

CHAPTER 17 - MISDEMEANORS

DIVISION 1 - GENERAL PROVISIONS

SEC. 17.1-1 ATTEMPTS. It shall be unlawful for any person to attempt to commit any offense prohibited by any Ordinance of the Town of Normal or do any act toward it when such person fails or is intercepted or prevented from execution of such act attempted where no express provision is made by Ordinance for the punishment of such attempt otherwise. Upon conviction, such person shall be deemed guilty to the same extent and punished to the same extent as if the act had been completed.

SEC. 17.1-2 ACCESSORIES. It shall be unlawful for anyone to aid, advise, abet, assist or encourage the commission of any act prohibited by any ordinance of the Town of Normal, or by any means cause such act to be committed, whether present at the committing of such act or not. Upon conviction such person shall be deemed guilty to the same extent and punished to the same extent as a principal.

SEC. 17.1-3 – PERSON – Whenever the term “person” appears in this Chapter, it shall mean any individual, partnership, co-partnership, firm, company, unincorporated association, public or private corporation, joint-stock company, trust, estate, or other legal entity.

SEC. 17.1-4 – VICARIOUS LIABILITY – Every act or omission, constituting a violation of any of the provisions of this Chapter by any officer, director, manager or other agent or employee of any person shall be deemed and held to be the act of such principal or employer, and said principal or employer shall be punishable in the same manner as if said act or omission had been done or omitted by him personally, provided said act or omission was within the scope of employment or the scope of authority of such officer, director, manager, or other agent or employee.

SEC. 17.1-5 – SEVERABILITY – If any provision, clause, sentence, or paragraph of any Section of this Chapter, or the application thereof to any person or circumstances, shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.

DIVISION 2 – PROHIBITED CONDUCT – GENERAL

SEC. 17.2-1 DISORDERLY CONDUCT. A person commits disorderly conduct when he knowingly:

- A. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- B. Transmits in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- C. Transmits in any manner to another a false alarm in the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time for such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- D. Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
- E. 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 other opening in it; or
- F. Urinates or defecates on any public street, alley, sidewalk or floor of any public building or of any building where the public gathers or has access, or in any other place, whether public or private, where such act could be observed by any member of the public, except in such place that has been designated as a restroom; or
- G. Starts a fight or engages in a fight in the Town of Normal. A fight means any physical altercation between two or more individuals. Self-defense as allowed pursuant to Illinois law shall be an affirmative defense to the charge.
- H. Burns a cross with the intent to intimidate another person in the Town of Normal. “Intimidate” means threaten death or bodily harm or place a person in reasonable apprehension of death or bodily harm. A violation of this SEC. 17.2-1(H) shall be punishable by a fine of not less than \$1,000 nor more than \$2,500 for each occurrence.
- I. Disturbs, Disrupts, or Interrupts any regular or special meeting of any Board, Committee, or Commission of the Town of Normal. In addition to any penalty for any violation of this Section, any person disturbing, disrupting, or interrupting any meeting may be summarily ejected from the premises at the direction of the Chair of the meeting. (Added 4/18/2011 by Ord. No. 5381)

SEC. 17.2-2 GAMBLING. It shall be unlawful to commit "gambling" within the corporate limits of the Town of Normal, Illinois. Gambling as used herein is defined in the same manner the term is used and defined in the Illinois Criminal Code of 1961, as amended.

SEC. 17.2-3 THROWING OR PLACING OBJECTS. It shall be unlawful to cast, throw or propel any rock, bottle, water-balloon, or object on any street, alley or public place in a reckless manner or with the intent to alarm or disturb another; and it shall be unlawful to throw or deposit any glass, nails, cans, excessive amounts of dirt, tacks, or other similar articles on any street, sidewalk or alley in the Town.

SEC. 17.2-4 DISCHARGE OF FIREARMS, BB GUNS, AND PAINT-BALL GUNS. It shall be unlawful to discharge any firearms or air rifle in the Town. "Air rifle" means and includes any air gun, air pistol, spring gun, spring pistol, B-B gun, paint ball gun, pellet gun, or any implement that is not a firearm which impels a breakable paint ball or a pellet constructed of hard plastic, steel, lead, or other hard materials. The Town of Normal Police may seize, take, remove, or cause to be removed any air rifle or firearm used in any manner in violation of this Section.

Exceptions: The foregoing shall not apply to the discharge of a firearm or air rifle:

1. when lawfully hunting; or
2. when lawfully used in self-defense; or
3. when the discharge is by a police officer lawfully performing his duty; or
4. when an air rifle is discharged on private ground with the permission of the owner or person in control of such property under circumstance when such air rifle is fired, discharged, or operated in such a manner as not to endanger persons or property and then only if it is used in such manner as to prevent the projectile from passing over any other real property or space outside the limits of such property; or
5. when the discharge occurs at a permitted gun range.

(SEC. 17.2-4 Amended 6/17/13 by Ord. No. 5496)

SEC. 17.2-5 PUBLIC NUDITY. It is unlawful for any person over the age of eight (8) years to appear in any public place or in any place exposed to public view in a state of nudity. A state of nudity means exposing to public view male or female genitals, pubic hair, perinaeum, anal region or pubic hair region or any portion of the female breast at or below the areola thereof.

SEC. 17.2-6 CLIMBING TELEPHONE POLES. No person shall climb upon any electric pole, telephone pole, electric light pole, sign pole, or water storage tower unless in the performance of his duties.

SEC. 17.2-7 ASSAULT. It shall be unlawful for any person or persons to commit an assault on any other person. A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

SEC. 17.2-8 BATTERY. It shall be unlawful for any person or persons to commit a battery upon any other person or persons. A person commits battery if he intentionally or knowingly, without legal justification, and by any means (1) causes bodily harm to an individual or (2) makes physical contact with an insulting or provoking nature with an individual.

SEC. 17.2-9 CRIMINAL DAMAGE TO PROPERTY. It shall be unlawful for any person, firm or corporation to do any of the following acts: (a) knowingly damage any property of another without his consent; or (b) recklessly, by means of fire or explosive, damage property of another; or (c) knowingly start a fire on the land of another without his consent; or (d) knowingly injure a domestic animal of another without his consent; or (e) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive compound, and thereby intend to interfere with the use by another of the land or building. A sanction for a violation of this Section can include restitution to the owner of the property.

SEC. 17.2-10 CRIMINAL TRESPASS TO LAND.

- A. It shall be unlawful for any person to enter 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, occupant, to depart. A person has received notice from the owner or occupant, within the meaning of the foregoing paragraph, 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.
- B. It shall be unlawful for any person to enter the dwelling of another, including an apartment, without the consent of a lawful occupant of the dwelling. This Section does not apply to emergency personnel or Town of Normal Inspectors.

SEC. 17.2-11 CRIMINAL TRESPASS TO VEHICLE. It shall be unlawful for any person to knowingly and without authority enter into a vehicle.

SEC. 17.2-12 RESISTING OR DELAYING AN OFFICER. It shall be unlawful for any person to willfully resist, hinder or delay an officer of the Town of Normal, or any other public officer, in the discharge of his official act or duty, or who shall neglect or refuse to obey any lawful order or direction of any such officer.

SEC. 17.2-13 ASSISTING A PRISONER TO ESCAPE. It shall be unlawful for any person to aid or assist in the escape of any person from the custody of a Town officer, or from any place of imprisonment, or to supply any such persons so being in custody or imprisoned with any weapons or with any intoxicating liquor.

SEC. 17.2-14 FAILURE TO COMPLY WITH SUBPOENAS.

- A. It shall be unlawful for any person, partnership, unincorporated association, or corporation to fail to comply with a subpoena or subpoena duces tecum issued by any Board or Commission of the Town of Normal pursuant to any investigatory or adjudicative function of that Board or Commission.
- B. Penalty. Any person, partnership, incorporated association or corporation which violates this Section shall be fined \$200.00. Every day that such person, partnership, incorporated association, or corporation continues to fail to comply with the terms of the subpoena or subpoena duces tecum shall be considered a separate offense.

SEC. 17.2-15 OBSCURING CHALK MARKS USED FOR PARKING ENFORCEMENT. It shall be unlawful for any person to obscure or obliterate chalk marks drawn on motor vehicle tires for parking enforcement purposes. This prohibition shall not apply when the method of obscuring or obliterating chalk marks is by driving the motor vehicle.

SEC. 17.2-16 FIREWORKS.

- A. It shall be unlawful for any person, firm, partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks in the Town of Normal, other than in accordance with a public display permit issued by the Town of Normal. 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: provided, however, that the term "fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "bobby 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.
- B. It shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale or sell any snake or glow worm pellets, smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", "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 in any place other than a building approved by the Town of Normal Fire Department for the sale of fireworks as meeting all Town of Normal and State of Illinois codes for structures containing fireworks.

SEC. 17.2-17 FURNISHING FALSE INFORMATION – It shall be unlawful for any person to knowingly provide a police officer of the Town of Normal a false name, false date of birth, or any other false information.

SEC. 17.2-18 THEFT.

- A. It shall be unlawful for any person to commit theft.
1. A person commits theft when he obtains control over property of the owner and:
 - a. intends to deprive the owner permanently of the use or benefit of the property; or
 - b. knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or
 - c. uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit. In addition to any other sanction which may be imposed for this violation, a sanction for a violation of this Section can include restitution to the owner of the property.
 2. A violation of this Section shall be punishable by a fine of not less than \$100 nor more than \$500 if the value of the item taken is less than \$300, and punishable by a fine of not less than \$250 nor more than \$1,000 if the value of the merchandise taken is more than \$300. In addition to any other sanction which may be imposed for this violation, a sanction for a violation of this Section can include restitution to the owner of the property.

SEC. 17.2-19 RETAIL THEFT.

- A. It shall be unlawful for any person to commit retail theft.
1. A person commits the offense of retail theft when he or she knowingly:
 - a. Takes possession of, carries away, transfers, or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use, or benefit of such merchandise without paying the full retail value of such merchandise; or
 - b. Alters, transfers, or removes any label, price tag, marking, indicia of value, or any other markings which aid in determining value affixed to any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment, and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

- c. Transfers any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
 - d. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
 - e. Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use, or benefit of such cart; or
 - f. Represents to a merchant that he or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit, or other property of the merchant; or
 - g. Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use, or benefit of any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or
 - h. Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when a lessee of the personal property of another fails to return it to the owner, or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such, within 10 days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement by registered mail to the lessee at the address given by the lessee and shown on the leasing agreement shall constitute proper demand.
2. The following terms shall have the following meanings in this Section:
- a. "Theft detection device remover" means any tool or device specifically designed and intended to be used to remove any theft detection device from any merchandise.
 - b. "Theft detection shielding device" means any laminated or coated bag or device designed and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

- c. “Under-ring” means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise.
- d. “Shopping Cart” means those push carts of the type or types which are commonly provided by grocery stores, drug stores, or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.
- e. “Retail Mercantile Establishment” means any place where merchandise is displayed, held, stored, or offered for sale to the public.
- f. “Premises of a Retail Mercantile Establishment” includes, but is not limited to, the retail mercantile establishment, any common use areas in shopping centers, and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.
- g. “Merchant” means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator.
- h. “Merchandise” means any item of tangible personal property.
- i. “Full Retail Value” means the merchant’s stated or advertised price of the merchandise. To “conceal” merchandise means that, although there may be some notice of its presence, that merchandise is not visible through ordinary observation.

3. Presumptions. If any person:

- a. Conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment; and
- b. Removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, such person shall be presumed to have, possessed, carried away, or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

- c. Leaves the retail mercantile establishment by use of a designated emergency exit with merchandise without having paid the full retail value of such merchandise.
4. A violation of this Section shall be punishable by a fine of not less than \$100 nor more than \$500 if the value of the merchandise taken is less than \$150, and punishable by a fine of not less than \$250 nor more than \$1,000 if the value of the merchandise taken is more than \$150. In addition to any other sanction which may be imposed for this violation, a sanction for a violation of this Section can include restitution to the owner of the property.

SEC. 17.2-20 SKATEBOARDING It shall be unlawful for any person to ride or otherwise operate a skateboard in any of the following places:

- A. In Uptown Normal- defined as that area south of Mulberry Street, east of Fell Avenue, north of the Union Pacific Railroad right-of-way, and west of Linden Street, excepting therefrom, however, property used for Constitution Trail.

“Skateboard” means any board or platform device having at least two axles with wheels on each end of a style commonly occurring on roller skates, or any other similar device, such device intended to be ridden by a person who propels himself or herself by pushing the platform forward and then riding upon it as it coasts.

(SEC. 17.2-20 Added 9/21/09 by Ord. No.5294)

SEC. 17.2-21 BICYCLES IN UPTOWN. It shall be unlawful for any person to ride a bicycle on any sidewalk in Uptown Normal or within the traffic circle in Uptown Normal. Uptown Normal is defined as that area south of Mulberry Street, east of Fell Avenue, north of the Union Pacific Railroad right-of-way, and west of Linden Street, excepting therefrom, however, property used for Constitution Trail. Ride a bicycle means to sit upon a bicycle and use human power to propel the bicycle. The Traffic Circle in Uptown shall mean the circular pedestrian area at the circular intersection of North Street with Constitution Trail Boulevard and Beaufort Street. (SEC. 17.2-21 Added 7/19/2010 by Ord. No. 5345)

DIVISION 3 – REGULATED SUBSTANCES**SEC. 17.3-1 ALCOHOLIC LIQUOR.**

- A. It shall be unlawful for any person to consume or have in his or her possession in other than the original package with the seal unbroken, any alcoholic liquor on any public right-of-way, street, or sidewalk, or in any public place other than a liquor establishment appropriately licensed under the provisions of Chapter 4 of the Municipal Code of the Town of Normal, Illinois, 1969, as amended and in such cases, only during the hours during which the sale of alcoholic liquor is permitted. No person shall possess alcoholic liquor, whether open or sealed, in any public park. Exception: The possession of alcohol in a sealed, one-time use, tamper-proof bag, meeting the requirements of 235 ILCS 5/6-33, shall not be a violation of this Section. (Amended 11/5/2012 by Ord. No. 5460)
- B. It shall be unlawful for any person under the age of 21 years to purchase, or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession. A violation of this SEC. 17.3-1(B) is punishable by a fine of not less than \$200.00, nor more than \$1,000.00.
- C. It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor. A violation of this SEC. 17.3-1(C) is punishable by a fine of not less than \$200.00, nor more than \$1,000.00.
- D. It shall be unlawful for any person under the age of 21 years to represent that he or she is 21 years of age or over for the purpose of buying, accepting or receiving alcoholic liquor.
- E. It shall be unlawful for any person under the age of 21 years to present or offer to any licensee, agent or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure an alcoholic beverage. A violation of this SEC. 17.3-1(E) is punishable by a fine of not less than \$200.00, nor more than \$1,000.00.
- F. It shall be unlawful for any person under the age of 21 years to have in his or her possession, any false or fraudulent written, printed, or photostatic evidence of age and identity. A violation of this SEC. 17.3-1(F) is punishable by a fine of not less than \$200.00, nor more than \$1,000.00.
- G. No person, after purchasing or otherwise obtaining alcoholic liquor, shall give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. A violation of this SEC. 17.3-1(G) is punishable by a fine of not less than \$350.00, nor more than \$3,000.00.
- H. It shall be unlawful for any clerk or employee of a licensed liquor establishment to give, deliver, or sell alcoholic liquor to another person under the age of 21 years.

- I. No person shall sell any alcoholic liquor to any other person unless the seller has a license to sell liquor in the Town of Normal. A violation of this Sec. 17.3-1(I) is punishable by a fine of not less than \$750.00, nor more than \$3,000.00.

The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this ordinance.

SEC. 17.3-2 POSSESSION OF CANNABIS AND CANNABIS PARAPHERNALIA PROHIBITED.

- A. It is unlawful for any person to possess 10 grams or less of any substance containing cannabis, except as authorized under the Compassionate Use of Medical Cannabis Pilot Program Act (410 ILCS 130/) or other law.
- B. It shall be unlawful to knowingly possess any item of drug paraphernalia, except as authorized under the Compassionate Use of Medical Cannabis Pilot Program Act or other law.
- C. The term “cannabis” has the meaning ascribed to it in Section 3 of the Cannabis Control Act (720 ILCS 550/3).
- D. The term “drug paraphernalia” has the meaning ascribed to it in Section 2, of the Drug Paraphernalia Control Act (720 ILCS 600/2).
- E. Any person who violates any provision of this Section is subject to a fine of not less than \$350 nor more than \$1,000 for each offense.

(Entire SEC. 17.3-2 Amended 8/16/2016 by Ord. No. 5653)

SEC. 17.3-3 SALE TO AND POSSESSION OF TOBACCO BY MINORS; SMOKING IN TOWN BUILDINGS.

- A. Sale of Tobacco or Alternate Nicotine Products to Minors. It shall be unlawful for any person, firm, or corporation to sell, buy for, furnish, exchange, or give away any tobacco product or alternative nicotine product to any person under the age of 21 years.

- B. Possession of Tobacco by Minors. No minor under 18 years of age shall have in his or her possession any tobacco product or alternative nicotine product. It shall not be a violation of this section for any person under 18 years of age to possess any tobacco product or alternative nicotine product while in the presence of his or her parents or guardian, or in the performance of a religious ceremony, or while participating in a theatrical performance, or, the incidental and temporary possession of tobacco products or alternative nicotine products in the performance of retail clerk duties for businesses registered with the Town of Normal.
- C. Regulation of Smoking and Tobacco Chewing in Town Buildings. No person shall smoke, use an electronic smoking device, or chew tobacco in Town buildings.
- D. Definitions. As used in this Section, the following words have the following meanings:
1. Smoke: To light, emit, or exhale, the smoke of, a pipe, cigar, cigarette or any other tobacco product.
 2. Town Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind and which is permanently affixed to the ground and which is owned by the Town of Normal.
 3. Alternate Nicotine Product: Any product or device defined as an “alternate nicotine product” under Section 1.5 of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act (720 ILCS 675/1.5).
 4. Electronic Smoking Device: Any electronically operated device that causes the user to inhale or exhale any smoke, nicotine, vapor, or other substance other than those produced by unenhanced human expiration of air from the lungs. "Electronic smoking device" includes any such device, whether manufactured, distributed, marked, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or any other similar device.
- E. Penalty. Any person who violates this Section is guilty of a petty offense and for the first offense shall be fined not to exceed \$50.00, and for a second or any subsequent offense shall be guilty of a petty offense and fined not to exceed \$500.00.

(Entire SEC. 17.3-3 Amended 11/19/18 by Ord. No. 5757)

SEC. 17.3-4 SMOKING REGULATORY ACT.

- A. TITLE: This Section shall be known as the Smoking Regulatory Act of 2006.
- B. INTERPRETATION WITH OTHER LAWS: Nothing in this Division overrides any existing elimination of smoking that is already covered by fire code restrictions.
- C. DEFINITIONS: The following words and phrases whenever used in SEC. 17.3-4 shall have the following meanings:

Adult Day Care Home – means a private residence which receives for care one or more aging or disabled adults, not related to the family.

Business – means any sole proprietorship, partnership, joint venture, corporation, limited liability company, or other business entity formed for profit-making purposes, including without limitation retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered.

Child Day Care Home – means a private residence which receives for care one or more children under the age of 12, not related to the family.

Church – means a facility or outdoor place of public assembly primarily and regularly used for religious worship or religious instruction.

Employee – means any person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

Employer – means any person, business, partnership, association, corporation, including without limitation a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

Enclosed Area – means all space in any structure or building that is enclosed on all sides by any combination of walls, half walls, windows, or doorways extending from floor to the ceiling, regardless of whether they are open or closed.

Facility – means any enclosed structure or building intended for human occupancy.

Health Care Facility – means any office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including without limitation hospitals, rehabilitation hospitals, clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and other specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semi-private rooms, and wards within health care facilities.

Outdoor Place of Public Assembly – means any sports arena, recreational area, park, theater, and similar place where members of the general public assemble and congregate in a designated seating area in order to witness an event or performance open to the public.

Place of Employment – means any enclosed area under the control of a public or private employer that employees frequent during the course of employment, including without limitation work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “place of employment” unless it is used as a child day care home, adult day care home, health care facility, or home-based business of any kind open to the public.

Private Club or Lodge – means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and if alcoholic beverages are sold such sale is incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

Public Place – means any enclosed area to which the public is invited or in which the public is permitted, including without limitation banks, any business, educational facilities, government buildings, health care facilities, laundromats, museums, public transportation facilities, reception areas, restaurants, bars/taverns, retail food production and marketing establishments, retail service establishments, retail stores, service line, shopping malls, sports arenas, theaters, outdoor place of public assembly, waiting rooms and common areas in multiple family residences. A private residence is not a “public place” unless it is used as a child day care home, adult day care home, health care facility, or home-based business of any kind open to the public.

Retail Tobacco Store – means a retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. “Retail tobacco store” does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

Service Line – means any indoor line at which one (1) or more persons are waiting for or receiving services of any kind, whether or not the service involves the exchange of money.

Shopping Mall – means any enclosed walkway or hall area that serves to connect retail or professional establishments.

Smoking – means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, hookah, weed, herbs, or other lighted tobacco product in any manner or in any form.

Sports Arena, Enclosed or Semi-Enclosed – means any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller and ice rink, bowling alley, and other similar places where members of the general public assemble to participate in or to witness sports, cultural, recreational, or other events.

- D. TOWN OWNED FACILITIES: Smoking or the use of electronic smoking devices, as defined in Section 17.3-3, shall be prohibited in any Town facility and any Town vehicle, including without limitation facilities and vehicles owned, leased, or operated by the Town of Normal. (SEC. 17.3-4(D) Amended 11/19/18 by Ord. No. 5757)
- E. PROHIBITION OF SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT: Smoking shall be prohibited in all enclosed public places and places of employment within the Town of Normal, except as provided in SEC. 17.3-4(H).
- F. PROHIBITION OF SMOKING IN OUTDOOR PLACE OF ASSEMBLY: Smoking is prohibited at any outdoor place of public assembly located within the Town of Normal.
- G. REASONABLE DISTANCE: Smoking is prohibited within fifteen (15) feet of any public entrance to an area in which smoking is prohibited. Notwithstanding the foregoing, smoking is prohibited within twenty-five (25) feet of any entrance, outdoor air intake, or operable window of a Town Owned Facility, including without limitation facilities owned, leased, or operated by the Town of Normal. (Amended 07/02/18 by Ord. No. 5742)
- H. WHERE SMOKING IS NOT REGULATED: Notwithstanding any other provision of this Division to the contrary, the following areas shall be exempt from the provisions of SEC. 17.3-4(E) and SEC. 17.3-4(G).
1. Private residences, except when used as a licensed child day care home, adult care home, health care facility, or a home-based business of any kind open to the public.
 2. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous, and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.
 3. Retail tobacco stores in operation prior to January 1, 2008. The retail tobacco store shall annually file with the Town Clerk by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after January 1, 2008, may only qualify for an exception if located in a freestanding structure occupied solely by the business, and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

4. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted, and the smoke shall not infiltrate other areas of the nursing home.
 5. Outdoor patios, to the extent permitted under the Smoke Free Illinois Act of 2007, as amended, from time to time.
 6. Public sidewalk, roadway, park and golf course (unless such area becomes an outdoor place of public assembly).
- I. DECLARATION OF ESTABLISHMENT AS NON-SMOKING: Notwithstanding any other provisions of this Division, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a non-smoking place by posting a sign in conformance with the provisions of this Act. Smoking shall be prohibited in any area declared a non-smoking area, and any person smoking in such area shall be subject to the penalty provisions of this Act.
- J. NON-RETALIATION: No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Division or reports or attempts to prosecute a violation of this Division.
- K. ENFORCEMENT:
1. Notice of the provisions of this Division shall be given to all applicants for a business license in the Town of Normal.
 2. Any citizens who desires to register a complaint under this Division may file a complaint with the Town of Normal.
 3. The Town shall, while an establishment is undergoing otherwise mandated inspection, inspect for compliance with this Division.
 4. An owner, manager, operator or employee of an establishment regulated by this Division shall inform persons violating this Division of the appropriate provisions thereof. Posting of a no smoking sign conforming with this Division shall be considered adequate notice.
 5. In addition to the remedies provided by this Division, the City Manager or any person aggrieved by the failure of the owner, operator, manager or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

- L. POSTING OF SIGNS: Every public place, place of employment, place established as non-smoking pursuant to SEC. 17.3-4(I), and outdoor place of public assembly where smoking is prohibited by this Division shall have posted at every public entrance a conspicuous sign clearly stating that smoking is prohibited. The international “no smoking” symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar diagonally across it shall be considered acceptable under this Section.
- M. VIOLATIONS AND PENALTIES:
1. A person who smokes in an area where smoking is prohibited by this SEC. 17.3-4 shall be guilty of an infraction, punishable by a fine of not less than (\$100.00), nor more than (\$500.00).
 2. A person who owns, manages, operates, or otherwise controls a place subject to this Division and who fails to prohibit smoking shall be guilty of an infraction, punishable by a fine of not less than (\$100.00), nor more than (\$2,500.00).

An owner, manager, operator, or person in control of a place subject to this Division shall be deemed to have permitted a violation of the Division if a violation has occurred while the owner, manager, operator, or person in control is physically present at the location at the time of the violation. It shall be a defense to this charge that the owner, manager, operator, or person in control of the premises has told the smoking offender that smoking is prohibited, and if the smoker does not stop smoking, the owner, manager, operator, or person in control has called the police at the time of the violation and reported the refusal to comply with the ordinance.
 3. A person who owns, manages, operates, or otherwise controls a place subject to this Division and who fails to post a sign in conformance with the provisions of this Division shall be guilty of an infraction, punishable by a fine of not less than (\$100.00), nor more than (\$500.00).
 4. Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.
- N. PUBLIC EDUCATION: The Town of Normal shall engage in a continuing program to explain and clarify the purposes and requirements of this SEC. 17.3-4 to citizens affected by it, and to guide owners, operators, and managers in their compliance with it.
- O. OTHER APPLICABLE LAWS: This SEC. 17.3-4 shall not be interpreted or be construed to permit smoking where it is otherwise restricted by other applicable laws.

- P. SEVERABILITY: If any provision, clause, sentence or paragraph of this SEC. 17.3-4 or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this SEC. 17.3-4 which can be given effect without the invalid provision or application, and to this end the provisions of this SEC. 17.3-4 are declared to be severable.

DIVISION 4 – CHILDREN**SEC. 17.4-1 HARMFUL MATERIALS TO MINORS.**

A. Definitions - For purposes of this Section:

1. Adult: An adult is a person eighteen (18) years of age or older.
2. Harmful Material: The term "Harmful Material" means material which the average person applying contemporary standards find its predominant appeal, taken as a whole, is to prurient interest that is a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters, and is material the redeeming social importance of which is substantially less than its prurient appeal. The predominant appeal to prurient interest of the material shall be judged with reference to average minors of the same general age of the minor to whom such material was sold, rented or exhibited, unless it appears from the nature of the matter or the circumstances of its sale, rental, or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group. Where circumstances of sale, rental, or exhibition indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is in fact substantially less than its prurient appeal. The following material is presumed to contain harmful material but the presumption may be rebutted:
 - a. Material rated X by the Motion Picture Association of America; or
 - b. Material with any of the following designations: (1) X-rated or X material; (2) XXX rated, or XXX material; (3) Adults only rated or adults only material; (4) Not for sale to or not for viewing by minors; (5) Any combination of the above designations;
3. Knowingly: Knowingly means having knowledge of the contents of the subject matter or the age of the recipient of harmful material or recklessly failing to exercise reasonable inspection which would have disclosed the contents of the material, or failing to exercise reasonable care in ascertaining the true age of the recipient of the material.
4. Material: The term material means any writing, picture, record or other representation or embodiment.
5. Minor: A minor is a person under eighteen (18) years of age.
6. Peruse: The term peruse means to read, examine or view.

