

ARTICLE 12 MISDEMEANORS

SECTION 12.1

No person shall, within the City, by violent, tumultuous or obstreperous conduct or by loud and unusual noises disturb the peace of the City, nor shall any person within the City use profane, obscene or offensive language calculated to provoke a breach of the peace, or assault, strike, or fight with another with or without his consent, or permit any such condition in or upon any premises within the City owned, possessed, or controlled by him.

SECTION 12.2

No person shall disturb or disquiet any congregation or assembly met for religious worship, by any means whatever. No person shall, within the City, disturb any school or any lawful assembly of the public, or any funeral procession or assembly.

SECTION 12.3

No person or persons shall assemble together with an intent, or being assembled, shall mutually agree to do any unlawful act with force or violence against the peace or the person of any other.

SECTION 12.4

No person shall, within the City, permit or allow himself to become intoxicated or under the influence of intoxicating liquors or drunk, in any public place or on the private premises of any other, and any person who shall be found in a state of intoxication or drunk, in any such place or on any premises of another, shall be deemed guilty of a violation of this section.

SECTION 12.5

No person shall, within the City, beg or solicit alms.

SECTION 12.6

(1) No person shall knowingly or intentionally appear nude or in a state of nudity in a public place.

(2) “Public place” means any location frequented by the public or where the public is present or likely to be present or any location where a person may reasonably be expected to be observed by members of the public or any location that is readily visible to the public or any place to which the public has a right to go or is invited.

(3) “Nude” or “State of Nudity” means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola, or the showing of the covered male genitals in a discernibly turgid state.

SECTION 12.7

It shall be unlawful for any person to wilfully, maliciously, or negligently break, deface, injure, or destroy any property within the City of Mt. Vernon, whether such property is owned by the State, County, Village, or other governmental body, or owned by any private person, firm, or other association. It shall further be unlawful for any person within the City to throw or cast any stone or missile upon any public property or private property of another or at any other person.

SECTION 12.8

No person shall, within the City, fire or discharge any firearm, cracker, rocket, torpedo, or fireworks, except for a public display or fireworks licensed as provided by Article 9 of the Revised Code of Ordinances of the City of Mt. Vernon and Illinois Statutes and State Regulations.

SECTION 12.9

No person shall, in this City, pursue the calling of a fortune teller, or practice fortune telling or the pursuit of same.

SECTION 12.10

Each hotel, boarding house, or motel within the City which shall accommodate transient guests shall keep a register therein to register their names and addresses and every person in charge of such hotel, boarding house, or motel shall keep such register at all times available for inspection by any police officer or other peace officer.

SECTION 12.11

No person shall wilfully make a false alarm of fire, within the City, by outcry, mechanical alarm, or other device.

SECTION 12.12

No person shall, within the City, enter into or upon any lot or parcel of ground which has situated

thereon any building or structure or is occupied for residential purposes, and while on such lot or parcel of ground look into any door, window, or aperture in such building or structure without the consent of the owner or occupant thereof. No persons shall, within the City, intrude or enter upon enclosed premises of another, or wilfully or needlessly walk, ride, or drive across any lawn, grass plot, flower garden, or other property of another without the consent of the owner or occupant.

SECTION 12.13

REPEALED 12/20/93 (SUNDAY BLUE LAW)

SECTION 12.14

No person shall, within the City, keep a common gaming house or procure or permit within any building or premises used or occupied by him, any persons to play or game for money or other valuable thing, nor shall he keep or suffer to be kept any table or other apparatus for the purpose of playing a game or sport for money or other valuable thing. No person shall be in inmate or be connected with any gaming room or shall play for any money or other valuable thing at any game with cards, dice, or any other article or instrument, or shall bet on any game that others may be playing. No person shall, within the City, have in his or her possession any table, thing, or device for the purpose of gaming.

Every table instrument or device used for the purpose of gaming within the City is hereby declared to be a nuisance and immediately upon discovery thereof by any member of the Police Department of the City, it shall be seized and destroyed.

SECTION 12.15

No person shall drive or stop any vehicle upon any public park or public recreation area except upon roads officially designated for vehicular traffic, upon areas designated as parking areas, and upon such areas as may on occasion be specifically designated by the City Manager as temporary areas. Vehicle is hereby defined to mean every device in, upon, or by which any person or property is or may be transported except devices moved solely by human power, except self-propelled wheelchairs, and except authorized emergency or maintenance vehicles.

SECTION 12.16

No person shall, within the City, commit any act of prostitution, fornication, or adultery with any other person. No person shall, within the City, keep or maintain any bawdy house or house of prostitution, nor shall any person knowingly rent, lease, or permit any building or premises owned or controlled by such person to be used as a bawdy house or house of prostitution. No person shall, within the City, be or become an inmate or frequent or patronize any such bawdy house or house of prostitution. No person shall, within the City, entice, influence, or persuade any other person to enter, reside in or frequent any bawdy house or house of prostitution. No person shall, within the City, keep or maintain any disorderly house wherein any gambling, prostitution, fornication, or other violation of the statutes of the State of Illinois or

ordinances of this City shall be permitted.

