

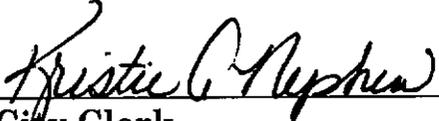
City of St. Charles, Illinois.

Ordinance No. 2005-M-4

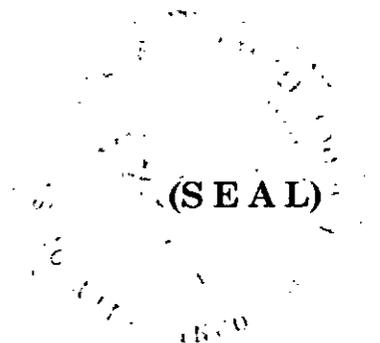
**An Ordinance Amending Title 9,
“Public Peace, Morals and Welfare”
Chapter 9.22.010,
“Unlawful Visitation Interference”
of the St. Charles Municipal Code.**

**Adopted by the
City Council
of the
City of St. Charles
February 7, 2005**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, February 11, 2005**



City Clerk



ORDINANCE NO. 2005-M- 4

AN ORDINANCE AMENDING TITLE 9, "PUBLIC PEACE, MORALS AND WELFARE,"
CHAPTER 9.22.010, "UNLAWFUL VISITATION INTERFERENCE,"
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", subsection 9.22.010, "Unlawful Visitation Interference", of the St. Charles Municipal Code, be and is hereby adopted by adding the following therefor:

a. As used in this section, the terms "child", "detain", and "lawful custodian" shall have the meanings ascribed to them in 720 ILCS 5/10-5.5.

b. Every person who, in violation of the visitation provisions of a court order relating to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation shall be guilty of unlawful visitation interference.

c. A person committing unlawful visitation interference is guilty of a petty offense.

d. Any law enforcement officer who has probable cause to believe that a person has committed or is committing an act in violation of this ordinance shall issue to that person a notice to appear.

e. The notice shall:

- (1) be in writing;
- (2) state the name of the person and his address, if known;
- (3) set forth the nature of the offense;

- (4) be signed by the officer issuing the notice; and
- (5) request the person to appear before a court at a certain time and

place.

f. Upon failure of the person to appear, a summons or warrant of arrest may be issued.

g. It is an affirmative defense that:

(1) a person or lawful custodian committed the act to protect the child from imminent physical harm, provided that the defendant's belief that there was physical harm imminent was reasonable and that the defendant's conduct in withholding visitation rights was a reasonable response to the harm believed imminent;

(2) the act was committed with the mutual consent of all parties having a right to custody and visitation of the child; or

(3) the act was otherwise authorized by law.

h. A person convicted of unlawful visitation interference shall not be subject to a civil contempt citation for the same conduct for violating visitation provisions of a court order issued under the Illinois Marriage and Dissolution of Marriage Act.

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 (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.

PASSED by the City Council of the city of St. Charles, Illinois, this .

APPROVED by the Mayor of the city of St. Charles, Illinois, this .

Susan Klumha
Mayor

ATTEST:

Kristin A. Nephew
City Clerk

APPROVED AS TO FORM:

Timothy J. O'Neil
City Attorney

DATE: 2/7/05

COUNCIL VOTE:

Ayes: 9
Nays: 0
Absent: 1

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

Certificate

I, KRISTIE A. NEPHEW, 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 7, 2005, the Corporate Authorities of such municipality passed and approved Ordinance No. 2005-M-4, entitled

"An Ordinance Amending Title 9,
"Public Peace, Morals and Welfare"
Chapter 9.22.010,
"Unlawful Visitation Interference"
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. 2005-M-4, 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 11, 2005, 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 7th day of February 2005.



Municipal Clerk

