

**PUBLICATION OF:**

**ORDINANCE NO. 23-\_\_\_\_\_**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 13 OF THE  
SCHAUMBURG MUNICIPAL CODE TO CORRECT OUTDATED LANGUAGE AND  
TO INCORPORATE MORE INCLUSIVE LANGUAGE**

**ADOPTED: \_\_\_\_\_, 2023**

**PUBLISHED IN PAMPHLET FORM PURSUANT TO AUTHORIZATION AND  
DIRECTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE  
OF SCHAUMBURG ON \_\_\_\_\_, 2023**

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**WHEREAS**, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village Code is intended to guide the processes and procedures within the boundaries of the Village of Schaumburg regarding general provisions, administration, public works, traffic codes, general regulations, general offenses, land usage, and other relevant areas of interest to the community; and

**WHEREAS**, Village staff conducted a comprehensive review of the Village Code for the purpose of identifying potential improvements and ensuring the processes and procedures outlined are accurate and necessary; and

**WHEREAS**, staff's review of the municipal code focused on modernizing parts of the code that had been unedited in several years and utilizing more inclusive language where applicable; and

**WHEREAS**, the President and Board of Trustees of the Village of Schaumburg desire to amend the Village Code to reflect these changes, and have determined that amending the Village Code to provide for these changes is in the best interest of the Village;

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG, COOK COUNTY, ILLINOIS:**

**SECTION 1:** The recitals above shall be and are incorporated in this Section 1 as if fully restated herein.

**SECTION 2:** Section 130.02 (Cruelty to Children) of Chapter 130 (Offenses Against Persons) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 3:** Section 130.03 (Exhibiting of Children) of Chapter 130 (Offenses Against Persons) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 4:** Section 130.05 (Sale of Poisons) of Chapter 130 (Offenses Against Persons) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 5:** Section 130.06 (Electronic Harassment) of Chapter 130 (Offenses Against Persons) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

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**“§ 130.06 ELECTRONIC HARRASSMENT.**

- (A) Definitions: For purposes of this section, the terms "electronic communication", "family or household member", "harass", and "harassing" has the meaning ascribed to it in Section 26.5-0.1 of the Illinois Criminal Code (720 ILCS 5/).
- (B) Harassment by Telephone. A person commits harassment by telephone when ~~he or she~~ they uses telephone communication for any of the following purposes:
- (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
  - (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
  - (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
  - (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
  - (5) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.
- (C) Harassment Through Electric Communications. A person commits harassment through electronic communications when ~~he or she~~ they uses electronic communication for any of the following purposes:
- (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
  - (2) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of ~~his or her~~ their family or household members; or
  - (3) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection.
- (D) Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.
- (E) Penalty. Any person violating this section shall be subject to a mandatory fine of not less than one hundred dollars (\$100.00), plus administrative costs, or more than seven hundred fifty dollars (\$750.00), plus administrative costs.”

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**SECTION 6:** Section 131.01 (Possession of Burglar's Tools) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**"§ 131.01 POSSESSION OF BURGLAR'S TOOLS.**

It shall be unlawful for any person to have in ~~his~~their possession any nippers of the description known as "burglar's nippers, picklock, skeleton key" to be used with a bit, jimmy or other burglar's instruments or tools of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose."

