

Chapter 5  
**OFFENSES BY ORGANIZED GROUPS**

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**8-5-1 DEFINITIONS**

**Street gang or gang:** Any ongoing organization, association in fact or group of three or more persons, whether formally or informally organized, or any sub-group or affiliated group thereof, having as one of its activities the commission of criminal or illegal acts, including by way of example only and not in anyway limiting or specifying, illegal drug distribution, and whose members individually or collectively engage in or have engaged in a pattern of criminal or illegal acts, and which group frequently, though not necessarily, claim one or more particular geographic territory or “turf” exclusively as its realm of influence and operations.

**Telecommunications Device:** A device which is portable or which may be installed in a motor vehicle, boat or other means of transportation, and which is capable of receiving or transmitting speech, data, signals or other information, including but not limited to paging devices, cellular and mobile telephones, and radio transceivers, transmitters and receivers, but not including radios designed to receive only standard AM and FM broadcasts.

**8-5-2 DISORDERLY STREET GANG CONDUCT**

- A. It shall be unlawful for any person within the Village to knowingly use, display or wear colors, emblems or insignia on or about their person in public for the purpose of promoting any street gang activity.
- B. It shall be unlawful for any person within the Village to knowingly do or make any act, utterance, gesture or display for the purpose of communicating membership of, affiliation with, association with, support of, identification with, sympathy toward or affront or insult toward any street gang, or with actual knowledge that the subject act, utterance, gesture or display is used and recognized as communicative of street gang membership, affiliation, association, support, identification, sympathy or affront.

**8-5-3 ASSEMBLY**

- A. Permitting Unlawful Assembly: Whoever shall knowingly permit any assembly of people for the purpose of committing any unlawful act or breach of the peace, or any riotous, offense or disorderly conduct, in or upon any premises owned or occupied by him or under his control shall be guilty of disorderly conduct.
- B. Disturbing Lawful Assembly: Whoever shall interrupt or disturb any lawful assembly of people by making any loud or unusual noise, or by rude or indecent behavior, or by profane, obscene or improper discourse or conduct, shall be guilty of disorderly conduct.

#### 8-5-4 **DISORDERLY CONDUCT**

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he commits any of the following acts in a public place:

1. Commits an act in a violent manner toward another whereby that other is placed in danger of his life or health;
2. Commits an act in a violent manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, health or property of another;
4. Interferes with another's pursuit of a lawful occupation by acts of violence;
5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the Police Department or other lawful authority;
6. Resists or obstructs the performance of duties by the Police Department or any other authorized Village official;
7. Incites, attempts to incite or is involved in attempting to incite a riot or unlawful disturbance;
8. Use of abusive language or threats to any member of the Police Department, any other authorized Village official who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;
9. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
10. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane,

alley, park, square or common, whereby the public peace is broken or disturbed, or the travelling public annoyed;

11. Fails to obey a lawful order to disperse by a police officer where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is threatened;
12. Uses abusive or obscene language or makes an obscene gesture in public;
13. Assembles with three or more persons for the purpose of using force or violence to disturb the public peace;
14. Appears in any public place and is manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or alarm or disturb other persons in his vicinity;
15. Transmits in any manner to any police 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
16. Uses paint or other medium in any way to deface, damage or destroy property.

#### **8-5-5 GANG ACTIVITY**

- A. Temporary Questioning Without Arrest: A police officer, after having identified himself as a police officer, may stop any person in a public place for a reasonable period of time when the person is wearing known gang colors, emblems or other gang insignia, or appears to be engaged in communicating gang-related messages through the use of hand signals or other means of communication, or as otherwise provided by law, and the officer reasonably infers from the circumstances that the person is committing, is about to commit or has committed any offense set forth in Village ordinances. Once stopped, the officer may demand the name and address of the person and an explanation of his actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.
- B. Search for Weapons: When a police officer has stopped a person for temporary questioning pursuant to Subsection A and the officer reasonably suspects that he or another officer is in danger of attack, he may search the person for weapons. If an officer discovers a weapon, he may take it until the completion of the questioning, at which time he shall return the weapon, if lawfully possessed, or arrest the person so questioned.

#### **8-5-6 INTERFERENCE WITH VILLAGE EMPLOYEES AND OFFICERS**

It is unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office or employment.

#### **8-5-7 MOB ACTION**

- A. Mob action consists of any of the following:
1. the use of force or violence disturbing the public peace by two or more persons acting together and without authority of law;
  2. The assembly of two or more persons to do an unlawful act; or
  3. The assembly of two or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.
- B. It is unlawful for any person to be involved in mob action.
- C. Any participant in a mob action who does not withdraw on being commanded to do so by any police officer shall be guilty of disorderly conduct.

