

Title 5 PUBLIC SAFETY

Chapter 1 ANIMAL CONTROL

5-1-1: DEFINITIONS:

Unless the context otherwise requires, the following terms, as used in this chapter shall be construed according to the following definitions:

CATTERY: Any establishment or premises wherein cats are kept for the purpose of breeding, boarding, sale, exchange or sporting.

COOP, LOFT, PEN, OR RUNWAY: Any place, enclosure, or premises where farm birds are housed or kept.

DANGEROUS ANIMAL: Any snake, reptile or lizard that is physically capable of causing serious bodily injury to any person or animal, regardless of age, by bite, poison, constriction or other means; any lion, tiger, cougar, jaguar, panther, bobcat, mountain lion, lynx, ocelot, leopard, any hybrid thereof or any other similar feline animal; bear; any exotic animal not native to the North American continent and which, when full grown, normally attains a weight in excess of two hundred (200) pounds; any wolf, coyote, jackal, fox, wild dog, or hybrid thereof; any rodent with the exception of guinea pigs, ferrets, hamsters or gerbils; any squirrel, opossum, raccoon or skunk; any birds of prey; any monkey, gorilla, chimpanzee or other similar apelike primate; any bees, wasps, or hornets; and any other animal not allowed to be owned, kept or harbored under any applicable local, state or federal law.

FARM ANIMALS: Horses, cows, cattle, bison, swine, pigs, sheep, goats, donkeys, mules, burros, asses, llamas, any other hoofed animal, rabbits, ferrets, and minks regardless for what purposes such animal is kept.

FARM BIRDS: Shall include, but not be limited to, chickens (large or bantam), fowl, ducks, geese, turkeys, guineas, ostriches, pheasants, quails, emus, and peafowl regardless for what purpose such bird is kept.

KENNEL: Any establishment or premises wherein or whereon dogs are kept for the purpose of breeding, boarding, sale, exchange, or sporting.

PET AND/OR ANIMAL DEALERS: Any person engaged in the business of dealing in farm animals, farm fowl, and/or pets.

PETS: Dogs, cats, gerbils, guinea pigs, hamsters, birds typically sold at pet stores, fish, reptiles or any other animal owned or to be kept as a family or household pet so long as such other animal is kept within the walls of the owner or caretaker of such animal's house or residence. This definition shall not include any farm animals, farm birds and/or dangerous animals, and the same are prohibited from being kept as pets within the village limits.

RUNNING AT LARGE: Any pet that is not leashed and under the control of the owner or a responsible person over fourteen (14) years of age. If the pet is on the owner's property, it is at large if it is not contained on the property by means of an invisible fence at all times able to contain the pet within the confines of the owner's property, along with appropriate signage, fence, chain, owner's direct supervision, leash or other visible means of restraint sufficient to protect pedestrians on public property.

STABLE, PEN, STY AND HUTCH: Any place, enclosure, or premises where farm animals are housed or kept.

VETERINARY HOSPITAL: Any place, institution, or enclosure used for harboring or reception for care and treatment of any farm animals, farm fowl and pets.

VILLAGE POUND: Any place or enclosure designated by the president and board of trustees to be used for the impounding of any animals or dogs found running at large in the village of Capron, Illinois, contrary to any of the provisions of the ordinances of the village of Capron, Illinois. (1997 Code § 6-1; amd. Ord. 10-02, 7-12-2010; 2013 Code)

5-1-2: NUMBER OF PETS:

A. General Requirements: Only "pets", as defined in section [5-1-1](#) of this chapter, shall be allowed to be kept within any household or residence located within the village. There shall be a maximum limitation of four (4) pets per household or residence located within the village. Notwithstanding the foregoing, said four (4) pet limitation shall not apply to fish kept in aquariums which are located within the household or residence. Any households or residences which have in excess of four (4) pets as of the effective date hereof shall be permitted to keep those pets, however, upon the death of any one of those pets, the pet may not be replaced with another pet unless such replacement would otherwise be in conformity with the pet limitation set forth in this subsection. Notwithstanding the foregoing, any newborn pets born from the same litter shall be allowed to remain in the household or residence for up to four (4) months from the date of birth. Any violation of this subsection is hereby declared to be a public nuisance, and each day this subsection is violated shall constitute a separate offense.