**SECTION 7:** Section 131.02 (Trespass) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**"§ 131.02 TRESPASS.**

- (A) Violation: Whoever enters upon the land, or building, or any part thereof of another, after receiving, prior to such entrance, notice from the owner or occupant that such entry is forbidden, or remains upon the land or building, of another, after receiving notice from the owner, or occupant, or duly authorized representative, to depart commits a violation of this ordinance.
- (1) A person has received notice from the owner or occupant within the meaning of the previous subsection if ~~he has~~they have been notified personally, either orally or in writing, including a valid court order, or if a printed or written notice forbidding such entry or remaining on the premises has been conspicuously posted or exhibited at the main entrance of such land or building of the forbidden part thereof.
- (B) Animals: Whoever enters upon land owned by the Village of Schaumburg with an animal after receiving notice that entry is forbidden to any animals accompanying the person, or who remains upon the land with the animal after having received notice to depart with the animal, commits a violation of this section. Animals shall not include service animals specifically trained to aid a disabled person or police canines.
- (C) Penalty: A police officer may issue a citation which may be settled upon payment pursuant to title 3, chapter 37 of this Code or may issue a complaint to be filed in the Circuit Court of Cook County with a fine of not less than one hundred dollars (\$100.00), nor exceeding seven hundred fifty dollars (\$750.00), pursuant to section 10.99 of this Code."

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**SECTION 8:** Section 131.03 (Vandalism) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 131.03 VANDALISM.**

- (A) Definitions: Whenever any of the following terms shall be used in this section they shall have the meanings indicated:

JUVENILE: A person who has attained ten (10) years of age but who has not yet reached eighteen (18) years of age.

LEGAL GUARDIAN: A person appointed guardian, or given custody, of a juvenile by a circuit court of this state or any other state, but does not include a person appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act.

PARENTS: The lawful father or mother of an unemancipated juvenile, whether by birth or adoption.

PERSON: Any individual, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY: Any real estate including improvements thereof, and personal property, whether tangible or intangible.

- (B) Offenses: No person shall commit any of the following acts within the corporate limits of the village:

(1) Maliciously, recklessly, or knowingly damage, deface or destroy any property of another person without ~~his~~their consent;

(2) Maliciously, recklessly, or knowingly by means of fire or explosive device damage, deface, or destroy any property of another person;

(3) Maliciously, recklessly, or knowingly start a fire on the land of another person without ~~his~~their consent;

(4) Maliciously, recklessly, or knowingly deposit on the land or in a building of another person, without ~~his~~their consent, any stink bomb, or any offensive smelling compound and thereby interfere with the use and occupancy by another of the land or building; or

(5) Maliciously, recklessly, or knowingly and without authority enter into any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without ~~his~~their consent.

- (C) Penalty: The following penalties shall be imposed upon any person convicted of a violation of this section:

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- (1) Such restitution or reparation as the court may require in an amount not to exceed actual loss or damage to property or pecuniary loss. Nothing in this subsection (C)(1) shall preclude such additional civil remedies available to a complaining party for any sum not recovered.
- (2) In addition or in lieu of such restitution or reparation as hereinabove provided, a fine as set forth in section 10.99 of this Code for each such offense and/or such additional community service or other activity as may be required by the court. Said fine may be imposed upon the parent or legal guardian pursuant to subsection (D) of this section.

**(D) Liability:**

- (1) The parent or legal guardian of an unemancipated juvenile who resides with such parent or legal guardian is liable for actual damages for the wilful or malicious acts of such juvenile which cause injury to a person or property.
- (2) The juvenile shall be deemed to have committed the offense or offenses enumerated in this section with the knowledge, consent, acquiescence, and permission of the parent or legal guardian, in violation of this section. The parent or legal guardian shall be liable for fine, requirement of restitution or reparation imposed by a court upon the minor defendant for violation of this section.
- (3) The sanctions of this section shall apply after the parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the police department of the village prior to the institution of any judicial sanction or penalty.
- (4) In any action brought pursuant to the provisions of this section, the parent or legal guardian shall be made a party defendant. Failure to include such parent or legal guardian as a party defendant shall release ~~him~~them from any liability for fine, restitution or reparation imposed upon the minor defendant.”

**SECTION 9:** Section 131.04 (Injuring Village or Personal Property) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 131.04 INJURING VILLAGE OR PERSONAL PROPERTY.**

- (A) It shall be unlawful for any person to injure in any way any property of any kind belonging to the village.
- (B) It shall be unlawful for any person to cut, injure, mark, or deface any building not ~~his~~their own.

