

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 willfully, 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

a) No person shall discharge any firecracker, rocket, torpedo, or other firework within the corporate limits of the City, nor permit the projectile of same to enter the corporate limits of the City, except said prohibition shall not apply to a public display of fireworks licensed as provided within Article 9 of the Revised Code of Ordinances of the City of Mt. Vernon.

b) Except as hereinafter permitted, no person shall discharge a firearm within the corporate limits of the City, nor permit any projectile from any firearm discharged outside the corporate limits to enter the corporate limits of the City. Firearm is hereby defined to include, but is not limited to, shotguns, rifles, black powder guns, pistols, all long, recurve, or compound bows, cross bows, sling shots, wrist rockets, air guns, pellet guns, b.b. guns, and hand guns, regardless of method of propulsion. The prohibition against discharge of a firearm as provided herein shall not apply to any (i) law enforcement officer acting in the line of duty, (ii) use of a firearm as permitted by Illinois law to resist or prevent an offense which reasonably exposes a person to great bodily harm or death, or (iii) hunting of deer with a bow in accordance with Subsection (c).

c) A person may discharge a long, re-curve, or compound bow within the corporate limits of the City during the course of harvesting deer if the following requirements are met:

- i) The person must possess a valid deer archery permit issued by the State of Illinois and must comply with all of the conditions of the permit and all applicable laws and regulations of the Illinois Department of Natural Resources relating to archery deer hunting.
- ii) The person must have the signed written landowner's permission from the owner and party in possession or control of the real estate upon which the hunting shall occur and the bow discharged.

- iii) The person must submit an application to the City Clerk to obtain a bow hunting license; the submission must include a valid Illinois archery permit and the landowner's written permission. Upon receipt of the application, the City Clerk shall forward the application to the City Manager for approval, including specifically, approval by the City Manager of the specific designated area for which the City license shall be applicable. Factors which the City Manager may consider include, but are not limited to, the location, size, and use of the designated area and of property adjacent thereto, the frequency and size of the deer population within the designated area, the proximity of the designated area to pedestrian or vehicle traffic, the proximity of the designated area to residential properties, schools, parks, and other similar properties, the topography of the designated area and adjoining areas, and any objections of persons who own, possess, or occupy property adjacent to the designated area. No designated hunting area shall be approved by the City Manager if discharge of a bow within the area presents a great likelihood that an arrow will leave the designated area or if any discharge presents an obvious threat or a danger to any person or property upon the designated area or adjacent thereto. A license shall be issued by the City Clerk only after approval of the City Manager and only for the designated area approved by the City Manager. Each license shall be for one calendar day only and not more than ten licenses shall be issued for use on each calendar day.
- iv) The person while in possession of any bow must carry the City license on his or her person and must place a copy of the license in a visible location on the dashboard of any vehicle being used.
- v) The person shall hunt only from an elevated stand having a minimum platform height of six feet. No person shall knowingly direct an arrow across the boundary of or off of the designated area.
- vi) The person shall harvest only a deer with no antlers, unless said person shall have received a special license from the City that specifically, on its face, states that a deer with antlers may be harvested. Licenses for the harvest of not more than ten deer with antlers per calendar year may be approved by the City Manager and issued by the City Clerk, provided that no such special license shall be issued to any person unless that person shall have first harvested three female deer within the corporate limits of the City during said calendar year, and in no event shall any person receive more than one special license per calendar year to harvest a deer with antlers.
- vii) The person upon a successful harvest shall be solely responsible for removal of the entire deer from the designated area and from any real

estate adjacent thereto. No person shall enter upon any real estate, including real estate adjacent to the designated area, without first receiving permission from the owner or person in possession or control of the real estate.

viii) Within ten days of expiration of the license, the holder thereof shall report to the City Clerk whether a deer was harvested and if so, the sex of the deer.

d) Any person who violates or omits or refuses to comply with this Ordinance shall upon conviction thereof be fined the sum of \$500.00; a separate offense shall be deemed to have been committed on each day that a violation occurs except that with regard to discharge of a firearm a violation shall be deemed to have been committed upon each separate discharge of a firearm. In addition, any person who violates or omits, or refuses to comply with the provisions of this Ordinance may be enjoined as provided by law upon the filing of a petition therefor in the Circuit Court of Jefferson County, Illinois from engaging in any activity or conduct in violation of this Ordinance.

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 present within 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.

