

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04	OFFENSES AGAINST PUBLIC PEACE AND DECENCY
9.08	FAIR HOUSING
9.12	PUBLIC DRINKING
9.16	OFFENSES BY OR AGAINST MINORS
9.20	MISCELLANEOUS OFFENSES
9.24	NOISE

Chapter 9.04

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

Sections:

- 9.04.010 Discharge of firearms.**
- 9.04.020 Smoking in aquatic center.**
- 9.04.030 Loitering.**
- 9.04.040 Excessive noise and vibration from trains near residences.**
- 9.04.050 Public indecency prohibited.**

Section 9.04.010 Discharge of firearms.

A. No person shall discharge a firearm, air rifle (except as permitted by 720 ILCS 535/3), pistol, or any other type of gun of any kind or description in the City without first securing the permission to do so from the Chief of Police or other official designated to issue such permit by the City Council, and the permit so issued must fix the time and place for the use and discharge of such firearm or gun. Any permit issued, including those for the control of "nuisance" animals, must provide for notification of all adjacent residents of the area for which the permit is issued, giving the time and place as well as all other relevant information as may be necessary for proper safety precautions.

B. Any applicant for a permit who is denied a permit by the Chief of Police may appeal to the City Manager and/or City Council for final review and decision.

C. Nothing in this restriction or prohibition shall in any way apply to Police Officers or other persons duly authorized by law to carry and use such firearms or guns.

D. Penalty. Any person violating any provision of this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 88-31 §§ 1, 2)

Section 9.04.020 Smoking in aquatic center.

A. Smoking shall be prohibited in the fenced areas of the Dr. Monte Musgrove Aquatic Center in the Alvin Musgrove Park.

B. "No Smoking" shall be posted in the fenced areas of the Dr. Monte Musgrove Aquatic Center.

C. This section shall be enforced by employees of the City. Any individual failing to comply with the provisions of subsection A of this section may be barred from the Dr. Monte Musgrove Aquatic Center for an appropriate period of time. (Ord. 98-130 § 10; Ord. 88-26 §§ 1--3)

Section 9.04.030 Loitering.

A. Definitions. As used in this section, "loitering" means remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression "hanging around."

B. Certain Types of Loitering Prohibited. No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a danger of a breach of the peace;
2. Create or cause to be created any disturbance or annoyance to the comfort and repose of

any person;

3. Obstruct the free passage of pedestrians or vehicles;
4. Obstruct, molest or interfere with any person lawfully in any public place;
5. Vandalize or destroy any public or private property.

This subsection shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

C. Request to Leave. Whenever the presence of any person in any public place is causing any of the conditions enumerated in subsection B of this section, any Police Officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section.

D. Penalty. Any person, firm or corporation violating the provisions of this section shall be fined not less than seventy-five dollars (\$75.00) or more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 90-28 §§ 1--4)

Section 9.04.040 Excessive noise and vibration from trains near residences.

A. Nuisance Declared. Locomotives or train engines running in excess of three hours in a fixed location within five hundred (500) feet of any residence is declared to be a public nuisance. No person, firm or corporation shall cause or permit such a nuisance to occur or continue.

B. Penalty. Any person, firm or corporation violating subsection A of this section shall, upon conviction, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 97-13 § 1: prior code §§ 96.50, 96.51)

Section 9.04.050 Public indecency prohibited.

A. No person shall appear nude or in a state of nudity in a public place.

B. "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.

C. "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.

D. (Violation - Penalty) Any person violating any of the provisions of this Section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 08-35 § 1)

Chapter 9.08

FAIR HOUSING

Sections:

- Article I. General Provisions**
- 9.08.010 Purpose and declaration of policy.**
- 9.08.020 Construction of chapter.**
- 9.08.030 Definitions.**
- Article II. Unlawful Housing Practices by Owners**
- 9.08.040 Discriminatory terms.**
- 9.08.050 Refusals to deal.**
- 9.08.060 Withholding housing.**
- 9.08.070 Advertisements.**
- 9.08.080 Advertisements--Causing or permitting.**
- 9.08.090 Signs and notices.**
- 9.08.100 Limitations.**
- Article III. Unlawful Housing Practices by Real Estate Agents and Lending Institutions**
- 9.08.110 Refusal of offer.**
- 9.08.120 Licensing.**
- 9.08.130 Discrimination in lending.**
- 9.08.140 Refusal to deal in lending.**
- 9.08.150 Coverage.**
- Article IV. Unlawful Housing Practices Generally**
- 9.08.160 Representation.**
- 9.08.170 Miscellaneous conduct.**
- Article V. Enforcement**
- 9.08.180 Commission powers.**
- 9.08.190 Licensing of real estate brokers.**
- 9.08.200 Licenses--Revocation and suspension.**
- 9.08.210 Grievances--Filing of complaints.**
- 9.08.220 Hearings by Commission.**
- 9.08.230 Enforcement.**
- 9.08.240 Limitation of time to file complaints.**
- 9.08.250 Fines.**
- 9.08.260 Private remedies.**

Article I. General Provisions

Section 9.08.010 Purpose and declaration of policy.

