

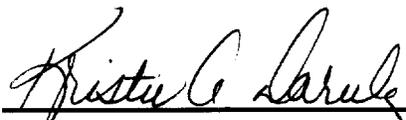
City of St. Charles, Illinois

Ordinance No. 1997-M-30

**An Ordinance Amending Chapter 9.28, "Vagrancy,"
Section 9.28.010, "Prohibited Acts Designated," of the St.
Charles Municipal Code**

**Adopted by the
City Council
of the
City of St. Charles
April 7, 1997**

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, April 11, 1997**



City Clerk



ORDINANCE NO. 1997-M- 30

AN ORDINANCE AMENDING CHAPTER 9.28,
"VAGRANCY", SECTION 9.28.010, "PROHIBITED ACTS DESIGNATED",
OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 9, "Public Peace, Morals and Welfare", Chapter 9.28, "Vagrancy",
Section 9.28.010, "Prohibited acts designated", of the St. Charles Municipal Code, be and
is hereby amended by deleting the same and substituting the following therefor:

"9.28.010 Prohibited acts designated.

A. Loitering.

1. Definition. As used in this section, "loitering" means remaining idle essentially in one location and includes the concepts of spending time idly, loafing, or walking about aimlessly, and also includes the colloquial expression of 'hanging around'.
2. Certain types of loitering prohibited. It is unlawful for a person to loiter in a public place in such a manner as to:
 - a. Create or cause to be created a danger of breach of the peace;
 - b. Obstruct or position one's self so as to create an obstruction should persons or vehicles approach, which shall include, but is not limited to persons sitting or lounging upon sidewalks, parking lots, or other public ways;
 - c. Obstruct, molest, or interfere with any person lawfully in a public place. This paragraph shall include the making of unsolicited remarks of an offensive, insulting, or inflammatory nature, which are calculated to or tend to incite an immediate breach of the peace by any person to whom, or in whose hearing, they are made.

3. Request to leave. Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in paragraph 2 of this subsection, any police officer may order that person to leave that place. No person shall be guilty of a violation of this subsection by virtue of violating the conditions enumerated in paragraph 2 of this subsection, unless such person shall have refused to leave after being ordered to do so by a police officer, or after complying with the officer's order to leave, moves to another public location and continues to create the conditions described in paragraph 2 of the subsection.
 4. Loitering. It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true, and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.
- B. Burglars' tools. It is unlawful for any person to have upon his or her person or to have in his or her possession any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account satisfactorily for the possession of the same.
- C. Begging. It is unlawful for any person to wander abroad and beg, or to go about from door to door of private homes or commercial and business establishments, or place herself or himself in or upon any public way or public place to beg or receive alms for herself or himself, whether or not in exchange for any unsolicited work.

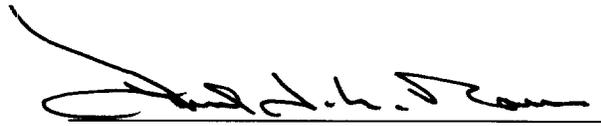
- D. Fraudulent Schemes. It is unlawful for any person to engage in any fraudulent scheme, device, or trick to obtain money or otherwise valuable thing from others, or for any person to aid or assist such trick, device or scheme.
- E. Concealing Stolen Property. It is unlawful for any person to knowingly keep a place where lost or stolen property is concealed from its rightful owners."

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

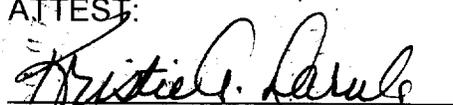
PRESENTED to the City Council of the City of St. Charles, Illinois, this 7th day of April, 1997.

PASSED by the City Council of the City of St. Charles, Illinois, this 7th day of April, 1997.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 7th day of April, 1997.



 Mayor

ATTEST:


 City Clerk

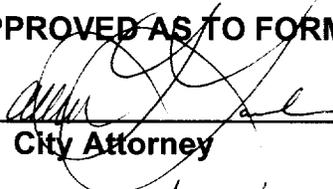
COUNCIL VOTE:

Ayes: 12

Nays: 1

Absent: 0

APPROVED AS TO FORM:



City Attorney

DATE: 4/15/97

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

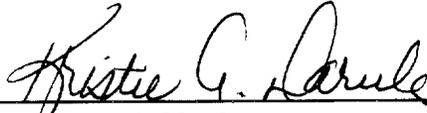
I further certify that on April 7, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-30, entitled

"An Ordinance Amending Chapter 9.28, "Vagrancy," Section
9.28.010, "Prohibited Acts Designated," of the St.
Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1997-M-30, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 11, 1997, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this _____ day of April, 1997.



Municipal Clerk

(S E A L)