the jurisdiction of the Illinois Department of Transportation or the Knox County Highway Department, except to cross such a street or highway at an intersection and in a path which is at a ninety (90) degree angle to the roadway being crossed. The streets and highways upon which the operation of such motor vehicles is prohibited include: Illinois State Route 8.
- ~~s~~x11) The operator of any such motor vehicle shall obey all traffic laws of the State of Illinois and the Village of Yates City.
- ~~x~~ii) The operator of such motor vehicle shall yield the right-of-way to any overtaking vehicle at all times.

C. REGISTRATION OF NON-HIGHWAY VEHICLES.

- (1) No person shall operate a golf cart, all-terrain vehicle or recreational off-highway vehicle on any street or roadway within the Village of Yates City without first obtaining a permit from at least one of the following:
 - (i) The Village Clerk of Yates City; or,
 - (ii) Any municipality or county located within the State of Illinois which has enacted an ordinance which is substantially similar to Section 9.22 of this Code.

- (i) Permits shall be issued for a period of one (1) year. The term of the permit shall be from the 1st day of April to the 31st day of March the following year. Each permit issued later than April 1st shall terminate on March 31st the following year, but said permit fee shall not be diminished or prorated.
- (ii) The permit fee shall be \$75.00 (per year). Said fee shall be paid by check or money order made payable to "Village of Yates City."
- (iii) The existence of the required insurance coverage shall be verified by the Village Clerk when issuing or renewing a permit.

- (2) Every application for such a permit shall be on a form supplied by the Village and shall contain the following information:
 - (i) The name and address of the applicant;
 - (ii) The name of the liability insurance carrier;
 - (iii) The serial number, make, model and description of the non-highway vehicle;
 - (iv) A photostatic copy of the liability insurance coverage card issued by the insurance carrier specifically applicable to the non-highway vehicle; and,

- (v) Such other information as the Village may reasonably require to ensure compliance with this ordinance.
- (3) No permit shall be issued until the non-highway vehicle be inspected by the Village Chief of Police, or his designee, to insure that the vehicle is safe to operate on Village streets and is in compliance with the requirements of Section 9.22 B(2)(i) hereof.
- (4) A physically handicapped applicant requiring a golf cart modified with hand controls must submit a certificate signed by a physician that the handicapped applicant is able to safely operate a motorized golf cart in compliance with this Section.
- (5) The Village may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of Section 9.22, or if there is evidence that the holder thereof cannot safely operate the non-highway vehicle on Village streets.

ARTICLE X: CANNABIS AND DRUG PARAPHERNALIA

10.01 DEFINITIONS.

- A. “Cannabis” means marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis Sativa*, 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 produces 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, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.
- B. “Controlled substance” shall have the meaning ascribed to it in the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.)
- C. “Drug paraphernalia” means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in the Methamphetamine Control and Community Protection Act (720 ILCS

646/1 et seq.), which are intended to be used unlawfully in planting, propagating, cultivating, growing, liai-vesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substances in violation of the Cannabis Control Act (720 ILCS 550/1 et seq.), the Illinois Controlled Substances Act, or the Metliamplietamine Control and Community Protection Act. It includes, but it not limited to:

- (1) Kits intended to be used uifiawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (3) Testing equipment to be used unlawfully in a private home for identifying or in analyzing the strength. effectiveness or purity of cannabis or controlled substances;
- (4) Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
- (5) Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
 - a. Water pipes;
 - b. Carburetion tubes and devices;
 - e. Smoking and carburetion masks;
 - d. Miniature cocaine spoons and cocaine vials;
 - e. Carburetor pipes;
 - f. Electric pipes;
 - g. Air-driven pipes;

- It. Chillums;
- i. Bongs; or.
- j. Ice pipes or chilleis.

(6) Any item whose purposes, as announced or described, is for use in violation of this section.

10.02 POSSESSION OF CANNABIS.

- A. Except as allowed under the laws of the State of Illinois, it shall be unlawful for any person to knowingly possess not more than 2.5 grams of cannabis.
- B. Except as allowed under the laws of the State of Illinois, it shall be unlawful for any person to knowingly possess more than 2.5 grams but not more than ten grams of cannabis.

10.03 POSSESSION OF DRUG PARAPHERNALIA.

- A. It shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.

10.04 PENALTIES.

- A. Any person pleading guilty to or having been found guilty of a violation of Section 10.02 A shall be fined in a sum of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00).
- B. Any person pleading guilty to or having been found guilty of a violation of Section 10.02 B shall be fined in a sum of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00).