It is declared to be the policy of the City and the purpose of this chapter, in the exercise by the City of its policy and regulatory powers for the protection of the public safety, for the health, morals, safety and welfare of persons residing in the City and for the maintenance and promotion of commerce, industry and good government in the City, to secure to all persons living or desiring to live in the City a fair opportunity to purchase, lease, rent or occupy housing without discrimination based on race, color, religion or national origin. (Ord. 81-18 § 2 (part); prior code Ch. 10 (part))

Section 9.08.020 Construction of chapter.

This chapter shall be construed according to the fair import of its terms and shall be liberally construed to further the purposes and policy stated in Section 9.08.010 and the special purposes of the particular provision involved. (Ord. 81-18 § 2 (part); prior code Ch. 10 (part))

Section 9.08.030 Definitions.

For purposes of this chapter:

"Dwelling" means any building or structure, or portion thereof, within the City which is arranged, designed or used as a home, residence or living quarters for one or more individuals.

"Commission" means the Olney Human Relations Commission.

"Commission panel" or "panel" means a panel comprised of three or more members of the Commission, designated by the Chairperson or the Vice Chairperson of the Commission, to investigate and to attempt to conciliate a complaint filed or made under this chapter.

"Council" means the City Council of the City of Olney.

"Housing" means and includes any building or structure, or portion thereof, within the City which is used or occupied as the home, residence or living quarters for one or more individuals, groups or families, and includes any vacant land within the City which is zoned and intended to be used for the construction of any such building or structure.

"Lease" includes sublease, assignment, and rent (or rental), and includes any contract to do any of the foregoing.

"Lending institution" means any bank, insurance company, savings and loan association or other person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

"National origin" includes the national origin of an ancestor.

"Owner" means any person who holds legal or equitable title to, or owns any beneficial interest in, any dwelling or housing, or who holds legal or equitable title to shares of, or holds any beneficial interest in, any real estate cooperative which owns any dwelling or housing.

"Person" means and includes one or more individuals, corporations, partnerships, associations, legal representatives, mutual companies, unincorporated organizations, trusts, trustees, trustees in bankruptcy, receivers and fiduciaries.

"Purchase" means and includes any contract to purchase.

"Real estate agent" means any real estate broker, any real estate salesperson, and any other person who, as employee or agent or otherwise, engages in the management or operation of any dwelling or housing.

"Real estate broker" means any person licensed as real estate broker in accordance with the provisions of 225 ILCS Art. 455, or required thereby to be so licensed.

"Real estate salesperson" means any person licensed as a real estate salesperson in accordance with the provisions of 225 ILCS Art. 455, or required thereby to be so licensed.

"Real estate transaction" means the purchase, sale, exchange or lease of any dwelling or housing, or an option to do any of the foregoing.

"Sale" means and includes any contract to sell or exchange or to convey, transfer or assign legal or equitable title to, or a beneficial interest in, real estate. (Ord. 98-130 § 11; Ord. 81-18 § 2 (part); prior code Ch. 10 (part))

Article II. Unlawful Housing Practices by Owners

Section 9.08.040 Discriminatory terms.

It is an unlawful housing practice and a violation of this chapter for any owner or other person to sell or lease a dwelling or housing on terms, conditions or privileges that discriminate between persons because of race, color, religion or national origin. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.050 Refusals to deal.

It is an unlawful housing practice and a violation of this chapter for any owner or other person to refuse to negotiate for, enter into or perform any sale or lease of any dwelling or housing because of the race, color, religion or national origin of any party to such sale or lease, or of any member of the family of any such party, or of any person using or occupying or intending to use or occupy such dwelling or housing, or of any person using or occupying any dwelling or housing in the area in which such dwelling or housing is located. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.060 Withholding housing.

It is an unlawful housing practice and a violation of this chapter for any owner or other person to represent to any person that any dwelling or housing is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available, or otherwise to withhold housing from any person because of race, color, religion or national origin. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.070 Advertisements.