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- (C) It shall be unlawful for any person to remove, injure, destroy, or undertake any procedure, the result of which is to cause the death or substantial destruction of any tree belonging to the village. If the tree(s) cannot be replaced in kind, a cost of one hundred ~~twenty-five~~ **seventy-five** dollars (~~\$125.00~~ **\$175.00**) per caliper inch of tree removed/damaged to cover expenses to remove and replace the tree(s) shall be paid to the village to replace the tree(s). From time to time, the director of engineering and public works may review and update the cost. This cost shall be assessed in addition to the penalty per section 37.03 of this Code.”

**SECTION 10:** Section 131.07 (Passing Bad Checks) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 11:** Section 131.09 (Prohibition of Glass Containers and/or Alcohol) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 131.09 PROHIBITION OF GLASS CONTAINERS AND/OR ALCOHOL.**

It shall be unlawful for any person to have in ~~his~~ **their** possession any of the following items:

Glass, glass containers, alcohol, or liquor, upon the property owned by the Village of Schaumburg located at 101 Schaumburg Court and 201 Schaumburg Court from 1:00 a.m. Thursday before Labor Day until 12:00 midnight the Tuesday after Labor Day. The prohibition shall not apply to the following:

- (A) Alcohol or liquor purchased from a vendor authorized to sell alcohol at the Village of Schaumburg Septemberfest, glass items or products purchased from the vendor or artist permitted to sell items at Septemberfest.
- (B) Alcohol for performers pursuant to contract.”

**SECTION 12:** Section 131.11 (Village Owned Properties) of Chapter 131 (Offenses Against Property) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 131.11 VILLAGE OWNED PROPERTIES.**

It shall be unlawful for any person to participate in an activity or act in any manner in violation to a sign posted on village property prohibiting that activity. The village manager shall have the authority to post signs prohibiting activity which ~~he deems they~~ **deem** not to be in the best interest of the village.”

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**SECTION 13:** Section 132.01 (Curfew for Minors) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 132.01 CURFEW FOR MINORS.**

(A) Definitions: Whenever used in this section:

***CURFEW HOURS:***

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (2) 12:00 midnight on any Saturday or Sunday and until 6:00 a.m. of the same day.

***EMERGENCY:*** An unforeseen combination of circumstances or the resulting state that calls for 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 a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

***GUARDIAN:***

- (1) A person who, under 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.

***OPERATOR:*** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.

***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:*** Means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.



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***SERIOUS BODILY INJURY:*** Bodily injury that creates a substantial risk of death or that causes death, serious permanent 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~~they remains in any public place or on the premises of any establishment within the village during curfew hours.
- (2) A parent or guardian of a minor commits an offense if ~~he~~they knowingly permits, or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the village during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if ~~he~~they knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

**(C) Defenses:**

- (1) It is a defense to prosecution under subsection (B) of this section that the minor was:
  - (a) Accompanied by the minor's parent or guardian;
  - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - (c) In a motor vehicle involved in interstate travel;
  - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - (e) Involved in an emergency;
  - (f) Attending a government, school, religious, or other recreational activity supervised by adults, approved and authorized by a parent or guardian. The activity shall be sponsored by the government, school, or religious organization, or any entity authorized by parent or guardian that takes responsibility for the minor, and, the minor is going to or returning home from the activity;
  - (g) 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
  - (h) Married or had been married or is an emancipated minor under the emancipation of mature minors act, as amended.
- (2) It is a defense to prosecution under subsection (B)(3) of this section that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

- (D) Enforcement:** Before taking any enforcement action under this section, a police 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

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on any response and other circumstances, no defense in subsection (C) of this section is present.”

