

**AN ORDINANCE AMENDING CHAPTER 70,
"OFFENSES AND MISCELLANEOUS PROVISIONS"**

BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois, as follows:

Section One: Chapter 70, "Offenses and Miscellaneous Provisions" of the Code of Ordinances is hereby amended, by adding thereto, the following:

Sec. 70-40 Disorderly conduct.

A person commits disorderly conduct when he knowingly:

- (a) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of 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 peace or imminent threat of violence; or
- (c) Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of peace where there is an imminent threat of violence, and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that said conduct and activity be stopped and explained the request if there be time; or
- (d) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances 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
- (e) Assembles with three or more persons for the purpose of using force or violence to disturb the public peace; or
- (f) Remains in the public way in a manner that blocks customer access to a commercial establishment, after being asked to clear the entrance by the person in charge of such establishment; or

- (g) Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity; or
- (h) Carries in a threatening or menacing manner, without authority of law, any pistol, revolver, dagger, razor, dangerous knife, stiletto, knuckles, slingshot, an object containing noxious or deleterious liquor, gas or substance or other dangerous weapon, or conceals said weapon on or about the person or vehicle.

A person convicted of disorderly conduct shall be fined \$100.00 for the first offense and \$200.00 for each subsequent offense.

Sec. 70-41 Gang Loitering.

- (a) Whenever a police officer observes a member of a criminal street gang engaged in gang loitering with one or more other persons in any public place designated for the enforcement of this section under subsection (b), the police officer shall, subject to all applicable procedures promulgated by the Chief of Police: (i) inform all such persons that they are engaged in gang loitering within an area in which loitering by groups containing criminal street gang members is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further gang loitering within sight or hearing of the place at which the order was issued during the next eight hours.
- (b) The Chief of Police shall by written directive designate areas of the city in which the Chief has determined that enforcement of this section is necessary because gang loitering has enabled criminal street gangs to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities. Prior to making a determination under this subsection, the Chief of Police shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of gang activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to criminal street gangs; other personnel of that department with particular knowledge of gang activities in the proposed designated area, and elected and appointed officials of the area. The Chief of Police shall develop and implement procedures for the periodic review and update of designations made under this subsection.

- (c) The Chief of Police shall by written directive promulgate procedures to prevent the enforcement of this section against persons who are engaged in collective advocacy activities that are protected by the Constitution of the United States or the State of Illinois.
- (d) As used in this section:
 - (1) *Gang loitering* means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to enable a criminal street gang to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities.
 - (2) *Criminal street gang* means any ongoing organization, association in fact or group of three or more persons, whether formal or informal, having as one of its substantial activities the commission of one or more of the criminal acts enumerated in paragraph (3), and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
 - (3) *Criminal gang activity* means the commission, attempted commission or solicitation of the following offenses, provided that the offenses are committed by two or more persons, or by an individual at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members:

The following sections of the Criminal Code of 1961: 9-1 (murder), 9-3.3 (drug-induced homicide), 10-1 (kidnapping), 10-4 (forcible detention), subsection (a)(13) of Section 12-2 (aggravated assault – discharging firearm), 12-4 (aggravated battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated battery of a child), 12-4.6 (aggravated battery of a senior citizen), 12-6 (intimidation), 12-6.1 (compelling organization membership of persons), 12-11 (home invasion), 12-14 (aggravated criminal sexual assault), 18-1 (robbery), 18-2 (armed robbery), 19-1 (burglary), 19-3 (residential burglary), 19-5 (criminal fortification of a residence or building), 20-1 (arson), 20-1.1 (aggravated arson), 20-2 (possession of explosives or explosive or incendiary devices), subsections (a)(6), (a)(7), (a)(9) or (a)(12) of Section 24-1 (unlawful use of weapons), 24-1.1 (unlawful use or possession of weapons by felons or persons in custody of the department of corrections facilities), 24-1.2 (aggravated discharge of a firearm),

subsection (d) of Section 25-1 (mob action – violence), 33-1 (bribery), 33A-2 (armed violence), Sections 5, 5.1, 7 or 9 of the Cannabis Control Act where the offense is a felony (manufacture or delivery of cannabis, cannabis trafficking, calculated criminal cannabis conspiracy and related offenses), or Sections 401, 401.1, 405, 406.1, 407 or 407.1 of the Illinois Controlled Substances Act (illegal manufacture or delivery of a controlled substance, controlled substance trafficking, calculated criminal drug conspiracy and related offenses).

- (4) *Pattern of criminal gang activity* means two or more acts of criminal gang activity of which at least two such acts were committed within five years of each other.
 - (5) *Public place* means the public way and any other location open to the public, whether publicly or privately owned.
- (e) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further gang loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine of \$100.00 for the first offense and \$200.00 for each subsequent offense.

Sec. 70-42 Narcotics-related loitering.

- (a) Whenever a police officer observes one or more persons engaged in narcotics-related loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall:
 - (i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited;
 - (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and
 - (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further narcotics-related loitering within sight or hearing of the place at which the order was issued during the next eight hours.
- (b) The Chief of Police shall by written directive designate areas of the city in which enforcement of this section is necessary because the areas are frequently associated with narcotics-related loitering. Prior to making a determination under this subsection, the Chief shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of narcotics-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to

narcotics-related activity; other personnel of that department with particular knowledge of narcotics-related activities in the proposed designated area, and elected and appointed officials of the area. The Chief of Police shall develop and implement procedures for the periodic review and update of designations made under this subsection.