SECTION 12.17

- (A) No person shall within the City permit any dog kept or controlled by such person to be or run at large within any street, sidewalk, or any other public place unless such animal shall wear a good and substantial muzzle; nor shall any person within the City permit any cat or other animal to be or run at large within any street, sidewalk, or other public place.
- (B) No person shall within the City allow or permit any dog, cat, or other animal owned, kept, or controlled by such person to be at large and to go upon the private premises of any other person and there dig, damage, injure, or destroy any flower, bush, shrub, tree, growing vegetable garden, or other property of another.
- (C) No person shall, within the City, permit or allow any dangerous, fierce, or ferocious dog owned, kept or controlled by such person to annoy or endanger any other person. Any dog which shall bite or injure any person or shall destroy or injure any other animal within the City, is hereby declared to be a nuisance and shall be taken up and impounded. Any person who shall be the owner, keeper, or in control of the dog, and shall know or be notified that such dog has bitten or injured any other person so as to cause an abrasion of the skin, shall deliver such dog for impoundment and shall cause such dog to be chained and confined not less than two weeks. If any such dangerous, fierce, or vicious dog cannot be safely taken up and impounded, it shall be slain by any police officer or rabies control officer of the City, and if any such dog having been slain shall have bitten or caused an abrasion to any person, the carcass of such dog shall be delivered to the rabies control officer.
- (D) No person shall, within the City, allow or permit any bitch owned, kept, or controlled by such person to run at large within the City while in heat.
- (E) No person shall, within the City, maintain or keep any dog, cow, horse or other animal which, by any noise, shall disturb the peace of the Public.
- (F) It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or administer or subject any desensitizing drugs, chemicals, or substance to any dog used by a law enforcement officer in the performance of his functions or duties, or when placed in a kennel off duty; or to interfere or meddle with any such dog used by a law enforcement department or agency or any handler thereof in the performance of the functions or duties of said department or agency.

It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison, or kill any dog used by a law enforcement department or agency in the performance of the functions or duties of such department or when placed in a kernel off duty. However, a police

officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

SECTION 12.18

No person shall, within the City, overload, overwork, beat, torture, or commit any cruel act upon any animal or abandon any old, diseased, or maimed animal to die.

SECTION 12.19 PARENTAL RESPONSIBILITY

1. Definitions. As used in this ordinance, unless the context otherwise requires, the terms specified have the meanings ascribed to them.

- (a) “Legal Guardian” means a person appointed guardian, or given custody of a minor by a Circuit Court of the state, but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act.
- (b) “Minor” means a person who is above the age of 11 years, but not yet 18 years of age.

2. The parent or legal guardian of an unemancipated minor 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 the acts described below with the knowledge and permission of the parent or guardian, in violation of this ordinance, upon the occurrence of the events described in (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 willful 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 willful 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 of Mt. Vernon following said adjudication or non-judicial sanction, 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 ordinances, law or statute as described in (a) above, or shall have incurred non-judicial sanctions from another 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.

SECTION 12.20 CITY AND TRUANCY CURFEW

1. Definitions. As used in this Ordinance unless the context requires otherwise the following words or phrases shall mean:

“City curfew hours” means the period of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day, and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

“Court” means the Second Judicial Circuit, Jefferson County, Illinois. “Custodian” means (1) a person who under court order is the custodian of the person of a minor or (2) a public or private agency with which the court has placed a minor or (3) a person acting in the role of a parent by reason of a private agreement, arrangement, custom, or habit.

“Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

“Guardian” means (1) a parent or (2) a person who under court order is the guardian of the person of a minor; or (3) a public or private agency with which the court has placed a minor.

“Minor” means any person under seventeen (17) years of age. “Parent” means a person who is a natural parent, adoptive parent, or step-parent of another person.

“Public Place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

“Responsible adult” means a person at least eighteen (18) years of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

“Truancy curfew hours” means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is

in session.

“Truant officer” means any officer, appointee, employee or other agent of any school district or any federal, state, or local governmental entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance statute (105 ILCS 5/26-1 et seq.)

“Truancy Review Board” means an agency or entity established by any school district or federal, state, or local governmental entity or any counseling or social agency or any combination thereof recognized by the City and/or the court as an agency which provides service to improve education performance and/or attendance.

2. Curfew Restrictions

- a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City of Mt. Vernon during City curfew hours.
- b) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City of Mt. Vernon during City curfew hours.
- c) It is a defense to prosecution under Section 2(a) or 2(b) or 4 (hereinafter) that the minor was:
 1. accompanied by the minor's parent, guardian, custodian, or responsible adult;
 2. on an errand at the direction of the minor's parent, guardian, or responsible adult; without any detour or stop;
 3. in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
 4. engaged in, going to or returning home from an employment activity without any detour or stop;
 5. involved in an emergency;
 6. on the sidewalk abutting the minor's residence;
 7. engaged in, going to or returning home from an official school, religious, or other recreational activity supervised by adults, sponsored by the City of Mt. Vernon, a civic organization, or another similar entity that takes responsibility for the minor;

8. exercising First Amendment rights protected by the United States Constitution; or
9. emancipated pursuant to law.