7. Promotional Material: The term “promotional material” means any and all boxes, containers, brochures, leaflets, posters, wrappers, packaging or other material visually depicting harmful material.
 8. Visual depiction: The term visual depiction means a representation consisting of pictures, photographs, drawings, slides, video, film or other visual medium.
- B. No person having custody, control, supervision of, or employed in any commercial establishment open to minors shall knowingly sell, rent, or exhibit harmful material to a minor.
- C. A rebuttal presumption shall be made that harmful material has not been exhibited to a minor if:
1. A separate adult display area is maintained for such material which area: (a) is enclosed in such a manner that material in the area is not visible from outside the area; and (b) a sign is posted at the point of ingress prohibiting entry by minors, and further provided the material is not removed from the area without an opaque cover or other system which prevents exhibition of the material to a minor; or
 2. The material is blocked from view by an opaque cover or other system which prevents exhibition to a minor; or
 3. The material is kept out of public view and available only upon request by an adult.
- D. Nothing contained herein shall prohibit any minor employee of a commercial establishment from handling a commercial transaction involving harmful material provided no visual depiction of harmful material is visible to the minor and provided the minor employee is not allowed to peruse harmful material.
- E. Minor Falsifying Age. No minor shall falsify his or her age for the purpose of procuring harmful materials. Any person under eighteen (18) years of age who falsely states, either orally or in writing, that he is not under the age of eighteen (18) years, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material, shall be guilty of an offense under this Section.
- F. No minor may rent from any person, purchase, or peruse harmful material. No minor shall enter or be permitted by any person in a separate adult display area.
- G. Penalty. Violation of any of the provisions of this SEC. 17.4-1 shall be punishable by a fine of not less than (\$100.00), nor more than (\$500.00). A separate and distinct offense is deemed committed each day such violation continues.

SEC. 17.4-2 CURFEW – PENALTY FOR VIOLATIONS.

- A. It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times:
1. Between 12:01 a.m. and 6:00 a.m. Saturday;
 2. Between 12:01 a.m. and 6:00 a.m. Sunday;
 3. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
- B. It is a defense to a violation under this chapter if the child engaged is in the prohibited conduct while:
1. Engaged in a business or occupation which the laws of Illinois authorize a person less than 17 years of age to perform.
 2. Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least 18 years of age.
 3. Accompanied by an adult at least 18 years of age approved by the child's parent, guardian, or custodian.
 4. Participating in, going to, or returning from:
 - a. Employment which the laws of this state authorize a person less than 17 years of age to perform;
 - b. A school recreational activity;
 - c. A religious event;
 - d. An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
 - e. An activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both;
 - f. An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adult.

A citation for violation of subsection (A) of this section may be issued by a police officer only if he reasonably believes that a violation has occurred and none of the defenses enumerated in subsection (B) apply.

- C. A person convicted of a violation of any provision of this Section shall be fined not less than \$10.00, nor more than \$500.00.

SEC. 17.4-3 TRUANCY PROHIBITED.

- A. It shall be unlawful for any person under the age of 18 years enrolled in a public, private, or parochial school within the corporate limits of the Town of Normal, Illinois, to absent himself or herself from attendance at school for any day or portion thereof, during such period when school is in session, without parental permission or valid excuse.
- B. A valid cause for absence from school shall include illness, death in the immediate family, other family emergency, or other causes beyond the control of the person so absenting himself or herself from school, provided that parental permission for absence due to such cause is obtained, in writing, from the parent and is submitted to the proper school authorities within twenty-four (24) hours after such absence, not counting weekends.
- C. Parental permission, as required by this Section, shall refer to and include permission obtained from a parent, legal guardian, other adult person standing in loco parentis and having custody and control over such person under the age of 18 years.
- D. Each day that such person under 18 years of age absents himself or herself from school attendance shall constitute a separate offense, and shall be punishable as such.
- E. Persons violating this Section shall be fined not less than \$5.00, nor more than \$500.00 for each offense.

DIVISION 5 – NOISE REGULATIONS

SEC. 17.5-1 DEFINITIONS. For the purpose of this Division:

“Residential area” means any area that is zoned as R-1AA, R-1A, R-1B, R-2, R-3A, R-3B, or R-4 and any mobile home park authorized as a special use in an area that is zoned B-1.

“Powered equipment” means any mechanically powered saw, sander, drill, grinder, nail gun, lawn mower, lawn or garden tool, leaf blower, or similar tool.

“Powered equipment” does not include snow-removal equipment or generators.

“Sound amplifying device” means any device utilizing electric current that amplifies a musical instrument, tuner, phonograph record, magnet tape, any electronically synthesized sound or the human voice.

SEC. 17.5-2 SPECIFIC NOISE PROHIBITIONS IN RESIDENTIAL AREAS.

No person may conduct any of the following activities in a residential area if the activity produces clearly audible sound beyond the boundary line of the property or residential unit on which or in which the activity is conducted:

1. The use or operation of power equipment used between the hours of 9:30pm and 7:00 am that produces clearly audible sound beyond the boundary line of the property or residential unit on which or in which the activity is conducted;
2. The use or operation of any sound amplification device, so that the device produces loud and raucous sounds beyond the boundary line of the property, unless a permit has been obtained under Section 17.5-4;
3. The use or operation of any sound amplifying device so that the device produces loud and raucous sounds within a multiple-family structure at any time during the following hours:
 - a. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 10:00 a.m. on the following day;
 - b. Between 12:01 a.m. and 10:00 a.m. Saturday; or
 - c. Between 12:01 a.m. and 10:00 a.m. Sunday.

SEC. 17.5-3 SOUND AMPLIFYING DEVICES IN NON-RESIDENTIAL AREAS: It is unlawful to use or operate a sound amplifying device on public property, including rights-of-way, or on property other than a residential area in such a manner that the device produces loud and raucous sounds at a distance greater than 50 feet from the device, unless a permit has been obtained under SEC. 17.5-4.

SEC. 17.5-3 PERMITS FOR SOUND AMPLIFYING DEVICES:

- A. Anyone desiring to use or operate a sound amplification device beyond the limits stated in item (2) of SEC. 17.5-2 or stated in SEC. 17.5-3 must make application to the Chief of Police for a sound amplification permit. The application must state whether live or recorded sound will be amplified, and if live, the names and addresses of the performers must be provided.
- B. The following terms apply for each permit:
1. The permit is in effect only from 10:00 a.m. to 11:00 p.m., local time, Sunday through Thursday and 10:00 a.m. to 12:00 midnight Friday and Saturday.
 2. The sound amplification device may not produce loud and raucous sounds greater than 100 feet from the device.
 3. The permit may not allow loud and raucous sounds within 50 feet of a school or church during the hours they are in session or within 50 feet of a hospital or nursing home.
- C. The Chief of Police or his designee shall issue a permit to anyone who applies for the same. The Police Chief or his designee may deny a permit for a location if a violation of this Division 5 has occurred at that location within the past two years, or the person or entity seeking the permit has violated any Section of this Division 5 within the past two years. The Police Chief may deny a permit if a permit for this location or within 300 feet of this location has been issued within the past three months, and the Police Chief reasonably believes that the issuance of the permit would unreasonably disturb the peace and quiet of the neighborhood.
- D. Each permit is valid only during the time specified in the permit.
- E. Each permittee must comply with all the provisions of this Division 5 and is responsible for seeing that the sound amplifying device is used or operated in accordance therewith.

SEC. 17.5-6 EXEMPTIONS.

- A. The restrictions on the use and operation of power equipment in item (1) of SEC. 17.5-2 do not apply to any work or project for which a permit has been issued under Chapter 11 by the Director of Inspections or to any work or project for which a permit has been issued under Chapter 8 by the Director of Public Works or the Town Engineer. But any such permit may, in the discretion of the Director or Engineer, may limit the hours during which the use and operation of power equipment may exceed the restrictions in SEC. 17.5-2.

- B. The restrictions of this Division do not apply to any activity conducted by the Town or any other unit of government or any of the government's officials, employees, or agents acting in their official capacity.
- C. The restrictions of this Division do not apply to emergency vehicles or to warning or anti-theft devices.
- D. The restrictions of this Division do not apply to carillons.

(Division 5 Amended 11/7/2016 by ord. No. 5663)

DIVISION 6 – PUBLIC PROPERTY

SEC. 17.6-1 USE OF PARKS.

- A. It shall be unlawful for any person or group of persons to assemble or be present upon the grounds of any public park of the Town of Normal between the hours of 11:00 p.m. and 6:00 a.m. on any day in any year; said time to be governed by the applicable time in question, whether it be Central Standard Time or Daylight Saving Time.
- B. Use of Golf Course. It shall be unlawful for any person to golf, or cause golf balls to land on the grounds of any golf course or driving range owned by the Town of Normal unless such person has paid any appropriate fees or otherwise obtain permission to be on the golf course of driving range.
- C. It shall be unlawful for any person to hit any golf balls or to cause any golf balls to be hit onto any Town parks or golf courses except golf courses or driving ranges where such activities are permitted when the appropriate fee has been paid therefore.
- D. Any person or persons found to be violating this provision shall be punished by a fine of not less than \$25.00, nor more than \$500.00. Each day that any such violation continues shall be considered as a separate and distinct offense and shall be punishable as such.

SEC. 17.6-2 PERMITTED HOURS FOR USE OF CONSTITUTION TRAIL. It shall be unlawful for any person or group of persons to assemble or be present upon the grounds of the Constitution Trail in the Town of Normal earlier than one hour before sunrise or later than one hour after sunset.

SEC. 17.6-3 HORSES PROHIBITED ON CONSTITUTION TRAIL. It is unlawful for any person to permit the presence of horses and/or ponies on Constitution Trail.

SEC. 17.6-4 NO CAMPING IN UPTOWN ROUNDABOUT AND GATEWAY PLAZA. No person shall camp in the Uptown roundabout or in the Gateway Plaza.

As used herein, Uptown roundabout means that interior space bordered by the intersections of Beaufort, North, and Constitution Boulevard in the form of a traffic circle or roundabout.

As used herein, Gateway Plaza means all that space located between the Town of Normal Children's Discovery Museum and Uptown Station, north of the Union Pacific Railroad right-of-way and south of Beaufort Avenue in Uptown Normal.

As used herein, camping means the use of a space for living accommodation purposes such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) or storing personal belongings or making any fire or using any tents or other structure for sleeping or doing any digging or earth breaking or carrying on cooking activities when it reasonably appears in light of all of the circumstances that the participants in conducting any of

these activities are, in fact, using the space as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

(Entire Division 17.6-4 added 3/5/2012 by Ord. No. 5430)

SEC. 17.6-5 UPTOWN STATION CODE OF CONDUCT.

- A. As used herein, Uptown Station means the building and parking deck occupying the common address of 11 Uptown Circle, Normal, Illinois. It shall be unlawful for any person while in Uptown Station to commit any of the following acts:
1. Interfere with the lawful operation or movement of any vehicle;
 2. Ride a skateboard or rollerblade;
 3. Bring a bicycle into the facility, except to bring the bicycle directly from the street to the designated bike rack, or to check such bicycle for transport;
 4. Illegally possess a weapon;
 5. Smoke tobacco or any other substance, except in compliance with state and local law;
 6. Spit, urinate, or defecate, except in the designated restroom facility equipment;
 7. Discard or deposit any rubbish, trash, offensive substance, or debris in a place other than a designated refuse receptacle;
 8. Utilize a sound amplification device or musical instruments so as to alarm or disturb facility operations or any other person;
 9. Sell any item or engage in any commercial activity, except as provided by license or lease issued by the Town, specifically identifying Uptown Station as a permitted use;
 10. Beg, panhandle, or solicit donations from members of the public;
 11. Consume alcohol, except in lawfully license liquor establishments;
 12. Activate any emergency alarm device, except in cases of actual emergency;
 13. Mutilate, deface, mark, mar, or destroy any sign, notice, or advertisement lawfully placed on or at the facility;
 14. Sleep or place feet or shoes on seats located at the facility;
 15. Place or cause to be placed any sign, notice, or advertising in or on any part of the facility without the permission of the Town of Normal;

16. Refuse to leave the facility when asked to do so by authorized personnel or police;
 17. Engage in any activity which disrupts or hinders the use of the facility or disturbs or alarms any other person in the facility. Loud or boisterous activity, verbal or physical harassment, running, fighting, yelling, cursing, or congregating in large groups may be among the activities which may disrupt or hinder the use of the facility or disturb or alarm other persons in the facility;
 18. Engage in any illegal activity;
 19. Bring animals into the facility without the permission of authorized facility personnel (except for animals used to aid persons with disabilities and except for authorized animal transport purposes);
 20. Occupy space with personal property for an excessive length of time or occupy an excessive amount of space, all as determined by authorized facility personnel;
 21. Be present in the facility wearing inappropriate clothing or in a condition of poor personal hygiene so as to alarm or disturb other persons in the facility;
 22. Access building areas above the first floor, except for the purpose of conducting authorized business in such areas; or
 23. Perform any act that unreasonably alarms or disturbs other patrons of the facility or unreasonably interferes with the lawful use or operations of the facility and its occupants.
- B. Additionally, authorized facility personnel may issue a ban notice in writing to any person who has violated any of the foregoing rules or any other law, the effect of which is to exclude such person from Uptown Station. Violation of any lawfully issued ban order shall be considered a trespass and subject such person to immediate arrest.
- C. Ban Appeal Process. Any person issued a ban order by authorized facility personnel may within three city business days appeal such order in writing to the City Manager or designee for a review of the facts surrounding issuance of the order. The City Manager or designee shall hold an informal hearing at which hearing the City Manager or designee may receive evidence relevant to the ban order and appeal. The City Manager or designee has authority to uphold, modify, or rescind the ban.

(Entire Division 17.6-5 was added 5/21/2012 by Ord. No. 5441)

SEC. 17.6-6 EXCLUSION FROM PARKS.

- A. In addition to other remedies provided for violations of this Code, or of any of the laws of the State of Illinois, the Director of Parks and Recreation, the Police Chief and any of their designees (herein Town employee) may exclude any person from any park property when such person engages in conduct that is disruptive to the normal and customary use of the park. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but are disruptive to the normal and customary use of the park, shall be subject to exclusion as provided by this Section. As used herein, park property means any Town property managed or used by the Parks and Recreation Department for recreational purposes.
- B. Any person who enters onto, or remains on park property during an effective exclusion is guilty of trespass and may be arrested and prosecuted under appropriate law or ordinance.
- C. The duration of exclusion is in discretion of the Town employee issuing the exclusion, but shall not exceed a period of one (1) year.
- D. Conduct considered disruptive to the normal and customary use of the park includes, but is not limited to, any violation of law, attempted violation of law, fighting, establishing control over identifiable areas to unreasonably intimidate others from entering those areas, concealing illegal activities, theft, damage to property, illegal possession of drugs, illegal possession of weapons, use of profane language causing a breach of the peace, sale of unauthorized merchandise, failure to follow the authorized direction of any Parks and Recreation employee, gang-related activities, and conduct injurious to, or adversely affecting the safety of any person. As used herein, gang related activity means those activities identified in Illinois law as “street gang-related” or “gang-related.” As used herein, gang includes criminal street gangs as defined by Illinois law and any group of persons identified by the Normal Police Chief as affiliated, associated or peripheral to a criminal street gang.
- E. The excluded person need not be charged, tried, or convicted of any crime or be issued an ordinance violation in order for an exclusion order to be effective. The exclusion may be based upon observation by any Town employee or upon civilian reports that would ordinarily be relied upon by a reasonable person.
- F. The exclusion order shall be communicated to the excluded person. The authorized Town employee shall specify the date, length and place of exclusion, a brief description of the disruptive conduct, consequences for failure to comply with the exclusion order and the method for appealing such exclusion order.
- G. The excluded person may, within three (3) Town business days, appeal the exclusion order to a supervisor of the issuing Town employee. The exclusion order shall remain in effect during such appeal. The supervisor shall hold an informal hearing at which the supervisor may receive evidence relevant to the exclusion and appeal. The supervisor has authority to uphold, modify, or rescind the exclusion.

