

TITLE 7

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 7.01 Curfew
- 7.02 Firearms and Other Weapons
- 7.03 Motor Vehicle Nuisances
- 7.04 Civic Emergency Provisions

Chapter 7.01

Curfew

Sections:

7.01.01	Curfew Restrictions
7.01.02	Custodians' Obligations
7.01.03	Penalties for Violations

§7.01.01 Curfew Restrictions. It is unlawful for a person less than 18 years of age to be present at or upon any public assembly, building, place, street or highway within this Village at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 21 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than 18 years of age to perform:

- A. Between 12:01 A.M. and 6:00 A.M. Saturday;
- B. Between 12:01 A.M. and 6:00 A.M. Sunday; and
- C. Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

(Ord. No. 69-7, 9-9-69)

§7.01.02 Custodians' Obligations. It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate Section 7.01.01 of this ordinance. (Ord. No. 69-7, 9-9-69)

§7.01.03 Penalties for Violations. A person convicted of a violation of any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). (Ord. No. 69-7, 9-9-69; Ord. No. 09-3, 6-10-09 §14)

Chapter 7.02

Firearms and Other Weapons

Sections:

7.02.01	Unlawful Discharge of Firearms
7.02.02	Unlawful Discharge of Other Weapons
7.02.03	Exempt Parties
7.02.04	Penalties for Violations

§7.02.01 Unlawful Discharge of Firearms. It shall be unlawful for any person to fire or discharge any gun, pistol or other firearm within the Village of Dunlap. (Ord. No. 52-5, 9-8-52)

§7.02.02 Unlawful Discharge of Other Weapons. It shall be unlawful for any person to fire or discharge upon any public way, or upon any private ground or residence where the projectile fired or discharged will transverse any space used as a public way, any air gun, spring gun, bow or other similar device which is calculated or intended to propel or project a bullet, arrow, or similar projectile. (Ord. No. 52-5, 9-8-52)

§7.02.03 Exempt Parties. The provision of the foregoing sections shall not apply to sheriffs, coroners, constables, police or peace officers engaged in the discharge of their official duties or to any person summoned by any such officer to assist in making arrest or preserving the peace. (Ord. No. 52-5, 9-8-52)

§7.02.04 Penalties for Violations. Every person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense, and in addition thereto, weapons, firearms, air guns, bows and arrows, or similar devices, shall be forfeited to and confiscated by the Village of Dunlap. (Ord. No. 52-5, 9-8-52; Ord. No. 09-3, 6-10-09 §15)

Chapter 7.03

Motor Vehicle Nuisances

Sections:

7.03.01	Definitions
7.03.02	Declaration of Nuisance
7.03.03	Inoperable Motor Vehicles
7.03.04	Abandoned Motor Vehicles
7.03.05	Unregistered Motor Vehicles
7.03.06	Removal of Inoperable, Abandoned and Unregistered Motor Vehicles
7.03.07	Impounding
7.03.08	Penalties for Violations
7.03.09	Severability

§7.03.01 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.
- B. "Motor Vehicles" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, all automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons.
- C. "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- D. "Property" shall mean any real property within the Village which is not a street or highway.
- E. "Inoperable Motor Vehicle" shall mean any motor vehicle from which, for a period of at least one (1) month, any part including but not limited to, the engine, wheels or frame have been removed, altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable Motor Vehicle" shall not include:
 - (a) Any Motor Vehicle that is kept within a building when not in use;