**SECTION 14:** Section 132.03 (Disorderly Conduct) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 132.03 DISORDERLY CONDUCT.**

It shall be unlawful for any person to commit disorderly conduct within the corporate limits of the village. A person commits disorderly conduct when ~~he~~they knowingly:

- (A) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace; or
- (B) Resists or obstructs the performance by one known to the person to be a police officer of any authorized act within~~his~~their official capacity; or
- (C) Assembles with three (3) or more persons for the purpose of using force or violence to disturb the public peace; or
- (D) Fails to obey a lawful order of dispersal by a person known by ~~him~~them to be a police officer, where three (3) or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or harm; or
- (E) Does any offensive act which under the circumstances creates a clear and present danger of breach of the peace or imminent threat of violence; or
- (F) Is in possession of an alcoholic beverage on a public street or other public place; unless the alcoholic beverage is in its original container with the seal unbroken or unless possession is in the premises of an establishment with a valid village of Schaumburg liquor license. For purposes of this subsection, a public place shall include, but not be limited to, all village streets, all village rights of way, all village parking lots, and village owned properties, which do not have village or other governmental bodies' permission for events which may include consumption of alcohol, all parking lots and common areas serving commercial establishments or multi-family residential structures containing four (4) or more dwelling units, provided this prohibition shall apply to such commercial or multi-family parking and common area only if the owner, manager, or owners' association has stated in writing that it is the intent of the owners that the prohibition be applied. The written statement may reserve the right of management to give one day permits for residents or tenants to hold social gatherings in the common area, and with a village of Schaumburg liquor license if required.”

**SECTION 15:** Section 132.04 (Writings Inciting Rioting) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

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**SECTION 16:** Section 132.07 (Keeping or Frequenting a Disorderly House) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 17:** Section 132.09 (Congregating Near Buildings) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 132.09 CONGREGATING NEAR BUILDINGS.**

No person shall, with other persons, congregate about or upon any stairway, doorway, window, or in front of any business or dwelling house, theater, lecture room, church or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering or occupying any such buildings or premises or, by ~~his~~their language, conversation or conduct, annoy, insult or disturb persons passing along the streets or alleys or occupying, residing or doing business in any such houses or places.”

**SECTION 18:** Section 132.10 (Dangerous Sports) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 132.10 ~~DANGEROUS SPORTS~~ ACTIVITIES PROHIBITED IN PUBLIC STREETS.**

No person shall, at any place in the village, fly kites, play ball or engage in any sport or exercise likely to impede the passage of vehicles and otherwise injure persons, or property or obstruct the business of other persons.”

**SECTION 19:** Section 132.14 (Impersonating Village Officers; Interference with Officers) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 132.14 IMPERSONATING VILLAGE OFFICERS; INTERFERENCE WITH OFFICERS.**

No person shall falsely represent ~~himself~~themselves to be an officer of the village or shall, without being duly authorized, exercise or attempt to exercise any of the duties, functions or powers of a village officer or shall hinder, obstruct, resist or otherwise interfere with any village officer in the discharge of ~~his~~their official duties.”

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**SECTION 20:** Section 132.16 (Vagabonds) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 21:** Section 132.17 (Possession of Fireworks Prohibited) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 132.17 POSSESSION OF FIREWORKS PROHIBITED.**

It shall be unlawful for any person, firm or corporation to knowingly possess, sell, ignite, discharge, or display any type of fireworks as defined in 425 ILCS 35 et seq., Fireworks Use Act, within the corporate limits of the village unless a special permit to exhibit or discharge fireworks has been granted by the president and board of trustees issued by the fire chief or ~~his~~their designee. Any permit to exhibit or discharge fireworks shall be subject to the following:

- (A) Current adopted fire code of the Village of Schaumburg;
- (B) The discharge of fireworks may only occur on Friday, Saturday, any federal holiday, or the evening before any federal holiday;
- (C) No discharge of fireworks shall begin later than 10:30 p.m.;
- (D) All discharge of fireworks shall conclude by 11:00 p.m.;
- (E) An exception to the above regulations to the permit may be granted by the village manager in writing;
- (F) The applicant shall reimburse the Village of Schaumburg for the cost of fire protection services during the inspection and monitoring of the fireworks. The village may require a deposit to cover the anticipated costs of providing the services.”

**SECTION 22:** Section 132.18 (Retail Theft) of Chapter 132 (Offenses Against Public Peace and Safety) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“132.18 RETAIL THEFT.**

(A) Definitions:

***RETAIL MERCANTILE ESTABLISHMENT:*** Any place where merchandise is displayed, held, stored or offered for sale to the public.

***THEFT DETECTION SHIELDING DEVICE:*** Any laminated or coated bag or device designed and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

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***THEFT DETECTION DEVICE REMOVER:*** Any tool or device specifically designed or intended to be used to remove any theft detection device from any merchandise.

(B) Offense: The offense of retail theft is committed when a person knowingly:

- (1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
- (2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or
- (3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
- (4) Causes the cash register or other sales recording device to reflect less than the full retail value of the merchandise; or
- (5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or
- (6) Represents to a merchant that ~~he~~they or another is the lawful owner of property knowing that such representation is false, and transfers or attempts to transfer that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
- (7) Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise.

(C) Presumptions: If any person conceals upon ~~his or her person~~themselves or among ~~his or her~~their belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment and removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or

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with the intention of depriving the merchant of the merchandise without paying the full retail value of the merchandise.

- (D) Detention: Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
- (1) To request identification;
  - (2) To verify such identification;
  - (3) To make reasonable inquiry as to whether such person has in ~~his~~their possession unpurchased merchandise, and to make reasonable investigation of the ownership of such merchandise;
  - (4) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
  - (5) In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.

A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

A merchant shall be deemed to have reasonable grounds to make a detention for the purposes of this section if the merchant detains a person because such person has in ~~his~~their possession either a theft detection shielding device or a theft detection device remover.”

**SECTION 23:** Section 133.01 (Houses of Ill Fame or Assignment) of Chapter 133 (Offenses Against Morals) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 24:** Section 133.02 (Indecent Exposure) of Chapter 133 (Offenses Against Morals) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 133.02 INDECENT EXPOSURE.**

It shall be unlawful for any person to appear in a public place ~~and commit either an act of sexual penetration or sexual conduct, or a lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person in a state of nudity or in an indecent or lewd dress or to make any indecent exposure of his person.~~



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**SECTION 25:** Section 133.03 (Indecent Books, Plays or the Like) of Chapter 133 (Offenses Against Morals) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 26:** Section 133.04 (Indecent Acts or Writings in Public) of Chapter 133 (Offenses Against Morals) in Title 13 (General Offenses) of the Village Code of Schaumburg is repealed in its entirety.

**SECTION 27:** Section 134.02 (Gambling Houses; Maintaining, Frequenting) of Chapter 134 (Gambling Offenses) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 134.02 GAMBLING HOUSES; MAINTAINING, FREQUENTING.**

- (A) No person shall set up, keep or maintain, or permit to be set up, kept or maintained, in any house or place within the corporate limits of the village, occupied or controlled by ~~him~~ them, any instrument, device or thing for the purpose of gambling, or with which money or property or anything representing money or property, or anything of value, shall in any manner be wagered.
- (B) No person shall be a frequenter, visitor, inmate, doorkeeper, solicitor, runner, agent, abettor or pimp of or for any house, store, grocery hall, room or any other place where any instrument or device for gambling is kept, whereon or with which money or property may be placed for wager.
- (C) Every house, room, yard, boat, vessel or other structure or premises kept or used for the purpose of permitting persons to gamble for any valuable thing within the village are hereby declared to be a common nuisance and shall be abated as such upon the order of the chief of police.”