B. Additional Pet Permit:

1. Notwithstanding the provisions of subsection A of this section, a person may keep more than four (4) pets within any household or residence but only upon receipt of a permit authorized by the village board ("additional pet permit"). Such person shall complete an additional pet permit application form, available from the village clerk. Upon receipt of the completed application form by the village clerk, and any other additional information which the village may require, the application shall be considered by the village board for approval or denial.
2. In the event an additional pet permit is approved by the village board, the applicant shall pay to the village a twenty five dollar (\$25.00) permit fee. Said permit shall expire

annually and must be renewed each year with the village board having the authority to approve or deny any requested renewal. A renewal fee of ten dollars (\$10.00) shall be paid for any approved renewal.

3. The village board shall have the ability to revoke any additional pet permit issued for reasons including, but not limited to:
 - a. Complaints about the pets.
 - b. The health, safety and well being of the pets.
 - c. Any violation of this chapter or any other state, federal or local law governing animals.

Any potential revocation of an additional pet permit shall be considered at an open meeting of the village board, and the permit holder, or a representative thereof, shall be permitted to speak on his behalf. An additional pet permit may be revoked upon a majority vote of the corporate authorities.

- C. Pet Dealers And Veterinary Hospitals: Any person, association, or corporate business entity desiring to maintain in excess of four (4) pets of the same species for purposes of engaging in the business or occupation of pet dealer or veterinary hospital shall first obtain the appropriate license required by this chapter and otherwise conform to any other applicable provisions of this code. (Ord. 11-30, 8-22-2011)

5-1-3: CERTAIN ANIMALS AND ANIMAL HOUSES PROHIBITED; EXCEPTIONS:

- A. Except as provided in the village zoning ordinance, it shall be unlawful for any person to own, keep or harbor any farm animals or farm birds within the village limits. (Ord. 10-02, 7-12-2010; amd. 2013 Code)
- B. Except as provided in the village zoning ordinance, it shall be unlawful for any person to keep, harbor, or maintain a stable, pen, sty, hutch, coop, loft or runway within the village. This subsection shall not apply to pets. (1997 Code § 6-3; amd. 2013 Code)

5-1-4: RUNNING AT LARGE:

No pet shall be permitted to run at large within the village. Any pet found running at large is declared to be a public nuisance and subject to being impounded, abated, removed and/or destroyed. If any owner or possessor of a pet shall permit the same to run at large at any time within the limits of the village, he/she shall be subject to the penalties imposed by this chapter.

(Ord. 10-02, 7-12-2010)

5-1-5: REMOVAL OF ANIMAL WASTE REQUIRED:

The owner of any pet, or the person in charge of or responsible for the animal, shall at all times, promptly remove any animal feces from the public streets, sidewalks, alleys, other public places or other person's private property. Said individual, while walking said animal, shall carry with him such material and equipment as may be necessary to dispose of such waste. (Ord. 10-02, 7-12-2010)

5-1-6: NOISY ANIMALS:

No person owning any pet shall permit such animal to disturb the peace and quiet of the neighborhood by unreasonably incessant barking, whining, crying, or any other loud or unusual noises. (Ord. 10-02, 7-12-2010)

5-1-7: CRUELTY TO ANIMALS:

It shall be unlawful for any person to treat any animal cruelly by overloading, overdriving, overworking, beating, torturing, tormenting, mutilating, failing to provide any animal in his/her charge or custody as owner or otherwise, with proper food, drink, and shelter, abandon any animal of any age or condition, or cause or knowingly allow the same to be done. (1997 Code § 6-4; amd. 2013 Code)

