

ORDINANCE NO. 1982-M-17

AN ORDINANCE AMENDING CHAPTER 9.28, "VAGRANCY" SECTION 9.28.010, "PROHIBITED ACTS DESIGNATED", SUBSECTION B, "LOITERING", SECTION 9.28.020, "LOITERING - PROHIBITED - PENALTY FOR VIOLATION" AND ADDING SECTION 9.28.040, "PENALTY FOR VIOLATION"

REFER TO:	
MINUTES	3-15-82
PAGE	1454

DATE OF PUBLICATION 3/24/82
NEWSPAPER *Chronicle*

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

1. That Chapter 9.28, "Vagrancy", Section 9.28.010, "Prohibited Acts Designated", Subsection B, "Loitering", and Section 9.28.020, "Loitering - Prohibited - Penalty for Violation", be and are hereby amended by deleting the same and substituting the following therefor:

"B. Loitering.

1. Definition. As used in this subsection, "loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression "hanging around."
2. Certain types of loitering prohibited. No person shall loiter in a public place in such manner as to:
 - (a) Create or cause to be created a danger of a breach of the peace;
 - (b) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
 - (c) Obstruct the free passage of pedestrians or vehicles;

- (d) Obstruct, molest, or interfere with any person lawfully in any public place.

This paragraph shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, 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 sub-subsection 2, any police officer may order that person to leave that place. No person shall be guilty of a violation of this subsection B by virtue of violating the conditions enumerated in sub-subsection 2 above unless such person shall have refused to leave after being ordered to do so by a police officer.
4. Loitering. It shall be 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."

2. That Chapter 9.28, "Vagrancy", be and the same is hereby further amended by adding thereto Section 9.28.040, "Penalty for Violation", as follows:

"9.28.040 Penalty for Violation.

Any person, firm or corporation violating the provisions of this chapter, shall upon conviction, be fined not less than Five Dollars nor more than Two Hundred Dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues."

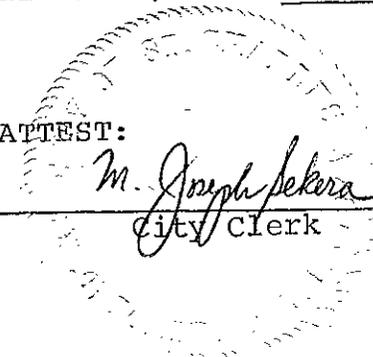
3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 15th day of March, 1982.

PASSED by the City Council of the City of St. Charles, Illinois, this 15th day of March, 1982.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 15th day of March, 1982.

ATTEST:


M. Joseph Sekera
City Clerk


Mayor

COUNCIL VOTE: Unanimous

Ayes: 10
Nays: 0
Absent: 0

STATE OF ILLINOIS)
COUNTIES OF KANE AND DUPAGE) SS.
CITY OF ST. CHARLES)

This is to certify that the foregoing is a true and correct copy of Ordinance No. 1982-M-17 entitled AN ORDINANCE AMENDING CHAPTER 9.28, "VAGRANCY" SECTION 9.28.010, "PROHIBITED ACTS DESIGNATED", SUBSECTION B, "LOITERING", SECTION 9.28.020, "LOITERING - PROHIBITED - PENALTY FOR VIOLATION" AND ADDING SECTION 9.28.040, "PENALTY FOR VIOLATION" passed by the City Council of the City of St. Charles on the fifteenth day of March, 19 82 A.D., as morefully appears from the records and files of said City in my custody.

Given under my hand and the official seal of said City of St. Charles, this 19th day of March, 1982 A.D.

M. Joseph Sekera
M. Joseph Sekera, City Clerk