- H. The decision of the supervisor of the issuing Town employee is final. Any person may seek judicial review of the supervisor's decision pursuant to the Illinois Administrative Review Act.
- I. The exclusion order shall remain in effect during the pendency of any administrative or judicial proceeding.

(Entire Division 17.6-6 was added 7/1/2013 by Ord. No. 5500)

DIVISION 7 – PROPERTY**SEC. 17.7-1 OPEN BURNING AND COMBUSTIBLE REFUSE.**

- A. It shall be unlawful to store or permit to be stored any combustible refuse in such a way as to create a fire hazard or to store or throw any refuse of any kind on any street, alley or other public place. It shall be unlawful for any person or persons to set to fire, to burn, or to cause to be burned, any rubbish, leaves, grass, weeds, or other matter within the corporate limits of the Town of Normal, except as provided in SEC. 17.7-1(B) and 17.7-1(C).
- B. A permit is required for all fires conducted outside of a building, except cooking and recreational fires, which are allowed without a permit under the following conditions:
1. Cooking fires are allowed under the following conditions:
 - a. The fire is built in a fireplace or grill;
 - b. The fire is used for cooking purposes only;
 - c. The fire is kept under competent and continuous supervision;
 - d. All flammable and combustible material not used as fuel for the fire is removed a sufficient distance from the fire so as not to constitute a hazard;
 - e. All fires and coals are thoroughly extinguished after the use thereof has been completed; and
 - f. Only clean, dry firewood or charcoal may be used for cooking fires. Construction materials or yard waste are strictly prohibited. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited.
 2. Recreational fires are allowed under the following conditions:
 - a. The fire is in a commercially available portable fireplace, a chiminea, a permanent outdoor fireplace constructed of stone or firebrick, or in an approved fire pit. For purposes of this Section, an approved fire pit shall be bare ground with no vegetation no less than fifteen feet in diameter.
 - b. Only clean, dry firewood may be used for recreational fires. Construction materials or yard waste is strictly prohibited. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited.

- c. The fire is kept under competent and continuous supervision.
 - d. All flammable and combustible material not used as fuel for the fire is removed a sufficient distance from the fire so as not to constitute a hazard.
 - e. All fires and coals are thoroughly extinguished after the use thereof has been completed.
 - f. No fire shall exceed three feet in diameter or two feet in height.
 - g. No fire in an approved container (portable fireplace or chiminea) shall be located within 8 feet of a building. No fire in a fire pit shall be located within 25 feet of a building.
 - h. At least one functioning, portable fire extinguisher with a 4-A rating shall be outside and available for immediate use at all times when the fire is burning or a functional garden hose attached to a functional water source.
 - i. No recreational fires are permitted between the hours of 11:00 p.m. and 7:00 a.m.
 - j. No recreational fire shall be permitted when the Fire Chief or his designee has issued an order banning all recreational fires. The Fire Chief may issue an order banning all recreational or special event fires when wind conditions or drought create a significant risk of fire spreading beyond the recreational or special event fire.
 - k. All recreational fires shall be extinguished when repeated wind gusts in excess of 20 miles per hour are presented or when there is sustained wind in excess of 15 miles per hour.
- C. Permits Required. It shall be unlawful to have an open fire, except cooking and recreational fires as set forth in SEC. 6.4-17(A)(2) of this Code, or to engage in the following activities in the Town of Normal, unless a permit has been obtained prior to the open fire or engaging in the listed activity:
- 1. Special Event Fires. A person or entity may have an open special event fire if the following conditions are met:
 - a. A special event fire permit has been obtained from the Town of Normal Fire Department.
 - b. The group or person obtaining the permit provides competent and continuous supervision.
 - c. The fire is built in connection with an activity comparable to one of the following illustrative examples: school pep rally bonfire; scouting and related activities; group wiener roasts; or campfires.

- d. The fire is in a fire pit which shall consist of bare ground with no vegetation no less than 30 feet in diameter.
- e. Only clean, dry firewood or non-treated lumber may be used for special event fires. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited. No special event fire shall exceed ten feet in diameter or ten feet in height.
- f. All flammable and combustible material not used as fuel for the fire is removed a sufficient distance from the fire so as not to constitute a hazard.
- g. All fires and coals are thoroughly extinguished after the use thereof has been completed.
- h. No special event fire shall be located within 50 feet of a building.
- i. At least one functioning, portable fire extinguisher with a 4-A rating shall be outside and available for immediate use at all times when the fire is burning or a functional garden hose attached to a functional water source.
- j. No special event fires are permitted between the hours of 11:00 p.m. and 7:00 a.m.
- k. No special event fire shall be permitted when the Fire Chief or his designee has issued an order banning all special event fires. The Fire Chief may issue an order banning all special event fires when wind conditions or drought create a significant risk of fire spreading beyond the special event fire.
- l. All special event fires shall be extinguished when repeated wind gusts in excess of 20 miles per hour are presented or when there is sustained wind in excess of 15 miles per hour.

(Entire SEC. 17.7-1 was Amended 7/18/2011 by Ord. No. 5391)

SEC. 17.7-2 POSTING BILLS. It shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof. No person shall post, paint, print or nail any bill, sign, poster, advertisement or notice or advertising matter of any kind on any curbstone, public waiting room or building, or on any sidewalk, tree, lamp post, telegraph, telephone or electrical pole or upon any private wall, door, gate, fence or building without the consent of the owner. Each day such sign shall remain after notice to remove same has been given shall constitute a separate offense.

SEC. 17.7-3 OBSTRUCTING STAIRWAYS OR EXITS. It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor, or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge or other public hall, or any building used by two or more tenants or families, in such a manner as to interfere with the free use of such stairway, aisle, corridor or exit.

SEC. 17.7-4 ABANDONED REFRIGERATORS. It shall be unlawful to permit any unused or abandoned refrigerator, ice box, deep freeze or other freezer to remain in any place which is accessible to any child, without first removing the doors to such ice box, refrigerator or freezer.

SEC. 17.7-5 OUTDOOR STORAGE OF UNLICENSED NON-OPERATING VEHICLES ON PRIVATE PROPERTY. It shall be a unlawful for any person owning, leasing, occupying, or having charge of any premises within the Town to allow an inoperable or unlicensed motor vehicle to remain on the premises, unless such vehicle is in an enclosed building, or unless said premises has as its principal use the maintenance, repair, sale, storage or manufacture of vehicles.

An inoperable vehicle is any vehicle which is incapable of being operated on a public highway or which has not operated on the highway for a period of eight (8) weeks whether the vehicle is operable or not.

An unlicensed vehicle is any vehicle which does not display a valid license plate or valid license applied for sticker.

SEC. 17.7-6 LITTER.

A. Definitions. The following words and phrases when used in this Section shall mean:

1. Litter means any discarded, used or consumed 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 of other packaging construction material, 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 traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly;
2. Motor vehicle has the meaning ascribed to that term in Section 1-146 of the Illinois Vehicle Code; and
3. Person means any individual, partnership, co-partnership, firm company, corporation, association, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

- B. Dumping, Deposit, etc. of Litter Prohibited – Exemptions. No person shall dump, deposit, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property, within the Corporate Limits of the Town, or upon or into any river, lake, pond, or other stream or other body of water within the Corporate Limits of the Town, unless:
1. The property has been designated by the Town for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Pollution Control Board;
 2. The litter is placed into a receptacle or other container by the owner or tenant in lawful possession of that property for the deposit of litter;
 3. 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 the act is done under the personal direction of the owner or tenant and in addition, under the ordinances of the Town of Normal, does not create a public health or safety hazard, a public nuisance, or a fire hazard;
 4. The person is acting, under the direction of proper public officials during special clean-up days; or
 5. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such litter when the emergency situation no longer exists.
- C. Dumping, Deposit, etc., from Motor Vehicle Prohibited – Deposit of Garbage or Refuse in Receptacles Along Public Streets. No person shall dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle upon any public street, upon any public or private property or upon or into any river, lake, pond, stream or body of water within the Corporate Limits of the Town except as permitted in subsection B of this Section. Nor shall any person transport by any means, garbage or refuse from any dwelling, residence, place of business or other site to and deposit such material in, around or on top of trash barrels or other receptacles placed along public streets or at any Town park or other Town property.
- D. Presumption of Violation by Operator – Throwing, Deposit, etc., of Litter from Motor Vehicle. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated subsection C, but that presumption may be rebutted.
- E. 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.

- F. Violations - Penalty. Persons who violate subsections B, C or E are subject to the penalties set out in this subsection.
1. Any person convicted of a violation of subsections B, C or E is guilty of a petty offense and shall be fined for the first conviction not less than \$10.00 nor more than \$50.00; for the second conviction, not less than \$25.00 nor more than \$100.00; and for a third or subsequent conviction, not less than \$50.00 nor more than \$500.00.
 2. In addition to any fine imposed under this subsection, the court may order that the person convicted of such a violation remove and properly dispose of the litter, may employ special bailiffs to supervise such removal and disposal, and may tax the costs of such supervision as costs against the person so convicted.
 3. The penalties prescribed in this subsection are in addition to, and not in lieu of, any penalties, rights, remedies, duties or liabilities otherwise imposed or conferred by law.
- G. Effect of Invalid Provision or Application—Severability. If any provision of this Section or the application of such provision to any person or circumstances is held invalid, such validity shall not affect other provisions or applications of the Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are declared to be severable.

SEC. 17.7-7 – GRAFFITI PROHIBITED – It shall be unlawful for any person to place graffiti as hereafter defined upon any publicly or privately owned wall or other exposed surface within the Town of Normal. Graffiti shall mean any drawing, inscription, writing, figure, or mark made upon a wall or other exposed surface including but not limited to any house, garage, rock, bridge, fence, gate, tree, monument, motor vehicle, sidewalk, street, lamppost, street sign, underpass, or retaining wall, whether publicly or privately owned with paint, chalk, dye, ink, pencil, wax, or other substance or by etching, scratching, cutting, burning, or carving without the express consent of the owner of said wall or other exposed surface.

Each wall or exposed surface marked by graffiti shall constitute a separate offense.

DIVISION 8 – ANIMALS

SEC. 17.8-1 CRUELTY. No person shall cruelly treat any animal in the Town in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this Division.

SEC. 17.8-2 DANGEROUS ANIMALS.

- A. Definition. A dangerous animal includes any of the following animals, including hybrids thereof: lion, tiger, leopard, elephant, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, civet, serval, hyena, bear, wolf, or coyote, or any poisonous or life-threatening reptile. A life-threatening reptile is any member of the crocodylian family or any constricting snake six feet or over in length, such as a boa, python, and anaconda.
- B. It shall be unlawful for any person to keep any dangerous animal in the Town of Normal.
- C. It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the Town.
- D. It shall be unlawful for any person to exhibit a dangerous animal without first receiving and displaying a license from the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture for warm-blooded animals on display, animals that perform in public, or animals used in educational presentations. Exhibitors must provide during public exhibition reasonable and sufficient distance or barriers between the animals and the public. When there is a possibility of animals coming in direct contact with the public, a knowledgeable and responsible attendant must be present, and there must be sufficient distance maintained, as well as physical and behavioral barriers. It shall be unlawful for any person exhibiting a dangerous animal to knowingly permit a member of the public to come in contact with a dangerous animal.

SEC. 17.8-2.5 PRIMATES.

- A. Definitions. As used in this Section:
 - 1. “Dangerous Animal Statute” means Section 48-10 of the Criminal Code of 2012.
 - 2. “Primate” means a nonhuman member of the order of primate, including, without limitation chimpanzee, gorilla, orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye, and tarsier.
 - 3. “Permitted facility” means a properly maintained zoological park, federal licensed exhibit, circus, college or university, scientific institution, research laboratory, or veterinary hospital.

- B. **Keeping Primates Prohibited.** No person may have a right of property in, keep, harbor, care for, act as custodian of, or maintain in his or her possession any primate except in an escape-proof enclosure at a permitted facility. The restrictions of this subsection B do not prohibit a person who had lawful possession of a primate before January 1, 2011 from continuing to possess that primate if the person registers the primate in accordance with the requirements of Subsection D of this Section.
- C. **Primates in Public Prohibited.** It is unlawful for any person to bring a primate into a public place except for transport to and from a permitted facility. It is unlawful for a person to allow any member of the public to come in contact with a primate.
- D. **Registration Requirements.** The requirements of this Subsection D do not apply to any Federal or State Agency. In addition to any notification requirements under the Dangerous Animal Statute, each person who has lawful possession of a primate under this Section is required to register the primate by providing written notification to the Chief of Police. The registration must be made on or before January 1, 2015 and annually thereafter. The registration must include (i) the person's name, address, and a telephone number and (ii) the type of primate, the age, a photograph, a description of any tattoo, microchip, or other identifying information, and a list of current inoculations. A person registering a primate must notify the Chief of Police in writing within 30 days of a change of address and must notify the Chief of Police in writing immediately if the primate dies, escapes, or bites, scratches, or injures a person.

(SEC. 17.8-2.5 Added 10/6/2014 by Ord. No. 5559)

SEC. 17.8-3 NOISES. It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.

SEC. 17.8-4 STRAYS. It shall be unlawful to permit any dog, cat, cattle, horse, swine, sheep, goats or poultry to run at large in the Town. Any such animal running at large in any public place in the Town shall be impounded in the manner provided in the following article. It shall further be unlawful to picket or tie any such animal in any of the streets of the Town for the purpose of grazing or feeding.

