

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL PROVISIONS

131. DRUG OFFENSES

132. MINORS

Richland County - General Offenses

CHAPTER 130: GENERAL PROVISIONS

Section

130.01 Loitering in Courthouse premises

130.99 Penalty

' 130.01 LOITERING IN COURTHOUSE PREMISES.

(A) No one except those engaged in official business at the Courthouse, Olney, Illinois, shall trespass or remain or loiter on the premises of the Courthouse at any time said Courthouse is closed for business.

(B) This restriction shall not apply to the use and occupancy of certain benches located at the northeast corner of the Courthouse premises.

(Res. passed 9-12-1978) Penalty, see ' 130.99

' 130.99 PENALTY.

Anyone found violating ' 130.01 shall, upon conviction thereof, be assessed a fine not to exceed \$500, and or sentenced to a term not to exceed 30 days in the county jail.

(Res. passed 9-12-1978)

Richland County - General Offenses

CHAPTER 131: DRUG OFFENSES

Section

General Provisions

131.01 Restricting the use, possession and sale of synthetic marijuana

Regulation of Items Designed or Marketed for Use with Illegal Cannabis or Drugs

131.15 License required

131.16 Application

131.17 Minors

131.18 Records

131.19 Regulations

131.20 Fees

Unlawful Possession of Cannabis and Cannabis Drug Paraphernalia

131.35 Definitions

131.36 Possession of cannabis and possession of cannabis drug paraphernalia prohibited

131.37 Fine collection

131.38 Seizure and forfeiture

131.99 Penalty

Cross-reference:

Alcohol, see Chapter 110

Smoking, see Chapter 93

Truancy and curfew, minors, see " 132.01 through 132.05, 132.99

GENERAL PROVISIONS

' 131.01 RESTRICTING THE USE, POSSESSION AND SALE OF SYNTHETIC MARIJUANA.

It shall be a violation of this chapter for any person to use, possess or sell synthetic marijuana, also known as Asynthetic cannabinoid@, including, but not limited to, items of the chemical composition of 1-Pentyl-3- (1-naphthoyl) indole and 1-Butyl-3- (1-naphthoyl) indole, having street names such as

Richland County - General Offenses

AK-2@, AK-2 Summit@, AK-2 Sex@, AGenie@, ADascents@, AZoahi@ ASage@, ASpice@, AKO Knock-out 2@, ASpice Gold@, ASpice Diamond@, AYucatan Fire@, ASolar Flare@, APep Spice@ and AFire N= Ice@.

(Ord. 10-10-14, passed 1-1-2011) Penalty, see ' 131.99

REGULATION OF ITEMS DESIGNED OR MARKETING FOR USE WITH ILLEGAL CANNABIS OR DRUGS

' 131.15 LICENSE REQUIRED.

It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by 710 ILCS 570 et seq., without obtaining a license therefor. Such licenses shall be in addition to any or all other licenses held by applicant.

(Res. passed 10-15-1980) Penalty, see ' 131.99

' 131.16 APPLICATION.

Application to sell any item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs shall, be accompanied by affidavits by applicant, and each and every employee authorized to sell such items, that such person has never been convicted of a drug-related offense.

(Res. passed 10-15-1980) Penalty, see ' 131.99

' 131.17 MINORS.

It shall be unlawful to sell or give item=s as described in ' 131.15 in any form to any male or female child under 18 years of age.

(Res. passed 10-15-1980) Penalty, see ' 131.99

' 131.18 RECORDS.

Every licensee must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs and which is sold and this record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee=s signature, such records shall be retained for not less than two years.

Drug Offenses

(Res. passed 10-15-1980) Penalty, see ' 131.99

' 131.19 REGULATIONS.

The applicant shall comply with all applicable regulations of the County Sheriff and any Department of Health Services subsequently created.

(Res. passed 10-15-1980)

' 131.20 FEES.

The fee for a license to sell items designed or marketed for use with illegal cannabis or drugs shall be \$5,000.

(Res. passed 10-15-1980)

UNLAWFUL POSSESSION OF CANNABIS AND CANNABIS DRUG PARAPHERNALIA

' 131.35 DEFINITIONS.

All terms and phrases used in this subchapter shall have the same meaning as ascribed to them in the Cannabis Control Act (720 ILCS 550/1 et seq.) and the Possession of Drug Paraphernalia Act (720 ILCS 600/1 et seq.) and amendments thereto, except should the term ***PERSON*** be limited therein to natural persons who have attained the age of 17 years or more, said limitation is specifically excluded herein, and the term ***PERSON*** is made applicable to all natural persons who have attained the age of 13 years or more.

