

Title 8
HEALTH AND SAFETY

Chapters:

8.04 Nuisances

8.05 Miscellaneous Violations

Chapter 8.04

NUISANCES

Sections:

- 8.04.010 Designated.
- 8.04.020 List of nuisances not exclusive.
- 8.04.030 Notification of need to abate nuisance other than weeds/grass.
- 8.04.040 Abatement of nuisances other than weeds/grass by city-recovery of expenses.
- 8.04.050 Penalty for violation.
- 8.04.060 Open burning Requirements/Restrictions
- 8.04.065 Exemptions
- 8.04.070 Open Burning violations, Penalty
- 8.04.080 Weed/grass removal by Village, collection thereof
- 8.04.090 Maintaining Public Nuisance (Cannabis & Drug Paraphernalia
- 8.04.101 Cannabis
- 8.04.106 Drug Paraphernalia

8.04.010 Designated. The following is declared to be a public nuisance:

A. Offensive Premises. 1. To suffer any premises where any animal is kept to become nauseous, foul or offensive to any neighborhood, family or person;

2. Rubbish. Depositing or allowing to collect or accumulate on any premises any trash, garbage, refuse, rubbish or other waste material including but not limited to discarded paper, cardboard, tin cans, yard clippings, glass, bedding, crockery, metal discarded lumber, building material and rubble

Section 8.04.010 Amended June 21, 2010 Ref Ord #2010-11
Section 8.04.010-A amended June 15, 2009; Ref Ord #2009-10
Section 8.04.010-B amended June 18, 1990
Section 8.04.090 added March 18, 2010. Ref Ord. #2010-03
Section 8.04.101 added March 18, 2010. Ref Ord. #2010-03
Section 8.04.106 added March 18, 2010. Ref Ord. #2010-03

3. To allow any abandoned or unmaintained cistern, swimming pool, ornamental aquatic garden or excavation related to construction to remain open, unfilled, or improperly covered such that it allows stagnant water to accumulate and promotes the breeding of vermin. (Vermin are defined as: flies, roaches, mosquitoes, rats or mice).

4. To allow a refrigerator, freezer, washing machine, clothes dryer, or stove with intact doors, locks and latches to remain in the open.

B. Noxious weeds. The following are declared general nuisances affecting the health and well being of persons residing within the village or adversely affecting those people's property, except when in conjunction with standard farming practices.

1. Any growth of weeds, grasses, or bushes to a height greater than eight (8) inches; provided however that this subsection shall not apply to planted and cultivated flowers, shrubbery, or other landscaping;

2. Any planted and cultivated flowers, shrubbery or other landscaping situated on private property that may impair or obstruct the view of a motorist or pedestrian to the oncoming vehicular traffic while attempting to enter or cross a public street, highway, or thoroughfare.

3. Any growth of weeds, grasses, or bushes to a height greater than eight (8) inches in any parkway. It shall be the responsibility of the property owner to mow and maintain the parkway from prohibited weeds, grass, annual plants, or similar vegetation as required by paragraph 1 of this section. Parkway is defined as that area of land between the property line abutting any public right-of-way, highway, street or alley, and the back of curb, edge of pavement (either concrete or asphalt) or other improved roadway surface within the Village of Rossville.

C. Location of stables, pigsties or privies. To locate or maintain a stable, pigsty or privy within fifteen feet of any public street or within twenty-five feet of any residence;

D. Encroaching upon or obstructing streets, alleys, etc. To encroach upon or obstruct any street, alley, or public ground with any building, fence or structure of any kind;

E. Dangerous buildings. Any building or structure, or portion thereof, which threatens the life, health, safety, or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment, shall be deemed a "Dangerous Building", include, but are not limited to the conditions listed in Chapter 15.08, Section 15.08.030 of this Code Book. ***Cross Reference: "Dangerous Buildings", see Title 15 Buildings and Construction, Chapter 15.08 Dangerous Buildings.*

1. Any building, shed, fence, or other manmade structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or of neighboring structures,

