



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item number: 4.a

Title: Recommendation to Update Title 9 “Public Peace, Morals and Welfare” of the City Ordinance, to Include Modifications to Chapters 9.04, 9.05, 9.08, 9.14, 9.21, 9.24, 9.28, 9.44, 9.49, 9.50, and 9.52

Presenter: Police Chief Keegan

Meeting: Government Services Committee Date: May 29, 2018

Proposed Cost: N/A

Budgeted Amount: \$

Not Budgeted:

Executive Summary *(if not budgeted please explain):*

In an effort to streamline and bring up to date the City Ordinance, the Police Department recommends the attached revisions be made to Title 9 “Public Peace, Morals and Welfare” of the City of St. Charles City Code. Please see the attached document which highlights these requested modifications.

Chapters to be modified include: 9.04 – False Alarms; 9.05 – Intrusion Alarm Systems; 9.08 – Assault and Battery; 9.14 – Fraudulent Schemes; 9.21 – Loitering; 9.24 – Noise; 9.28 – Begging; 9.44 – Trespass; 9.49 – Synthetic Alternative Drugs; 9.50 – Public Sale of Drug Paraphernalia; 9.52 – Curfew.

Attachments *(please list):*

* Recommended Ordinance Revisions * Ordinance with proposed changes

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve updates to Title 9 “Public Peace, Morals and Welfare” of the City Ordinance.

Police Department Recommended Ordinance Revisions to Title 9 “Public Peace, Morals and Welfare” for May 2018

9.04 – False Alarms

9.04.020 – Conditions for connection to the city remote activating equipment

G. Any individual, partnership, corporation or other entity violating this section shall be fined not less than ~~five dollars (\$5.00)~~ **twenty five dollars (\$25.00)**, nor more than five hundred dollars (**\$500.00**), and each day an offense continues shall be considered a separate offense.

9.05 – Intrusion Alarm Systems

9.05.110 – False alarms - Fines - Notifications

A. Any alarm user permittee who has more than two false alarms within a calendar year at a single protected location will be assessed fines according to the following fine schedule:

Three false alarms: \$25 fine per false alarm

Four ~~five~~ false alarms: \$50 fine per false alarm

~~Six~~ ~~Nine~~ Five false alarms: \$100 fine per false alarm

~~More than ten false alarms~~ Six false alarms: \$300 fine per false alarm

Seven to Ten false alarms: \$500 fine per false alarm

B. Any individual, firm, partnership, corporation, association, organization, company or other entity in control of a protected premises where an alarm system is located accused of a violation of this article may settle and compromise the claim or violation by paying to the city, within ten (10) days of the time such alleged violation or offense was committed, the amount set forth in paragraph A above. Payment of such claim or claims shall be made at the police station of the city. In the event such claim or claims are not paid within ten (10) days of the alleged offense, or if the alarm user otherwise contests the validity of the claim, a complaint **and** notice to appear in court, ~~or a warrant~~ may be issued for the alleged violation.

9.08 – Assault, ~~and~~ Battery, **and Reckless Conduct**

It is unlawful for a person to commit an assault. A person commits an assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving battery.

9.14 – Fraudulent Schemes

9.14.010 – Fraudulent Schemes

B. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined ~~fifty (\$50)~~ **two hundred and fifty (\$250)** dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

9.21 – Loitering

9.21.010 – Loitering

E. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined ~~fifty (\$50)~~ **one hundred (\$100)** dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

9.24 – Noise

9.24.120 – Noise-generating activity prohibited – penalty

It shall be unlawful for any person to make or to continue, cause or to knowingly allow a Noise-Generating Activity, as defined in Section 9.24.020, in violation of this Chapter.