**SECTION 28:** Section 134.03 (Participating in or Betting on Games for Gambling Purposes) of Chapter 134 (Gambling Offenses) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 134.03 PARTICIPATING IN OR BETTING ON GAMES FOR GAMBLING PURPOSES.**

- (A) No person shall deal, play or engage in any device or game of chance or hazard, either as banker, dealer or otherwise, nor shall any person bet on any game others may be playing for the purpose of gambling.
- (B) No person shall play for money or other valuable thing at billiards or at any game with cards, dice or checks, or with any instrument or other device whatsoever, which may be used for the purpose of playing or betting upon, or winning or losing money or anything of value, nor shall any person bet on any games or activity ~~he~~

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they or others may be playing or taking part in, within the corporate limits of the village.”

**SECTION 29:** Section 134.04 (Possession of Gambling Device) of Chapter 134 (Gambling Offenses) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 134.04 POSSESSION OF GAMBLING DEVICE.**

No person shall bring into the village, or have in his-their possession in the village for the purpose of gambling, any table, thing or device of any kind or nature, whereon or with which money, or any other thing of value may in any manner be wagered.”

**SECTION 30:** Section 136.02 (Carrying Concealed Weapons) of Chapter 136 (Weapons Offenses) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 136.02 CARRYING CONCEALED WEAPONS.**

No person shall carry concealed on or about his-person themselves, a pistol, revolver or any other firearm. This provision does not apply, however, to the following officers, while engaged in the discharge of their official duties: sheriffs, coroners, policemen or other duly constituted peace officers; nor to the following employees or agents, while in the discharge of the duties of their employment: special agents and policemen employed by railroads; nor to persons lawfully summoned by an officer to assist in making arrests or preserving the peace while so engaged in assisting such an officer; nor to persons possessing a validly issued, unexpired license to carry a concealed handgun, pursuant to the Illinois Firearm Concealed Carry Act, 430 ILCS 66/1 et seq., as amended, and not located in a prohibited area, as defined by 430 ILCS 66/65, as amended.”

**SECTION 31:** Section 137.02 (Truancy Prohibited) of Chapter 137 (Minors) in Title 13 (General Offenses) of the Village Code of Schaumburg is amended to read in its entirety as follows:

**“§ 137.02 TRUANCY PROHIBITED.**

(A) It shall be unlawful for any person enrolled in grades 1 through 12 who:

- (1) Is required by law to attend school; and/or
- (2) Is subject to the compulsory attendance requirements of the Illinois School Code; and/or



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- (3) Is enrolled in a public, private or parochial school within the corporate limits of the village, to absent ~~himself or herself~~ themselves from attendance at school without parental or school permission. Any person who shall so absent ~~himself or herself~~ themselves shall be guilty of the offense of truancy.
- (B) It shall be unlawful for any person who induces or attempts to induce any child to be absent from school in violation of this ordinance, or who knowingly employs or harbors, while school is in session, any child absent from school in violation of this ordinance.”

**SECTION 32:** All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

**SECTION 33:** Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Village Code, as amended, shall remain in full force and effect.

**SECTION 34:** To the extent necessary, all table of contents, indexes, headings and internal references or cross-references to sections contained in the Village Code that have been deleted or amended by the Code Amendments set forth above shall be amended by the Village’s codifier so as to be consistent with the Code Amendments of this Ordinance.

**SECTION 35:** Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 36:** This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

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**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023, pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023, and attested to by the Village Clerk this same day.

\_\_\_\_\_  
VILLAGE PRESIDENT

**ATTEST:**

\_\_\_\_\_  
VILLAGE CLERK

STATE OF ILLINOIS       )  
  ) SS  
COUNTY OF COOK        )

**CLERK'S CERTIFICATE**

I, Marilyn Karr, Clerk of the Village of Schaumburg, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

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which Ordinance was passed by the Board of Trustees of the Village of Schaumburg at a Regular Village Board Meeting on the \_\_\_\_ day of \_\_\_\_\_, 2023, at which meeting a quorum was present, and approved by the President of the Village of Schaumburg on the \_\_\_\_ day of \_\_\_\_\_, 2023.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Schaumburg was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Schaumburg, and that the result of said vote was as follows, to-wit:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Schaumburg, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Village Clerk

[SEAL]