ARTICLE XI. PENALTIES

11.01 GENERAL PENALTY PROVISION.

- A. Unless otherwise provided by a specific penalty provision within this Code, any person convicted of a violation of any section of this Code shall

be fined in a sum not less than fifty dollars (\$50.00) and not more than One Thousand Dollars (\$1,000.00).

- B. Notwithstanding all other provisions of this Code, if a summons for a violation of an ordinance of this village or this Code is served by certified mail, return receipt requested, the maximum penalty which may be imposed for such violation shall be a fine of Two Hundred Dollars (\$200.00).
- C. Unless otherwise specifically provided by this Code, a separate offense shall be deemed committed on each day a violation occurs or during which a violation continues.
- D. A person convicted of a violation of any section of this Code may be sentenced to a term of public or community service, in lieu of, or in addition to, a fine as provided in subsection A of this section. Such term of public or community service shall be for not less than eight (8) hours and not more than One Hundred Twenty (120) hours.
- E. A person convicted of a violation of any section of this Code shall be deemed guilty of a petty offense as defined in the Illinois Unified Code of Corrections.

11.02 VIOLATION DEFINED.

- A. “Violation of any section of this Code” means:
 - (i) Performing an act which is prohibited, or made or declared unlawful, by ordinance, or by rule or regulation authorized by ordinance;
 - (2) Failure to perform an act which is required to be performed by ordinance, or by rule or regulation authorized by ordinance; or
 - (3) Failure to perform an act if the failure is made or declared unlawful, by ordinance, or by rule or regulation authorized by ordinance.
- B. “Violation of any section of this Code” does not include the failure of a village officer or employee to perform an official duty, unless the provisions relating to the duty specify that failure to perform the duty is to be punished as provided in this chapter.

11.03 APPLICATION.

- A. The imposition of a penalty by fine does not prevent revocation or suspension of a license, permit, or franchise, or other administrative action, for any offense which is also cause for the penalty.
- B. Violations of this Code which are continuous with respect to time may be abated by injunctive or other equitable relief; and the imposition of a penalty does not prevent such injunctive or other equitable relief.
- C. If separate provisions of this Code provide for the same offense, the Village may elect under which provision it will prosecute. Not more than one fine shall be made against the same person for the same offense.

11.04 AIDING AND ABETTING.

Any person who aids, abets, counsels, or encourages any violation of an ordinance of the Village shall be deemed guilty of the commission of such violation as a principal.

11.05 ADMINISTRATIVE TICKET PROGRAM.

- A. DEFINITION. Administrative Ticket (AT) is hereby defined as a courtesy ticket used in cases of certain violations of the provisions of this Municipal Offense Code in lieu of arrest and/or formal complaint.
- B. USE. ATs may be used for violations of the provisions of this Municipal Offense Code and may be issued by police officers or other authorized Village Officers. However, ATs may not be used for violation of any provision of this Code which is comparable to any offense specified in Illinois Supreme Court Rule 551, as amended.
- C. PROCEDURE. At the discretion of the police officer or other officer of the Village authorized to issue ATs, an AT may be used as a courtesy in lieu of arrest and/or formal complaint using the following procedure.
 - (1) The AT shall be on a ticket form to be approved by the Village Board;
 - (2) When an AT is issued, other than for a violation enumerated in Sections 11.05 C (3)(4) and (5) below, the person accused of an ordinance violation may settle and compromise the claim by paying to the Village an administrative fee in the amount of either:
 - (a) Twenty-five dollars, if paid within 14 days of the date of issuance; or,

- (b) Fifty dollars, if paid between 15 and 30 days of the date of issuance.
- (3) When an AT is issued for a violation of any of the following sections of this Code, the person accused of the violation may settle and compromise the claim by paying the Village an administrative fee of \$50.00 within 30 days of the date of issuance: 2.02; 2.03; 2.04; 2.05; 2.10; 2.11; 2.12; 2.13; 2.14; 2.15; 5.08; 9.10; 9.11; 9.12; 9.13; 9.14; 9.16; 9.17; 9.18; and, 10.03.
- (4) When an AT is issued for a violation of Section 10.02A, the person accused of the violation may settle and compromise the claim by paying the Village an administrative fee of \$100.00 within 30 days of the date of issuance;
- (5) When an AT is issued for a violation of Section 10.02B, the person accused of the violation may settle and compromise the claim by paying the Village an administrative fee of \$200.00 within 30 days of the date of issuance; and,
- (6) If the person accused of the violation does not settle the claim by payment of the administrative fee and compliance, a Complaint or Notice to Appear in court will be issued for the violation, and the person shall be subject to the fines and penalties set forth in the applicable provisions of this Code.

(Dated: 06-14-2023)