2. Any property known and legally documented as having been used to manufacture, store and/or distribute Methamphetamine or any other dangerous and hazardous illegal drugs may cause Village Authorities to disconnect all utility services. Utility services disconnected pursuant to this section will not be reconnected until the dwelling or structure has been properly and thoroughly cleaned to the satisfaction of the Village of Rossville Authorities or their designee, the Vermilion County Health Department, and the State of Illinois as clean-up-laws may apply and be amended from time to time and all unpaid Village utility bills have been paid in full, plus a fee of \$25.00 and any other expenses incurred in the reconnecting of the utility services. *Cross Reference Section 13.02.010 par E.*

3. Any building, shed, fence or other manmade structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard,

4. Any building, shed, fence, or other manmade structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure, and

5. Any building, shed, fence, or other manmade structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

6. It shall be unlawful for any person, firm, company, group, association, society, entity or corporation to bury any structure on village or private property without the consent of the village board.

F. Abandoned or Derelict Vehicles.

1. Abandoned Vehicles: It is unlawful to leave standing upon any highway, street, alley, public way or private property in view of the general public for a period of more than forty-eight hours any motor vehicle which is inoperable, unregistered or discarded.

2. Derelict Vehicles: All derelict vehicles are hereby declared a nuisance on public or private property and in view of the general public.

3. Penalty: Any person who fails to obey a Notice which states that such person is in violation of dispose of any derelict vehicle under his or her control may be fined pursuant to Section 8.04.050 of the Village Ordinances.

4. Garage and/or Historic Vehicles: Vehicles stored in a garage or shed out of the view of the general public or operable historic vehicles over twenty-five (25) years of age are not nuisances pursuant to this Section.

5. Derelict Vehicles Defined: A derelict vehicle is any inoperable, unregistered or discarded motor vehicle.

6. Inoperable Motor Vehicles Defined: An inoperable motor vehicle is defined as any motor vehicle from which, for a period of at least forty-eight (48) hours the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power.

G. Vehicle on public property, abandoned--disposition.

Any motor vehicle left standing in violation of Section 8.04.010 is declared to be abandoned and a nuisance. Such nuisance may be summarily abated by the village police or the president of the village board by towing it from the place where it was left standing and disposing of it according to the State Statute relating to the disposal of abandoned motor vehicles.

H. Vehicle on private property. It is unlawful to leave standing upon private property at any place within the village any motor vehicle which does not display a current registration license plate or which is without wheels, or without a motor, or is otherwise disabled or substantially

dismantled. All inoperable vehicles on private property are declared a nuisance and shall be considered a violation of this ordinance and shall be subject to fine pursuant to 8.04.050. This directive does not apply to vehicles kept within a building or operable historic vehicles over twenty-five years of age with current license plates and registration.

I. Vehicle on private property, abandoned--disposition. Any motor vehicle left standing as described in Section 8.04.010-H in such condition on private property is a nuisance and may be abated summarily by the village police or president of the village board by towing or otherwise removing the vehicle to a garage, junkyard or other place for storage.

J. Operable vehicle in violation. *For a list of Operable, vehicle violations as a nuisance see Chapter 10.02 in the Rossville Code Book.*

K. Garbage/Trash or Burning receptacles.

1. Burning receptacles are not permitted to remain on properties.

2. Garbage/Trash receptacles are not permitted to be placed in Village alleys, parkways or streets. Receptacles are prohibited in front yards, or one any property adjacent to a Village Street.

3. Receptacles for disposal service may be placed at the curb for pick-up after 6:00 p.m. the evening prior to a scheduled collection and receptacles must be removed from the curb no later than 6:00 p.m. the evening of the scheduled pick-up.

4. It is prohibited for any articles of furniture, appliance, or other item described as in Section 8.04.010 (M) to be place for collection, or to remain at the curb, or in the yard for any period exceeding 48 hours.

L. A two hundred dollar reward may be authorized for anyone who provides information leading to the arrest and conviction of any person or persons violating the "No Dumping" directive in effect for the Maintenance Lot of the Village of Rossville, IL.