SEC. 17.8-5 KILLING DANGEROUS ANIMALS. The members of the Police Department or any other person authorized by the Town are hereby authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

SEC. 17.8-6 DISEASED ANIMALS. No domestic animal afflicted with any contagious disease or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except as provided by State law.

SEC. 17.8-7 HOUSING. No person shall cause or allow any stable or place where an animal is or may be kept to become unclean or unwholesome, and it shall be unlawful to keep, propagate or culture any live swine or pigs, pigeons, poultry, or any form of livestock in the Town, except horses and donkeys may be kept on property zoned A-Agriculture District. (Amended 6/20/2011 by Ord. No. 5387)

SEC. 17.8-8 PARKS. It shall be unlawful for any person to ride, walk, lead, or allow any horse or pony within the confines of any recreation park of the Town of Normal, including but not limiting thereto, Constitution Trail.

SEC. 17.8-9 DISRUPTION OF GARBAGE. It shall be unlawful for any animal to tear up, break into, or disrupt any container which holds garbage, trash, or debris. The owner of every animal shall be responsible for the behavior of his/her animal under the provisions of this ordinance.

SEC. 17.8-10 RABIES, INOCULATION, AND TAG.

- A. Inoculation Against Rabies. It shall be the duty of every owner who keeps, harbors, or otherwise maintains a dog or cat more than four months of age in the Town to have the same inoculated against rabies by a licensed veterinarian. Dogs must have a valid rabies certificate according to the laws of the State of Illinois. For dogs, the type and brand of the anti-rabic vaccine used and the method of inoculation shall be in accordance with and evidenced by a rabies tag specified by the applicable laws of the State of Illinois. Any dog or cat which is not inoculated against rabies as required herein is hereby declared to be a public nuisance, and such dog or cat may be apprehended and impounded. All dogs must be registered with McLean County Animal Control and must display such registration on the dog by means of the rabies tag. It shall be unlawful for any person to keep any dog more than four months of age in the Town of Normal for more than thirty days which is not registered with McLean County. Any dog found in the Town of Normal which is not registered or does not display said registration tags may be immediately impounded by a police officer or animal control warden. Such animal may be released to the owner upon proof of rabies vaccination (or deposit for such vaccine), registration, and payment of all applicable fees.
- B. Collar and Tag. Every owner shall provide each dog more than four months of age kept, harbored, or otherwise maintained by him in the Town with a sturdy collar to which the aforesaid rabies tag shall be securely fastened, and it shall be the owner's duty to make certain that the collar and tag are worn at all times by the dog when off the owner's premises.
- C. Unauthorized Removal of Tag. It shall be unlawful for any person, other than a police official, animal warden, or other person charged with the enforcement of this Division, to remove a rabies tag from any dog without the owner's or his agent's consent.

SEC. 17.8-11 RUNNING AT LARGE.

- A. Running At Large means off the premises of the owner and not under physical restraint by means of a leash, cord, or chain, or confined by means of a secure enclosure. It shall be unlawful to permit to run at large any dog or cat on the streets, parks, or public ways of the Town, or on private property where the owner or person in control of the private property has not granted permission for the dog or cat to be on the private property. If any dog or cat shall be found running at large upon public property or upon the private premises of any person other than the owner or keeper of such dog or cat, the owner or keeper of such dog or cat shall be deemed guilty of violation of this Section. The provisions of this Section shall not apply to dogs leading blind persons, or to dogs or cats exhibited at dog, cat, or pet shows or dog training schools, or dogs belonging to a law enforcement agency being used for law enforcement purposes. A violation of this section shall be considered an absolute liability offense.
- B. Impoundment. Any dog or cat which runs at large is hereby declared to be a public nuisance and such dog or cat may be apprehended and impounded if found running at large by any police officer, animal warden, or other person authorized by the Town.

SEC. 17.8-12 DANGEROUS DOGS.A. Definitions:

1. "Dangerous dog" means
 - a. any dog which, when unmuzzled, in an aggressive or terrorizing manner approaches any person in an apparent attitude of attack on any street, sidewalk or public property or private property other than the property of the owner of the dog; or
 - b. any dog which bites a person or other animal whether on public or private property but does not cause injury; or
 - c. any dog which has been declared a "dangerous dog" by any other jurisdiction.
2. "Vicious dog" means
 - a. any dog that bites or attacks a human being or other animal on public or private property causing injury to a person or other animal; or
 - b. any dog that has been found to be a "dangerous dog" on three separate occasions in this or other jurisdictions; or
 - c. any dog that has been found to be a "vicious dog" by any other jurisdiction.

3. “Dog subject to euthanasia” means
 - a. any dog which has killed any person, dog, or cat; or
 - b. any dog which has rabies; or
 - c. any dog previously declared a “vicious dog” and bites a person or animal causing injury to that person or animal;
 - d. any dog previously declared a “vicious dog” and, when unmuzzled, in an aggressive or terrorizing manner approaches any person in an apparent attitude of attack on any street, sidewalk or public property or private property other than the property of the owner of the dog; or
 - e. any dog previously declared a “vicious dog” and was subsequently “running-at-large”; or
 - f. any dog previously declared a “vicious dog” which is not kept in the manner required of keepers of “vicious dogs.”
4. “Injury” means any wound requiring medical or veterinary treatment.
5. Exceptions.
 - a. No dog shall be declared “dangerous,” “vicious,” or “subject to euthanasia” if it is a trained law enforcement dog performing in the line of duty for a law enforcement agency.
 - b. No dog shall be deemed “vicious” if it bites a trespasser on the property of its owner or bites anyone who has tormented or abused it.
 - c. Notwithstanding the foregoing provisions, dogs may be euthanized at the request of the owner, for humane treatment purposes, or if unclaimed at an animal shelter or veterinary clinic.

B. Procedures for declaring a dog “dangerous,” “vicious,” or “subject to euthanasia”:

1. Any person may file a complaint in writing with the Police Department seeking to have a dog declared “dangerous,” “vicious,” or “subject to euthanasia.” The Police Chief or his designee shall review the report, and if he finds that the criteria for declaring a dog “dangerous,” “vicious,” or “subject to euthanasia” have been met, shall declare the dog “dangerous,” “vicious,” or “subject to the euthanasia” and set a hearing on the declaration. The Police Chief shall immediately notify the owner of the dog of the declaration. Such notice shall include the basis for the declaration, the declaration, the restrictions placed on keeping the animal, notice of the hearing date, time and place, and the rights of the owner at the hearing.

2. An owner of a dog declared “dangerous,” “vicious,” or “subject to euthanasia” has a right to present evidence at the hearing in front of the Police Chief or his designee and to question any persons presenting evidence in support of the declaration. The hearing must take place within seven days of the declaration of “vicious,” “dangerous,” or “subject to euthanasia” if the dog is impounded. If the dog is not impounded, the hearing shall be held in an expeditious manner, no later than thirty days from the declaration.
 3. At any hearing, the person bringing the complaint shall have the burden of proving the complaint by a preponderance of the evidence, except that any finding that a dog is subject to euthanasia shall be by clear and convincing evidence. The hearing shall be informal, and the strict rules of evidence shall not apply. Hearsay shall be permitted. An owner of a dog shall be permitted to ask questions of the witnesses and to bring evidence in opposition to the complaint.
 4. The Police Chief shall keep a record of the outcome of all hearings and the name, registration number, owner’s name and address of all dogs declared “dangerous,” “vicious,” or “subject to euthanasia.”
- C. Disposition and keeping of dogs declared “dangerous,” “vicious,” or “subject to euthanasia”:
1. Dogs declared dangerous. Any dog declared dangerous shall be kept in a building or fenced enclosure from which the dog cannot escape at all times. At all other times, when outside and not in a fenced enclosure, a dangerous dog must be on a leash not exceeding six feet in length firmly attached to the dog and held by a person strong enough to restrain the dog at all times. When outdoors, the dog shall display a dangerous dog tag issued by McLean County Animal Control firmly affixed on the dog’s collar. It shall be unlawful to keep a dangerous dog in a manner other than as set forth in this subsection. The owner or keeper of a dog declared dangerous shall obtain a dangerous dog tag within 14 days of the declaration that the dog is dangerous. Each day upon which the owner or keeper of a dog declared dangerous fails to obtain the dangerous dog tag shall be considered a separate violation of this ordinance. (Amended 1/18/11 by Ord. No. 5366)
 2. Dogs declared vicious. Any dog declared vicious shall be kept in a building or fenced enclosure from which the dog cannot escape at all times. An owner or keeper of a vicious dog must have a secure fenced enclosure in which to exercise the dog. The dog shall be muzzled at all times when outside a building, including when inside a fenced enclosure. When in a secure fenced enclosure, the vicious dog must be in constant supervision by a person. To be “muzzled” means to have a device securely fastened over the mouth of the dog such that it cannot bite any person or other animal. A vicious dog shall not be permitted outside except in a secure fenced

enclosure and except for the limited purpose of obtaining veterinary care or to respond to an order of a court. When outside not in a secure, fenced enclosure, the vicious dog must be muzzled and on a leash not exceeding six feet in length firmly attached to the dog and held by a person strong enough to restrain the dog at all times. When outside, whether in an enclosure or not, the vicious dog must display a vicious dog tag issued by McLean County Animal Control firmly affixed to its collar at all times. When inside a building, a vicious dog must be kept inside the dwelling unit of the keeper of the dog, and is not allowed in any common areas of the building. All vicious dogs must be spayed or neutered within 14 days of the declaration that they are vicious. It shall be unlawful to keep a vicious dog in a manner other than as set forth in this subsection. The owner or keeper of a vicious dog must provide to the Police Chief a letter or other proof signed by a licensed veterinarian that the vicious dog has been spayed or neutered or that the dog has died within 14 days of the declaration that the dog is vicious. The owner or keeper of a vicious dog shall obtain a vicious dog tag within 14 days of the declaration that the dog is vicious. Each day upon which the owner or keeper of a vicious dog fails to obtain the vicious dog tag or to provide the notice of spaying, neutering, or death shall be considered a separate violation of this ordinance. (Amended 1/18/11 by Ord. No. 5366)

3. Dogs subject to euthanasia. It shall be the duty of the owner of any dog declared “subject to euthanasia” by the Police Chief or his designee to immediately take the dog to an impound facility or veterinarian who shall hold such animal for euthanasia pending the hearing before the Police Chief or his designee. The animal shall be euthanized in a humane manner no sooner than two days after the hearing on the determination of the Police Chief that the dog is subject to euthanasia, unless the owner consents to an earlier time. It shall be unlawful for an owner to remove a dog declared subject to euthanasia from the jurisdiction or to refuse to have the dog euthanized immediately. In the event that an owner does not deliver a dog subject to euthanasia to an impound facility or veterinarian, the Town may seek a warrant from the Circuit Court of McLean County for the immediate seizure of the dog. The owner or keeper of a dog subject to euthanasia must provide to the Police Chief a letter or other proof signed by a licensed veterinarian that the dog has been euthanized within 14 days of the declaration that the dog is subject to euthanasia. Each day upon which the owner or keeper of a dog subject to euthanasia fails to provide the notice of euthanasia shall be considered a separate violation of this ordinance. (Amended 1/18/11 by Ord. No. 5366)

D. Duty to report “dangerous” or “vicious” dogs.

Any person keeping a dog which has been declared “dangerous” or “vicious” in another jurisdiction shall report that fact to the Police Chief within three days of bringing the dog into the Town of Normal. All dogs declared “dangerous” or “vicious” in another jurisdiction shall be kept in a manner as if declared “dangerous” or “vicious” in the Town of Normal. It shall be unlawful to fail to report a “dangerous” or “vicious” dog within three days of bringing the dog into the Town of Normal.

E. No transfer of “vicious dog,” “dangerous dog,” or “dog subject to euthanasia.”

No owner or keeper of a “vicious dog,” “dangerous dog,” or “dog subject to euthanasia” shall sell or give away such a dog except to allow the dog to be euthanized. An owner or keeper of a “vicious dog” or “dangerous dog” must report any relocation of the animal, whether in the Town of Normal or outside the Town of Normal to the Normal Police Department.

SEC. 17.8-13 ANIMAL BITES. It shall be the duty of the owner of any animal to prevent such animal from biting or attacking any person in the Town, and, if a person is bitten by an animal, he shall report the incident to the Police Department immediately.

Any animal which may bite or attack any person in the Town is hereby declared to be a public nuisance and such animal may be apprehended by a police officer, animal warden or other person charged with the enforcement of this Division.

If any owner has notice that his animal has bitten any person, it shall be unlawful for such owner to kill such animal, or sell or give such animal away, or to permit or allow such animal to be taken beyond the limits of the Town except to a licensed veterinary hospital or impound facility, but it shall be the duty of such owner to immediately report the incident to the Police Department, or other person charged with enforcement of this Division, and to immediately place such animal in a licensed veterinary hospital where such animal may be quarantined for a period of at least ten days upon the request of any police officer, animal warden or other person charged with the enforcement of this Division. The owner shall immediately furnish the Police Department, or other person charged with enforcement of this Division with the name and location of said hospital and a certificate of a licensed veterinarian stating whether or not such animal shows symptoms of rabies. At the expiration of the quarantine period, and prior to the release of such animal, the owner shall furnish the Police Department or other person charged with enforcement of this Division with a certificate of a licensed veterinarian stating that such animal does not have rabies. All costs of maintaining animal in the veterinary hospital or impound facility shall be the obligation and responsibility of the owner and shall be paid by said owner.

In all cases where any animal has bitten a person and is slain or dies within ten days from the time of the bite, it shall be the duty of the person slaying such animal and the owner of such animal to notify the Police Department or other person charged with enforcement of this Division and to immediately deliver the carcass of such animal intact to such Department, or cause the same to be done.

SEC. 17.8-14 DISTURBING QUIET AND DAMAGING PROPERTY. It shall be unlawful for an owner to keep, harbor or otherwise maintain a dog in the Town which shall disturb the quiet of any person or neighborhood, or which shall attack any person, or which shall cause danger or fear to any person or neighborhood.

SEC. 17.8-15 SANITATION. It shall be unlawful for the owner or person in control of any dog to permit such animal to deposit dung on any public street, alley, parkway or other public place or on any private property without the consent of the owner of the property. It shall be an affirmative defense that the dung was immediately picked up and properly disposed of. It shall be unlawful for the owner of any premises to permit dung to accumulate on property such that it causes noxious odors or flies to accumulate.