(Ord. 2016-08-11, passed 8-11-2016; Ord. 2016-10-13, passed 10-13-2016)

' 131.36 POSSESSION OF CANNABIS AND POSSESSION OF CANNABIS DRUG PARAPHERNALIA PROHIBITED.

(A) *Offense of possession of cannabis.* A person commits the offense of possession of cannabis within the area of the county by knowingly possessing ten grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 ILCS 550/1 et seq.)

(B) *Offense of possession of cannabis drug paraphernalia.* A person commits the offense of possession of cannabis drug paraphernalia within the area of the county by knowingly possessing an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use.

(Ord. 2016-08-11, passed 8-11-2016; Ord. 2016-10-13, passed 10-13-2016) Penalty, see ' 131.99

Richland County - General Offenses

' 131.37 FINE COLLECTION.

(A) The County Sheriff or his or her official designees are hereby authorized to charge and collect said fine. All fines are to be maintained by the County Sheriff and be used for the investigation and enforcement of drug related offenses.

(B) The charge and collection of the fines in ' 131.99(D) are subject to the following limitations.

(1) If fine is paid on or before the tenth day of issuance, it shall not exceed \$100;

(2) If fine is paid within 11 to 20 days of issuance, it shall not exceed \$150;

(3) If fine is paid within 21 to 30 days of issuance, it shall not exceed \$200; and

(4) All fines unpaid after 30 days of issuance shall be forwarded to the County State=s Attorney for further prosecution.

(C) The County Sheriff shall provide to the County Board a detailed monthly report showing all fines collected as a result of this subchapter.

(1) The report shall contain the date of issuance, time of issuance, date of collection, amount collected and offense said fine was collected from.

(2) The report shall also contain a description of any monies spent from the collected fines.

(D) At any time, the County Board can order all monies collected or a portion of those monies collected to be deposited with the County Treasurer into the general fund.

(E) All monies collected as a result of this subchapter will be the subject of the county annual audit. (Ord. 2016-08-11, passed 8-11-2016; Ord. 2016-10-13, passed 10-13-2016)

' 131.38 SEIZURE AND FORFEITURE.

All items of cannabis drug paraphernalia and ten grams or less of cannabis shall be seized and forfeited as contraband to the county.

(Ord. 2016-08-11, passed 8-11-2016; Ord. 2016-10-13, passed 10-13-2016)

' 131.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

Drug Offenses

(B) Any person violating any provision of " 131.15 through 131.20 shall be fined not less than \$25, nor more than \$500 for the first offense and succeeding offenses during the same calendar year, and each day that such violation shall continue shall be deemed a separate and distinct offense.

(C) A person who violates ' 131.01 shall be subject to a fine of \$60 plus court costs for a first appearance, \$150 plus court costs for a second offense, \$250 plus court costs for a third offense, \$500 plus court costs for a fourth offense, and \$750 plus court costs for a fifth or subsequent offense.

(D) Any person who violates any provision of " 131.35 through 131.38 shall pay a fine of not less than \$100 nor more than \$200. Nothing in this division shall prevent the State=s Attorney of the county from prosecuting these matters under the laws of the state.

(Res. passed 10-15-1980; Ord. 10-10-14, passed 1-1-2011; Ord. 2016-08-11, passed 8-11-2016; Ord. 2016-10-13, passed 10-13-2016)

Richland County - General Offenses

CHAPTER 132: MINORS

Section

Truancy and Curfew

- 132.01 Definitions
- 132.02 Curfew
- 132.03 Establishment restrictions
- 132.04 Enforcement restrictions

- 132.99 Penalty

TRUANCY AND CURFEW

' 132.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY CURFEW HOURS. The period of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, until 6:00 a.m. on the following day, and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

COURT. The Second Judicial Circuit; Richland County, Illinois.

CUSTODIAN.

- (1) A person who under court order is the custodian of the person of a minor;
- (2) A public or private agency with which the court has placed a minor; or
- (3) A person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

Richland County - General Offenses

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately-owned place of business to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN.

- (1) Parent;
- (2) A person who under court order is the guardian of the person of a minor; or
- (3) A public or private agency with which the court has placed a minor.

MINOR. A person under 17 years of age.

PARENT. A person who is a natural parent, adoptive parent or stepparent of another person.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office building, transport facilities and shops.

RESPONSIBLE ADULT. A person at least 18 years of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

TRUANCY CURFEW HOURS. The period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

TRUANT OFFICER. Any officer, appointee, employee or other agent of any school district or any federal, state or local governmental entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute (105 ILCS 5/26-1 et seq.).