Section 8.04.010 -F amended Sept. 20, 2004; Ref Ord No 2004-24

Section 8.04.010-G amended Oct 21 1985; Ref Ord No 862

Sect. 8.04.010-H amended July 19, 2004; Ref Ord No 2004-20

Sect. 8.04.010-K-3 amended April 15, 2024; Ref Ord No 2024-03

M. Exterior Property Areas. Exterior property and premises shall be considered a nuisance if not maintained in a clean, safe and sanitary condition. The occupant shall keep the exterior property which such occupant occupies or controls in a clean and sanitary condition free from any accumulation of rubbish or garbage not placed in acceptable receptacles. Specifically included as "rubbish" shall be any article of furniture, any appliance, or other item that was originally designed and constructed to be used inside of a structure protected from the weather. Any such item, when located outside an enclosed weatherproof structure, shall be subject to fines pursuant to 8.04.050.

N. Dog, vehicle and noise disturbances.

1. It shall be a public nuisance to permit any canine to bark, howl, or otherwise create a disturbance which shall be offensive to any neighborhood, family or person.

2. Using any automobile, motorcycle, or any other motor-powered vehicle which does not have a muffler, has a faulty or otherwise insufficient muffler or which is in such disrepair as to cause loud and unnecessary grating, grinding, rattling or other noise which shall unduly disturb persons in the surrounding vicinity.

3. Causing or permitting loud, excessive, frequent or continuous noise which causes discomfort or irritation to persons in the vicinity.

O. Open burning of Refuse Other than Landscape Waste. Burning other than Landscape waste is prohibited.

8.04.020 List of nuisances not exclusive. The enumerating of nuisances in Section 8.04.010 shall not be deemed to be exclusive.

Section 8.04.010 J amended and following letters reassigned, August 20, 2007; Ref Ord No 2007-23

Sect 8.04.010-I amended Oct 1985; Ref Ord No 862; Par K amended Nov 1988; Ref Ord No 889-2

Section 8.04.010 par L, amended July 19, 2004; Ref Ord. No. 2004-20

Sect 8.04.010 Par N. amended October 17, 2005 Ref Ord # 2005-18

8.04.030 Notification of need to abate nuisance other than weeds/grass. Whenever it comes to the attention of the police chief or village board of trustees, that there exists in the village any condition enumerated in this chapter and defined as a nuisance, he may give the person in charge or control of the property thereof notice, served 8-78.04.040 - 8.04.060 upon such person by a police officer of the village or by mailing such notice to his last known address, that such a condition exists, and that he shall have five days from the date of such service in which to remedy the same or the village shall cause the same to be remedied. The service of such notice shall be in the sole discretion of the officer or other duly appointed agent of the mayor.

8.04.040 Abatement of nuisances other than weeds/grass by city--Recovery of expenses. If a person fails, refuses or neglects to remedy a nuisance within the time allowed after having been served a notice to abate such nuisance, the police chief or village board of trustees may cause such condition to be remedied. Such action shall not provide a defense for failure to comply with this chapter. In the alternative, the village may, after the expiration of the time specified in the notice, bring suit for violation of this chapter. In the event that payment of the actual costs of the abatement of any nuisance by the village under the provisions of this chapter is not made on demand, such costs shall become a lien upon the property from which such nuisance was abated. The amount of such lien shall be added to the tax roll and collected as unpaid taxes. Any such lien may be foreclosed in the manner provided by law for the foreclosure of liens. In the alternative, the village may sue to recover the actual costs expended by the village in the abatement of any nuisance under the provisions of this code. All legal and filing fees shall be added to the lien.

8.04.050 Penalty for violation. Any person, firm, or corporation violating any provision of this chapter or permitting a nuisance to remain on property owned or controlled by him shall be punished pursuant to section 1.16.010 of the Rossville Municipal Code.

8.04.060 Open burning Requirements/Restrictions

A. Definitions.

1. Garbage. For purpose of this section, the term "garbage" is defined to be and shall be taken to mean and include any and all rejected or waste household food, offal, swill, and carrion. It shall also include discarded tires, roofing materials, plastic, Styrofoam, paper/plastic diapers, household chemical containers, and food.