- (b) An operable historical vehicle over 25 years of age, which is licensed pursuant to Sec. 3-804 of the Illinois Vehicle Code (625 ILCS 5/3-804);
 - (c) A Motor Vehicle on the premises of a place of business engaged in wrecking or junking of Motor Vehicles and licensed by the state;
 - (d) A Motor Vehicle which has been rendered incapable of being driven under its own power, for a period not to exceed one (1) month, in order to perform ordinary service or repair operations.
- F. "Abandoned vehicle" shall mean any Motor Vehicle which is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- G. "Unregistered Motor Vehicle" shall mean any Motor Vehicle which is without proper evidence of registration in Illinois as required by and described in Sec. 3-701 of the Illinois Vehicle Code (625 ILCS 5/3-701) or corresponding provisions of future Illinois Compiled Statutes. As of the date of enactment of this Ordinance, those Motor Vehicles bearing proper evidence of registration under said Section are only as follows:
- (a) Motor Vehicles registered in Illinois, as evidenced by a current and valid Illinois registration sticker or stickers and plate or plates, or an Illinois temporary registration permit, or a driveway decal or in-transit permit, issued therefor by the Secretary of State; or
 - (b) Motor Vehicles eligible for reciprocity, as evidenced by a current and valid reciprocal foreign registration plate or plates properly issued to such Motor Vehicle or a temporary registration issued therefore, by the reciprocal State, and, in addition, when required by the Secretary, a current and valid Illinois Reciprocity Permit or Prorate Decal issued therefore by the Secretary of State; or
 - (c) Motor Vehicles otherwise expressly provided for in the Illinois Vehicle Code.

(Ord. No. 99-1, 05-12-99)

§7.03.02 Declaration of Nuisance. All Inoperable Motor Vehicles, Abandoned Motor Vehicles and Unregistered Motor Vehicles located upon any Village Street or Highway or upon any Property within the Village, whether publicly or privately owned, are hereby declared to be a public nuisance. (Ord. No. 99-1, 05-12-99)

§7.03.03 Inoperable Motor Vehicles. It shall be unlawful for any owner or other Person in control of any Property to permit or allow any Inoperable Motor Vehicle to be stored or parked in the open upon said Property within the Village. It shall also be unlawful for any owner of any Inoperable Motor Vehicle to permit or allow said Motor Vehicle to be stored or parked in the open anywhere within the Village, including upon any Village Street or Highway or in the open upon any Property within the Village. (Ord. No. 99-1, 05-12-99)

§7.03.04 Abandoned Motor Vehicles. It shall be unlawful for any owner or other Person to leave an Abandoned Motor Vehicle anywhere within the Village, including upon any Village Street or Highway or upon any Property within the Village. (Ord. No. 99-1, 05-12-99)

§7.03.05 Unregistered Motor Vehicles. It shall be unlawful for any owner or other Person to leave an Unregistered Motor Vehicle anywhere within the Village, including upon any Village street or Highway or upon any Property within the Village. (Ord. No. 99-1, 05-12-99)

§7.03.06 Removal of Inoperable, Abandoned and Unregistered Motor Vehicles. All persons found to be in violation of this Ordinance are required to dispose of or to register, as the case may be, any Inoperable, Abandoned or Unregistered Motor Vehicle under their control or on their Property within seven (7) days upon written notice received from the Village commanding such disposition or registration of said Motor Vehicles. (Ord. No. 99-1, 05-12-99)

§7.03.07 Impounding. The corporate authorities are hereby authorized to remove or have removed any Motor Vehicle left at any place within the Village which reasonably appears to be in violation of this Ordinance or which reasonably appears to be lost, stolen or unclaimed. Such Motor Vehicle shall be impounded until lawfully claimed or disposed of in accordance with applicable law. (Ord. No. 99-1,05-12-99)

§7.03.08 Penalties for Violations. Every person violating any of the provisions of this Ordinance shall be fined in an amount not less than One Hundred Dollars (\$100.00) and not more than Seven Hundred Fifty Dollars (\$750.00), plus attorneys' fees and court costs. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 99-1, 05-12-99; Ord. No. 09-3, 6-10-09 §16)

§7.03.09 Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. No. 99-1, 05-12-99)

Chapter 7.04

Civil Emergency Provisions

Sections:

7.04.01	Definitions
7.04.02	Declaration of Emergency
7.04.03	Duration of Proclamation
7.04.04	Notice of Proclamation
7.04.05	General Curfew
7.04.06	Emergency Traffic Regulations
7.04.07	General Orders
7.04.08	Violations and Penalties
7.04.09	Construction

§7.04.01 Definitions. For the purposes of this chapter, the words or terms shall have the meaning ascribed to them as follows:

A. "CIVIL EMERGENCY" means:

1. Any riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force, if accompanied by immediate power to execute, by three (3) or more persons acting together without authority of law; or any disaster caused by enemy attack, sabotage, or other hostile action; or

2. Any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the Village, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

