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CHAPTER 5: MISDEMEANORS

Article 1 - Offenses Against Persons and Property

Sec. 5.101 Reckless Conduct: It shall be unlawful for any person to cause bodily harm or to endanger the bodily safety of an individual by any means if he performs recklessly the acts, which cause the harm, or endangers safety.

Sec. 5.102 Battery: It shall be unlawful for any person to knowingly or intentionally, without legal justification and by any means to commit a battery.

A person commits a battery if he:

- (a) Causes bodily harm to an individual, or
- (b) Makes physical contact of an insulting or provoking nature with an individual.

Sec. 5.103 Assault: It shall be unlawful for any person without lawful authority to engage in any conduct, which places another in reasonable apprehension of receiving a battery.

Sec. 5.104 Criminal Damage to Public or Private Property: It shall be unlawful for anyone in the Village of Deer Creek to willfully, maliciously or negligently damage any property of another without his consent.

Sec. 5.105 Trespass to Land: It shall be unlawful 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 or occupant to depart. A person has received notice from the owner or occupant if he has been notified personally by any of the following means:

- (a) orally or in writing, or by
- (b) printed or written notice conspicuously posted or exhibited on the forbidden land.

Sec. 5.106 Trespass to Vehicle: It shall be unlawful to knowingly and without authority to enter any vehicle or any part thereof belonging to another without his consent.

Sec. 5.107 Posting Bills: It shall be unlawful for any person, firm or corporation to post any bills or advertisements on any public property without the authority of the Village; and it shall be unlawful to post any bill or advertisement on any property without the written consent of the owner thereof.

Sec. 5.108 Penalty: Whoever violates any of the sections of this Article shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

Article 2 - Offenses Affecting Public Health, Safety, and Decency

Sec. 5.201 Weapons: It shall be unlawful to carry any concealed weapons in the Village in violation of the laws of this State.

Sec. 5.202 Discharge of Weapons: It shall be unlawful to discharge any firearms or airgun, bb gun, or any toy gun, projecting lead or any missiles; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property.

Sec. 5.203 Fires: It shall be unlawful to build or light any fire so close to any building or other structure as to endanger such building or structure, or on any asphalt street or sidewalk pavement.

Sec. 5.204 Disorderly Conduct:

- A. It shall be unlawful for any person, firm or corporation, to be guilty of disorderly conduct within the limits of the Village, or upon any property owned by the Village.
- B. A person commits disorderly conduct when he knowingly:
 - 1. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
 - 2. With the intent to annoy another, makes a telephone call, whether or not a conversation thereby ensues;
 - 3. Transmits in any manner to the 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;
 - 4. 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;
 - 5. Transmits or causes to be transmitted in any manner to the Police Department or the Fire Protection District or any privately-owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance, or emergency medical technician-paramedic, knowing at the time there is no reasonable ground for believing that such assistance is required;
 - 6. Throws or discards upon any public street, public sidewalk, public property, or upon the private property of another without the consent of the owner or tenant being had, except in a container provided for that purpose, any paper, cartons, cans, bottles, garbage, refuse, trash or junk;
 - 7. Mars, injures, destroy, defaces or aids in marring, injuring, destroying or defacing any public or private property; or mars, injures, destroys or causes to be marred, destroyed, injured or defaced any bridge, fence, tree, street sign, awning, lamp post, electric light post, or apparatus or any other property, not belonging to the person so offending, whether public or private;
 - 8. Transmits or causes to be transmitted a false report to the Department of children and Family Services under the Abused and Neglected Child Reporting Act, 325 ILCS 5/4;
 - 9. Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, 210 ILCS 45/1-101 et seq;
 - 10. Transmits or causes to be transmitted a false report under 320 ILCS 15/0.01 et seq;
 - 11. Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public;
 - 12. Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;
 - 13. Does any act that is prohibited by 720 ILCS 5/26-1 through and including 720 ILCS 5/26-6.

Sec. 5.205 Fighting: It shall be unlawful for any person to knowingly start a fight, or to fight in any public place in the Village.

Sec. 5.206 Gambling: It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose; and any such device or paraphernalia with such intent may be confiscated by any member of the police department. It shall be unlawful to gamble or to make any bet, lottery or gambling hazard or to buy or sell any chances or tickets in any gambling game, arrangement or device.

Sec. 5.207 False Alarm: It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the Village.

Sec. 5.208 Abandoned Refrigerator: It shall be unlawful to abandon any refrigerator, freezer or icebox or other device having an automatic lock or a compartment large enough to enclose a human being in any place accessible to children.

Sec. 5.209 Combustible Refuse: It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard.

Sec. 5.210 Debris: It shall be unlawful to throw or deposit any glass, tacks, nails or other similar articles on any street, alley or sidewalk or other place in the Village. In addition, it shall be unlawful to throw or deposit any concrete, junk, debris or blacktop on any property in the Village. Further, it shall be unlawful to throw or deposit any object that interferes with the natural flow of water on any property owned by the Village. If any person, firm or entity refuses to remove concrete, junk, debris or blacktop from any property within seven (7) days after receipt of a written request for removal, the Village may remove any said concrete, junk, debris or blacktop and bill the responsible party therefore. If said bill is not paid within thirty (30) days after the date of said bill it may be filed as a lien, foreclosed upon and all costs recovered therefrom as provided for in Section 13.107 (b) of this Village Code.