Notwithstanding any other provision of this code, any person violating any provisions of this Chapter 9.24 shall be subject to a fine not less than those established in the schedule set forth below and not more than seven hundred fifty dollars (\$750):

Description of Violation	Minimum Fine Amount
First violation in any 365 day period	\$50.00 \$100.00
Second violation in any 365 day period	\$200.00
Third violation in any 365 day period	\$300.00
Fourth violation in any 365 day period	\$400.00 \$500.00
Fifth and subsequent violations in any 365 day period	\$500.00 \$750.00

9.28 – Begging

9.28.010 – Begging

B. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined ~~fifty (\$50)~~ **one hundred (\$100)** dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

9.44 – Trespass

9.44.040 – Trespass to public property

A. It shall be unlawful for any person to commit a trespass within the City upon public property.

1. An entry upon the premises, or any part thereof, in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any agent from the City; or

2. A failure or refusal to depart from the premises of the City after being requested, either orally or in writing, to leave by an agent of the City.

(Woods of Fox Glen)

B. Findings. The corporate authorities of the city of St. Charles are advised that certain storm water retention areas within the city are natural wetland areas or are designed to resemble natural wetland areas and as such require protection from trespassers in order to preserve the natural character and functioning of the retention areas. The corporate authorities are further advised that prohibiting trespassing in such areas will protect the public from injury and infectious disease.

C. Trespass to Public Property Prohibited. It shall be unlawful for any person to commit a trespass to the public area(s) described as Outlot "B" in Woods of Fox Glen Unit Two, in the city of St. Charles, Kane County, Illinois. All designated area(s) shall be clearly marked with permanent, fixed signs advising the public that the area is subject to regulation under the city of St. Charles No Trespassing Ordinance.

D. Violation - Penalty. Any person, firm or corporation violating any provision of this Section shall be fined not more than five hundred dollars for each offense, and a separate offense be deemed committed on each day on which a violation occurs or continues.

9.49 – Synthetic Alternative Drugs

NEW SECTION:

9.49.045 – Use, Sale, or Delivery of Intoxicating Compounds

9.49.045 – Use, Sale or Delivery of Intoxicating Compounds

A. Use prohibited. No person shall ingest, breathe, inhale or drink any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, the alkaloids atropine, hyoscyamine, or scopolamine, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes. Such condition, so induced shall be deemed to be an intoxicated condition.

B. Sale or delivery prohibited. No person shall knowingly sell or offer for sale, deliver or give to any person under 17 years of age, unless upon written order of such person's parent or guardian, any compound, liquid, or chemical containing toluol, hexane, trichloroethylene,

acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which will induce an intoxicated condition, as defined herein, when the seller, offeror, or deliverer knows or has reason to know that the compound is intended for use to induce such condition.

- C. No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical containing alkaloids atropine, hyoscyamine, or scopolamine when the seller, offeror, or deliverer knows or has reason to know that the compound, liquid, or chemical is intended for use to induce an intoxicated condition.

9.49.050 – Violation – Penalty

Any person, firm, corporation or other legal entity violating any provision of this chapter shall, upon conviction, be fined not less than ~~one hundred dollars (\$100)~~ two hundred fifty dollars (\$250) nor more than seven hundred and fifty dollars (\$750) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

9.50 – Public Sale of Drug Paraphernalia

9.50.030 – Violation - Penalty

Any person, firm or corporation violating any provision of this chapter shall be fined not less than ~~five (\$5)~~ two hundred and fifty (\$250) dollars nor more than ~~five hundred dollars (\$500)~~ seven hundred and fifty (\$750) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

9.52 – Curfew

9.52.050 – Violation - Penalty

Any person, firm or corporation violating any provisions of this chapter 9.52 shall, upon conviction, be fined ~~fifty dollars (\$50)~~ one hundred dollars (\$100) for the first offense, ~~one hundred dollars (\$100)~~, two hundred fifty dollars (\$250) for the second offense, and five hundred dollars (\$500.00) for each subsequent offense. In the alternative, any person violating any provision of this chapter 9.52 shall, upon conviction, complete twelve (12) hours of community service for the first offense, twenty-four (24) hours of community service for the second offense, and one hundred twenty (120) hours of community service for each subsequent offense. All community service shall be completed within one (1) year from the date of conviction.