It is an unlawful housing practice and a violation of this chapter for any owner or other person to publish or circulate a statement, advertisement or notice of an intention to sell or lease any dwelling or housing in a manner that is unlawful under this chapter. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.080 Advertisements--Causing or permitting.

It is an unlawful housing practice and a violation of this chapter for any owner or other person to cause any person to circulate or publish a statement, advertisement or notice that such owner or other person intends to sell or lease any dwelling or housing in a manner that is unlawful under this chapter, or to consent thereto. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.090 Signs and notices.

It is an unlawful housing practice and a violation of this chapter for any owner or other person to post or erect, or cause any person to post or erect, any sign or notice upon any dwelling or housing indicating intent to sell or lease any dwelling or housing in a manner that is unlawful under this chapter. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.100 Limitations.

Nothing in this chapter shall require an owner to offer property to the public at large before selling or renting it providing he or she complies with all other provisions of this chapter. Nor

shall this chapter be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color or national origin. Nothing in this chapter shall require an owner to offer property for sale or lease or to show his or her property to any person if such person is not negotiating for the purchase or lease of such property in good faith. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Article III. Unlawful Housing Practices by Real Estate Agents and Lending Institutions

Section 9.08.110 Refusal of offer.

It is an unlawful housing practice and a violation of this chapter for any real estate agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any dwelling or housing because of race, color, religion or national origin of the person making such offer. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.120 Licensing.

Every real estate broker shall apply for and obtain a license from the state in accordance with the provisions of 225 ILCS Art. 455 or required thereby to be so licensed, prior to transacting any business involving real estate in the City as a real estate broker and prior to advertising or assuming to act as such real estate broker. The commission, by any real estate broker or any other person acting without such license, of any act herein made unlawful for persons duly licensed shall nevertheless constitute a violation of this chapter. (Editorially amended during 1999 codification; Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.130 Discrimination in lending.

It is an unlawful housing practice and a violation of this chapter for any lending institution, in making, agreeing to make, arranging or negotiating any loan or guarantee of funds for the purpose of financing the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing to offer, seek or agree to terms, conditions or privileges that discriminate between persons because of race, color, religion or national origin. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.140 Refusal to deal in lending.

It is an unlawful housing practice and a violation of this chapter for any lending institution to refuse to negotiate for, enter into or perform any agreement to lend or guarantee the loan of funds for the purchase, sale, construction, lease, rehabilitation, improvement, renovation or repair of any dwelling or housing because of the race, color, religion or national origin of any party to such agreement or of any member of the family of any such party, or of the residents of the area in which such dwelling or housing located. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.150 Coverage.

This article shall apply respectively to every real estate agent who, within the City, performs any function as such real estate agent but does not maintain an office or place of doing business within the City, as well as to every real estate agent and lending institution who maintains an

office or place of doing business within the City; provided, however, that the provisions of this chapter shall not be so construed as to prohibit a real estate broker or real estate agent, on behalf of the owner, from inquiring into and reporting upon qualifications of any prospective buyer or tenant with respect to limitations or exclusions other than those of race, color, religion or national origin. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Article IV. Unlawful Housing Practices Generally

Section 9.08.160 Representation.

It is an unlawful housing practice and a violation of this chapter for any person, for the purpose of inducing any other person to enter into a real estate transaction with such person or his or her principal agent:

A. To represent that a change has occurred, will occur or may occur with respect to the race, color, religion or national origin in the composition of the owners or occupants in any block, neighborhood or area in which the dwelling or housing (which is the subject of the real estate transaction) located; or

B. To represent that a change with respect to race, color, religion or national origin in the composition of the owners or occupants in any block, neighborhood or area will result in lowering of property values, or in an increase in criminal or anti-social behavior, or in a decline in the quality of schools, in such block, neighborhood or area. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.170 Miscellaneous conduct.

It is an unlawful housing practice and a violation of this chapter for any person:

A. To aid, abet, incite or coerce a person to engage in unlawful housing practice; or

B. Wilfully to interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives; or

C. Wilfully to obstruct or prevent a person from complying with the provisions of this chapter or an order issued thereunder. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Article V. Enforcement

Section 9.08.180 Commission powers.