2. Domicile waste. Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term excludes landscape waste, garbage and trade waste.

3. Landscape waste. Any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

4. Open burning. Open burning means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under 415 ILCS 5/9 (b).

5. Refuse. Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

6. Restricted areas. The area within the boundaries of any municipality as defined in the Illinois Municipal Code.

7. Trade Waste. Any refuse resulting from the prosecution of any trade, business, industry commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit.

8. Dwelling unit. A building or portico designed exclusively for use and occupancy by one family, but to exclude an apartment complex having three or more dwelling units.

9. Family. Any number of individuals living together as a single housekeeping unit, but excluding boardinghouses, residential clubs, and homes of an institutional nature.

B. The Requirements and Restrictions within the Village of Rossville shall be:

1. No person shall cause or allow the open burning of garbage.

2. No person shall cause or allow the open burning of refuse except as provided in 8.04.065,A.

3. No person shall conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber.

4. Burning receptacles are prohibited. Any landscape waste burning may be conducted on private property. Garbage/Trash receptacles are not permitted to be placed in Village alleys, parkways or streets. Receptacles are prohibited in front yards, or on any property adjacent to a Village Street.

5. No unlawful placement in refuse containers or explosive, highly inflammable or dangerous materials such as gunpowder, substances saturated with flammable petroleum products, poisons, acids, caustics, infected materials, radioactive materials, or the like.

6. No deposits other than landscape waste will be made at the Village Maintenance site on the west edge of the Village.

7. The responsibility of keeping refuse containers covered in a clean and sanitary condition lies with the family, dwelling unit requirements, or trade ownership, and not with the Village of Rossville.

8. No person, other than the owner, or a person authorized by the owner, or a properly designated employee of the village shall move, remove, deface, damage or in any way tamper with any refuse container, or the contents thereof. Any such offender shall be guilty of a misdemeanor.

8.04.060-8.04.065

9. There shall be no burning of landscape waste on Sunday (except for the months of September through November) or on any traditional holiday, including, but not limited to, Easter, Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas, and New Years Day.

10. No leaves, grass clippings, trees or other plant growth materials shall be burned, deposited or piled on any streets, public easements, or right of ways of any streets so as to cause the accumulation of such matter that may lead to blockage of such public storm drain or outlets.

8.04.065 Exemptions. The following activities are not in violation of this chapter.

A. The Burning of Landscape Waste Between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday provided that all of the following conditions are met:

1. Atmospheric conditions will readily dissipate contaminants.
2. Such burning does not create a visibility hazard on streets, alleys, and public walkways.
3. Such burning does not become a nuisance, annoyance or discomfort to any other person by reason of the emission of smoke, fumes, fly, ash, dust, soot or noxious odor; and
4. Such burning is constantly attended by a competent person until such burning is extinguished.

B. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the fire chief of the Rossville Area Fire Protection District.

C. The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas when such burning is consistent with other ordinances of the Village and the laws of the state, provided that no garbage or refuse shall be burned in such cases.

D. The burning of waste gases, provided that all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

E. Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

F. Open burning conducted in accordance with a permit granted by the state environmental protection agency.

G. Permitted wood fires: Outside wood cooking fires will be permitted with the use of seasoned, dry wood. Fire must be contained within a small area, such as grills, smokers, barbecue facilities, properly structured campfire pits, etc. Fires must be properly contained and be constantly attended by a competent person until such burning is extinguished

8.04.070 Open Burning violations, penalty.

A. Any person violating or aiding or abetting the violation of any provisions of Section 8.04.060 is guilty of a petty offense and shall be punished pursuant to section 1.16.010.