5-1-8: KILLING ANIMALS:

It shall be unlawful to kill, or attempt to kill or wound, by the use of firearms, air gun, bow and arrow, pelting with stone or otherwise, or by the use of snip snaps or slingshot, any animal within the village without a license. (1997 Code § 6-5; amd. 2013 Code)

5-1-9: DISEASED, DEAD ANIMALS:

Any person having a dead animal, or an animal past recovery which is not killed for meat, or is improper to use as meat, or in an offensive condition, or sick with an infectious or contagious

disease on his/her premises within the village, and every person whose animal, or any animal in his/her charge or under his/her control, in any street or place may die or become or be in a condition past recovery, shall at once, remove or cause the removal of such animal. (1997 Code § 6-6)

5-1-10: ENFORCEMENT AND PENALTY:

- A. Enforcement: The county health department animal control division is hereby authorized to enforce the provisions of this chapter and shall be deemed the "poundmaster". (1997 Code § 6-91)
- B. Penalty: Except as provided to the contrary under this chapter, any person who violates any provisions of this chapter shall, upon conviction, be subject to a fine as provided in section [1-4-1](#) of this code for each offense. (1997 Code § 6-92; amd. 2013 Code)

ARTICLE A. DOGS

5-1A-1: LICENSING REQUIREMENTS:

- A. License, Fee And Vaccination Required: Every person within the village owning, keeping, or harboring any dog within the village shall register the dog with the county health department animal control division who shall keep a record of all dogs so registered. It shall be the further duty of such person to pay such assessed fee to the county health department animal control division, and each dog licensed shall have a current and valid rabies tag. (1997 Code § 6-16)
- B. Collar And Badges Required: Every person keeping or harboring any dog licensed under the provisions of this article shall keep and maintain a collar around the neck of the dog with rabies badges and badges required by the county fastened thereto. Every dog found in the village without such badges shall, for the purpose of this article, be deemed an unlicensed dog. (1997 Code § 6-17)

5-1A-2: NUMBER OF DOGS:

Except as hereinafter provided, it shall be unlawful for any person, association or corporation

to keep more than two (2) dogs over four (4) months of age of either sex in any one home, trailer, pen, yard, or building within the village. Any person, association or corporation desiring to keep more than two (2) dogs as described in this section shall first obtain the appropriate zoning and a small animal dealer's license. (1997 Code § 6-19)

5-1A-3: REDEMPTION, PURCHASE AND DISPOSITION OF IMPOUNDED DOGS; FEES:

For every dog taken up and impounded, as provided in this article, for which no license fee has been paid, there shall be paid to the village clerk for the poundmaster's fee and the use of the village, by any person desiring to purchase or redeem such dog, the following fees: a purchase or redemption fee of fifty dollars (\$50.00) and the sum of fifty dollars (\$50.00) to be paid to the poundmaster for taking up and/or impounding such dog. Twenty five dollars (\$25.00) of the purchase or redemption fee shall be paid to the poundmaster. Any person purchasing or redeeming any such dog shall, in addition to the above fee, pay to the village clerk the cost of keeping the dog while in the pound at the rate of not to exceed ten dollars (\$10.00) per day or fraction thereof. If such amounts are paid by any person desiring to redeem or purchase the dog so impounded within three (3) days after the impounding thereof, such person shall be entitled to redeem or purchase the dog. If such dog is not redeemed within three (3) days after being impounded, the dog may be destroyed or taken to the humane shelter at the discretion of the poundmaster and/or the approval of the humane shelter. (1997 Code § 6-18)

5-1A-4: PROLONGED OUTSIDE CONFINEMENT PROHIBITED:

A. Prohibited Outside Confinement:

1. No person owning or keeping a dog in the village shall chain or tether a dog to a stationary object including, but not limited to, any structure, doghouse, pole or tree for longer than six (6) total hours in any twenty four (24) hour period. Nothing in this subsection A1 shall be construed as prohibiting a person from walking a dog on a handheld leash.
2. No person owning or keeping a dog in the village may leave a dog chained, tethered or confined outside between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.
3. A dog shall not be tethered outside during a period of extreme weather including, but not limited to, extreme heat, extreme cold, thunderstorms, tornadoes, tropical storms, or hurricanes.
4. A dog shall not be tethered while sick, injured or in distress.

