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ORDINANCE NO. F-0026

AN ORDINANCE AMENDING CHAPTER 42 (OFFENSES AND MISCELLANEOUS PROVISIONS), ARTICLE I (IN GENERAL), OF THE WHEATON CITY CODE

BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois, pursuant to its home rule powers, as follows:

Section 1: That Chapter 42 (Offenses and Miscellaneous Provisions), Article I (In General), of the Wheaton City Code, 1996, as amended, is hereby further amended by adding and including the following:

"Sec. 42-24. Fighting in Public is Prohibited.

- (a) It shall be unlawful for any person to fight in any public place in the City of Wheaton.
- (b) The violation of any provision of this article shall, upon conviction, be punished as provided in section 1-8 of this Code.

Sec. 42-25. Curfew for minors.

(a) It is unlawful for any person less than seventeen (17) years to be present at or upon any public assembly, building, place, street, or highway within the city between the hours of 11:00 p.m. on Sunday to Thursday inclusive, and 6:00 a.m. on the following day; between 12:01 a.m. and 6:00 a.m. Saturday; and between 12:01 a.m. and 6:00 a.m. Sunday, unless:

- (1) Accompanied and supervised by a parent, legal guardian, or other responsible companion who is at least twenty-one (21) years of age and approved by the parent or legal guardian of the minor; or
- (2) Engaged in a business or occupation which the laws of Illinois authorize a person less than seventeen (17) years of age to perform.

(b) It is unlawful for a parent, legal guardian, or other person to knowingly permit a minor in his or her custody or control to violate this section.

Sec. 42-26. Penalty for Violation.

The penalty for violation of Sec. 42-25 shall be a required court appearance to answer or otherwise plead to the charge along with a fine not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Sec. 42-27. Disorderly Conduct.

A person commits disorderly conduct when he knowingly:

- (a) Does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- (b) Does or makes any unreasonable or offensive act, utterance, gesture or display, which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence; or
- (c) With the intent to annoy another, makes a telephone call, whether or not conversation

thereby ensues; or

(d) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(e) Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of the peace where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance, or alarm; or

(f) Assembles with three or more persons for the purpose of using force or violence to disturb the public peace.

(g) The violation of any provision of this article shall, upon conviction, be punished as provided in section 1-8 of this Code.

Sec. 42-28 Fireworks.

(a) Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks shall mean and include any explosive composition, or substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; however, the term "fireworks" shall not include snake glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers, toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five one-hundredths grain or less of explosive compound are used, providing they are so when in place for the explosion; and toy pistol paper or plastic caps which contain less than twenty one-hundredths grain of explosive mixture; the sale and use of which shall be permitted at all times.

(b) Except as hereinafter provided, it shall be unlawful for any person to offer for sale, sell at retail or possess any fireworks within the city.

(c) Public exhibitions of fireworks may be given if a permit is granted by the city council. Such exhibitions shall be given subject to the supervision of the fire chief or some person designated by him.

(d) Applications for a permit to exhibit fireworks shall be made in writing at least thirty (30) days in advance of the date of the date of the display. The fee for such permit shall be twenty dollars (\$20.00) if such privilege shall be granted. The sale, possession, use, and distribution of fireworks for such display shall be lawful for the purpose stated in this article only. No permit granted hereunder shall be transferable.

(e) Each person applying for a permit, file or cause to be filed with the city clerk a policy of insurance in which the city, its officials, agents and employees, are insured against the liability that may be imposed upon them by the law for damages because of bodily injury, sickness, or disease, including death, at any time resulting therefrom, sustained by any person, and injury to or destruction of property, including the loss of use thereof, arising out of any fireworks display. In lieu of filing the policy of insurance, a certificate evidencing the issuance of such insurance, executed by a duly authorized agent, servant or employee of the carrier, may be so filed; provided that such insurance shall be written by an insurance carrier authorized to conduct such business in the state.

(f) The violation of any provision of this article shall, upon conviction, be punished as provided in section 1-8 of this Code.

Sec. 42-29. Public Intoxication.

(a) It shall be unlawful for any person to be in an intoxicated condition in any street, alley, or public place in the city.

(b) The violation of any provision of this article shall, upon conviction, be punished as provided in section 1-8 of this Code.

Sec. 42-30. Loud music or noises.

(a) It shall be unlawful to make or cause to be made any loud music, calling, noise, or other sound in such a manner that the same is heard on the public streets or sidewalks of the city to the annoyance of persons or so as to cause a disturbance of the peace. The making or causing of such sounds by mechanical means, including radio transmission or receiving sets, shall be considered prohibited by the provisions of this section.

(b) The violation of any provision of this article shall, upon conviction, be punished as provided in section 1-8 of this Code.

Sec. 42-31. Smoking in Public Place.

(a) Definitions: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public Place is defined as any enclosed indoor area used by the public or serving as a place of work including, but not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, art museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, arenas, and meeting rooms, but excluding bowling establishments and places whose primary business is the sale of alcoholic beverages for consumption on the premises and excluding rooms rented for the purpose of living quarters, sleeping, or housekeeping accommodations from a hotel or inn and private enclosed offices occupied exclusively by smokers even though such offices may be visited by non-smokers.

Smoking is defined as the act of inhaling the smoke from or possessing a lighted cigarette, cigar, pipe, or any other form of tobacco or similar substance used for smoking.

(b) No person shall smoke in a public place except in that portion which may be established and posted as a smoking area. This does not apply if the entire room or hall is being used for a private social function, nor to factories, warehouses, and similar places of work not usually frequented by the general public. A designated smoking area may be established, however physical barriers must be established and the area should be well ventilated in order to minimize the intrusion of smoke into areas where smoking is not permitted. When a public place is a single room or enclosure, a person establishing such an area may satisfy the purpose or provisions of this section by establishing a reasonable portion of the room or enclosure as a smoking area.

(c) The violation of any provision of this article shall, upon conviction, be punished as provided in section 1-8 of this Code."

Section 2: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.



Mayor

Attest:



City Clerk

Ayes:

Roll Call Vote:

Councilwoman Davenport
Councilman Eckhoff
Mayor Carr
Councilman Gresk
Councilman Mork
Councilwoman Culler

Nays:

None

Absent:

Councilwoman Johnson

Motion Carried Unanimously

Passed: May 6, 1996

Published: May 7, 1996