

Chapter 217

PEACE AND GOOD ORDER

**ARTICLE I
Obscenity**

- § 217-1. Definitions.
- § 217-2. Acts constituting obscenity enumerated.
- § 217-3. Violations and penalties.

- § 217-5. Elements of the offense.
- § 217-6. Violations and penalties.
- § 217-7. Charging violation, prosecution.

**ARTICLE III
Criminal Trespass**

**ARTICLE II
Disorderly Conduct**

- § 217-4. Definitions.

- § 217-8. Prohibited acts.
- § 217-9. Violations and penalties.
- § 217-10. Notices of violation; prosecution.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]

**ARTICLE I
Obscenity**

[Adopted 6-8-1987 by Ord. No. 87-6-8 (Title 4, Ch. 2, Art. 2, of the 1993 Code)]

§ 217-1. Definitions.

As used in this article, material is "obscene" when:

- A. It depicts or describes any of the following types of sexual conduct:
 - (1) Ultimate sexual acts, normal or perverted, actual or simulated;
 - (2) Masturbation;
 - (3) Excretory functions; or
 - (4) Lewd exhibition of the genitals; and,
- B. To the average person, applying contemporary community standards the dominant theme of the material taken as a whole appeals to the prurient interest in sex; and,
- C. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

§ 217-2. Acts constituting obscenity enumerated.

A person commits obscenity when, with knowledge of the nature of contents thereof, or recklessly failing to exercise reasonable inspection which would disclose the nature of contents thereof:

- A. He sells within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph record, film strip, slide or video cassette film.
- B. He offers or attempts to sell within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph record, film strip, slide or video cassette film.
- C. He distributes or gives away within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph record, film strip, slide, video cassette film.
- D. He offers to or attempts to give away within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph, record, film strip, slide, or video cassette film.
- E. He prints or publishes within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, film strip, slide or video cassette film.
- F. He exhibits or shows within the Village, any obscene photograph, drawing, motion picture, film strip, slide or video cassette film.
- G. He produces, directs, or plays a part within the Village, in any obscene play.
- H. He advertises for sale within the Village, any obscene book, magazine, pamphlet, paper, photograph, motion picture film, phonograph record, film strip, slide or video cassette film.
- I. He advertises for viewing within the Village, any obscene motion picture, play, film strip, slide or video cassette film.
- J. He publicly performs an obscene act or otherwise publicly presents an obscene exhibition of his body within the Village.
- K. He buys or procures in the Village, for resale in the Village, any obscene book, magazine, pamphlet, paper, photograph, motion picture film, film strip, slide, phonograph record or video cassette film.
- L. He buys, leases or produces in the Village, for showing in the Village for gain, any obscene motion picture, film strip, slide or video cassette film.

§ 217-3. Violations and penalties.

Any person who violates any provisions of this article shall be guilty of a misdemeanor which shall be punishable by imprisonment in a place other than a penitentiary for a term not to exceed six months or be fined an amount not to exceed \$500 or both.

ARTICLE II
Disorderly Conduct

[Adopted 12-9-1996 by Ord. No. 96-9-12C (Title 4, Ch. 2, Art. 8, of the 1993 Code)]

§ 217-4. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

PERSON — Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

§ 217-5. Elements of the offense.

A. A person commits disorderly conduct when such person knowingly:

- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- (2) Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence; or
- (3) Makes, continues or causes to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others; or
- (4) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where two or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm; or
- (5) Assembles with two or more persons and uses threat of force or violence to disturb the public peace; or
- (6) Appears in any public place manifestly under the influence of alcohol, narcotics or other drugs, not therapeutically administered, to the degree that such person may endanger such person or other persons or property, or annoy persons in such persons vicinity; or
- (7) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or opening in it; or
- (8) As a driver of a motor vehicle, whether moving or parked, operates or permits to be operated any sound amplification system or radio which can be heard outside the vehicle from 75 or more feet when the vehicle is being operated upon a highway, road, street, parking lot, or on property not owned by the driver, unless such system is being operated to request assistance or warn of a hazardous situation.

- B. This section does not apply to authorized emergency vehicles or vehicles lawfully engaged in advertising.

§ 217-6. Violations and penalties.

Any person who violates any provision of this Ordinances is guilty of a petty offense and for the first offense shall be fined \$100, \$200 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

§ 217-7. Charging violation, prosecution.

- A. By notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.
- (1) The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
- (a) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
- (b) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of Disorderly Conduct under State statute.
- B. Charging under state statutes. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of the Illinois Disorderly Conduct statute. The Officer shall forward copies of all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with violation of the statute.

ARTICLE III

Criminal Trespass

[Adopted 9-14-1998 by Ord. No. 98-9-14A (Title 4, Ch. 2, Art. 13, of the 1993 Code)]

§ 217-8. Prohibited acts.

- A. Whoever enters upon the land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, is guilty of Criminal Trespass, and shall be punished as described in § 217-9 of this article.

B. A person has received notice from the owner or occupant within the meaning of Subsection A if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

- (1) Said written notice or posted signs may designate specific hours when trespassing is not allowed.

§ 217-9. Violations and penalties.

Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$50, \$100 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

§ 217-10. Notices of violation; prosecution.

By Notice of Violation: A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.

A. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:

- (1) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
- (2) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of the Illinois Compiled Statutes.