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Sec. 5.211 Barbed Wire Fences: It shall be unlawful to erect or maintain anywhere in the Village a fence equipped with or having barbed wire, spikes or similar device or any electric charge sufficient to cause shock.

Sec. 5.212 Offensive Odors: It shall be unlawful to operate any business or conduct any activity in a manner or under conditions that create offensive odors within the Village.

Sec. 5.213 Indecent Conduct: It shall be unlawful for any person to lewdly expose his body in a public place. A public place for purposes of this section means any place where the conduct may reasonably be expected to be viewed by others.

Sec. 5.214 Prostitution: It shall be unlawful for any person to perform or offer or agree to perform any sex act for money.

Sec. 5.215 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 establishments appropriately licensed under the Village Code of the Village of Deer Creek as amended,

and in such cases, only during the hours which the sale of alcoholic liquor is permitted. No person shall possess alcoholic liquor, whether open or sealed, in any public park.

- 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.
- C. It shall be unlawful for any person under the age of 21 years to consume alcoholic liquor.
- 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 photo static 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 and alcoholic beverage.
- 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 photo static evidence of age and identity.
- 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.
- 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 Village of Deer Creek.

Sec. 5.216 Penalty: Whoever violates any of the Sections of this Article shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

Article 3 - Cannabis, Controlled Substances, and Drug Paraphernalia

Section 5.301 Definitions: For purposes of this Article the following words and phrases shall have the following meanings respectively assigned to them:

- a. "Authorized Agent" means a person authorized by a Registered Qualifying Patient to tend his or her cannabis plants, which valid authorization shall be endowed only by a Power of Attorney or similar written instrument which names the Agent, is signed by the Registered Qualifying Patient, and has a duration of no more than two weeks within any six month period.
- b. "Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

- c. “Cannabis Accessories” are any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounded, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body as permitted by the Cannabis Regulation and Tax Act.
- d. “Cannabis Concentrate” means a product derived from cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO2, ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.
- e. “Cannabis Flower” means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.
- f. “Cannabis-Infused Product” means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.
- g. “Controlled Substance” shall have the meanings ascribed to it in Section 102 of the Illinois Controlled Substances Act as if that definition were incorporated herein.
- h. “Deliver or Delivery” means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
- i. “Drug Paraphernalia” means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. “Drug Paraphernalia” does not include cannabis accessories if possessed or used by any person 21 years of age or older who is otherwise lawfully permitted to possess or use cannabis under the Cannabis Regulation and Tax Act. “Drug Paraphernalia” includes, but is not limited to:
 - 1.) kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
 - 2.) isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
 - 3.) testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;

- 4.) diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
 - 5.) objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:
 - (A) water pipes;
 - (B) carburetion tubes and devices;
 - (C) smoking and carburetion masks;
 - (D) miniature cocaine spoons and cocaine vials;
 - (E) carburetor pipes;
 - (F) electric pipes;
 - (G) air-driven pipes;
 - (H) chillums;
 - (I) bongs;
 - (J) ice pipes or chillers;
 - 6.) any item whose purpose, as announced or described by the seller, is for use in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Cannabis Regulation and Tax Act, or any provision of this chapter.
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- j. “Facilitate the use of cannabis” means to deliver, transfer, gift, sell, or to otherwise provide cannabis or cannabis accessories to a person. It shall also include purchasing cannabis for a person and careless or negligent storage of cannabis so that it may be easily accessible to a person.
 - k. “Motor Vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - l. “Public Place” means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.
 - m. “Public Way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, drive, circle, or other public right-of-way, including, but not limited to, utility easements, dedicated utility strips, or rights-of-way.
 - n. “Reasonably Inaccessible” means out of reach of the driver and any passenger of a motor vehicle, which includes being in the trunk of the vehicle or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. Areas that are not reasonably inaccessible include, but are not limited to, the glove compartment, any middle console compartment between the driver’s seat and the front passenger seat, and either under or directly behind the driver’s seat or the front passenger’s seat.
 - o. “Reasonably Secured” means in a sealed, odor-proof, and child-resistant container.

- p. “Registered Qualifying Patient” means the meanings ascribed to it in Section 10 of the Compassionate Use of Medical Cannabis Program Act as if that definition were incorporated herein.
- q. “While on Duty” means the time period when a person is working during his normal scheduled hours, during overtime hours when a person is working, and during any period of time in which a person is “on call” where he or she may be called upon to perform work duties at any time during that “on call” time period.

Section 5.302 Possession of Cannabis: It shall be unlawful for any person under 21 years of age to use or possess cannabis at any time except as otherwise permitted under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq.