SEC. 17.8-16 FEMALE DOG IN HEAT. The owner of a female dog in heat shall not keep, harbor or otherwise maintain such dog in the Town unless the same is confined in a kennel or veterinary hospital or in an enclosed building on the owner's property during the entire period such dog is in heat. Any female dog in heat which is not confined is hereby declared to be a public nuisance and may be apprehended and impounded upon the order of the Chief of Police.

SEC. 17.8-17 RABIES. Any dog, cat, or other animal suffering from rabies is hereby declared to be a public nuisance and such dog, cat, or other animal may be slain by any police officer, animal warden or such other person charged with the enforcement of this Division, if the same cannot be safely apprehended and impounded. It shall be the duty of any person keeping, harboring or otherwise maintaining any such dog, cat, or other animal to place it immediately in a veterinary hospital, or upon demand, to surrender such dog, cat, or other animal to any police officer, animal warden or other person charged with the enforcement of this Division.

It shall be the duty of every person who discovers that any dog, cat or other animal is suffering with rabies or that any dog, cat, or other animal has been bitten by a dog, cat, or other animal suffering with rabies to report such fact immediately to the Police Department. Such report shall give the name, if known, and the place of residence of the person keeping, harboring or otherwise maintaining any such dog or other animal, the place where the same can be found, and the license number of any dog, if known. Any such dog or other animal shall be immediately confined in a veterinary hospital, or taken up and impounded and securely kept until it can be determined whether any such dog, cat, or other animal is suffering with rabies.

SEC. 17.8-18 UNLAWFUL TREATMENT OF ANIMALS. It shall be unlawful for any person to maliciously shoot, poison, kill, injure, abuse or ill-treat any animal. Any person who kills or injures a dog or cat while driving a vehicle shall stop at the scene of the accident and render such assistance as practicable and shall immediately report the incident to the Police Department.

SEC. 17.8-19 HINDERING ENFORCEMENT. It shall be unlawful to hinder or molest any police officer, animal warden or person or corporation engaged in the enforcement of this Division.

SEC. 17.8-20 EXCEPTIONS. The provisions of this article shall not apply to dogs or cats receiving treatment or temporary care in a veterinary hospital, boarding kennels or pet shops.

SEC. 17.8-21 ENFORCEMENT. The Chief of Police and such other persons as may be designated by him are hereby authorized and directed to enforce this Division. The Town Council may, from time to time, and upon such terms and conditions as it deems proper, contract with any qualified person or corporation, and may, pursuant to said contract, provide said person or corporation with the power to enforce the provisions of this ordinance. In the absence of the appointment by the Town Council of any other person or company as poundmaster, the Chief of Police shall be the poundmaster, the other members of the Police Department shall assist him under this direction in carrying out the provisions of this Division.

SEC. 17.8-22 APPOINTMENT OF ANIMAL WARDEN. The Town Council may, from time to time, and upon such terms and conditions as it deems proper, contract with any qualified person or corporation, and may, pursuant to said contract, appoint such person, firm or corporation, animal warden and he shall be ex-officio poundmaster of and for the Town.

SEC. 17.8-23 PENALTY. Each day that any such violation or failure continues shall be considered as a separate and distinct offense and shall be punishable as such.

SEC. 17.8-24 TRAPPING CATS OR DOGS:

- A. No person shall set a trap with the intention of capturing a cat or dog in the Town of Normal except under the following circumstances:
1. The City manager or his designee has determined that a nuisance situation exists, and;
 2. The City Manager or his designee has authorized the trap; and
 3. Notice has been sent either in writing at least five days in advance of the placement of the trap to the property owners abutting the property upon which the trap is to be placed, or a sign is placed in front of the property where the trap is to be placed five days in advance of the placement indicating that a trap will be set.

- B. The foregoing shall not apply in the following situations:
1. To authorized persons attempting to catch suspected rabid, dangerous or vicious animals, or animals which may be injured and in need of veterinary treatment.
 2. To authorized not-for-profit associations engaging in trap-neuter-release programs in situations where those programs do not create or further a nuisance in the Town of Normal.
 3. In emergency situations where the trapping of cats or dogs is needed to protect the health and safety of the public or its pets as determined by the City Manager or his designee.
- C. No person shall disturb any trap or release any animal from any trap placed pursuant to this Section.

SEC. 17.8-25 IMPOUNDMENT PRACTICES.

- A. Record of Impoundment. Immediately after receiving an animal for impounding, the animal warden, or his designee, shall record a description of the animal impounded, the date of the impoundment and whether such animal has a proper rabies tag.
- B. Search for Record Owner. The Animal Warden shall upon receiving an animal for impoundment inspect the animal for a rabies tag, microchip, or other tag indicating the owner of the animal.
- C. Notice of Impoundment. The Animal Warden shall send written notice to a known owner within two business days of receiving an animal for impoundment informing the known owner of any animal being held by the animal warden.
- D. Fees. The owner of any impounded dog may redeem the animal by paying a Town of Normal release fee of \$25.00, and all fees required by the impoundment facility. The owner of any impounded cat or other animal except a dog may redeem the cat or other animal by paying all fees required by the impoundment facility.
- E. Required Inoculations. No dog or cat shall be released from impoundment until proof of all required rabies inoculations has been presented or by paying for and signing an agreement to have the animal inoculated against rabies.
- F. Post-impoundment Hearing. An owner of any animal impounded pursuant to this ordinance may request a hearing before the City Manager, or his designee, regarding the authority of the impoundment facility to impound the animal. The hearing shall take place within five business days of the request for hearing. The City Manager, or his designee, may order the animal released from impoundment, with or without payment of any fees, or held in compliance with this ordinance. At any hearing

pursuant to this Section, the City Manager or his designee may consider hearsay evidence, including, but not limited to, reports of animal control officers. Upon request for a hearing, the City Manager or his designee shall immediately give notice to the Animal Warden. No animal may be disposed of until seven (7) days after the decision of the City Manager or his designee.

- G. Disposition of Unredeemed Animals. Animals not redeemed by the owner or any other person are hereby declared a public nuisance. Animals for which the impoundment facility has determined an owner may be disposed of in accordance with the provisions of State law seven (7) business days after notice has been sent to the owner. Animals for which the impoundment facility has not been able to determine an owner may be disposed of in accordance with State law three (3) business days after the animal was received by the impoundment facility. The Animal Warden shall make reasonable efforts to find adoptive homes for unredeemed animals prior to disposing of the animals. No dog deemed “dangerous” or “vicious” or “subject to euthanasia” shall be adopted out of the impoundment facility.
- H. Reclamation of an Impounded Dangerous or Vicious Dog. Any dog that is declared “dangerous” or “vicious” may be reclaimed from the impound facility upon the performance of the following:
1. Signing an acknowledgement of ownership of the dog,
 2. Providing a sufficient leash to remove the dog from the facility,
 3. For vicious dogs, providing a muzzle for the removal of the dog from the impound facility,
 4. Payment of all fees required by the impoundment facility,
 5. Purchasing and displaying a “dangerous” or “vicious” dog tag,
 6. Proof of registration with McLean County Animal Control, and
 7. For vicious dogs, signing an agreement that the dog will be spayed or neutered and microchipped within fourteen days of release.

SEC. 17.8-26 NUMBER OF ANIMALS.

- A. It is unlawful for more than two dogs, more than two cats, or more than two of any species of animal to be owned, kept, harbored, or possessed in any one dwelling unit or the premises surrounding a dwelling unit. It is unlawful for the owner of any premises to permit more than two dogs, more than two cats, or more than two of any species of animal to be owned, kept, harbored, or possessed in any one dwelling unit or the premises surrounding a dwelling unit.

- B. The restrictions set forth in Subsection A do not apply to the keeping of horses or donkeys that are kept in accordance with the Town Code.
- C. It is a defense by a person to a complaint alleging a violation of this Section if person proves that (i) any animal in excess of the limitation in Subsection A is part of a litter that is owned, kept, harbored, or possessed on the premises for a period not exceeding four months from birth and (ii) that, in the 12-month period preceding the complaint, there was not more than four litters owned, kept, harbored, or possessed on the premises. (Amended 6/20/2011 by Ord. No. 5387)(Amended 9/8/2015 by Ord. No.5595, effective November 1, 2015)

DIVISION 9 – PENALTIES AND SETTLEMENTS

SEC. 17.9-1 PENALTY. Except as otherwise provided, any person violating any section of this Chapter, upon conviction, shall be fined not less than \$25.00 nor more than \$500.00 for each offense.

SEC. 17.9-2 FEES. The Town of Normal shall be entitled to the following fees:

- A. For each defendant held to answer in any division of Circuit Court on a charge of an ordinance violation, \$10.00.
- B. For each summons for an ordinance violation served by the Town of Normal, its officers, agents or employees, a summons fee in the amount of \$16.00.
- C. The foregoing fees shall be taxed as costs to be collected from the defendant, if possible, on conviction.

SEC. 17.9-3 SETTLEMENT OF CERTAIN ORDINANCE VIOLATION CHARGES.

Persons who have received a citation for violation of the Code sections hereafter listed may settle an initial ordinance violation charge by paying the amount set forth in this SEC. 17.9-3. Persons may not settle an ordinance violation charge pursuant to this Section if they have settled or been convicted of any Town of Normal ordinance violation previously. The Corporation Counsel or his designee may withdraw this offer for settlement, refuse payment or refund payments previously made if the Corporation Counsel or his designee believes that such settlement would not be in the best interest of the Town of Normal, would not lead to future compliance with the Municipal Code, or would deprecate the seriousness of the offense. Citations issued for first time violation of the following Sections of the Municipal Code of the Town of Normal, Illinois, 1969, as amended, may be settled, compromised, and paid in the respective amount set forth in the following schedule:

SEC. 6.4-2	Fire Code Violation Over Capacity 1% - 10% NFPA 101 Section 12.1.7	\$100.00
SEC. 6.4-2	Fire Code Violation Over Capacity 11% - 30% NFPA 101 Section 12.1.7	\$275.00
SEC. 6.4-2	Fire Code Violation Over Capacity 31% - 50% NFPA 101 Section 12.1.7	\$500.00
SEC. 6.4-2	Fire Code Violation Locked or Blocked Exits NFPA 101 Section 7.1.10.1	\$275.00
SEC. 6.4-2	Fire Code Violation Propping Open Fire or Smoke Doors NFPA 101 Section 7.2.1.8.1	\$100.00

SEC. 6.4-2	Fire Code Violation Parking in Designated Fire Zones or Lanes NFPA 1 Section 18.2.4.1	\$100.00
SEC. 6.4-2	Fire Code Violation Reinspection After First Inspection FNPA 1 Section 1-16.5	\$100.00
SEC. 6.4-2	Non-functioning Emergency Lighting NFPA 101.7.9.1	\$100.00
SEC. 6.4-17	Open Burning	\$150.00
SEC. 8.1-9	Obstructing Right-of-Way	\$100.00
SEC. 8.5-2	Cleaning of Street	\$200.00
SEC. 11.4-1	Occupancy Without a Permit	\$100.00
SEC. 11.4-5	Inoperable Vehicle IPMC 302.8	\$ 50.00
SEC. 11.4-5	Weeds Over Eight Inches (8") IPMC 302.4	\$100.00
SEC. 11.4-5	Overflowing Garbage IPMC 305.3.1	\$100.00
SEC. 11.4-5	Non-functioning Smoke Detector/Alarm IPMC 705.1	\$100.00
SEC. 11.4-5	Non-functioning Fire Suppression System IPMC 705.5	\$100.00
SEC. 11.4-5	Non-functioning Fire Alarm IPMC 705.6	\$275.00
SEC. 11.4-5	Non-functioning Fire Extinguisher IPMC 705.4	\$ 50.00
SEC. 11.4-5	Non-functioning Exit Sign IPMC 702.5	\$100.00
SEC. 11.4-6(A)	Non-Licensed Multi-Family Structure (Added 4/20/09 by Ord. No. 5252)	\$100.00
SEC. 11.4-5(B)	Indoor Upholstered Furniture Placed Outdoors	\$100.00

SEC. 11.4-6(E)(7)	Missing Inspection Appointment	\$ 25.00
SEC. 11.4-6(E)(8)	Re-inspection After First Re-inspection	\$100.00
SEC. 11.4-7(A)	Non-Licensed Single-Family Structure (<u>Added 4/20/09 by Ord. No. 5252</u>)	\$100.00
SEC. 17.2-1(A)	Disorderly Conduct (Breach of Peace)	\$100.00
SEC. 17.2-1(B)	Disorderly Conduct (False Fire Alarm)	\$275.00
SEC. 17.2-1(C)	Disorderly Conduct (False Bomb Alarm)	\$275.00
SEC. 17.2-1(D)	Disorderly Conduct (False Police Report)	\$275.00
SEC. 17.2-1(E)	Disorderly Conduct (Window Peeping)	\$275.00
SEC. 17.2-1(F)	Disorderly Conduct (Public Urination)	\$100.00
SEC. 17.2-1(G)	Fighting – Eighteen Years of Age and Over Under Eighteen Years of Age	\$275.00 \$ 50.00
SEC. 17.2-1(H)	Disorderly Conduct – Cross Burning	\$1000.00
SEC. 17.2-1(I)	Disturbing, Disrupting, or Interrupting Meetings (<u>Added 4/18/2011 by Ord. No. 5381</u>)	\$ 50.00
SEC. 17.2-2	Gambling	\$100.00
SEC. 17.2-3	Throwing or Placing Objects	\$100.00
SEC. 17.2-4	Discharge of Firearm, BB or Paintball Gun	\$100.00
SEC. 17.2-5	Public Nudity	\$100.00
SEC. 17.2-6	Climbing Telephone Poles	\$100.00
SEC. 17.2-7	Assault	\$100.00
SEC. 17.2-8	Battery – Eighteen Years of Age and Over Under Eighteen Years of Age	\$275.00 \$100.00
SEC. 17.2-9	Criminal Damage to Property	\$275.00 plus restitution
SEC. 17.2-10	Criminal Trespass to Land	\$100.00
SEC. 17.2-11	Criminal Trespass to Vehicle	\$100.00

