

CHAPTER 4

MISCELLANEOUS OFFENSES

SECTION:

- 6-4-1 Disorderly Conduct
- 6-4-2: Open Liquor Containers
- 6-4-3: Public Intoxication
- 6-4-4: Drug Paraphernalia
- 6-4-5: Possession of Cannabis
- 6-4-6: Possession of a False or Fake Identification Card

6-4-1: **DISORDERLY CONDUCT:** Anyone who first commits disorderly conduct does so when he knowingly does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace. A violation of this Section is a petty offense and shall be punishable by a fine not to exceed two-hundred dollars (\$200.00) plus costs. (Ord. 7-10-02, 7-9-2002)

6-4-2: **OPEN LIQUOR CONTAINERS:** It is unlawful for any person to have alcohol in open containers on Village property unless such property has been designated as an area where alcohol can be consumed. A violation of this Section is a petty offense and shall be punishable by a fine not to exceed two-hundred dollars (\$200.00) plus costs. (Ord. 7-9-02, 7-9-2002)

6-4-3: **PUBLIC INTOXICATION:**

- A. It shall be unlawful for any person who is in a state of intoxication or drunkenness to be or appear under any circumstances in any street, alley, or public place or in any place or premises open to a public view within the Village of Elizabeth. Any person who is guilty of Public Intoxication shall be imposed a fine in the amount of two-hundred dollars (\$200.00) plus costs. Such person shall cause the fine to be paid within thirty (30) days of issuance or within a reasonable amount of time if mutually agreed.

6-4-4: POSSESSION OF DRUG PARAPHERNALIA:

- A. A person who knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of this Ordinance offense. This Subsection A does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needle Act.
- B. In determining intent under Subsection A, 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.
- C. Possession of drug paraphernalia upon public sidewalks, public thoroughfares, public streets, public highways, public parks or in an area within the Village limits of the Village of Elizabeth is hereby prohibited.
- D. Penalty: A violation of this Ordinance is punishable by a fine of \$500.00-\$750.00 plus Court costs.

6-4-5: POSSESSION OF CANNABIS:

- A. It is unlawful for any person knowingly to possess cannabis.
- B. Possession: To establish possession, the Village must establish that the offender had knowledge of the substance and that it was under his or her immediate and exclusive control. Furthermore, as established under the Cannabis Control Act, possession of cannabis can be either actual or constructive, and it may be joint or shared and yet still be “exclusive” within the meaning of the Act, as shared in 16A III Law and Prac. Drugs § 4 (May 2010, update)
- C. Possession of cannabis upon public sidewalks, public thoroughfares, public streets, public highways, public parks or in an area within the Village limits of the Village of Elizabeth is hereby prohibited.
- D. Penalty: A violation of this Ordinance is punishable by a fine not to exceed \$750 plus Court costs.

6-4-6: POSSESSION OF A FALSE OR FAKE IDENTIFICATION CARD:

1. It is a violation of this Section for any person:
2. To knowingly possess, display, or cause to be displayed any fraudulent identification card;
3. To knowingly possess, display, or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit card or debit card from a bank, financial institution or retail merchandise establishment;
4. To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;
5. To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;
6. To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another;
7. To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document;
8. To knowingly possess without authority any identification card making implement;
9. To knowingly possess any stolen identification card making implement;
10. To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card;
11. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card.

- A. This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.
- B. Penalty: A violation of this Ordinance is punishable by a fine not to exceed \$750 plus Court costs.