B. "CURFEW" means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village, excepting officials of any governmental unit and persons officially designated to duty with reference to said civil emergency. (Ord. No. 16-05, 7-13-16, §2)

§7.04.02 Declaration of Emergency. Whenever a civil emergency as defined in the preceding section exists, the Village President shall declare its existence by means of a written declaration or proclamation setting forth the facts which constitute the emergency. In coordination with the ESDA director, when applicable, the Village President shall also activate the Village emergency operations plan and may authorize the furnishing of aid and assistance thereunder. (Ord. No. 16-05, 7-13-16, §2)

§7.04.03 Duration of Proclamation. The proclamation herein authorized shall be effective for a period of forty eight (48) hours unless sooner terminated by a proclamation of the Village President indicating that the civil emergency no longer exists. The Village President shall have the power to re-proclaim or extend the existence of a civil emergency at the end of each forty eight (48) hour period during the time the said civil emergency exists for an additional period of time of no more than five (5) additional days for a maximum total of seven (7) total days for a declared emergency. Thereafter, the Village Board shall have the authority to extend a declared emergency for a period in excess of the maximum seven-day period. (Ord. No. 16-05, 7-13-16, §2)

§7.04.04 Notice of Proclamation. Upon issuing the proclamation herein authorized, the Village Clerk (or designee) shall immediately notify the news media (television, radio, and newspaper) with coverage in the Village and shall cause copies of the proclamation declaring the existence of the emergency to be posted at the following places within the Village: Village Hall and the United States Post Office. The Village Clerk shall also have the proclamation posted on the Village's website. (Ord. No. 16-05, 7-13-16, §2)

§7.04.05 General Curfew. After proclamation of a civil emergency by the Village President, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he deems advisable, and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare. (Ord. No. 16-05, 7-13-16, §2)

§7.04.06 Emergency Traffic Regulations. After the proclamation of a civil emergency, the Village President may, in the interest of public safety and welfare, imposed any or all of the following traffic regulations limiting or directing the movement of vehicles within the Village:

A. Permit movement within or access to affected disaster or emergency areas only to residents or essential vehicles and persons.

B. Ban parking in whole or in part on one or both sides of streets in the entire Village or sections thereof to facilitate street clearing or emergency operations or to protect life or property.

C. Tow vehicles impeding emergency or street clearing operations from otherwise legal parking places.

D. Ban non-essential driving on streets needed as emergency routes and define exceptions thereto.

E. Establish one-way traffic movement, convert streets for use as temporary parking facilities, establish reversible or alternating traffic lanes or streets, or otherwise alter established traffic and parking regulations.

F. Establish routes, modes of transportation, and destinations in connection with evacuation or movement through and within the Village.

G. Control ingress and egress to and from a disaster area. (Ord. No. 16-05, 7-13-16, §2)

§7.04.07 General Orders. After the proclamation of a civil emergency, the Village President may also, in the interest of public safety and welfare, make any or all of the following orders:

A. Order the evacuation of all or part of the population from any stricken or threatened area within the Village as deemed necessary.

B. Order the establishment of controls or limitations for the ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

C. Order the closing of all retail alcoholic liquor businesses, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

D. Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

E. Order the discontinuance of selling, distributing, transporting, or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

F. Order the discontinuance of selling, distributing, transporting, dispensing or giving away of any firearms, ammunition, or explosives of any character whatsoever.

G. Order the provision and the availability and use of temporary emergency housing.

H. Issue such other orders as are imminently necessary for the protection of life and property. (Ord. No. 16-05, 7-13-16, §2)

§7.04.08 Violations and Penalties. Any person violating the above civil emergency provisions, or the executive order issued pursuant thereto, shall be guilty of an offense against the Village and shall be fined not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense upon conviction thereof, and a separate offense shall be deemed committed for each and every day that a violation continues or exists. (Ord. No. 16-05, 7-13-16, §2)

§7.04.09 Construction. Nothing contained in this Chapter shall be construed to impair the powers contained in State law, the State Constitution, other chapters of the

Village Code, or any rules or regulations pursuant thereto, giving powers to the Village or law enforcement or emergency management officials, but shall be construed together with existing ordinances that are now or shall be in effect for the safety and welfare of the citizens of the Village. (Ord. No. 16-05, 7-13-16, §2)