SEC. 17.2-12	Resisting or Delaying an Officer	\$275.00
SEC. 17.2-13	Assisting Escape	\$275.00
SEC. 17.2-14	Failure to Comply with Subpoenas (Amended 4/20/09 by Ord. No. 5252)	\$200.00
SEC. 17.2-15	Obscuring Chalkmarks	\$150.00
SEC. 17.2-16	Fireworks	\$100.00
SEC. 17.2-17	Furnishing False Information	\$275.00
SEC. 17.2-18	Theft *plus restitution if value less than \$300	\$275.00*
	plus restitution if value more than \$300	\$500.00
SEC. 17.2-19	Retail Theft *plus restitution if merchandise less than \$150 in value	\$275.00*
	plus restitution if merchandise more than \$150 in value	\$350.00
SEC. 17.2-20	Skateboarding Prohibited in Uptown (Added 9/21/09 by Ord. No. 5294)	\$ 50.00
SEC. 17.2-21	Bicycle Riding in Uptown (Added 7/19/2010 by Ord. No. 5345)	\$ 50.00
SEC. 17.3-1(A)	Possession of Open Alcoholic Liquor in a Public Place	\$275.00
SEC. 17.3-1(B)	Unlawful Possession of Alcohol By a Person Under the Age of 21	\$275.00
SEC. 17.3-1(C)	Unlawful Consumption of Alcohol By a Person Under the Age of 21	\$275.00
SEC. 17.3-1(D)	Misrepresentation of Age	\$275.00
SEC. 17.3-1(E)	Presenting False Identification	\$275.00
SEC. 17.3-1(F)	Possession of Fraudulent I.D.	\$275.00
SEC. 17.3-1(G)	Furnishing Alcohol to a Minor	\$350.00
SEC. 17.3-1(H)	Unlawful Sale of Alcohol – Clerk	\$100.00
SEC. 17.3-1(I)	Unlawful Sale of Alcohol - Unlicensed (Amended 4/20/09 by Ord. No. 5252)	\$750.00

SEC. 17.3-2	Possession of Cannabis	\$350.00
SEC. 17.3-3	Sale to and Possession of Tobacco by Minors	\$ 50.00
SEC. 17.3-4	Smoking Regulatory Act	\$100.00
SEC. 17.4-1	Harmful Materials to Minors	\$275.00
SEC. 17.4-1(E)	Minor Falsifying Age to Obtain Harmful Material (<u>Added 4/20/09 by Ord. No. 5252</u>)	\$150.00
SEC. 17.4-1(F)	Perusing by Minor (<u>Added 4/20/09 by Ord. No. 5252</u>)	\$150.00
SEC. 17.4-2	Curfew	\$ 50.00
SEC. 17.4-3	Truancy	\$ 25.00
SEC. 17.5-2	Violation of Noise Prohibitions (<u>Amended 11/7/2016 by Ord. No. 5663</u>)	\$100.00
SEC. 17.5-3	Failure to Obtain Noise Permit	\$100.00
SEC. 17.5-4	Violation Noise Permit	\$100.00
SEC. 17.5-5	Noise Within Multiple Family Structure	\$100.00
SEC. 17.6-1	Use of Parks	\$100.00
SEC. 17.6-2	Constitution Trail Hours	\$100.00
SEC. 17.6-3	Horses on Trail	\$100.00
SEC. 17.6-5	Uptown Station Code of Conduct (<u>Added 5/21/2012 by Ord. 5441</u>)	\$ 50.00
SEC. 17.7-1	Burning Without a Permit (<u>Amended 4/20/09 by Ord. No. 5252</u>)	\$150.00
SEC. 17.7-2	Posting of Bills	\$100.00
SEC. 17.7-3	Obstructing Exits	\$100.00
SEC. 17.7-4	Abandoned Refrigerator	\$100.00
SEC. 17.7-5	Inoperable Vehicle	\$100.00
SEC. 17.7-6	Littering	\$100.00
SEC. 17.7-7	Graffiti	\$100.00

SEC. 17.8-1	Cruelty to Animals	\$275.00
SEC. 17.8-2	Dangerous Animals At Large	\$350.00
SEC. 17.8-3	Noisy Animals	\$100.00
SEC. 17.8-4	Strays	\$100.00
SEC. 17.8-6	Diseased Animals	\$100.00
SEC. 17.8-7	Keeping Pigs, Pigeons, or Unclean Stable	\$100.00
SEC. 17.8-8	Horses in Park	\$100.00
SEC. 17.8-9	Disruption of Garbage	\$100.00
SEC. 17.8-10	Rabies Tag	\$100.00
SEC. 17.8-11	Permitting a Dog to Run at Large	\$100.00
SEC. 17.8-12	Dangerous Dogs	\$350.00
SEC. 17.8-13	Dog Bites	\$100.00
SEC. 17.8-14	Disturbing Quiet	\$100.00
SEC. 17.8-15	Sanitation	\$100.00
SEC. 17.8-16	Female Dog in Heat	\$100.00
SEC. 17.8-17	Rabies	\$100.00
SEC. 17.8-18	Unlawful Treatment of Dog	\$275.00
SEC. 17.8-19	Hindering Enforcement	\$275.00
SEC. 21.1-6(D)(1)	Grass, Weeds in Excess of 8"	\$100.00
SEC. 21.1-6(D)(2)	Trash and Debris	\$100.00
SEC. 22.3-2	Transient Merchant/Itinerant Vendors	\$275.00
SEC. 22.4-1	Solicitation	\$100.00
SEC. 22.4-11	Highway Solicitation	\$100.00

SEC. 23.3-29	Toys in Roadway	\$100.00
SEC. 23.3-52	Using Private Drive as a Thruway	\$100.00
SEC. 23.7-2	Low Speed Vehicle (Added 5/4/09 by Ord. No. 5256)(Amended 5/18/09 by Ord. No. 5261) (Amended 9/19/2011 by Ord. No. 5395)(Amended 10/17/2011 by Ord. No. 5400)	\$ 50.00
SEC. 23.7-3	Low Speed Vehicle (Added 5/4/09 by Ord. No. 5256)(Amended 5/18/09 by Ord. No. 5261) (Amended 9/19/2011 by Ord. No. 5395)(Amended 10/17/2011 by Ord. No. 5400)	\$ 50.00
SEC. 23.8-3	Provisions of Traffic Code Applicable to Bicycle Riders	\$ 50.00

In the event timely payment is not received and an ordinance violation charge is filed with the McLean County Circuit Clerk's Office, the Corporation Counsel may settle the charge as set forth above, and may also collect the penalties and fees of SEC. 25.1-4(G) of the Municipal Code are paid.

SEC. 17.9-4 SETTLEMENT OF SUBSEQUENT ORDINANCE VIOLATION CHARGES. An individual charged with a violation of a Town ordinance who has previously settled a charge pursuant to SEC. 17.9-3, or has received court supervision or been convicted of any Town of Normal ordinance violation may settle the second violation by payment as set forth in SEC. 17.9-3 of this Chapter. Any subsequent violation after a conviction or settlement of a second violation may be settled by payment at City Hall only with the approval of the Corporation Counsel. The Corporation Counsel or his designee may withdraw any offer for settlement, refuse payment or refund payments previously made if the Corporation Counsel or his designee believes that such settlement would not be in the best interest of the Town of Normal, would not lead to future compliance with the Municipal Code, or would deprecate the seriousness of the offense.

DIVISION 10 – IMPOUNDMENTS

SEC. 17.10-1 PENALTY, SEIZURE AND IMPOUNDMENT. The use of motor vehicles in certain criminal and traffic offenses is hereby declared a public nuisance. Vehicles used in the offenses listed in Section 11-208.7(b) of the Illinois Vehicle Code, 625 ILCS 5/11-208.7(b) including any other felony or misdemeanor are hereby declared contraband and subject to seizure and impoundment.

The impoundment of any vehicle used in the commission of any of the foregoing offenses shall subject the owner to an administrative fee of \$500.00 plus costs of towing and storage.

17.10-2 REMOVAL AND SEIZURE. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer may cause the vehicle to be removed and relocated to a secure location. The officer shall inform any person in control of the vehicle of the seizure and the right to a prompt probable cause hearing and an impoundment hearing. The officer shall also inform the driver that the vehicle will remain impounded pending the completion of an administrative hearing unless the owner, lessee or lienholder provides a bond equal to the administrative fee and pays for all towing and storage costs.

The Town shall cause a written notice to be provided to the driver and sent to all record owners, lessees and lien holders of any unclaimed vehicle within ten days of the impoundment. The notice shall contain the date, time and place of the administrative impoundment hearing which shall take place no later than forty-five days after the date of mailing the notice of hearing. The parties may agree to extend the date of the impoundment hearing beyond forty-five days. In person delivery of the notice of hearing to the person paying a bond for the release of the vehicle shall be deemed to satisfy notice of hearing requirement issued to record owners, lessees or lienholders.

17.10-3 PROMPT PROBABLE CAUSE HEARING. At any time prior to an impoundment hearing, at the request of the owner of a vehicle or a person with authority from an owner, the Police Chief or his designee shall hold a prompt probable cause hearing. Said hearing shall occur within 24 hours of the request for a prompt probable cause hearing, excluding Saturdays, Sundays and holidays. At the hearing, any interested person shall be given a reasonable opportunity to be heard and present evidence. Rules of evidence shall not apply, and hearsay evidence shall be admissible. At the prompt probable cause hearing, the Police Chief or his designee shall determine whether probable cause exists for the seizure and impoundment of the vehicle pursuant to this section and, if asserted by the owner, whether the vehicle was stolen from the owner without the owner's permission or knowledge. If the Police Chief or his designee determines that probable cause exists for the continued impoundment of the vehicle, the Police Chief or his designee shall order the vehicle held pending an impoundment hearing or payment of the bond and any towing and storage fees due. If the Police chief or his designee determines that probable cause does not exist or that the vehicle was stolen from the owner without the owner's permission or knowledge, the Police Chief or his designee shall order the immediate release of the vehicle without payment of any penalties, fees or costs.

17.10-4 IMPOUNDMENT HEARING. A hearing officer designated by the City Manager shall hold an impoundment hearing within 45 days of the notice of impoundment hearing sent pursuant to this Division. A person seeking the hearing may waive the foregoing time restraint. At the impoundment hearing, any interested person shall be given a reasonable opportunity to be heard. Formal Rules of Evidence shall not apply, and hearsay evidence shall be admissible. The impoundment hearing shall comply with the requirement set forth in Section 11.2-8.7 of the Illinois Vehicle Code, 625 ILCS 5/11-208.7. At the impoundment hearing, the hearing officer shall determine by a preponderance of the evidence whether the vehicle was used in violation of a listed offense or whether the vehicle was stolen from the owner without the owner's knowledge or permission. If by a preponderance of the evidence, the hearing officer determines that the vehicle was not utilized in violation of any offense listed in Section 17.10-1 or that the vehicle was stolen from the owner without the knowledge or permission of the owner, the hearing officer shall order the immediate release of the vehicle without payment of any administrative fee and the expeditious return of all bonds or fees already paid by the vehicle owner or his agent. If the hearing officer determines the vehicle was used in the commission of a listed offense, the hearing officer shall order the vehicle held pending payment of the fee and any towing and storage fees which may be due. Any fee or bond returned shall be to the person who paid the bond or fee, unless directed otherwise by that person.

17.10-5 INNOCENT DEFENDANT. In the event that a person is acquitted of all charges stemming from the incident for which the vehicle was impounded or is not charged within six months for any charge stemming from the incident for which the vehicle was impounded, that person may apply to the Police Chief for a full refund of any bond or administrative fee paid to release the vehicle. A disposition of court supervision will be considered as a conviction and not an acquittal. Participation in a diversion program or similar program to avoid judicial consequences shall not be considered an acquittal for purposes of this Section. A plea agreement which calls for the dismissal of the charge for which the vehicle was impounded in exchange for a guilty plea to any other charge shall not be considered an acquittal for purposes of this Section. The Police Chief shall refund any bond or administrative fee paid, excluding any towing and storage fees paid, if an acquittal occurs or if charges are not likely to be brought within 6 months. Any fee or bond returned shall be to the person who paid the bond or fee, unless directed otherwise by that person.

17.10-6 RELEASE OF VEHICLE. A vehicle seized and impounded by this Section shall be released to the owner or the owner's agent upon payment of the bond or administrative fee and all towing and storage fees accrued. Payment of the bond or administrative fee and towing and storage fees does not waive an owner's right to an impoundment hearing.

17.10-7 UNCLAIMED VEHICLE. Any vehicle not claimed by its owner or other interested party within thirty-five days after the impoundment hearing shall be considered abandoned and sold pursuant to state law. An owner or interested party may claim his/her vehicle by paying the administrative fee, towing and storage fees any time prior to sale of the vehicle.

17.10-8. Nothing in this section shall be construed to prohibit the holding, forfeiture or impoundment of any vehicle pursuant to any other law or statute.

(Comprehensive Amendment of 17.10 by Ord. No. 5427, 2/6/2012)

DIVISION 11- FORFEITURES

17.11-1 CONTRABAND AND SEIZURE OF MONEY. Any money obtained in the unlawful sale of alcohol without a license in violation of SEC. 17.3-1(I) is hereby declared contraband and subject to forfeiture. Any police officer of the Town of Normal is hereby authorized to seize any proceeds of the sale of alcohol without a license in violation of SEC. 17.3-1(I) of the Town of Normal and place said money in safekeeping in the Town of Normal.

17.11-2 NOTICE AND PROMPT PROBABLE CAUSE HEARING. The police officer, upon seizure of money pursuant to SEC. 17.11-1, shall notify the person from whom it is seized of the right to a prompt post-seizure hearing. Any person claiming a right to the money seized shall be given a hearing in front of the Police Chief or his designee to determine if probable cause exists for the seizure of the money. Said hearing shall occur within seven days of the request for the hearing and shall be limited to whether probable cause exists to believe that the money was obtained in the unlawful sale of alcohol. Formal rules of evidence shall not apply, and hearsay shall be permitted at the hearing. If the Police Chief or his designee determines that probable cause does not exist to believe that the money was obtained as a result of the unlawful sale of alcohol, the Town shall return the money to its rightful owner. If the Police Chief or his designee finds that there is probable cause to believe the money was the proceeds of the unlawful sale of alcohol, the Police Chief or his designee shall order the continued holding of the funds until after a forfeiture hearing.