Video gaming terminals currently licensed and lawfully operated pursuant to the Illinois Video Gaming Act and pursuant to Section 11.16 of the Revised Code of Ordinances of the City of Mt. Vernon shall not be subject to the foregoing provisions

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 Dogs Running at Large, Animal Offenses

- (A) No person, except a law enforcement officer during the course of performing official duties, shall within the City permit any dog, cat, or other animal owned, kept, in the care of, in the possession of, or controlled by such person to be or run upon any street, sidewalk, or any other public place or public property or upon the private property of another person or the private property of such person not enclosed with a secure fence or enclosure. An animal shall not be deemed to be running at large if restrained by a leash, cord, chain, not exceeding ten feet in length or confined within a secure animal carrier or confined within a motor vehicle.
- (B) No person, except a law enforcement officer during the course of performing official duties, shall within the City allow or permit any dog, cat, or other animal owned, kept, in the care of, in the possession of, or controlled by such person to go upon the private premises of any other person without the consent of said other person, whether said animal is restrained or not.
- (C) In the event any dog, cat or other animal is apprehended while running at large within the City and detained or confined within the facilities of the Jefferson County Animal Shelter or other City authorized facility, then the owner, keeper or other person claiming and removing the animal from the facilities shall pay a ten dollar (\$10.00) reclamation fee, in addition to any other fees or charges imposed by the facility or other authority.
- (D) No person, except a law enforcement officer during the course of performing official duties, shall within the City permit or allow any dog, cat, or other animal owned, kept, in the care of, in possession of, or controlled by such person to annoy, endanger, chase, molest, menace, attack, harass, threaten, bite, or injure any person or other animal; any such dog, cat, or other animal which shall annoy, endanger, chase, molest, menace attack, harass, threaten, bite, or injure any person or other animal is hereby declared to be a nuisance and shall be taken up and impounded. Any person who shall be the owner, keeper, caretaker, or in control of such animal and who shall know or be notified that such animal has bitten or injured any person so as to cause an abrasion of the skin shall, immediately and without delay, deliver such animal to the rabies control officer for impoundment so that such animal may be securely confined for not less than

two weeks. If any such animal described above 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 animal having been slain shall have bitten or caused an abrasion to any person, the carcass of such animal shall be delivered to the rabies control officer.

- (E) No person shall within the City allow or permit any dog, cat, or other animal owned, kept, in the care of, in possession of, or controlled by such person to damage, soil, or defecate upon any street, sidewalk, park, public property or any other public place nor upon the private property of another person. Any person having the custody, possession, or control of any dog, cat, or other animal shall remove immediately any feces left by such animal upon any public property or public place or upon any such private property and dispose of same in a sanitary manner. As to any property owned or possessed by a person who owns, keeps, cares for, or controls any dog, cat, or other animal, such animal's feces and waste upon such property shall be disposed of as frequently as necessary to prevent an odor, unsanitary condition or other nuisance.
- (F) No person shall, within the City, overload, overwork, beat, torture, or commit any cruel act upon any animal nor shall any person abandon any animal within the City.
- (G) No person shall, within the City, neglect any dog, cat, or other animal owned, kept, in the care of, or in control by such person. Neglect is hereby defined to be any act involving failure to provide for animal health or safety, including, but not limited to failure to provide adequate food, water, shelter, exercise, ventilation, or necessary veterinary care to an animal, or to adequately confine an animal in a manner appropriate to its species, breed, age, and condition; neglect shall also include leaving an animal unattended in a motor vehicle or other confinement without adequate ventilation or under circumstances where said animal is exposed to excessive heat or other harmful conditions.

SECTION 12.18

It shall be unlawful for any person to 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 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. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog undue suffering and pain.

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 of 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 of 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.

SECTION 12.24

No person in control or possession of a residential property shall permit the accumulation of residential refuse or household waste upon such property. Residential refuse and household waste, except bulk waste as hereinafter defined, shall only be stored in approved containers as hereinafter defined and shall be set out each week for pickup by the City refuse collection contractor or other contractor. An approved container shall be (i) the roller cart provided by the City refuse collection contractor or (ii) a reusable, water tight container made of plastic, metal, or fiberglass with a capacity not to exceed 30 gallons, a loaded weight of not more than 35 pounds, and with a tight fitting lid, and with handles of adequate strength for lifting.

Each residence or dwelling shall have sufficient approved containers to hold all of the residential refuse and household waste generated and accumulating upon a premises between collections. Container covers shall be tightly placed upon each container so as to keep the container closed whenever there is refuse or waste in the container. No refuse or waste, excluding bulk waste, shall be set out for collection except within an approved container.

Each approved container, except when set out for pickup, if not stored within a building, shall be placed and kept at all times on private property adjacent to the residence or other building at a location which is not between the front of the residence or building and an adjoining street. Containers during storage shall be placed upon the private property at a location which is least visible from a public street or sidewalk.

No container shall be set out for pickup sooner than 24 hours prior to 6:00 a.m. on the date of the scheduled pickup and no container shall remain set out for a period of 24 hours after 6:00 a.m. on the date of scheduled pickup. A permitted bulk item (i.e. bulk waste) may be set out 48 hours prior to 6:00 a.m. on the date of the scheduled pickup. Bulk waste is hereby defined to be a large appliance, item of furniture, or waste material from a residential source other than construction debris or hazardous waste with a weight or volume greater than allowed for approved containers.