It shall be unlawful for any person knowingly to possess more than 30 grams of cannabis flower, more than 500 milligrams of THC contained in cannabis-infused product, or more than 5 grams of cannabis concentrate.

It shall be unlawful for any person to possess cannabis:

- (a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
 - (c) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
 - (d) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
 - (e) in an amount greater than 30 grams for Illinois residents and more than 15 grams for out of state residents;
 - (f) in any part of a building owned in whole or in part, or leased, by the Village of Deer Creek;
- or

in any other manner prohibited by state statutes, as they may be amended from time to time.

Section 5.303 Use of Cannabis: It shall be unlawful for any person to use cannabis:

- (a) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
- (b) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
- (c) in any motor vehicle;

(d) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(e) in any public place; or

(f) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;

(g) while on duty by a person who has a school bus permit or a Commercial Driver's License.

It shall be unlawful for any person to smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.

It shall be unlawful for any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code.

It shall be unlawful for any person to facilitate the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., or the Compassionate Use of Medical Cannabis Program Act.

It shall be unlawful for any person to transfer cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

It shall be unlawful for any person to transport, carry, possess or have upon any public place or public way in the Village any cannabis on or about his person except in the original package and with the seal unbroken.

Section 5.304 Public Display of Cannabis and Public Intoxication: It shall be unlawful for any person in the Village to display, make a gift, make available, sell, or offer for sale any cannabis within any public place or public way in the Village.

It shall be unlawful for any person under the influence of cannabis or controlled substances to enter or remain within any public place or public way within the Village.

Section 5.305 Cultivation of Cannabis: It shall be unlawful for any person to cultivate cannabis plants within the Village of Deer Creek, except for a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act. It shall be unlawful for any person who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act to cultivate cannabis plants:

(1) unless the person has been a resident of the State of Illinois for more than 30 days before cultivation;

(2) in excess of 5 plants that are more than 5 inches tall per household;

(3) outside of an enclosed, locked space;

- (4) using cannabis seeds purchased from somewhere other than a dispensary for the purpose of home cultivation, and seeds may not be given or sold to any other person;
- (5) in a location where they are subject to ordinary public view (within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property);
- (6) without reasonable precautions to ensure the cannabis plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age;
- (7) on non-residential property and property that is not lawfully in the possession of the cultivator or without the consent of the person in lawful possession of the property;
- (8) in a dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property which has not been divided into multiple dwelling units and contains in excess of 5 plants at any one time; or
- (9) unless residing at the residence where the cannabis plants are located, except that a registered qualifying patient's authorized agent may tend to the cannabis plants if attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

Section 5.306 Possession of Drug Paraphernalia: Any person who knowingly possesses an item of drug paraphernalia with the intent to use it in unlawfully ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in unlawfully preparing cannabis or a controlled substance for that use, commits an offense.

In determining intent under division (A) above, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

Section 5.307 Controlled Substances: It shall be unlawful for any person to have, possess, transport, carry, use, sell, offer to sell, dispense, or give away any controlled substance upon a public street, upon public property, or anywhere in the Village of Deer Creek.

Section 5.308 Penalties: Any person who violates any provision of this Chapter, inclusive of all subsections thereof, shall, upon conviction, be assessed a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00).

Where any person has been convicted of any of the provisions of this Section at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction.

Section 5.309 Complaint: Any police officer of this Village who has reasonable grounds to believe that any person has violated this Ordinance is directed to cause a complaint to be filed through the courts charging an offense under this Ordinance. Any police officer of this Village who has reasonable grounds to believe that any person has knowingly done any of the following within the territorial limits of the Village or within the territorial limits of any real property owned or leased by the Village or otherwise within the jurisdiction of the Village:

- (a) had in his possession more than 30 grams of cannabis flower, more than 500 milligrams of THC contained in cannabis-infused product, or more than 5 grams of cannabis concentrate;
- (b) has unlawfully cultivated, sold or offered for sale, delivered, processed, or manufactured cannabis;
- (c) used cannabis in violation of this Article; or
- (d) violated any other provision of this Article;

in violation of the Cannabis Regulation and Tax Act, the Cannabis Control Act, the Controlled Substances Act, any other statute of the State of Illinois, or the provisions of this Article is directed to initiate action to have such person charged through the courts with violation of the relevant Illinois statute or Village Code provision.

Sec. 5.310 Severability: In the event that any section, provision, or part of this Ordinance shall be held to be invalid, the rest of this Ordinance shall nevertheless remain in full force and effect.

Revised: December 2019 Ord. 668

Article 4 - Other Offenses

Sec. 5.401 Resisting or Obstructing a Peace Officer: It shall be unlawful for a person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity.

Sec. 5.402 Hitchhiking: It shall be unlawful for any person or persons to stand or loiter upon any sidewalk, street, avenue or public highway or grounds within the limits of the Village of Deer Creek for the purpose of soliciting a ride from the driver of any vehicle.

Sec. 5.403 Penalty: Whoever violates any of the Sections of this Article shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Seven Hundred Fifty Dollars (\$750.00).

Revised: October 2010 Ord. 566