The Commission shall have and exercise, with respect to all dwellings and housing and with respect to all persons subject to this chapter, the power to:

A. Act to eliminate unlawful housing practices;

B. Act to assure to persons living or desiring to live in the City, or in any particular dwelling or housing therein, the opportunity to purchase, lease or occupy without discrimination because of race, color, religion or national origin;

C. Receive, initiate and investigate complaints alleging unlawful housing practices. Any complaint initiated by the Commission shall be in writing, shall be signed by the Chairperson or Vice Chairperson of the Commission and shall fully set forth the circumstances of the alleged violation and the source of all information upon which the complaint is based, including the names and address of all complainants. Such written complaint shall be served upon the party

alleged to be in violation of this chapter;

D. Seek conciliation of, hold hearings on and make findings of fact with respect to any such complaint;

E. Recommend the issuance of orders subject to approval by the City Council and to publish its findings of fact and recommended orders in accordance with the provisions of the chapter after submission to the City Council;

F. Render from time to time, but not less than every six months, a written report to the City Council of its activities and recommendations with respect to fair housing practices, which written report shall be made public after submission to the City Council;

G. Adopt, after approval of the City Council, such rules and regulations as may be necessary or desirable to carry out the purposes of this chapter;

H. Make recommendations to the City Council with respect to possible discriminatory actions by real estate brokers regarding fair housing. Such alleged discriminatory actions to be reported to the proper state authorities for possible proceedings against the real estate broker. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.190 Licensing of real estate brokers.

Before any license to act as a real estate broker is granted or renewed, the City Council shall require from the applicant for license or renewal and the applicant shall give his or her written representation that he or she has read these fair housing regulations and intends to comply with their provisions in and about him or her business as a real estate broker, and has representation that each real estate salesperson employed by him or her has been furnished a copy of these fair housing regulations. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.200 Licenses--Revocation and suspension.

Whenever it has been determined in accordance with the provisions of Section 9.08.210 that a real estate broker has committed an unfair housing practice in violation of this chapter, the City Council may petition or institute proceedings with the Illinois Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any provisions of this chapter. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.210 Grievances--Filing of complaints.

A. Any person aggrieved in any manner by a violation of any provision of this chapter may file with the Commission a written verified complaint setting forth in grievance. The complaint shall state (1) the name and address of the complainant; (2) the name and address of the person against whom the complaint is brought if known to the complainant; and (3) the alleged facts surrounding the alleged violation of this chapter; and such complaint shall state the name and address of all persons believed to have knowledge concerning the alleged facts. The Commission shall provide a printed form of complaint for the use of aggrieved persons.

B. After the filing of any complaint, the Commission shall serve a copy of the complaint on the party or parties charged and the Chairperson or Vice Chairperson of the Commission shall designate a panel to make a prompt investigation in connection therewith.

C. If such panel shall determine after such investigation that probable cause exists for the allegations of the complaint: (1) the panel shall set a date for a meeting; and (2) at such meeting, the panel or any member thereof shall interview the complainant and the person or persons against whom the complaint has been directed and shall attempt to resolve the complaint by all

proper methods of conciliation and persuasion.

D. If at any time within sixty (60) days after the date of filing of the complaint, such panel shall determine that such attempts at conciliation would not be in furtherance of the objectives of this chapter, the Commission shall thereupon proceed promptly full hearing of the complaint, in accordance with Section 9.08.020. (Ord. 81-18 § 2 (part); prior code Ch. 10 (part))

Section 9.08.220 Hearings by Commission.

A. Such hearing shall be conducted by the Commission, or a panel thereof, upon due and reasonable notice to all parties. The Commission shall have power to administer oaths and to take sworn testimony. Any party alleged to have violated this chapter shall be entitled to be represented by counsel and shall have the right to call witnesses in his or her own behalf and to cross-examine witnesses.

B. At the conclusion of such hearing, the Commission shall render to the City Council a written report and recommendations, which shall also be served by mail upon the complainant and the party or parties charged. No report shall be delayed more than sixty (60) days after the date of the first issuance to notice for commencement of a hearing. (Ord. 81-18 § 2 (part); prior code Ch. 10 (part))

Section 9.08.230 Enforcement.

A. The Commission shall be empowered, at the conclusion of proceedings held under Section 9.08.220 to recommend to the City Council that the Council order any person found to be engaging in an unfair housing practice to cease and desist such practice, upon such terms as shall be necessary and proper for the enforcement of this chapter.

