

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTIONS 9.42.040 AND 7.32.50 OF THE
CODE OF ORDINANCES OF THE CITY OF CREST HILL, ILLINOIS**

WHEREAS, the City of Crest Hill is authorized by Section 11-20-5 of the Illinois Municipal Code to make regulations which may be necessary or expedient for the promotion of health (65 ILCS 5/11-20-5) as well as ordinances which pertain to its government and affairs and which will protect the public health, safety and welfare of its citizens;

WHEREAS, pursuant to 65 ILCS 5/1-2-1 of the Illinois Municipal Code, the City may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, the City of Crest Hill is authorized by Section 11-1-1 and 11-60-2 of the Illinois Municipal Code to pass and enforce all necessary police ordinances and may define, prevent and abate excessive noise and nuisances (65 ILCS 5/11-1-1, 65 ILCS 5/11-60-2, and 65 ILCS 5/11-5-2); and

WHEREAS, The City of Crest Hill is authorized to regulate and prevent the use of fireworks (65 ILCS 5/11-8-4, 425 ILCS 30/24).

WHEREAS, the City of Crest Hill has previously exercised said authority to prohibit the possession and use of prohibited fireworks, in addition to making unlawful the explosion of fireworks which is disruptive or creates excessive noise; and

WHEREAS, pursuant to its express authority granted by the Illinois Municipal Code, the City of Crest Hill has from time to time deemed it necessary to amend its Code of Ordinances; and

WHEREAS, the City of Crest Hill has determined that to protect the safety and welfare of the Citizens of Crest Hill, its Code of Ordinances regarding the fines and penalties for violations of its fireworks and fireworks noise prohibitions should be amended, as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Illinois, as follows:

SECTION 1: PREAMBLE. The preamble of this Ordinance is declared to be true and correct and is incorporated by reference as if fully set forth in this Section 1.

SECTION 2: APPROVAL. That Title 9 Public Peace, Morals and Welfare, Chapter 9.42 Noise, Section 9.42.040 Violations; Penalty for violations of the prohibition of loud or unnecessary noises is hereby repealed in its entirety and replaced and amended with the following:

§ 9.42.040 VIOLATIONS; PENALTY.

Any person found guilty of a violation of §§ 9.42.10, 9.42.020 (not fireworks), 9.42.030(B) or 9.42.035 shall be fined not less than \$75, but no more than \$750 for each offense. Any person found guilty of a violation of §9.42.020 (fireworks) §9.43.030(A) shall be fined not less than \$250 nor more than \$750 for each offense as determined by the City Administrative Hearing Officer. Separate occurrences occurring on the same day shall be deemed separate offenses for purposes of imposing a penalty.

('78 Code, § 9.42.040) (Ord. 267, passed - -70; Am. Ord. 998, passed 7-1-96; Am. Ord. 999, passed 8-5-96)

And that Title 7 Health and Safety, Chapter 7.32 Fireworks, Section 7.32.50, Violations; Penalty for violations on the prohibition of possession or use/explosion of prohibited fireworks shall be repealed in its entirety and replaced and amended with the following:

§7.32.50 VIOLATIONS; PENALTY.

In addition to the seizure and forfeiture of illegally possessed fireworks, the penalty for illegal possession or use/explosion of fireworks shall be not less than \$250 nor more than \$750 for each offense as determined by the City Administrative Hearing Officer. Nothing in this chapter 7.32 shall prevent the City, through its authorized agents or peace officers, from citing an individual for disturbing the peace or loud or unnecessary noise pursuant to Chapter 9.42 or to in any way limit the City to citations under this section. Separate occurrences occurring on the same day shall be deemed separate offenses for purposes of imposing a penalty.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.

SECTION 4: REPEALER. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect immediately upon its passage and publication according to law.

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PASSED THIS 6th DAY OF SEPTEMBER 2022.

	Aye	Nay	Absent	Abstain
Alderman John Vershay	_____	_____	_____	_____
Alderman Scott Dyke	_____	_____	_____	_____
Alderwoman Claudia Gazal	_____	_____	_____	_____
Alderman Darrell Jefferson	_____	_____	_____	_____
Alderman Tina Oberlin	_____	_____	_____	_____
Alderman Mark Cipiti	_____	_____	_____	_____
Alderman Nate Albert	_____	_____	_____	_____
Alderman Joe Kubal	_____	_____	_____	_____
Mayor Raymond R. Soliman	_____	_____	_____	_____

Christine Vershay-Hall, City Clerk

APPROVED THIS 6TH DAY OF SEPTEMBER 2022.

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk