
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 14-19

AN ORDINANCE REGARDING DISORDERLY CONDUCT

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GRUNDY AND WILL COUNTIES, ILLINOIS**

ORDINANCE NO. 14-19

AN ORDINANCE REGARDING DISORDERLY CONDUCT

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code; and

WHEREAS, the Village has the authority to pass and enforce all necessary police ordinances (65 ILCS 5/11-1-1), and to define, prevent, and abate nuisances, (65 ILCS 5/11-60-2); and

WHEREAS, the Village defines and prohibits acts of disorderly conduct in Chapter 132 of the Village of Coal City Code of Ordinances, including those related to the use of gang signs and colors; and

WHEREAS, ordinances regulating gang signs and colors have been successfully challenged under the First Amendment, *City of Harvard v. Gaut*, 277 Ill. App. 3d 1, 2 (2d Dist. 1996); and

WHEREAS, municipalities have recently amended their disorderly conduct ordinances in response to recent First Amendment challenges, and to better target gang activity, by punishing a “failure-to-disperse” by those committing acts likely to cause substantial harm, *Bell v. Keating*, 697 F.3d 445, 450 (7th Cir. 2012) and CHICAGO, ILL. CODE § 8-4-010; and

WHEREAS, the Mayor and Village Board desire to amend the Village Code to strengthen its disorderly conduct provisions addressing gang activity, and in accordance with recent case law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Village Board of the Village of Coal City, Grundy and Will Counties, Illinois, as follows:

Section 1. Recitals. The Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. Amendment. Sections 1, 37 and 38 of Chapter 132 of the Village of Coal City Code of Ordinances are hereby amended as follows:

“§ 132-1.

A. A person commits disorderly conduct when he or she knowingly:

- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- (2) 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
- (3) While acting as a collection agency as defined in the "Collection Agency Act," or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor;
- (4) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, ILCS Ch. 210, Act 45, §§ 1-101 et seq.;
- (5) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; ~~or~~
- (6) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency; ~~or~~
- (7) Fails to obey a lawful order of dispersal by a peace officer who has identified himself as such, or is otherwise reasonably identifiable as such, issued 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
- (8) Fails to obey an order by a peace officer, traffic control aide, fire department official, or other official, who has identified himself as such, or is otherwise reasonably identifiable as such, issued under circumstances where it is reasonable to believe that the order is necessary to allow public safety officials to address a situation that threatens the public health, safety, or welfare.

B. In addition to any penalty imposed as set forth in § 130.99, any person convicted of disorderly conduct shall be ordered by the court to perform community service, as set forth under the provisions of ILCS Ch. 720, Act 5, § 26-1.”

[. . . .]

§ 132-37. Temporary questioning without arrest.

A. A peace officer, after having identified himself or herself as a peace officer, may stop any person in a public place for a reasonable period of time when ~~the person is wearing known gang colors, emblems or other gang insignia, or appears to be engaged in communicating gang-related messages through the use of hand signals or other means of communication, and~~ the officer reasonably infers from the circumstances that the person is committing, is about to commit, or has committed

any offense. Once stopped, the officer may demand the name and address of the person and an explanation of his or her actions. Such detention and temporary questioning will be conducted in the vicinity of where the person was stopped.

- B. When a peace officer has stopped a person for temporary questioning pursuant to division (A) of this section and the officer reasonably suspects that he, she or another officer is in danger of attack, he or she may search the person for weapons. If an officer discovers a weapon, he or she may take it until the completion of the questioning, at which time he or she shall return the weapon, if lawfully possessed, or arrest the person so questioned.

~~§ 132-38. Gang signs prohibited.~~

~~It shall be a violation of this subchapter for any person to display, demonstrate, or "throw" a gang sign in any public place within the Village."~~

Section 5. Conflict. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect following its passage and approval as required by law.

SO ORDAINED this 9 day of June, 2014, at Coal City, Grundy and Will Counties, Illinois.

AYES: 4
 NAYS: 0
 ABSENT: 3
 ABSTAIN: 0

VILLAGE OF COAL CITY


Neal E. Nelson, President

Attest:


Pamela M. Noffsinger, Clerk

(SEAL)