B. Each day a person fails to comply with the provisions of this ordinance constitutes a separate offense.

Section 8.04.060 B. 9. amended October 17, 2005; Ref Ord # 2005-18

Sect 8.04.065 A. amended October 17, 2005; Ref Ord # 2005-18

Section 8.04.065 par.G amended April 16; Ref Ord # 2007-09

Section 8.04.070 added March 18, 2002; Ref Ord # 2002-04

8.04.080 Weed/grass removal by Village, and collection thereof. The Corporate authorities of the Village of Rossville provides for the cutting of weeds/grass in the municipality when the owners of real estate refuse or neglect to cut them and to collect from the owners of private property the reasonable costs thereof. The municipality may cut or cause to have cut, weeds/grass in excess of 8" on private property and file a lien on the real estate affected. Prior to filing the lien notice, a separate notice including charges for cutting weeds/grass is to be personally served on the current owner or if unknown, sent by certified mail to the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be delivered or sent AFTER the cutting of the weeds/grass on the property. The notice shall state the substance of this section and the substance of any ordinance of the municipality implementing this Section. Within 60 days after such cost and expense is incurred the municipality shall file a notice of lien in the office of the Vermilion County Recorder of Deeds. The notice of lien shall consist of a sworn statement setting out

- (1) A description of the real estate sufficient for identification thereof,
- (2) A mowing fee of \$150.00, and an administrative fee of \$150.00 will be assessed on each mowing.
- (3) The date or dates when such costs and expenses were incurred by the Municipality

Upon satisfactory payment of the costs and expenses by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the municipality with the property owner or interested person being responsible for the recording fee charged by the Recorders office to record the lien release.

Section 8.04.080 added April 26, 2004; Ref Ord No. 2004-18

Section 8.04.080 added May 16, 2004; Ref Ord No.2005-10

Chapter 8.04.090

MAINTINING PUBLIC NUISANCE

8.04.090 MAINTAINING A PUBLIC NUISANCE.

Any premise used in the commission of offenses prohibited by Sections 9-1, 10-1, 10-2, 11-14, 11-15, 11-16, 11-17, 11-20.1, 12-5.1, 16-1, 20-2, 24-1, 24-3, 28-1, 28-3, 31-5, the "Cannabis Control Act" or the "Illinois Controlled Substances Act" of the Illinois Criminal Code (ILCS Ch. 720, Act 5 et seq.) or any other activity that constitutes a felony or misdemeanor under federal or state law, or & 132.02, 132.21, 133.01, 135.01, 135.02, 135.03, 136.02, 136.03, 138.01, 138.03, 138.11, 138.12, 139.02, 139.03, 140.02, 140.03, or Chapter 8.04.090 of the code of Ordinances of the Village of Rossville, as they may be amended from time to time is a public nuisance; provided that no public nuisance or violation of this chapter shall be deemed to exist unless (i) the premises is used for more than one such offense within any six month period or (ii) the offense for which the premises is used is punishable by imprisonment for one year or more.

8.04.090.1 FINES.

Any person who own, manages, or controls any premises and who encourages or permits an illegal activity described in 8.04.090 to occur or continue on such premises shall be subject to a fine of not less than \$500 nor more than \$1000 for each offense plus costs and reasonable attorney fees. Each day that a violation of this section continues shall be considered a separate and distinct offense. A person may be found in violation of this section regardless of whether an order of abatement is issued under 8.04.090.2 or whether a notice has been given under 8.04.090.3. In addition to any fine imposed, the court may, without notice or bond, enter a temporary restraining order or a preliminary injunction to enjoin any person from maintaining such nuisance and from removing or interfering with all property used in connection with the public nuisance. The court may further order the premises be closed and secured against all use and occupancy for a period of not less than 30 days or may employ any other remedy deemed appropriate to abate the nuisance.

8.04.090.2 ORDER OF ABATEMENT.

The Chief of Police, Mayor or any other authorized representative of the Village may bring an action to abate a public nuisance described by this chapter. An order of abatement shall be issued whenever a person who owns, manages or controls any premises encourages or permits any of the illegal activity described in 8.04.090 on those premises. The order of abatement shall require the taking of reasonable measures designed to prevent the reoccurrence of the illegal activity. Those measures may include, but are not limited to, making improvements to real estate and installing lighting to enhance security, the hiring of security personnel, the hiring of a receiver, or the initiation and execution of eviction proceedings against tenants engaged in illegal activity on the premises. The order of abatement may also authorize the issuance of ex parte administrative search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of abatement has been obeyed.