B. The Commission shall be empowered, at the conclusion of proceedings held under Section 9.08.220, as part of its report, to recommend to the City Council that it direct the City Attorney to do any one or more of the following:

1. To institute and prosecute proceedings to enforce, against any person found in violation of this chapter, the fine provided for in Section 9.08.050;

2. To apply to any court of competent jurisdiction;

a. For an order restraining any person from violating any provision of this chapter, or

b. For such other or further relief as may seem to the court appropriate for the enforcement of this chapter and the elimination of violations thereof;

3. To petition or institute proceedings with the Illinois Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such Department to any real estate broker or real estate salesperson found to have violated any provision of this chapter;

4. In the case of any unlawful housing practice or violation of this chapter by any person in the course of performing under a contract or subcontract with the state or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, to petition or institute proceedings with such contracting agency for the purpose of causing it to terminate such contract or any portion thereof, either absolutely or on condition of compliance with the provisions of this chapter.

C. After receipt of the recommendation of the Commission, the City Council may issue such cease and desist orders and may direct such action by the City Attorney, including the procedures as in subsection B of this section, as shall be necessary for the enforcement of this chapter. (Ord. 81-18 § 2 (part); prior code Ch. 10 (part))

Section 9.08.240 Limitation of time to file complaints.

Any complaint filed hereunder with the Commission must be filed within thirty (30) days after the alleged discriminatory practice occurred, or it shall be barred. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Section 9.08.250 Fines.

Any person who violates any provision of this chapter, upon conviction thereof, shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 81-18 § 2 (part): prior code Ch. 10 (part))
(2014-20, Amended, 06/23/2014, Amount of fines throughout code amended from \$60 to \$75)

Section 9.08.260 Private remedies.

Any person aggrieved in any manner by the violation of any provision of this chapter who has exhausted the remedies provided in Sections 9.08.210 and 9.08.220 of this chapter, may apply to any court of competent jurisdiction for appropriate relief from such violation, including:

- A. An order complying with this chapter;
- B. An order to prohibit any person found by the court to have violated any provisions of this chapter from the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing which is the subject of such violation;
- C. An order requiring specific performance of any contract for the sale, lease, exchange, transfer, conveyance or assignment of any dwelling or housing by any person who in violation of this chapter refuses or fails to perform such contract;
- D. Compensatory damages; and
- E. Such other further relief as may seem to the court appropriate for the enforcement of this chapter and the elimination of violations thereof. (Ord. 81-18 § 2 (part): prior code Ch. 10 (part))

Chapter 9.12

PUBLIC DRINKING

Sections:

- 9.12.010** **Consumption of alcoholic liquors prohibited--Where.**
- 9.12.020** **Possession of alcoholic liquors prohibited--Where.**
- 9.12.030** **Removal of alcoholic liquors prohibited.**
- 9.12.035** **Public intoxication prohibited - Where.**
- 9.12.040** **Violation--Penalty.**

Section 9.12.010 **Consumption of alcoholic liquors prohibited--Where.**

It is unlawful for any person to consume alcoholic liquors in or on any public property which is owned or controlled by the City, including any street, sidewalk, alley, parking lot, public building, or park, provided, however, this section does not prohibit the consumption of alcoholic liquor in taverns, restaurants or other premises properly licensed for such consumption in accordance with the provisions of the liquor control ordinance of the City of Olney, Illinois. This section does not prohibit the consumption of alcoholic liquor on any public property which is owned or controlled by the City, including any street, sidewalk, alley, parking lot, public building, or park for which a Class S Special Use Permit has been issued by the City Council pursuant to Section 5.12.060(A)(5) of this Code or specific written permission for consumption, but not sale of, alcoholic liquors, has been granted by the Liquor Commissioner. (Ord. 2021-06 § 1: Ord. 08-34 § 2: Ord. 90-34 § 1 (part): Ord. 84-30 § 1 (part))

Section 9.12.020 **Possession of alcoholic liquors prohibited--Where.**

It is unlawful for any person to possess alcoholic liquors in an open container, cup, or other open bottle or glass in or on any public property in the City of Olney which is owned or controlled by the City, including any street, alley, sidewalk, parking lot, public building, Bower Park, the City Park, and Musgrove Park; provided, however, this section shall not apply to any street, sidewalk, alley, parking lot, public building, Bower Park, the City Park, or Musgrove Park for which a Class S Special Use Permit has been issued by the City Council pursuant to Section 5.12.060(A)(5) of this Code. (Ord. 08-34 § 3: Ord. 90-34 § 1 (part): Ord. 84-30 § 1 (part))