B. Permissible Outside Confinement: A person owning or keeping a dog in the village may

confine such dog outside for longer than six (6) hours in a twenty four (24) hour period through the use of any of the following three (3) methods:

1. A pen or secure enclosure, if the following conditions are met:
 - a. The pen or secure enclosure has adequate space for exercise with a dimension of at least one hundred (100) square feet. Commercial dog kennels with pens intended for the temporary boarding of dogs are exempt from this requirement.
 - b. The pen or secure enclosure is constructed with chainlink or other similar materials as determined by the code enforcement officer/building inspector, with all four (4) sides enclosed.
2. A fully fenced or otherwise securely enclosed yard wherein a dog has the ability to run but is unable to leave the enclosed yard.
3. A trolley system or a tether attached to a pulley on a cable run, if the following conditions are met:
 - a. Only one dog may be tethered to each cable run.
 - b. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat which two (2) adult fingers may fit. Choke collars and pinch collars are prohibited for the purposes of tethering a dog to a cable run.
 - c. There must be a swivel on at least one end of the tether to minimize tangling of the tether.
 - d. The tether and cable run must be at least ten feet (10') in length and mounted at least four feet (4') but not more than seven feet (7') above ground level.
 - e. The length of the tether from the cable run to the dog's collar or harness must allow continuous access to water and appropriate shelter as described in subsection C of this section. The trolley system or tether must be appropriate configuration to confine the dog to the owner's property, to prevent the trolley system or tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the trolley system or tether from becoming tangled with other objects.

C. Food, Water And Shelter:

1. Any person owning or keeping a dog in the village confined outside in accordance with subsection B of this section must provide the dog with access to food and water and an appropriate dog shelter at all times. The dog shelter must allow the dog to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed, and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit and sturdy enough to block entry of wind and rain. The shelter shall be small enough to retain the dog's body heat and large enough to allow the dog to stand and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage must be provided so that water is not standing in or around the shelter. (Ord. 12-01, 1-9-2012)

ARTICLE B. ANIMAL DEALERS AND VETERINARY HOSPITALS

5-1B-1: LICENSE REQUIRED:

It shall be unlawful for any person, firm, or corporation to engage in the business or occupation of pet and/or animal dealer or veterinary hospital within the limits of the village without first having obtained a license therefor, in accordance with the terms and provisions of this article. No person shall be deemed fully licensed until a license has been issued and delivered to the applicant therefor. A separate license shall be required for each location, place or premises where such business or occupation is proposed to be carried on. (1997 Code § 6-71)

5-1B-2: INELIGIBILITY FOR LICENSE:

No license shall be issued to:

- A. A person who is not of good character and reputation in the community in which he/she lives.
- B. A person whose license issued under this article has been revoked for cause.
- C. A person who does not have his primary residence within ten (10) miles of the village.
- D. A firm or corporation, unless the owners or officers of such firm or corporation shall be qualified to obtain a license. (1997 Code § 6-73)

5-1B-3: APPLICATION FOR LICENSE:

Application for a license shall be made to the village clerk in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a firm or corporation, verified by oath or affidavit, and shall further contain the following information and statements:

- A. The name and address of the applicant in case of an individual, the name and address of

the firm or corporation and the name of the authorized agent of the firm or corporation.

B. The character of business of the applicant.

C. The location and description of the premises or place of business which is to be operated under such license and verification that the proposed use does not violate any village zoning regulations.