8.04.090.3 NOTICE OF PUBLIC NUISANCE.

Whenever the Chief of Police, Mayor or other authorized representative of the Village reasonably believes that any premises constitutes a public nuisance as described in this chapter, he or she may give written notice to the person who owns or controls the premises stating that a nuisance exists and identifying reasonable abatement measures that must be taken within 30 days of a notice. The notice shall be in writing and may be served in person or sent by certified mail, return receipt requested. The notice shall provide the recipient a reasonable opportunity to meet with a representative of the Village to discuss the allegations in the notice and the need for abatement measures. In any proceeding held according to this chapter, when the Village establishes by a preponderance of the evidence that the premises for which a notice has been sent is a nuisance as described in this section, the failure to implement the abatement measures identified in the notice or subsequently agreed to within the 30 day period following the notice, or within any other agreed upon period, shall create a presumption that the person who owns, manages or controls the premises has encouraged or permitted illegal activity in

violation of this chapter. The presumption may be rebutted only by a preponderance of the evidence.

8.04.090.4 DEFINITION

For purposes of this section "PREMISES" included any parcel of property and the building or structure, if any which is situated on the property, and any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of illegal activity.

Section 8.04.090 added March 18, 2010; Ref Ord. #2010-03

Chapter 8.04.101

POSSESSION OF CANNABIS

8.04.10.1	Definitions
8.04.10.2	Possession of cannabis
8.04.10.3	Removed 1/20/2020 Ref Ord 2020-3
8.04.10.4	Possession in motor vehicle
8.04.10.5	Penalties

DEFINITIONS

"CANNABIS" includes marijuana, hashish and other substances which are identified as including any parts of the plant cannabis sativa, whether growing or not; the seed thereof, the resin extracted from any part of such plant; its seeds, or resin including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical syntheses; 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 there from), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

8.04.10.2 POSSESSION OF CANNABIS.

It shall be unlawful for any person under 21 to possess cannabis or any substance containing cannabis. It will be unlawful for anyone to possess cannabis that does not conform to the restrictions set forth in Illinois Cannabis Regulation and Tax Act 410 ILCS 705 et seq.

*Section 8.04.010.2 amended January 20, 2020; Ref Ord. #2020-03
Section 8.04.010.3 removed January 20, 2020; Ref Ord. #2020-03*

8.04.10.4 POSSESSION IN MOTOR VEHICLES.

The presence in a motor vehicle of any cannabis or cannabis sativa plant is prima facie evidence that it is in the possession of and is being carried by all persons occupying such motor vehicle at the time the cannabis or cannabis sativa plant is found, except under the following circumstances.

In compliance with the Illinois Cannabis Regulation and Tax Act 410 ILCS 705 et seq.

(A) If the cannabis or cannabis sativa plant is found directly on the person of one of the occupants, or

(B) If the cannabis or cannabis sativa plant is found in a motor vehicle for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, the presumption above shall not apply to the driver.

8.04.10.5 PENALTIES.

Any person found guilty of violating any provisions of this Chapter shall be fined not less than \$500.00 nor more than \$1,500.00 for each offense. In addition to any fine imposed under the provisions of this chapter, the court shall award to the Village all costs incurred for the court proceedings, including without limitation, reasonable attorney's fees, court costs and court reporters.