Section 9.12.030 **Removal of alcoholic liquors prohibited.**

It is unlawful for any person to remove alcoholic liquor from a properly licensed premise in an open container, cup, or other open bottle or glass. Alcoholic liquor purchased in taverns, restaurants or other premises properly licensed for such consumption is to be consumed within the said premises and not removed except in a properly sealed container not having previously been opened. This section does not prohibit a person from removing alcoholic liquor from a properly licensed premise in an open container, cup or other open bottle or glass to an area immediately outside the licensed premises for which a Class S Special Use Permit has been issued by the City Council pursuant to Section 5.12.060 (A)(5). (Ord. 08-34 § 4: Ord. 79-21 § 3)

Section 9.12.035 **Public intoxication prohibited - Where.**

A. It is unlawful for any intoxicated person or any person incapacitated by alcohol to be in or on any public property in the City of Olney which is owned or controlled by the City, including any street, sidewalk, alley, parking lot, public building, Bower Park, the City Park, and Musgrove Park. This section shall not prohibit any person from traveling, without operating a motor vehicle, over the most convenient route to the person's home or to a place to seek treatment for alcoholism, to seek medical treatment for any condition, to seek mental health treatment or emotional health treatment, or to seek spiritual help.

B. "Incapacitated by alcohol" means the condition of being unconscious or too weak or too disoriented to be able to care for ones own needs, or to recognize obvious dangers.

C. "Intoxicated person" means any person who is presently impaired, physically, mentally or emotionally as a result of the presence of alcohol in the person's body. (Ord. 08-34 § 5)

Section 9.12.040 Violation--Penalty.

Any person or corporation violating any provision of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 90-34 § 2: Ord. 84-30 § 2: Ord. 79-21 § 4)

Chapter 9.16

OFFENSES BY OR AGAINST MINORS

Sections:

9.16.010 Curfew established.

9.16.020 Use or possession by minors of cigarettes or tobacco products.

Section 9.16.010 Curfew established.

A. Definitions. As used in this Section, unless the context requires otherwise, the following words or phrases shall have the following meanings:

“City curfew hours” means the period of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, 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.

“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) 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 a 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.

“Incorporated Area” means any area within the corporate limits of the City of Olney, Illinois.

B. City Curfew Restrictions.

1. It is unlawful for any minor to be present in any public place or on the premises of any establishment within the Incorporated Area of the City of Olney, Illinois, during city curfew hours.

2. It is unlawful for any parent, 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 Incorporated Area of the City of Olney, Illinois, during city curfew hours.

3. It is a defense to prosecution under Paragraph B(1) or B(2) or D (hereinafter) that the minor was:

- a. accompanied by the minor's parent, guardian, custodian or responsible adult;
- b. on an errand at the direction of the minor's parent, guardian, custodian or responsible adult without any detour or stop;
- c. in a motor vehicle involved in interstate travel with the consent or authorization of the minor's parent, guardian or custodian;
- d. engaged in, going to or returning home from an employment activity without detour or stop;
- e. involved in an emergency;
- f. on the sidewalk abutting the minor's residence;
- g. engaged in, going to or returning home from an official school, religious, or recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- h. exercising First Amendment rights protected by the United States Constitution; or
- i. emancipated pursuant to law.

C. Truancy Curfew Restrictions.

1. 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 Incorporated Area of the City of Olney, Illinois, during truancy curfew hours.

2. 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 Incorporated Area of the City of Olney, Illinois, during truancy curfew hours.

3. It is a defense to prosecution under Paragraph C(1) or C(2) or D (hereinafter) that the minor was:

- a. accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- b. involved in an emergency;
- c. going to or returning from a medical appointment without any detour or stop;
- d. engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- e. in possession of valid proof that the minor is a student who has permission to leave the school campus;
- f. a bona fide participant in an alternative education or home schooling program; or
- g. engaged in or subject to an authorized or excused absence from the school which the minor attends, including, but not limited to, lunch periods.

D. Establishment Restrictions.

1. 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 B or C above during city curfew or truancy curfew hours.

2. It is a defense to prosecution, under this Paragraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of Paragraph B or C notified a law enforcement agency that a minor was present on the premises of the establishment during city curfew or truancy curfew hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

E. Enforcement Procedures.

1. A law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Section until the parent, custodian or guardian of the minor or a responsible adult shall take him or her into custody, but such officer shall immediately upon taking custody of the minor make a reasonable attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph 3 herein is applicable. A parent, custodian, guardian or responsible must take custody of the minor within one (1) hour of the time of notice or be subject to a charge of \$25.00 per hour as hereinafter provided.