3. Truancy Restrictions

- (a) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the City of Mt. Vernon during truancy curfew hours.
- (b) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City of Mt. Vernon during the truancy curfew hours.

It is a defense to prosecution under Section 3(a) or 3(b) or 4 (hereinafter) that the minor was:

- (1) accompanied by a parent, guardian, or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of valid proof that the minor is a student who has permission to leave the school campus.
- (6) A bona fide participant in an alternative education or home schooling program.
- (7) Engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

4. Establishment Restrictions

It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of paragraph

2 or 3 above during curfew or truancy hours.

It is a defense to prosecution under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of paragraph 2 or 3 notified the Police Department that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

5. Enforcement

(a) Every member of the Police Department or other person enforcing or attempting to enforce the provisions of this Ordinance shall inquire into the minor's reasons for being in a public place or on the premises of an establishment during curfew or truancy curfew hours prior to detention of the minor or issuance of a citation. A minor shall be detained or a citation shall be issued only if the police officer or other enforcing officer reasonably believes that the minor has violated the provisions of this Ordinance and that no defenses to prosecution apply.

(b) Every member of the Police Department while on duty, is hereby authorized to temporarily detain any minor violating the provisions of this Ordinance (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (e) herein is applicable. A parent, custodian or guardian must take custody of the minor within one (1) hour of the time notice or be subject to a charge of \$25.00 per hour as hereinafter provided.

(c) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of the Ordinance by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(d) A citation issued hereunder this shall be in writing and shall:

- (1) state the name of the person being cited and the person's address if known:
- (2) set forth the specific section of this Ordinance that was violated, the date of the violation and a brief description of the violation;
- (3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Ordinance a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(e) A minor cited for a citation under this Ordinance must attend a court hearing or Truancy Review

Board hearing on the citation and must be accompanied at the hearing by his or her parent, guardian, custodian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(f) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of paragraph 3 of this Ordinance, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

6. Penalty

(a) Any person who violates any provision of this Ordinance shall upon conviction thereof be fined not less than \$5.00 nor more than \$200.00; and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues.

(b) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform ten (10) hours of court approved community service during times other than the minor's hours of school attendance and/or the minor's parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(c) In addition to any penalty imposed pursuant (a) or (b) above, the minor's parents, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under paragraph 7 hereinafter.

7. Civil Liability

If a minor is detained for a period of time in excess of one (1) hour which requires the supervision of the minor by personnel of the Mt. Vernon Police Department, the parent, guardian, custodian or other adult person having the legal care or custody of the minor shall be jointly and severally liable for the costs therefor. The parent, guardian, custodian or other adult person having the legal care or custody of a minor who has committed any offense of the Ordinance shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Ordinance or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Ordinance and subject the violator to the penalties described within paragraph 6 above. In the event any action is filed the liable party shall be responsible for all court cost and any reasonable attorneys' fees incurred by the City in collecting.

8. Severability

If any provision of this Ordinance including any exception, part, phrase or term or application thereof to any person or circumstance is held invalid such invalidity shall not affect the other provisions or applications of the Ordinance which can be given affect without the invalid provision or application and in this in the provisions of this Ordinance are declared severable.

SECTION 12.21

No person shall place an order for any food, good, or service from any business within the City of Mt. Vernon with the intent not to accept and make payment for said food, good, or service. Leaving or attempting to leave a place of business after placing an order without accepting the order and making payment therefor shall constitute prima facie evidence of an intent to place an order with the intent not to accept and pay for said order.

SECTION 12.22

No person shall place, throw, deposit, drop, discard, or otherwise litter any paper, can, glass, wrapper, garbage, debris, waste, or any other item upon any sidewalk, roadway, alley, street, yard, public property, or private property within the City of Mt. Vernon, except in public or private litter receptacles; same shall constitute the offense of littering. Complaint for the offense of littering may be made by Traffic Citation Complaint if said offense is committed by a person in or from a motor vehicle. Otherwise, complaint shall be made in the same manner as other non-traffic ordinance violations.

SECTION 12.23

No owner, operator or person in control of any motor vehicle upon any street or upon any public or private property within the City of Mt. Vernon, except the operator of an authorized emergency vehicle, shall operate or permit operation of any sound amplification system which can be heard outside of the vehicle from 75 or more feet, unless that system is being operated to request assistance or warn of a hazardous situation.

Any violation of the provisions of this Section shall be subject to the following fines: (a) For the first violation of this Section within any twelve-month period a fine of \$100.00; (b) For the second violation of this Section within any twelve-month period a fine of \$250.00; and (c) For the third violation and each subsequent violation of this Section within any twelve month period, a fine of \$500.00.