TRUANCY REVIEW BOARD. An agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the city and/or the court as an agency which provides service to improve education performance and/or attendance.

Minors

UNINCORPORATED AREA. Any area within Richland County, Illinois, that is not included within the geographical area of an incorporated municipality.
(Ord. passed - -)

' 132.02 CURFEW.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) ***CURFEW HOURS.***

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) ***EMERGENCY.*** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ***ESTABLISHMENT.*** Any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) ***GUARDIAN.***

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by a court.

(5) ***MINOR.*** Any person under 17 years of age.

(6) ***OPERATOR.*** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) ***PARENT.*** A person who is:

(a) A natural parent, adoptive parent or step-parent of another person; or

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Richland County - General Offenses

(8) **PUBLIC PLACE.** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) **REMAIN.**

(a) Linger or stay; or

(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(10) **SERIOUS BODILY INJURY.** Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) *Offenses.*

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he or she knowing allows a minor to remain upon the premises of the establishment during curfew hours.

(C) *Defenses.*

(1) It is a defense to prosecution under division (B) that the minor was:

(a) Accompanied by the minor=s parent or guardian;

(b) On an errand at the direction of the minor=s parent or guardian, without any detour or stop;

(c) In a motor vehicle involved in interstate travel;

(d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) Involved in an emergency;

(f) On the sidewalk abutting the minor=s residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor=s presence;

Minors

(g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(i) Married or had been married or had disabilities of minority removed in accordance with state law.

(2) It is a defense to prosecution under division (B)(3) that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, including any investigation additional to the actions required by this division (D) as a reasonable person would deem necessary, no defense in division (C) is present.

(Ord. passed - -) Penalty, see ' 132.99

' 132.03 ESTABLISHMENT RESTRICTIONS.

(A) It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of ' 132.02 during curfew or truancy hours.

(B) It is a defense to prosecution, under this division (B) if the owner, operator or employee of the establishment immediately, upon discovery of a minor reasonably believed to be in violation of ' 132.02, notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

(Ord. passed - -) Penalty, see ' 132.99

' 132.04 ENFORCEMENT RESTRICTIONS.

(A) Every member of the County Sheriff's Department while on duty is hereby authorized as follows. For the first offense of any minor violation the provisions of this subchapter, to issue to the minor a citation, in writing, in the same form as described in division (C) below. For a second offense,

Richland County - General Offenses

the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this subchapter (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor make reasonable attempt to communicate with the parent, custodian or guardian of the minor unless division (E) below is applicable. A parent, custodian or guardian must take custody of the minor within one hour of the time of notice or be subject to a charge of \$25 per hour as hereinafter provided.

(B) Whenever a police officer or truant officer witnesses or has knowledge based on reasonable grounds of a violation of this subchapter by any person, such person may be issued a citation. A citation or complaint may be made to a police officer or truant officer by any person.

(C) (1) A citation issued hereunder this section shall be in writing and shall:

(a) State the name of the person being cited and the person=s address if known;

(b) Set forth the specific section of this subchapter that was violated, the date of the violation and a brief description of the violation;

(c) Be signed by the issuing police officer, truant officer or complaining party.

(2) In each instance where a citation is issued to a minor for violation of this subchapter a minor=s parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this subchapter must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, guardian, custodian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a notice or a rule to show cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Sheriff=s Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of ' 132.03, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

(Ord. passed - -)

' 132.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) *General penalty.*

Minors

(a) Any person who violates any provision of " 132.01 through 132.04 shall, upon conviction thereof, be fined not less than \$5 nor more than \$200; and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues.

(b) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform ten hours of court approved community service during times other than the minor=s hours of school attendance and/or the minor=s parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(c) In addition to any penalty imposed pursuant to divisions (B)(1)(a) or (B)(1)(b) above, the minor=s parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under division (B)(2) below.

(2) *Civil liability.* If a minor is detained for a period of time in excess of one hour which requires the supervision of the minor by personnel of the County Sheriff=s Department, the parent, guardian, custodian or other adult person having the legal care or custody of the minor shall be jointly and severally liable for the costs therefor. The parent, guardian, custodian or other adult person having the legal care or custody of a minor who has committed any offense of " 132.01 through 132.04 shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of " 132.01 through 132.04 or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of " 132.01 through 132.04 and subject the violator to the penalties described within division (A) above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney=s fees incurred by the city in collecting.

(Ord. passed - -)

Richland County - General Offenses