2. When a citation is issued to a minor for violation of this Section, the 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. The parent, custodian, guardian or other adult person having the legal care and custody of the minor must accompany the minor to any court hearing.

3. A law enforcement officer is authorized to temporarily detain any minor violating the provisions of paragraph C of this Section and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

F. Penalties.

1. Any person who violates any provision of this Section shall upon conviction thereof be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty (\$750.00); and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues.

2. 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 to attend any program directly related to improving school attendance and/or performance.

3. In addition to any penalty imposed pursuant to (1) or (2) 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 G hereinafter.

G. 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 City of Olney 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 this Section shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Section or in a separate civil action. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the City in collecting. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 04-49, Sec. 1)

Section 9.16.020 Use or possession by minors of cigarettes or tobacco products.

A. No minor under the age of eighteen (18) years shall use or knowingly possess cigarettes, other tobacco products in any form, or any alternative nicotine product, at any time within the City limits of the City of Olney. "Alternative nicotine product" means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, vaporizing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

B. Violation--Penalty. Any person who violates this section shall, upon conviction, be fined, not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). (2018-49: §1: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 97-12 § 1: prior code §§ 132.05, 132.06)

Chapter 9.20

MISCELLANEOUS OFFENSES

Sections:

- 9.20.010** **Overnight parking on City property.**
- 9.20.020** **Abandoned refrigerators, etc., prohibited.**
- 9.20.030** **Removal of snap-lock.**
- 9.20.040** **Repealed by 2010-44**

Section 9.20.010 **Overnight parking on City property.**

A. No person shall use for overnight camping any trailer, truck, camper or other similar unit in any City park or on any City property unless said unit is equipped with a self-contained sanitary sewerage disposal system and the owner thereof obtains seven days' approval from the City Council or such member of the Council as may be given authority to grant such approval by further action of the City Council. In addition a fee of two dollars (\$2.00) per unit per day shall be paid in advance to the City Clerk.

B. Any such person violating the provisions of this section shall upon conviction be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 131.02)

Section 9.20.020 **Abandoned refrigerators, etc., prohibited.**

A. It is unlawful for any person, firm or corporation to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight door or lock which may not be released for opening from the inside of said ice box, refrigerator or container.

B. Whoever violates this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). Each day's violation shall constitute a separate offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 132.01)

Section 9.20.030 **Removal of snap-lock.**

A. It is unlawful for any person, firm or corporation to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or any other container of any kind which has an air-tight snap-lock or other device thereon without first removing the snap-lock or doors from said ice box, refrigerator or container.

B. Whoever violates this section shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00). Each day's violation shall constitute a separate offense. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 132.02)

Chapter 9.24

NOISE

Sections:

9.24.010	Purpose.
9.24.020	Findings.
9.24.030	Scope.
9.24.040	Definitions.
9.24.050	General provisions.
9.24.060	Noises prohibited.
9.24.070	Exemptions.
9.24.080	Enforcement.
9.24.090	Violation - Penalty.

Section 9.24.010 Purpose.

The purpose of this Chapter is to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the City of Olney in residentially zoned areas through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity. (Ord. 10-31 § 1)

Section 9.24.020 Findings.

A. Loud and raucous noise degrades the environment in residentially zoned areas of the City of Olney to a degree that:

1. Is harmful to the health, welfare, and safety of its inhabitants and visitors;
2. Interferes with the comfortable enjoyment of life and property;
3. Interferes with the well being, tranquility, and privacy of the home; and
4. Both causes and aggravates health problems.

B. Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the City of Olney's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work and communication.

C. The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City of Olney.

D. Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City of Olney. (Ord. 10-31 § 1)

Section 9.24.030 Scope.

This Chapter applies to the control of all sound originating within the residentially zoned areas within the corporate limits of the City of Olney. (Ord. 10-31 § 1)

Section 9.24.040 Definitions.

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

"Emergency work" means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or

public utilities when restoring utility service.

“City Manager” means the City Manager of the City of Olney or the City Manager’s designee.

“Person” means any individual, firm, association, partnership, joint venture, or corporation.

“Public right-of-way” means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

“Residentially zoned area” means any real property which is located in any R (residential) zoning district (i.e., R-S, R-1, and R-2, Single-Family Residence Districts; R-3, Two-Family Residence District; R-4, Multiple-Family Residence District; and R-5, Trailer and Mobilehome District) within the corporate limits of the City of Olney in accordance with the terms and maps of the City of Olney’s zoning ordinances and Title 17 (Zoning) of the City of Olney Municipal Code and any public right-of-way located immediately adjacent thereto. (Ord. 10-31 § 1)

Section 9.24.050 General provisions.

