



ORDINANCE NO. 859

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE, SAID MUNICIPAL CODE BEING
ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO
PROVIDE AMENDMENTS RELATING TO DISORDERLY
CONDUCT, PUBLIC URINATIONS, SMOKING IN PUBLIC
PLACES, PUBLIC INDECENCY AND CONSUMPTION OF
ALCOHOLIC BEVERAGES IN PUBLIC PLACES

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw

MARCH 26, 2013

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *25th day of MARCH, 2013*, insofar as same relates to the adoption of *Ordinance No. 859*, entitled:

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE, SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS RELATING TO DISORDERLY CONDUCT, PUBLIC URINATION, SMOKING IN PUBLIC PLACES, PUBLIC INDECENCY AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No. 859*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *MARCH 26, 2013* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 8TH DAY OF APRIL, 2013.



[Redacted Signature]

Village Clerk

ORDINANCE NO. 859

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BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW:

SECTION 1: Chapter 94 of the Village Code of the Village of Mackinaw is hereby amended by inserting a new § 94.38, which shall be as follows:

§ 94.38 YELLING, SINGING, SHOUTING ON STREETS: It shall be unlawful for any person to yell, shout, hoot, whistle or sing on the public streets, sidewalks or right of ways between the hours of 11:00 PM and 7:00 AM or at any time or place as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other type of residence or of any persons in the vicinity.

SECTION 2: Chapter 132 of the Village Code of the Village of Mackinaw is hereby amended by inserting a new § 132.03, which shall be as follows :

§ 132.03 PUBLIC INTOXICATION; OPEN CONTAINERS; CONSUMPTION:

(A) It shall be unlawful for any person to consume any alcoholic liquor on any public property in the Village, or on any grounds owned by or under the control of a public school within the Village.

(B) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle or public property in the Village except in the original packaging with the original seal unbroken.

(C) It shall be unlawful for any person to transport, carry, possess or have any alcoholic liquor in or upon or about any park or on any grounds owned by or under the control of a public school within the Village.

(D) It shall be unlawful for any person to be on or in any street, alley or public place in the Village while in such an intoxicated condition to endanger the health, safety, or property of himself or another.

SECTION 3: Chapter 132 of the Village Code of the Village of Mackinaw is hereby amended by inserting a new § 134.04, which shall be as follows:

§132.04 PUBLIC URINATION: It shall be unlawful for any person to urinate or defecate in public other than when using a toilet, urinal or commode located in a restroom, bathroom or other structure enclosed from public view. The provisions of this section shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:

- (A) Children of eight years of age or younger.
- (B) Persons of any age that violate this subsection due to a verified medical condition.

SECTION 4: Chapter 132 of the Village Code of the Village of Mackinaw is hereby amended by inserting a new § 132.05, which shall be as follows:

§134.05 SMOKING IN PUBLIC PLACES:

(A) For the purposes of this section, the following words and phrases shall have the following meanings subscribed to them, respectively.

PUBLIC PLACE. An enclosed area to which the public is invited or in which the public is permitted, including but not limited to banks, bars, educational facilities, healthcare facilities, hotel and motel lobbies, Laundromats, public transportation facilities, reception areas, restaurants, retail/ food production/ marketing establishments, retail service establishments, stores, shopping malls, sports arenas, theaters and waiting rooms.

PRIVATE CLUB. A public place, when being used for a function to which the general public is not invited. A private residence is not a "public place," unless it is used as a childcare, adult care or healthcare facility.

(B) It shall be unlawful for any person to smoke in any enclosed area of any public place within the Village including, but not limited to the following places:

- (1) Libraries and Museums
- (2) Areas available to and customarily used by the general public in business and not-for-profit entities patronized by the public including, but not limited to professional offices, banks, Laundromats, hotels and motels.
- (3) Bars
- (4) Meeting and Convention Facilities
- (5) Educational Facilities, both public and private
- (6) Elevators

- (7) Facilities primarily used for exhibiting a motion picture, state, drama, lecture, musical recital or other similar performance.
- (8) Healthcare facilities
- (9) Hotel and motel lobbies
- (10) Licensed childcare and adult care facilities
- (11) Lobbies, hallways and other common areas in apartment buildings, condominiums, trailer parts, retirement facilities, nursing homes and other multiple-unit residential facilities.
- (12) Polling places
- (13) Private clubs when being used for a function to which the general public is invited.
- (14) Restaurants, including attached bars.
- (15) Restrooms, lobbies, reception areas, hallways and other common areas.
- (16) Retail stores
- (17) Rooms, chambers, places of meeting or public assembly, including school buildings, under control of an agency, board, commission, committee or board of the Village of Mackinaw or a political subdivision of the state when a public meeting is in progress, to the extent that the place is subject to jurisdiction of the Village.
- (18) Service lines.
- (19) Sports arenas, including enclosed places in outdoor arenas.

(C) It shall be unlawful for any owner, operator, manager or other person in control of an establishment, facility or outdoor area to allow or permit any person in such establishment, facility or outdoor area to violate the provisions of Paragraph B of this subsection.

(D) In addition to any other fine provided hereby, a violation of this section by a person who owns, manages, operates or otherwise controls a public place or place of employment may result in a suspension of any permit or license issued to that person by the Village for the premises on which the violation occurred.

SECTION 5: §134.01(A)(1) of the Village Code of the Village of Mackinaw is hereby amended by inserting new subparagraphs (c) through (e), which shall be as follows:

- (c) A lewd fondling or caressing of the body of another person.
- (d) Exposing genitals, anus or female breasts.
- (e) Engaging in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.


SECTION 6: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 7: This Ordinance shall take effect 10 days after publication thereof as provided by law.

SECTION 8: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 25th day of MARCH, 2013.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES:

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NAYS:

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ABSENT:

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