- (c) As used in this section:
 - (1) *Narcotics-related loitering* means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to facilitate the distribution of substances in violation of the Cannabis Control Act or the Illinois Controlled Substances Act.
 - (2) *Public place* means the public way and any other location open to the public, whether publicly or privately owned.
- (d) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further narcotics-related loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine of \$100.00 for the first offense and \$200.00 for each subsequent offense.

Section Two: Section 70-156, Chapter 70, "Offenses and Miscellaneous Provisions" of the Code of Ordinances is hereby repealed.

Section Three: Chapter 70, "Offenses and Miscellaneous Provisions" is hereby amended, by adding thereto, the following:

Sec. 70-156. Responsibility of Parents.

- (a) *Definitions.* The following terms shall have the meanings ascribed to them for the purposes of this section:
 - (1) *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 of 1987 (ILCS CH. 705, Act 405, §§1/1 et seq.
 - (2) *Minor* means a person who is above the age of 11 years, but not yet 19 years of age.

(b) *Unlawful Acts.* No parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall fail to exercise proper parental responsibility by allowing or permitting said minor to commit any violation of a city ordinance or State statute.

(c) *Presumption.* A parent or legal guardian shall be presumed to have allowed or permitted a minor, as set forth in subsection (b) hereof, to have committed a violation of a city ordinance or State statute when each of the following conditions have been met:

(1) Said minor has either adjudicated to be in violation of any ordinance or State statute as described in subsection (b) hereof, or has been changed with a violation of any ordinance or State statute as described in subsection (b) hereof, unless found to be not guilty, or has incurred nonjudicial sanctions from any peace officer, police officer or conservator of the peace resulting from an admission of guilt of a violation of an ordinance or State statute as described in subsection (b) hereof; and

(2) Said parent or legal guardian has received a written notice by certified mail, return receipt requested, or by personal service, in substantially the following form:

"LEGAL NOTICE

TO: (Parent's Name)

FROM: Rolling Meadows Police Department

You are hereby notified that (minor's name) has been involved in the commission of (specify offense and date of offense), which is a violation of State statute or city ordinance. If your minor child is again involved in a violation of State statutes or city ordinances, you may be charged with parental irresponsibility.

Conviction for said offense may result in a fine of \$100.00 for the first offense and \$200.00 for each subsequent offense and may require you to make restitution. You are hereby notified that you must exercise proper parental responsibility over said minor by controlling his or her unlawful conduct;" and

(3) Such minor, within one (1) year of the receipt of such notice by the parent or legal guardian, has been either adjudicated to have committed or has admitted to having committed any violation of any ordinance or State statute as described in subsection (b).

- (d) A parent or legal guardian who fails to exercise proper parental responsibility of an unemancipated minor may be fined \$100.00 for the first offense and \$200.00 for each subsequent offense.
- (e) *Damage to Persons or Property.*
- (1) *Liability of Parent.* The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which causes injury to a person or property.
 - (2) *Recovery of Damage Costs.* Recovery of damages under this section shall include actual damages occasioned by such minor, which damages shall be payable to the person or entity entitled to such damages. However, in no event shall the amount of actual damages recovered exceed \$20,000 for the first act or occurrence of such willful or malicious acts by the minor causing injury, and \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence.
 - (3) *Limitation on Damages.* In determining the damages to be allowed for an action under this section for personal injury, only medical dental and hospital expenses and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto may be considered.
 - (4) *Judgments; Applicability of Other Laws.* Section 12-107 of the Illinois Code of Civil Procedure, "Incarceration of Judgment Debtor," (ILCS Ch. 735, Act 5, §12-107), and as amended from time to time, is not applicable to judgments obtained under this subsection.
 - (5) *Common Law Damages.* Nothing in this subsection shall affect the recovery of damages in any other cause of action where the liability of the parent or legal guardian is predicated on a common law basis.

Section Four: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

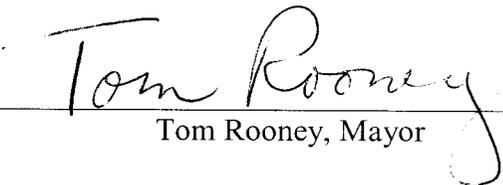
Section Five: This Ordinance shall be printed and published in pamphlet form by order of the City Council of the City of Rolling Meadows.

YEAS: Cannon, Allen, Banger, D'Astice, Larsen

NAYS: Judd

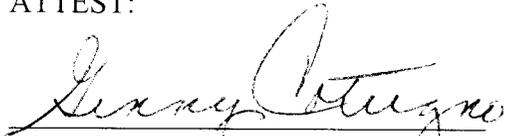
ABSENT: Buske

Passed and Approved this 28th day of February 2012.



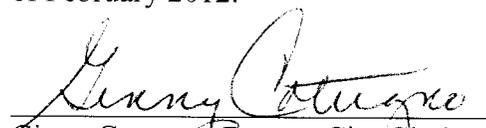
Tom Rooney, Mayor

ATTEST:



Ginny Cotugno, Deputy City Clerk

Published in pamphlet form this 29th day of February 2012.



Ginny Cotugno, Deputy City Clerk