17.11-3. NOTICE AND FORFEITURE HEARING. Within 72 hours of seizure of money pursuant to this Section, the Town shall send notice by ordinary mail to the person from whom the money was seized and any other persons the Town reasonably believes may claim an interest in the money seized. The notice shall include information explaining how to request a forfeiture hearing in writing and that such request must be made within 21 days. If a written request for a Forfeiture Hearing is received, the Police Chief or his designee shall hold a forfeiture hearing no later than 21 days after receipt of the request for a forfeiture hearing. Said hearing shall be to determine by a preponderance of the evidence whether the money, or any portion thereof, was obtained as a result of the unlawful sale of alcohol. At the hearing, formal rules of evidence shall not apply, and hearsay shall be permitted. Any person claiming an interest in the money shall be given an opportunity to present evidence and be heard. If the Police Chief or his designee at the forfeiture hearing determines that the money, or any portion thereof, was the proceeds of an unlawful sale of alcohol as set forth in SEC. 17.3-1(I) of this Code, the Police Chief or his designee shall declare the money forfeited to the Town and that any claim of any person to the money is extinguished. If the Police Chief or his designee determines that the money, or any portion thereof, was not the proceeds of an unlawful sale, the Town shall promptly remit the money (or portion thereof) to the rightful owner. After 21 days after notice of seizure has been sent, pursuant to this section, and no written request for a forfeiture hearing has been received, the money shall be forfeited, and any claim to the money shall be extinguished.

DIVISION 12 ADMINISTRATIVE ADJUDICATION

17.12-1 ESTABLISHMENT. There is hereby established an Administrative Hearing System, the function of which is to expedite the prosecution and correction of violations of various provisions of the Municipal Code, to adjudicate disputes between the Town and its citizens, to determine the validity of parking citations and other debts owed to the Town and to make a final determination on other matters as called for by Town ordinance or as designated by the City Manager. Authority for the establishment of the Administrative Hearing System is pursuant to Home Rule powers, Art. 7 Sec. 6 of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-2.1-1, et seq. and other authority as provided by law. The City Manager shall have authority to hire hearing officers and other personnel to fulfill the purpose of the Administrative Hearing System. Hearing Officers shall have completed training and have requisite experience as required by Illinois law.

17.12-2 JURISDICTION. An administrative adjudication proceeding under this Division may be initiated for any alleged Municipal Code violation and for impoundment hearings as authorized by Section 17, Division 10 of the Municipal Code of the Town of Normal. Additionally, the Town of Normal may utilize the Administrative Hearing System for adjudication of parking citations, post-tow hearings, vicious dog declarations, taxes and fees due the Town of Normal and other matters as delegated from time to time by the City Manager.

The following actions shall be outside the jurisdiction of Administrative Adjudication: (1) proceedings not within the statutory or Home Rule Authority of the Town; (2) Any offense under the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.) or a similar offense that is a traffic regulation governing the movement of vehicles; and (3) Any reportable offense under Section 6-204 of the Illinois Vehicle Code.

The adoption of this chapter and establishment of an Administrative Hearing System does not preclude the Town from using other lawful methods to enforce the provisions of the Municipal Code, collect amounts due the Town or otherwise act on behalf of the Town, including but not limited to seeking relief in McLean County Circuit Court or any other court with jurisdiction over the subject matter or parties.

17.12-3 COMMENCEMENT OF AN ACTION.

- A. Ordinance violations shall be commenced by the issuance of a complaint by an authorized Town officer or employee. The original complaint shall be filed with the Administrative Hearing Office and a docket number shall be assigned to the case. The Complaint shall contain the following information:
1. The name and last known address of the Respondent;
 2. The date and location at which the alleged violation occurred;
 3. A statement indicating the type and nature of the violation;

4. The chapter and section of the Municipal Code alleged to have been violated, including adopted national and international codes;
 5. The signature and identification number of the city official issuing the complaint;
 6. A certification of the accuracy of all information contained within the complaint;
 7. The fine, penalty, or corrective order being sought;
 8. A statement of the penalty and order to be imposed for a failure to appear at the Administrative Adjudication hearing; and
 9. The date, time and location of the Administrative Adjudication hearing at which the alleged violation shall be administratively adjudicated with notice directing the Respondent to appear and failure to appear may result in a default judgment.
- B. Vehicle Impoundment Hearings shall be commenced by the issuance of an Impounded Vehicle Notice as provided in Division 10 of this Chapter. A copy of the Impounded Vehicle Notice shall be filed with the Administrative Hearing Office and a docket number shall be assigned to the case.
- C. Administrative Adjudication of other code matters assigned to the jurisdiction of the Administrative Adjudication System by the City Manager shall be commenced by the appropriate notice or appeal as provided in the ordinance concerning the subject matter of the case.

17.12-4 POWERS OF ADMINISTRATIVE HEARING OFFICERS. The powers and duties of Administrative Hearing Officers shall be as provided by law and include but not be limited to the following:

- A. Hearing testimony and accepting evidence that is relevant to the existence of the code violation or subject matter of the hearing;
- B. Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;
- C. Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing;
- D. Issuing a determination, based on the evidence presented at the hearing, of whether a code violation exists or a determination of the contested matter. The determination shall be in writing and shall include a written finding of fact, decision, and order including the fine, penalty, or action with which the Respondent must comply;

- E. Imposing penalties consistent with applicable Code provisions, and assessing costs upon finding a party liable for the charged violation, except that in no event shall the Hearing Officer have authority to (1) impose a penalty of incarceration, or (2) impose a fine in excess of \$50,000. The maximum monetary fine shall be exclusive of costs of enforcement or costs imposed to secure compliance with the applicable ordinances and such maximum fine shall not be applicable to cases to enforce the collection of any tax or license fee imposed and collected by the Town.

17.12-5 ADMINISTRATIVE ADJUDICATION HEARING PROCEDURES. The administrative adjudication of matters filed with the Administrative Adjudication Office shall comply with the following procedures:

- A. Notice. Respondents shall be given notice of the adjudicatory hearing in a manner reasonably calculated to give the Respondent actual notice of the matter no less than 15 days before the date of hearing. Notice may include any of the following methods as appropriate:
1. Personal service upon the Respondent or its employees or agents; or
 2. Service by first class mail at the Respondent's last known address, or the address listed in the Normal Tax Assessor's office; or
 3. Notice that is posted upon the property where the alleged violation occurred when service by mail or certified mail has been unsuccessful; or
 4. Certified or registered mail; or
 5. By mail to the registered management company; or
 6. Such other method as is reasonably calculated to provide the Respondent with actual notice of the Administrative Adjudication Hearing proceedings, or
 7. Notice as mandated pursuant to the ordinance or state statute concerning the subject matter of the case

The parties may waive notice and consent to jurisdiction of the Administrative Hearing Officer.

It shall not constitute a defense or grounds for setting aside a default judgment that a person has not received actual notice of the complaint if it is shown that a reasonable means, comporting with the principles of due process, was used to provide the Respondent with Notice of the Hearing.

- B. Sufficiency of pleadings.

1. All pleadings shall be liberally construed with the view to doing substantial justice between parties. A signed pleading initiating a case shall constitute prima facie evidence of the violation charged, and the truthfulness of the matters contained therein. A signed appeal initiating a case shall place the matter in controversy and authorize the admission of relevant evidence in order to determine the merits of the contested matter.
2. If any pleading is insufficient in substance or form, the hearing officer may order a fuller or more particular statement.
3. No pleading is bad in substance which contains such information as reasonably informs the Respondent of the nature of the claim which he is called upon to meet.
4. All defects in pleadings, either in form or substance, not objected to prior to the hearing are waived.

C. Conduct of Administrative Adjudication Hearings.

1. At any hearing conducted pursuant to this Division, the Respondent may be represented by counsel, present witnesses or other evidence on his or her own behalf, and cross-examine opposing witnesses.
2. Any party to a hearing conducted pursuant to this Division may request the Hearing Officer to issue subpoenas directing the attendance and testimony of relevant witnesses and the production of relevant documents.
3. All continued or adjourned hearings shall be scheduled with reasonable promptness to commensurate with the nature and status of the proceeding.
4. The formal and technical rules of evidence do not apply in any hearing under this chapter. Evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
5. No continuances shall be authorized by the hearing officer except in cases where a continuance is in the best interest of justice.
6. All administrative adjudication hearings conducted pursuant to this Division shall be recorded.
7. The burden of proof in all matters adjudicated pursuant to this Division shall be a preponderance of the evidence.
8. Any officer or employee of the Town with duties related to the subject matter of the case in controversy, including but not limited to Inspectors, Police Officers, Fire Inspectors, Parking Enforcement Officers, and Attorneys may present a case for the Town.

9. All testimony shall be given under oath or affirmation.
 10. No Hearing Officer of the Administrative Hearing System may rule on the constitutionality of any Town of Normal ordinance. If a person wishes to challenge the constitutionality of a Town ordinance, the Hearing Officer shall allow the person to make a record and shall notify the Town Legal Department of such challenge. The Town shall be granted an opportunity, with notice to the Respondent, to supplement the record in opposition to the Constitutional challenge.
- D. Failure to appear. If, on the date set for hearing, the respondent or his or her attorney fails to appear, the Hearing Officer may find the Respondent in default and may proceed with the hearing and accept evidence relevant to the existence of a Town code violation and impose any order or fine that the Hearing Officer may have been able to impose had the Respondent appeared.
- E. Defenses in Property Code Enforcement Matters.
1. It shall be a defense by a property owner or manager to a complaint alleging a violation in the condition of property that the violation has been corrected, but only if the complaint is the only complaint against the respondent or concerning the property in the past 12 months.
 2. It shall be a defense by a property owner or manager to a complaint alleging a violation in the condition of property if the property owner or manager proves all of the following:
 - a. The violation was caused by someone other than the owner or manager; and
 - b. The location of the violation is inside the structure and in an area exclusively controlled by the tenant; and
 - c. The owner has demanded access to the property to correct the violation within 24 hours of receiving notice of the violation; and
 - d. The tenants have denied the owner access to correct the violation.
 3. It shall not be a defense by the record title holder of property to a complaint alleging a violation in the condition of property that the property has previously or subsequently been transferred to another.
 4. It shall not be a defense by a property owner to a complaint alleging a violation in the condition of property that the condition existed prior to the person obtaining ownership of the property.
 5. It shall not be a defense by a property owner to a complaint alleging a violation in the condition of property that the owner did not know of the violation.

6. It shall not be a defense by a property owner to a complaint alleging a violation in the condition of property that the condition was caused by a co-owner.

F. Mitigating Factors in Imposing Sanctions. A Hearing Officer may consider the following factors as mitigating factors in imposing sanctions:

1. The condition of the property that caused the violation has been corrected, and the speed in which the condition was corrected.
2. The condition of the property that caused the violation was created by others, beyond the reasonable control of the Respondent.
3. Any other fact which indicates that the Respondent acted swiftly and promptly to correct a violation.

G. Findings, Decisions and Orders.

1. At the conclusion of an Administrative Adjudication Hearing, the Hearing Officer shall make a determination whether a Municipal Code violation occurred or otherwise decide the matter in controversy. The determination shall be in writing and shall include the Hearing Officer's findings of fact, a decision on the merits of the case, and if applicable an order imposing a fine for a violation or an order implementing the decision, and assessing costs. The decision may also order the respondent to correct any continuing violation. In the event a violation is not proved, the Hearing Officer shall dismiss the case. If a Municipal Code violation is proved, the order shall impose the sanctions and costs that are provided in the Municipal Code for the violation proved.
2. A copy of the findings, decision and order shall be sent to the Respondent within five days after it is issued if not served directly at the Adjudicatory Hearing.
3. Any fine, costs or other monetary penalty imposed against a Respondent shall be paid to the Town of Normal.
4. In the event that the findings, decision and order of the Hearing Officer directs the Respondent to correct the violation, the Hearing Officer may also establish a status hearing date to determine compliance with the corrective order. At such time, the Hearing Officer may hear testimony and accept evidence relevant to the corrective actions of the Respondent. If the Hearing Officer determines that the Municipal Code violation has not been corrected as directed, additional sanctions may be imposed as provided by the Municipal Code.
5. Upon a failure to appear by the Respondent, the Hearing Officer, upon finding proof of proper notice, may enter a default order finding a violation or making a determination as otherwise authorized by this section.

H. Post-decision matters.

1. Petitions to Set Aside Default Orders. A party may petition to set aside a decision and order of the Hearing Officer issued because the party failed to appear by filing, in writing, with the Administrative Hearing Office, within 21 days of the decision and order, a Petition to Set Aside Default Order. The Petition may only be granted for good cause shown, or if the Petitioner establishes lack of proper notice.
2. No Petitions for Rehearing. No Petitions for Rehearing shall be permitted.

17.12-6 JUDICIAL REVIEW. Final Decisions and Orders of the Administrative Hearing Officer shall constitute a Final Decision for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Act (735 ILCS 5/3-101 et seq).

17.12-7 RECORD ON APPEAL. Any party appealing a decision of the Administrative Hearing System must pay the Town of Normal the cost of preparing and certifying the record of proceedings, including a transcript of the same. Failure to pay for the cost of preparing the record shall permit the Town of Normal to move to dismiss the appeal pursuant to the Illinois Administrative Review Act, and in the case of an administrative decision which requires the payment of money, the Town may move to have a judgment against the appealing party in favor of the Town for the amount shown by the administrative decision to be due and for costs.

17.12-8 ENFORCEMENT OF JUDGMENT. After expiration of the period in which judicial review under the Illinois Administrative Review Act may be sought the findings, decision and order of the Hearing Officer may be enforced in any manner allowed by law including but not limited to the following:

- A. Any fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Act [[735 ILCS 5/3-101](#) et seq.] are a debt due and owing the municipality and may be collected in accordance with applicable law.
- B. After expiration of the period in which judicial review under the Illinois Administrative Review Act may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.
- C. In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by a municipality to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the municipality and may be

collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection (c), the municipality shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than 7 days from the date that notice is served. If notice is served by mail, the 7-day period shall begin to run on the date that the notice was deposited in the mail.

- D. Upon being recorded in the manner required by Article XII of the Code of Civil Procedure [[735 ILCS 5/12-101](#) et seq.] or by the Uniform Commercial Code [[810 ILCS 5/1-101](#) et seq.], a lien shall be imposed on the real estate or personal estate, or both, of the Defendant in the amount of any debt due and owing the municipality under this Section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

17.12-9 EVICTION -- RIGHTS OF THE OCCUPANTS. No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceeding shall be threatened or instituted against an occupant of a dwelling solely because such occupant files a complaint with the Town of Normal or agrees to testify or testifies at a code violation hearing.

(Division 12 of Chapter 17 Added 5/5/2014 by Ord. No. 5541)