Chapter 8.04.10

DRUG PARAPHERNALIA

8.04.10.5 Penalties

8.04.10.6 Definitions

8.04.10.7 Sale or delivery of drug paraphernalia

8.04.10.8 Possession of drug paraphernalia

8.04.10.9 Exempt items

8.04.10.10 Considerations for trier of facts

8.04.10.11 Seizure and forfeiture

8.04.10.6 DEFINITIONS.

As used in this chapter:

- (A) "CANNABIS" shall have the meaning ascribed to it in Section 3 of the Cannabis Control Act (ILCS Ch. 720, Act 550 & 3)
- (B) "CONTROLLED SUBSTANCE" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act" (ILCS Ch 720, Act 570 & 102).
- (C) "DELIVER or DELIVERY" means the actual, constructive or attempted transfer of possession, with or with consideration, whether or not there is an agency relationship.
- (D) "DRUG PARAPHERNALIA" means all equipment, products and materials of any kind which are peculiar to, and marketed for use in, or which, when combined together, may be construed for the purpose of planting, propagating, cultivating, growing, harvesting, 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 substance in violation of the "Cannabis Control Act (ILCS Ch720 Act 550 &&1 et seq.) or the Controlled Substance Act" (ILCS Ch. 720 Act 570 &&100 et seq.) The term "DRUG

PARAPHERNALIA" Includes, but is not limited to, the following:

- (1) Kits peculiar to and marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance, or which contains cannabis or a controlled substance;
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (4) Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private person;
- (5) Objects which are peculiar to and marketed for 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
 - (c) Smoking and carburetion masks;
 - (d) Miniature spoons and vials;
 - (e) Carburetor pipes;
 - (f) Electric pipes;
 - (g) Air-driven pipes
 - (h) Chillums;
 - (i) Bongs;
 - (j) Ice pipes or chillers

- (6) Any item whose purpose, as announced or described by the seller, deliverer, or possessor, is for use as "DRUG PARAPHERNALIA".

8.04.10.7 SALE OR DEIVERY OF DRUG PARAPHERNALIA.

It shall be unlawful for any person to keep for sale, offer for sale, sell or deliver any item of drug paraphernalia.

8.04.10.8 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.

(B) In determining intent under subsection (A), the trier of fact may take into consideration the proximity of the cannabis or controlled substance to the drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

8.04.10.9 EXEMPT ITEMS.

This Chapter shall not apply to:

Items marked for use in the preparation, compounding, packaging, labeling, or other use of cannabis

(A) or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale or personal use; or

(B) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers

- (C) Items described in 18.04.10.6 which are marketed for decorative purposes, where such items have been rendered completely inoperable or incapable of being used as an item of drug paraphernalia.

8.04.10.10

CONSIDERATIONS FOR TRIER OF FACT

In determining whether or not a particular items of drug paraphernalia, as defined in 8.04.10.6, or is an item exempt under 8.04.10.9, the trier of fact should consider, in addition to all other logically relevant factories, the following:

- (A) The general, usual, customary, and historical use to which the item involved has been put:
- (B) Expect evidence concerning the ordinary or customary use of the item , and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (C) Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- (D) Any oral instructions provided by the seller or delivery of the item concerning the purposes or uses to which the item can or may be put;
- (E) Any national or local advertising, concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;
- (F) The manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (G) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (H) The manner, place and circumstances in which the item is possessed;
- (I) The existence and scope of legitimate uses for the object in the community.

8.04.10.11 SEIZURE AND FORFEITURE.

All items of drug paraphernalia shall be seized and forfeited as contraband to the Village.

Chapter 8.05

Miscellaneous Violations

Sections:

- 8.05.010 Reward for information of dumping.
- 8.05.020 Parade regulations.

8.05.010 Reward for information of dumping. A two hundred dollar reward may be authorized for anyone who provided information leading to the arrest and conviction of any person or persons violating the "No Dumping" directive in effect for the Maintenance Lot or any other posted property of the Village of Rossville.

8.05.020 Parade regulations. To protect the health, welfare, and safety of parade watchers and participants in the Village of Rossville, no candy or other items may be tossed, thrown or handed from any vehicle either moving or at rest, or by any person walking in the parade. Any person or persons violating this ordinance shall immediately be expelled from the parade.

*Section 8.04.10 Added March 18, 2010; Ref Ord. #2010-03
Chapter 8.05, Sections 8.05.010 and 8.05.020 amended Jan. 16, 1995; Ref.
Ordinance No. 95-1.*