

2011 SERIES

MERCER COUNTY
ORDINANCES

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Violators subject to fines of
between \$50 and \$1,000.

Gregory J. McHugh
State's Attorney
Mercer County Courthouse
Aleto, IL

RESOLUTION

PROHIBITING THE DECEPTIVE PRACTICE OF BAD CHECKS

Mercer County, Illinois
Ordinance

WHEREAS, THE Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1113, provides that Illinois County Boards may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law, and

WHEREAS, the Mercer County State's Attorney's Office already operates a bad check diversion program under 720 ILCS 5/17-1(b) to obtain restitution for bad check victims without using the resources of the criminal justice system; and

WHEREAS, the citizens and retailers of Mercer County suffer from many bad checks, and

WHEREAS, law enforcement and the State's Attorney's Office need an ordinance to rapidly prosecute bad check cases short of using the Illinois Criminal Code or jail for low risk offenders;

NOW THEREFORE BE IT ORDAINED THAT:
Section One: Definitions

- A) Intent To Defraud
To act with the "intent to defraud" means to act willfully,
And with the specific intent to deceive or cheat, for the
purpose of causing financial loss to another, or to bring
some financial gain to oneself. It is not necessary to
establish that any person was actually defrauded or deceived.

Section Two: Prohibition of the Deceptive Practice of Bad Checks

- A) With intent to obtain control over property or to pay for property,
labor or services of another, or in satisfaction of an obligation of
any other tax due to the State of Illinois, he or she issues or
delivers a check or other order upon a real or fictitious depository
for the payment of money, knowing that it will not be paid by the
depository. Failure to have sufficient funds or credit with the
depository when the check or other order is issued or delivered, or when such
check or other order is presented for payment and dishonored on each
of two (2) occasions at least seven (7) days apart, is prima facie evidence
that the offender knows that it will not be paid by the depository, and
that he or she has the intent to defraud.
"Property" includes rental property (real or personal).

Section Three: Penalty

- A) Any person who violates any provision of this ordinance shall pay
a fine of not less than \$50.00 nor more than \$500.00.

Effective upon enactment

ADOPTED this 8th day of February, 2011.

THE COUNTY BOARD OF MERCER COUNTY, ILLINOIS

By: Mexine Hines
Chairman

ATTEST:
By: Aprilie Bunker
County Clerk

RESOLUTION

RESOLUTION FOR UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA

Mercer County, Illinois
Ordinance
Unlawful Possession of Drug Paraphernalia

WHEREAS, THE Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1113, provides that Illinois County Boards may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law; and

WHEREAS, the Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1052, provides that Illinois County Boards may do all acts and make all regulations which may be necessary or expedient for the promotion of public health or the suppression of disease; and

WHEREAS, the Mercer County Board believes that the public health, safety, morals and well-being of the residents of Mercer County would be served by an ordinance prohibiting the possession of drug paraphernalia;

NOW THEREFORE BE IT ORDAINED THAT:

Section One: Definitions

- A) "Cannabis" includes marijuana, hashish, and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant, and any compound, manufacture, salt, derivative or resin, including tetrahydrocannabinol (THC), and all other cannabinol derivatives.
- B) "Drug paraphernalia" means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials, which are intended to be used unlawfully in planting, propagating, growing, harvesting, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance.

Section Two: Prohibition on Possession of Drug Paraphernalia.

- A) It is unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.

Section Three: Penalty

- A) Any person who violates any provision of this ordinance shall pay fine of not less than \$750.00 nor more than \$1,000.00.
Effective upon enactment.

ADOPTED this 8th day of February, 2011.

THE COUNTY BOARD OF MERCER COUNTY, ILLINOIS

By: Margaret Hays
Chairman

ATTEST:

By: Shelley Bentley
County Clerk

4.

5.

RESOLUTION

PROHIBITING DISORDERLY CONDUCT
Mercer County, Illinois
Ordinance

WHEREAS, THE Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1113, provides that Illinois County Boards may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law; and

WHEREAS, law enforcement and the State's Attorney's Office need an ordinance to rapidly prosecute disorderly conduct cases short of using the Illinois Criminal Code or jail for low risk offenders;

NOW THEREFORE BE IT ORDAINED THAT:

Section One: Definitions

- A) A person commits disorderly conduct when he knowingly:
Does any act in such unreasonable manner as to alarm or disturb
Another and to provoke a breach of the peace.

Section Two: Penalty

- A) Any person who violates any provision of this ordinance shall pay a fine of not less than \$75.00 nor more than \$500.00.

Effective upon enactment.

ADOPTED this 8th day of February, 2011.

THE COUNTY BOARD OF MERCER COUNTY, ILLINOIS

By: Maxine Hwang
Chairman

ATTEST:

By: Phyllis Bueley
County Clerk

RESOLUTION

RESOLUTION FOR UNLAWFUL POSSESSION OF
TOBACCO PRODUCTS BY MINORS
Mercer County, Illinois
Ordinance
Unlawful Possession of Tobacco Products by Minors

WHEREAS, THE Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1113, provides that Illinois County Boards may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law; and

WHEREAS, the Illinois Compiled Statutes, Chapter 55, Act 5, Section 5-1052, provides that Illinois County Boards may do all acts and make all regulations which may be necessary or expedient for the promotion of public health or the suppression of disease; and

WHEREAS, the Mercer County Board believes that the public health, safety, morals and well-being of the residents of Mercer County would be served by an ordinance prohibiting possession of tobacco products by minors;

NOW THEREFORE BE IT ORDAINED THAT:

Section One: Definitions

- A) "Tobacco Product" means any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms.

Section Two: Prohibition on Sale of tobacco to minors, prohibition on the distribution of tobacco.

- A) It is unlawful for a minor under eighteen (18) years of age to possess or to buy any tobacco products. No person shall sell, buy for, distribute samples of or furnish any tobacco product to any minor under eighteen (18) years of age.

Section Three: Penalty

- A) Any person who violates any provision of this ordinance shall pay a fine of not less than \$50.00 nor more than \$500.00.

Effective upon enactment.

ADOPTED this 8th day of February, 2011.

THE COUNTY BOARD OF MERCER COUNTY, ILLINOIS

By: Maxine Hwang
Chairman

ATTEST:

By: Phyllis Bueley