City of St. Charles, Illinois
Ordinance No. 2018-M- _____

An Ordinance Amending Title 9 “Public Peace, Morals and Welfare”, Chapter 9.04 “False Alarms”, Section 9.04.020 “Conditions for Connection to the City Remote Activating Equipment”; Chapter 9.05 “Intrusion Alarm Systems”, Section 9.05.110 “False Alarms – Fines – Notifications”; Chapter 9.08 “Assault, Battery”; Chapter 9.14 “Fraudulent Schemes”, Section 9.14.010 “Fraudulent Schemes”; Chapter 9.21 “Loitering”, Section 9.21.010 “Loitering”; Chapter 9.24 “Noise”; Section 9.24.120 “Noise-generating Activity Prohibited – Penalty”; Chapter 9.28 “Begging”, Section 9.28.010 “Begging”; Chapter 9.44 “Trespass”, Section 9.44.040 “Trespass to Public Property”; Chapter 9.49 “Synthetic Alternative Drugs”, Sections 9.49.045 “Use, Sale, or Delivery of Intoxicating Compounds” and 9.49.050 “Penalty”; Chapter 9.50 “Public Sale of Drug Paraphernalia”, Section 9.50.030 “Violation – Penalty”; and Chapter 9.52 “Curfew”, Section 9.52.050 “Violation-Penalty” of the St. Charles Municipal Code

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

SECTION ONE: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.04 “False Alarms”, Section 9.04.020 “Conditions for connection to the city remote activating equipment”, of the St. Charles Municipal Code, be and is hereby amended as follows:

G. Any individual, partnership, corporation or other entity violating this section shall be fined not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and each day an offense continues shall be considered a separate offense.

SECTION TWO: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.05 “Intrusion Alarm Systems”, Section 9.05.110 “False Alarms – Fines - Notifications”, of the St. Charles Municipal Code, be and is hereby amended as follows:

A. Any alarm user permittee who has more than two false alarms within a calendar year at a single protected location will be assessed fines according to the following fine schedule:

- Three false alarms: \$25 fine per false alarm
- Four false alarms: \$50 fine per false alarm
- Five false alarms: \$100 fine per false alarm
- Six false alarms: \$300 fine per false alarm
- Seven to Ten false alarms: \$500 fine per false alarm

B. Any individual, firm, partnership, corporation, association, organization, company or other entity in control of a protected premises where an alarm system is located accused of a violation of this article may settle and compromise the claim or violation by paying to the city, within ten (10) days of the time such alleged violation or offense was committed, the amount set forth in paragraph A above. Payment of such claim or claims shall be made at the police station of the city. In the event such claim or claims are not paid within ten (10) days of the alleged offense, or if the alarm user otherwise contests the validity of the claim, a complaint and notice to appear in court, or a warrant may be issued for the alleged violation.

SECTION THREE: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.08 “Assault and Battery”, of the St. Charles Municipal Code, be and is hereby amended as follows:

9.08 – Assault, Battery, and Reckless Conduct

SECTION FOUR: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.14 “Fraudulent Schemes”, Section 9.14.010 “Fraudulent Schemes”, of the St. Charles Municipal Code, be and is hereby amended as follows:

B. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined two hundred and fifty (\$250) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION FIVE: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.21 “Loitering”, Section 9.21.010 “Loitering”, of the St. Charles Municipal Code, be and is hereby amended as follows:

E. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined one hundred (\$100) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION SIX: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.24 “Noise”, Section 9.24.120 “Noise-generating activity prohibited – penalty”, of the St. Charles Municipal Code, be and is hereby amended as follows:

It shall be unlawful for any person to make or to continue, cause or to knowingly allow a Noise-Generating Activity, as defined in Section 9.24.020, in violation of this Chapter.

Notwithstanding any other provision of this code, any person violating any provisions of this Chapter 9.24 shall be subject to a fine not less than those established in the schedule set forth below and not more than seven hundred fifty dollars (\$750):

Description of Violation	Minimum Fine Amount
First violation in any 365 day period	\$100.00

Second violation in any 365 day period	\$200.00
Third violation in any 365 day period	\$300.00
Fourth violation in any 365 day period	\$500.00
Fifth and subsequent violations in any 365 day period	\$750.00

SECTION SEVEN: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.28 “Begging”, Section 9.28.010 “Begging”, of the St. Charles Municipal Code, be and is hereby amended as follows:

B. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined one hundred (\$100) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION EIGHT: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.44 “Trespass”, Section 9.44.040 “Trespass to public property”, of the St. Charles Municipal Code, be and is hereby amended as follows:

A. It shall be unlawful for any person to commit a trespass within the City upon public property.

1. An entry upon the premises, or any part thereof, in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any agent from the City; or
2. A failure or refusal to depart from the premises of the City after being requested, either orally or in writing, to leave by an agent of the City.
(Woods of Fox Glen)

B. Findings. The corporate authorities of the city of St. Charles are advised that certain storm water retention areas within the city are natural wetland areas or are designed to resemble natural wetland areas and as such require protection from trespassers in order to preserve the natural character and functioning of the retention areas. The corporate authorities are further advised that prohibiting trespassing in such areas will protect the public from injury and infectious disease.

C. Trespass to Public Property Prohibited. It shall be unlawful for any person to commit a trespass to the public area(s) described as Outlot "B" in Woods of Fox Glen Unit Two, in the city of St. Charles, Kane County, Illinois. All designated area(s) shall be clearly marked with permanent, fixed signs advising the public that the area is subject to regulation under the city of St. Charles No Trespassing Ordinance.

D. Violation - Penalty. Any person, firm or corporation violating any provision of this Section shall be fined not more than five hundred dollars for each offense, and a separate offense be deemed committed on each day on which a violation occurs or continues.

SECTION NINE: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.49 “Synthetic Alternative Drugs”, of the St. Charles Municipal Code, be and is hereby amended by adding the following Section:

9.49.045 – Use, Sale or Delivery of Intoxicating Compounds

A. Use prohibited. No person shall ingest, breathe, inhale or drink any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, the alkaloids atropine, hyoscyamine, or scopolamine, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes. Such condition, so induced shall be deemed to be an intoxicated condition.

B. Sale or delivery prohibited. No person shall knowingly sell or offer for sale, deliver or give to any person under 17 years of age, unless upon written order of such person's parent or guardian, any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which will induce an intoxicated condition, as defined herein, when the seller, offeror, or deliverer knows or has reason to know that the compound is intended for use to induce such condition.

C. No person shall knowingly sell or offer for sale, deliver, or give to any person any compound, liquid, or chemical containing alkaloids atropine, hyoscyamine, or scopolamine when the seller, offeror, or deliverer knows or has reason to know that the compound, liquid, or chemical is intended for use to induce an intoxicated condition.

SECTION TEN: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.49 “Synthetic Alternative Drugs”, Section 9.49.050 “Violation – Penalty”, of the St. Charles Municipal Code, be and is hereby amended as follows:

Any person, firm or corporation violating any provision of this chapter shall be fined not less than two hundred and fifty (\$250) dollars nor more than seven hundred and fifty (\$750) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

SECTION ELEVEN: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.50 “Public Sale of Drug Paraphernalia”, Section 9.50.030 “Violation – Penalty”, of the St. Charles Municipal Code, be and is hereby amended as follows:

Any person, firm or corporation violating any provision of this chapter shall be fined not less than two hundred and fifty (\$250) dollars nor more than seven hundred and fifty (\$750) dollars for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

SECTION TWELVE: That Title 9 “Public Peace, Morals and Welfare”, Chapter 9.52 “Curfew”, Section 9.52.050 “Violation – Penalty”, of the St. Charles Municipal Code, be and is hereby amended as follows:

Any person, firm or corporation violating any provisions of this chapter 9.52 shall, upon conviction, be fined one hundred dollars (\$100) for the first offense, two hundred fifty dollars (\$250) for the second offense, and five hundred dollars (\$500.00) for each subsequent offense. In the alternative, any person violating any provision of this chapter 9.52 shall, upon conviction, complete twelve (12) hours of community service for the first offense, twenty-four (24) hours of community service for the second offense, and one hundred twenty (120) hours of community service for each subsequent offense. All community service shall be completed within one (1) year from the date of conviction.

SECTION THIRTEEN:

That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, 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.

SECTION FOURTEEN: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ___ day of _____, 2018.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2018.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2018.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____