#### 8-5-8 **OFFENSES AGAINST PUBLIC PEACE**

No person in the Village shall:

1. Unlawful Conduct: Disturb, tend to disturb or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.
2. Assault: Assault, beat, strike, wound, imprison or inflict violence on another where the circumstances show malice or assault another with intent to commit any misdemeanor or felony. Nor shall any person assault another with a lethal weapon, instrument or thing with intent to commit upon the person of another any bodily injury where no considerable provocation appears or where the circumstances of the assault show malice.
3. Fighting: Fight another person.
4. Loitering: Loiter or stroll in, about or upon any street, alley or other public way or public place, or in any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any private property or place without lawful business or conduct himself in a lewd, wanton or lascivious manner in speech or behavior.
5. Abroad at Unusual Hours: Wander about the streets, alleys or other public ways or places at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.

#### 8-5-9 **PARENTAL RESPONSIBILITY**

- A. It shall be unlawful for a parent or legal guardian of an unemancipated minor residing with

such parent or legal guardian to fail to exercise proper parental responsibilities by allowing or permitting said minor to commit any violation of a Village ordinance or state statute concerning vandalism, battery, fireworks, obscene conduct, trespass, possession of alcoholic liquor or any other offense or willful or malicious acts to persons or property.

- B. It shall be unlawful for any parent, legal guardian or other person who knowingly permits a child in his or her custody or control, under the age of 18 years, to associate with known thieves, burglars, felons, narcotic addicts or other persons of ill repute, visit a place of prostitution, commit a lewd act or commit an act intending to break the peace.
- C. The parent or guardian responsible for the willful or malicious acts of the minor child shall make full restitution to the injured or damaged party or parties within 10 days after notification of liability as provided for herein. Parents and guardians shall be responsible individually and jointly. Any person who fails or refuses to make payment in full of any amount found due from them to an injured or damaged party, as provided for herein, or who violates any of the provisions of this Section shall be fined in accordance with this Chapter.

#### 8-5-10 **WEAPONS**

- A. Carrying Concealed Weapons: Unless authorized by law, no person shall wear under his clothing, or conceal about his person, or display in a threatening like manner, any dangerous or deadly weapon including, but not by way of limitations, any pistol, revolver, sling shot, cross-knuckles, or knuckles of lead, brass or other metal, or any bowie knife, or any knife resembling a bowie knife, or any knife with a switch-blade or device whereby the blade or blades can be opened by a button, pressure on the handle or other mechanical contrivance.
- B. Possession of Dangerous or Deadly Weapons: No person shall have in his possession, except within his own domicile, or carry or use, a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun," gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a peashooter, slingshot or beany, or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.
- C. Display and Sale of Specified Weapons: No pawnbroker, second-hand dealer or other person engaged in business in the Village shall display or place on exhibition in any show window or other window facing upon any street, any pistol, revolver or other firearm, with a barrel less than 12 inches in length, or any brass or metal knuckles, or any club loaded with lead or other weight, or any blackjack or billy club.

#### 8-5-11 **TELECOMMUNICATIONS DEVICES**

- A. Unlawful Transfer of Telecommunications Device to a Minor: A person commits the unlawful transfer of a telecommunications device to a person under 18 years of age when he gives, sells or otherwise transfers possession of a telecommunications device to a person under 18 years of age with the intent that the device be used for unlawful purposes or as a means of

communication between gang and gang members.

B. Seizure: Any telecommunications device possessed by a person under 18 years of age, or used in the commission of an unlawful act, or used as a means of communication between gang and gang members, or which constitutes evidence of the commission of such offenses, may be seized by Village police officers. Forfeiture of a telecommunications device shall be in accordance with 720 ILCS 5/44-3.

C. Purchase, Acceptance or Possession of a Telecommunications Device: Any person under 18 years of age shall not purchase, accept or possess a telecommunications device for any unlawful purpose.

#### 8-5-12 **PENALTY**

- A. Unless otherwise provided in this Chapter, any person, firm or corporation violating any section of this Chapter shall be fined not less than \$100.00 for each offense and be responsible for the Village's cost of prosecution including attorney's fees. Each day that a violation continues shall be considered a separate offense. Restitution by the violator shall also be made to any property damaged or destroyed or person injured.
- B. A defendant who has been found guilty and ordered to pay a fine under this Chapter may petition the court to convert all or part of the fine into court-approved public or community service, to be performed as directed by and to be verified by the Department of Court Services.
- C. The public or community service work assigned shall be, whenever available, for the benefit of the Village, or agency or department thereof. If no public or community service work opportunities are available for the benefit of the Village or agency or department thereof, the defendant shall be assigned to perform public or community service work for a not-for-profit organization or agency which provides service to or otherwise benefits the citizens of the Village.
- D. One hour of public or community service shall be equivalent to \$5.00 of fine, upon conversion.
- E. Neither restitution obligations nor mandatory court costs or attorneys fees may be converted to or discharged by public or community service work.
- F. Neither the Village nor any agency or department thereof nor any official or employee thereof acting in the course of their official duties shall be liable for any injury or loss a person may receive while performing public or community service as ordered by the court pursuant to this Section, nor shall they be liable for any tortuous acts of any person performing public or community service, except for willful wanton misconduct or gross negligence on the part of such governmental unit, official or employee.
- G. No person assigned to a public or community service program shall be considered an

employee for any purpose, nor shall the Village, McHenry County or not-for-profit organization or agency be obligated to provide any compensation to such person.