D. A statement that the applicant has or has not made similar application for a similar or other license in premises other than described in this application, and the disposition of such application.

E. A statement that the applicant will not violate any of the laws of the United States, the state of Illinois, or any ordinance of the village. (1997 Code § 6-71)

5-1B-4: LICENSE FEES:

A. Established: License fees for pet and/or animal dealers and veterinary hospitals shall be as follows:

1. The license fee for pet and/or animal dealers shall be twenty five dollars (\$25.00).
2. The license fee for a veterinary hospital shall be twenty five dollars (\$25.00).

B. Payment And Disposition: Applicants for a license hereunder shall, at the time of application for such license, pay to the village clerk the annual rate specified for the type of license for which he makes application. In the event the license for which applied is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the general fund. (1997 Code § 6-72)

5-1B-5: TERM OF LICENSE:

All licenses provided by this article shall be issued May 1 and shall terminate and expire on April 30 next after the issuance thereof. (1997 Code § 6-72; amd. Ord. 11-23, 10-10-2011)

5-1B-6: PET AND ANIMAL DEALER REQUIREMENTS:

- A. Confining Pets And Animals To Premises: No pet or other animal shall be permitted to stray or be taken outside the limits of the dealer's premises, unless such pet or other animal is on a leash, sold, or is taken out temporarily for the purpose of trial, show, or exhibition. (1997 Code § 6-51)
- B. Sanitation: All pet and animal dealer premises shall be kept free and clean from any decaying food and from filth of any kind. The dealer buildings and pens shall be whitewashed or disinfected from time to time and shall be kept in a sanitary condition satisfactory to the county health department animal control division. (1997 Code § 6-52)
- C. Inspections: The county health department animal control division shall periodically inspect each pet and animal dealer establishment to determine whether there is compliance with the provisions of this article. (1997 Code § 6-53)

5-1B-7: VETERINARY HOSPITAL REQUIREMENTS:

- A. Sanitation: All veterinary hospitals shall be kept free and clean from decaying food and from filth of any kind. All parts of such buildings, premises, or enclosures shall be disinfected from time to time and shall be kept in a sanitary condition satisfactory to the county health department animal control division. (1997 Code § 6-61)
- B. Inspections: The county health department animal control division shall periodically inspect each such place of business to determine whether there is compliance with the provisions of this article. (1997 Code § 6-62)

Chapter 2 PUBLIC INDECENCY

5-2-1: DEFINITION:

When used in this chapter, the term "public place" means any place where the conduct may reasonably be expected to be viewed by others. (2013 Code)

5-2-2: PUBLIC INDECENCY PROHIBITED; EXEMPTION:

- A. Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits a public indecency:
1. An act of sexual penetration or sexual conduct; or
 2. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
- B. Breast feeding of infants is not an act of public indecency. (2013 Code)

5-2-3: PENALTIES:

Any person violating any provision of this chapter shall be fined as provided in section [1-4-1](#) of this code and may further be ordered enjoined to prevent further violations. (1997 Code § 12-8; amd. 2013 Code)

Chapter 3 MINORS

5-3-1: CURFEW:

- A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

CURFEW HOURS: 1. Between one minute past twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. on Saturday;

2. Between one minute past twelve o'clock (12:01) A.M. and six o'clock (6:00) A.M. on Sunday; and

3. Between eleven o'clock (11:00) P.M. on Sunday to Thursday, inclusive, and six o'clock (6:00) A.M. on the following day.

EMERGENCY: Any unforeseen combination of circumstances or the resulting state that calls for such 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.

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

GUARDIAN: 1. A person who, by court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by a court.

MINOR: Any person under seventeen (17) years of age.

PARENT: A person who is:

1. A natural parent, adoptive parent, or stepparent of another person; or

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

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.

REMAIN: 1. To linger or stay; or

2. To fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death or that causes death, 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 during curfew hours.

