

CITY OF ST. CHARLES

ORDINANCE NO. 1995-M-1

AN ORDINANCE AMENDING PROVISIONS OF THE
ST. CHARLES MUNICIPAL CODE REGULATING THE CONDUCT OF
MINORS AND PARENTAL RESPONSIBILITY IN CONNECTION THEREWITH

ADOPTED BY THE

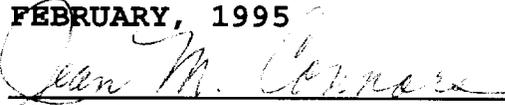
CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 6TH DAY OF FEBRUARY, 1995

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 10TH DAY OF
FEBRUARY, 1995


CITY CLERK

(S E A L)

2/10/95
Pamphlet Form

2/6/95

ORDINANCE NO. 1995-M- 1

**AN ORDINANCE AMENDING PROVISIONS OF THE
ST. CHARLES MUNICIPAL CODE REGULATING THE CONDUCT OF
MINORS AND PARENTAL RESPONSIBILITY IN CONNECTION THEREWITH**

WHEREAS, the City Council believes the effective control and elimination of juvenile offenses relative to tobacco, alcohol and curfew violations requires increased parental responsibility in connection therewith; and

WHEREAS, the City Council has determined various technical amendments are required concerning ordinances relating thereto; and

WHEREAS, the City Council, in the exercise of its home-rule powers relating to the government and affairs of the City finds it is in the best interests of the City that this ordinance be adopted;

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

1. That the St. Charles Municipal Code is amended by deleting various provisions thereof including Sections 5.08.280(G), 5.08.285, 5.16.060 and 8.34.010 and substituting the following therefor and by adding Sections 9.52.010, 9.52.020 and 9.52.025 all as follows:

"5.08.280 Sale to and possession by persons under 21, intoxicated person, persons under legal disability or in need of mental treatment - Proof of identity and age - Gathering where one or more persons are under 18.

G. No person under the age of 21 years shall have any alcoholic beverage in his possession nor shall any such

person consume any alcoholic beverage. This section does not apply to possession by a person under the age of 21 years or consumption in the performance of a religious ceremony or service.

"5.08.285 Responsibility of the owner or occupant of premises.

Except under the direct supervision and approval of the parents or parent, it is unlawful for any owner or occupant of any premises located within the city to knowingly allow a person under 21 years of age to remain on such premises while in the possession of alcoholic liquor or while consuming alcoholic liquors in violation of the St. Charles Municipal Code.

"5.16.060 Prohibited sales, delivery - Signs.

- A. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- B. The owner and operator of a business located within the city that sells tobacco products, including the owner or operator of tobacco vending machines, shall post signs informing the public of the age restrictions provided for herein at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:
 - 'THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW.'**
- C. The text of such signs shall be in black letters on a white background, said letters at least one inch high for signs at or near displays of tobacco products, or 1/4 inch high for signs posted on vending machines.

"8.34.010 Possession by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products. To the extent, if at all, that this section is construed to be in violation of 410 ILCS 80/11, it shall be

disregarded, but only to such extent it is so construed.

"9.52.010 Curfew

It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business of occupation which the laws of this State authorize a person less than 17 years of age to perform:

- A. Between 12:01 a.m. and 6:00 a.m. Saturday;
- B. Between 12:01 a.m. and 6:00 a.m. Sunday; and
- C. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

"9.52.020 Permitting child to violate curfew prohibited.

It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate Section 9.52.010.

"9.52.025

The parent or legal guardian of an unemancipated minor (a person under the age of eighteen) residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed a violation of the curfew described in Section 9.52.010 above, with the knowledge and permission of the parent or guardian in violation of this section upon the occurrence of the events described in Subparagraphs (A), (B), and (C) below:

- (A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any

ordinance, law or statute prohibiting wilful and malicious acts causing injury to a person or property; and

- (B) Said 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 City following said adjudication or non-judicial sanctions; and
- (C) If at any time within one (1) year following receipt of the notice set forth in (b) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described in (A) above."

2. Any person, firm, or corporation violating any provision of this Ordinance shall be fined not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

3. 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 (30) 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 6th day of February, 1995.

PASSED by the City Council of the City of St. Charles, Illinois, this 6th day of February, 1995.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 6th day of February, 1995.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 12

Nays: 1

Absent: 0

APPROVED AS TO FORM:



City Attorney

DATE: 2/10/95

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DUPAGE)

C E R T I F I C A T E

I, JEAN M. CONNORS, 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 February 6, 1995, the Corporate Authorities of such municipality passed and approved Ordinance No. 1995-M-1, entitled

"AN ORDINANCE AMENDING PROVISIONS OF THE ST. CHARLES MUNICIPAL CODE REGULATING THE CONDUCT OF MINORS AND PARENTAL RESPONSIBILITY IN CONNECTION THEREWITH",

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

The pamphlet form of Ordinance No. 1995-M-1, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 10, 1995, 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 9th day of February, 1995.



Municipal Clerk

(S E A L)