

ORDINANCE NO. 2008-10-124

AN ORDINANCE AMENDING CHAPTER 15 OF THE URBANA CITY CODE TO
PROHIBIT NUISANCE PARTIES

WHEREAS, the City of Urbana, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Urbana may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Mayor and City Council find that amending Chapter 15 of the Urbana City Code to prohibit "nuisance parties," as hereinafter defined, will protect the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

The Urbana City Code Chapter 15, "Miscellaneous Offenses and Provisions," Article IV, "Offenses Affecting Public Health, Safety and Decency," Division 1, "Generally," is hereby amended by adding the following section thereto:

Section 15-65. Nuisance Parties.

(a) Declaration of nuisance. A social gathering or party shall be deemed to constitute a public nuisance (hereinafter a "nuisance party") when, by reason of the conduct of persons in attendance, it results in any of the following state law or city ordinance violations occurring at the site of the social gathering or on neighboring public or private property:

- (1) Assault.
- (2) Battery.
- (3) Disorderly conduct.
- (4) Hindering performance of a city officer or employee.
- (5) Indecent exposure.
- (6) Loud and raucous noise.
- (7) Public urination or defecation.

- (8) Reckless conduct.
- (9) Unlawful destruction of or damage to property.
- (10) Unlawful possession or use of fireworks.
- (11) Unlawful sale, furnishing, manufacture, use, or possession of cannabis, a controlled substance, or drug paraphernalia.
- (12) Unlawful sale, furnishing, possession, or consumption of alcoholic liquor.
- (13) Unlawful throwing of stones or other missiles.

The above references to provisions of state law or city ordinances shall not be interpreted to require that prosecution of the specific charge is a necessary prerequisite to enforcement of this section, nor shall this section require proof of the violation beyond a reasonable doubt.

(b) Nuisance party prohibited. No person who is an owner, occupant, tenant, or who otherwise has rightful possession or possessory control, individually or jointly with others, of any premises shall knowingly, negligently, or recklessly allow a social gathering or party on said premises to become a nuisance party as defined by subsection (a) above.

(c) Order to cease and disperse. A social gathering or party that is or becomes a nuisance party, as defined by subsection (a) above, shall cease upon the order of a police officer; and all persons not residing therein at the site of such nuisance party shall disperse immediately. No person shall knowingly or willfully fail or refuse to obey and abide by such an order.

(d) Penalty. Any person who fails to perform an act required by this section or who commits an act prohibited by this section shall be subject to a fine as provided in the minimum fine schedule for certain violations adopted by the city council by ordinance.

State law reference: Authority of City to make necessary police ordinances, 65 ILCS 5/11-1-1.

Section 2.

The Urbana City Code, Chapter 1, "General Provisions," Section 1-18, "Minimum fine schedule for certain violations," is hereby amended by adding the following minimum fines thereto:

Chapter 15 Miscellaneous Offenses and Provisions

Section	Section Title	Minimum Fine
15-65(b)	Allowing a nuisance party	\$200
15-65(c)	Failure to obey cease and disperse order	\$200

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this ____ day of _____, _____.

AYES:

NAYS:

ABSENT:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this ____ day of _____, _____.

Laurel Lunt Prussing, Mayor