2. A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

- C. Defenses: It is a defense to prosecution under subsection B of this section that the minor was:
1. Accompanied by the minor's parent or guardian or other person in custody or control of the minor;
 2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 3. In a motor vehicle involved in interstate travel;
 4. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
 5. Involved in an emergency;
 6. 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;
 7. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, 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 a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;
 8. 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
 9. Married or had been married or is an emancipated minor under the emancipation of minors act.
- D. Enforcement: Before taking any enforcement action under this section, a law enforcement 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, no defense in subsection C of this section is present.
- E. Penalties:
1. A person convicted of a violation of any provision of this section shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00); except, that neither a person who has been made a ward of the court under the juvenile court act of 1987, nor that person's legal guardian, shall be subject to any fine.
 2. In addition to or instead of the fine imposed by subsection E1 of this section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection B of this section to perform community service as determined by the court; except, that the legal guardian of a person who has been made a ward of the court under the juvenile

court act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection B of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation. (2013 Code)

Chapter 4 FIREWORKS

5-4-1: DEFINITIONS:

FIREWORKS: Fireworks or any explosive device, 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 combustion, explosion, deflagration, or detonation. "Fireworks" shall include "prohibited fireworks" and "permitted fireworks" as defined in this section.

PERMITTED FIREWORKS: Means and includes snake or glow worm pellets, smoke devices, trick noisemakers, also referred to as party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms; sparklers, toy pistols, toy canes, toy guns, or other similar devices and toy pistol paper or plastic caps as hereinafter specifically defined:

Smoke Devices: Small devices made of cork or cardboard containing not more than five grams (5 g) of pyrotechnic composition that produce a small cloud of smoke after activation.

Snakes, Glow Worms: Pressed pellet of pyrotechnic composition that produces a large snakelike ash upon burning. The ash expands in length as the pellet burns. These devices may not contain arsenic.

Snappers: Small, paper wrapped items containing not more than one milligram (1.0 mg) of silver fulminate coated on small bits of sand or gravel.

Sparklers: Devices that consist of wire or wood dowel coated with pyrotechnic composition that produce a shower of sparks upon ignition.

Toy Pistols, Toy Canes, Toy Guns, And Other Similar Devices: Devices in which paper or plastic caps containing twenty five hundredths (0.25) grain or less of explosive compound are used. A small report is produced upon detonation.

Trick Noisemakers: Items that produce a small report intended to surprise the user; these devices include, but are not limited to:

- A. Party Popper: A small device with paper or plastic exteriors that is actuated by means of friction (pulling a string or trigger). Upon activation, the device expels nonflammable paper streamers and/or other nonflammable novelties and produce a

small report.

- B. Booby Trap: A small tube with string protruding from both ends, similar in design to party poppers. Upon pulling the strings, a friction sensitive compound ignites causing a small report.
- C. Trick Match: A match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or shower of sparks emits from the match.
- D. Cigarette Load: A small wooden peg that has been coated with a small quantity of explosive compound. Upon ignition of a cigarette containing such device, a small report is produced.
- E. Auto Burglar Alarm: A tube which contains a pyrotechnic composition that produces a loud whistle when ignited. A small quantity of explosive of which not more than fifty milligrams (50 mg) of explosive compound may be used to produce a small report.

PROHIBITED FIREWORKS: All fireworks except "permitted fireworks", as defined in this section, and shall include, but not be limited to, the following:

- A. Blank cartridges;
- B. Toy cannons in which explosives are used;
- C. Balloons which require fire underneath to propel the same;
- D. Firecrackers, torpedoes, skyrockets, bottle rockets, roman candles, bombs or other devices of a similar nature;
- E. Any fireworks containing any explosive compound;
- F. Any tablets or other devices containing any explosive substance, or containing combustible substances providing visual effects;
- G. Sparkling devices, which may produce a shower of sparks upon ignition (except those defined as "permitted fireworks" by the U.S. department of transportation and commonly known as "sparklers"), which include, but are not limited to, items commonly known as "fountains", "spinners", "wheels", or similar devices. Such prohibited sparkling devices may be ground based, handheld, or secured to an object above ground level.