A. No person shall make, continue, or cause to be made or continued within any residentially zoned area within the corporate limits of the City of Olney:

1. Any unreasonably loud or raucous noise; or
2. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity; or
3. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Factors for determining whether a sound is unreasonably loud or raucous include, but are not limited to, the following;

1. The proximity of the sound to sleeping facilities, whether residential or commercial;
2. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
3. The time of day or night the sound occurs;
4. The duration of the sound; and
5. Whether the sound is recurrent, intermittent, or constant. (Ord. 10-31 § 1)

Section 9.24.060 Noises prohibited.

The following acts are declared to be per se violations of this Chapter. This enumeration does not constitute an exclusive list:

A. Unreasonable noises: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building within a residentially zoned area within the corporate limits of the City of Olney. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

B. Vehicle horns, signaling devices, and similar devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City of Olney, for more than ten (10) consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

C. Non-emergency signaling devices: Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from

any place for more than ten (10) consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the City of Olney for traffic control purposes are exempt from the operation of this provision.

D. Emergency signaling devices: The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in Subsections 1 and 2 below.

1. Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five (5) minutes. Testing of the emergency signaling system shall not occur more than three times in each calendar month, except as authorized by the City Manager of the City of Olney.

2. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen (15) minutes of activation unless an emergency exists. If a false or accidental activations of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Chapter.

E. Radios, televisions, boomboxes, phonographs, stereos, musical instruments and similar devices: The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by in a residentially zoned area within the corporate limits of the City of Olney. This paragraph shall not apply to motor vehicles on the streets and highways within the corporate limits of the City of Olney.

F. Loudspeakers, amplifiers, public address systems, and similar devices: The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays within or adjacent to residentially zoned areas. This paragraph shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City of Olney.

G. Yelling, shouting, and similar activities: Yelling, shouting, hooting, whistling, or singing in any residentially zoned area between the hours of 10:00 p.m. and 7:00 a.m., so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities.

H. Construction or repair of buildings, excavation of streets and highways: The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m., on weekdays. In cases of emergency, construction or repair noises are exempt from this provisions. In non-emergency situations, the City Manager may issue a permit, upon application, if the City Manager determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the City Manager further determines that loss or inconvenience would result to a party in interest. The permit shall grant permission in non-emergency cases for a period of not more than three (3) days. The permit may be renewed once for a period of three (3) days or less.

I. Blowers and similar devices: In any residentially zoned area, between the hours of 9:00 p.m. and 6:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates. (Ord. 10-31 § 1)

Section 9.24.070 Exemptions.

Sounds caused by the following are exempt from the prohibitions set out in Section 9.24.060 and are in addition to the exemption specifically set forth in Section 9.24.060:

A. Motor vehicles on traffic ways of the City of Olney, provided that the prohibition of Section 9.24.060(B) continues to apply.

B. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.

C. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 9.24.060(D) continues to apply.

D. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

E. Outdoor school and playground activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.

F. Other outdoor events. Outdoor gatherings, public dances, concerts, festivals, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority. (Ord. 10-31 § 1)

Section 9.24.080 Enforcement.

A. The City of Olney Police Department shall enforce this Chapter by investigating the complaints. A written complaint shall be prepared by a member of the Police Department and signed by a complaining witness. The complaint shall be delivered to the individual charged with the violation. The Police Department may also refer the complaint to the City Attorney. Nothing in this Chapter shall prevent the police officers from obtaining voluntary compliance by the way of warning, notice or education.

B. If a person's conduct would otherwise violate this Chapter and consists of speech or communication; of a gathering with others to hear or observe speech or communication; or of a gathering with others to picket or otherwise express in a non-violent manner a position on social, economic, political or religious questions; the person must be ordered to, and have the opportunity to, move, disperse, or otherwise remedy the violation prior to arrest or a citation being issued. (Ord. 10-31 § 1)

Section 9.24.090 Violation - Penalty.

A. A person who violates a provision of this Chapter shall be subject to a fine of not less than \$75.00 upon conviction of a first offense, a fine of not less than \$150.00 upon conviction of a second offense committed within a one-year period, a fine of not less than \$250.00 upon conviction of a third offense committed within a one-year period, a fine of not less than \$500.00 upon conviction of a fourth offense committed within a one-year period, and a fine of \$750.00 upon conviction of a fifth or subsequent offense committed within a one-year period.

B. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 10-31 § 1)