SAFE AND SANE FIREWORKS: Neither the state of Illinois nor the village of Capron recognize the term "safe and sane fireworks", and any item labeled as such is subject to the definitions contained herein. The labeling of such devices shall not determine whether the device is a permitted firework or is a prohibited firework. (2013 Code)

5-4-2: SALE OR DISTRIBUTION:

No person, corporation or other entity may sell, hold for sale, offer for sale, or otherwise distribute in any fashion any prohibited fireworks within the corporate limits of the village. (2013 Code)

5-4-3: DISPLAYS:

No person, corporation or other entity may discharge, detonate, or ignite any prohibited fireworks within the corporate limits of the village except as provided in this section.

A. Permit Requirements:

1. A permit may be issued to the designated individual in an organization, corporation or other entity to detonate, discharge or ignite otherwise prohibited fireworks as part of a display for the public, generally, pursuant to subsection A2 of this section.
2. Application for a permit to detonate, discharge or ignite prohibited fireworks as part of a display for the public shall be made in writing to the village clerk no less than twenty one (21) days in advance of the proposed display. The permit shall be issued to the individual in such organization, corporation or other entity who shall be in charge of the detonating, discharging or igniting such fireworks, provided no permit shall be issued until or unless approved by the chief of the fire protection district, or his designee.

B. Compliance With State Law: The individual permitted to detonate, discharge or ignite such fireworks display shall do so in compliance with the provisions of the Illinois fireworks use act, 425 Illinois Compiled Statutes 35/0.01 et seq., and the ordinances of the village. (2013 Code)

5-4-4: PENALTY:

Any person, corporation or other entity that violates any provision of this chapter shall be fined as provided in section [1-4-1](#) of this code, and each day a violation by the same person,

corporation or other entity occurs shall be a separate violation. (2013 Code)

Chapter 5 GRAFFITI

5-5-1: PROHIBITED:

It is unlawful for any person to inscribe, draw or otherwise place upon the surface of any structure or wall that is privately or publicly owned any word, phrase, diagram, symbol, sketch, or letters, where the contents thereof are visible to any member of the general public and contain references to sexual activity, to any portion of the human anatomy, to gang or criminal activities, to personal relationships or to defamatory material about public or private persons. (2013 Code)

5-5-2: DEFENSE TO VIOLATION:

It shall be a defense to an alleged violation of section [5-5-1](#) of this chapter if such activity was undertaken with the prior written consent of the owner of the property demonstrating that the owner was aware of the content and the method by which the inscription was to be placed upon the structure or wall. (2013 Code)

5-5-3: PENALTIES:

Upon a conviction for the violation of the prohibited conduct in section [5-5-1](#) of this chapter, there shall be imposed a fine as provided in section [1-4-1](#) of this code. Additionally, a mandatory requirement shall be imposed by any court finding a person guilty of violating the provisions of section [5-5-1](#) of this chapter, as a condition to any probation or supervision, that full and complete restitution be made to the owner of the property for expenses incurred in the removal of the material and repair of the structure or wall. (2013 Code)

5-5-4: REMOVAL BY OWNER REQUIRED:

It shall be the duty the owner of the structure or wall upon which any inscription or representation prohibited in section [5-5-1](#) of this chapter is made to remove such inscription or representation and to otherwise repair or restore the structure or wall to its prior condition within fourteen (14) days from the occurrence of the offense. If the graffiti is profane, the period

of time shall be five (5) days. The owner of the property shall be entitled to restitution and compensation for the direct costs incurred in the repair and restoration of his property from any person convicted of the prohibited activity upon the submission of receipts evidencing payment of such costs and provided the court entering the finding or conviction for the offense shall so order. (2013 Code)