

ORDINANCE 2016 -11

**AN ORDINANCE AMENDING MULTIPLE SECTIONS
OF THE MUNICIPAL CODE OF WINTHROP HARBOR
PROHIBITING PUBLIC URINATION AND DEFECATION
AND CLARIFYING FINES FOR MULTIPLE OFFENSES**

WHEREAS, the Village Board finds and declares that urinating and defecating in public places and in places customarily visited or viewed by the public such as parking lots constitutes a nuisance and a hazard to the public health, and

WHEREAS, the Village Board finds that it is necessary and appropriate to exercise the village's police powers to prohibit urinating and defecating in such places, and

WHEREAS, it also appears that when the chart of fines was added to Chapter 39 of the Winthrop Harbor Municipal Code, the offenses listed in Chapter 130 were not properly referenced to the new chart, but instead referred to the existing section 130.999, and

WHEREAS, the Village Board wishes to clarify the fines and penalties applicable to all offenses,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 130.19 of the Winthrop Harbor Municipal Code is hereby added, and it shall hereafter read as follows:

130.19 PUBLIC URINATION AND DEFECATION. It shall be unlawful for:

- (a) Any person to defecate on any street, alley, sidewalk, parking lot, park, playground, school yard, cemetery, floor of any building, or any public place, except in such place that has been designated a restroom;
- (b) Any person to urinate on any street, alley, sidewalk, parking lot, park, playground, school yard, cemetery, or floor of any building, except in such place that has been designated a restroom; or
- (c) Any person to urinate or defecate in any public place in such a manner as to expose his or her genitals at any public place.
- (d) "Public place," as used in this section, shall mean any place where the conduct involved is actually viewed by someone who is not related to the person nor a member of his or her household.

SECTION TWO: Section 130.99 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 130.99 PENALTY.

(A) In case any parent, guardian, or person in control or charge of a child who has received notice as provided in § 130.01 shall knowingly permit such child again to violate the provisions of § 130.01, such parent, guardian, custodian, or person in control or charge of such child shall be subject to a fine of \$25 for the first offense, \$50 for the second offense, and \$100 for the third and any subsequent offense; and a separate offense shall be deemed committed on each date during or on which a violation occurs or continues.

~~(B) Whoever violates the following series of code sections shall be fined pursuant to the chart set forth hereinbelow:~~

<i>Offense Section Number</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
§ <u>130.01</u>	\$100	\$100	\$100
§ <u>130.02</u>	\$50	\$100	\$100
§ <u>130.03</u>	\$50	\$100	\$100
§ <u>130.04</u>	\$100	\$100	\$100
§ <u>130.05</u>	\$100	\$100	\$100
§ <u>130.06</u>	\$100	\$100	\$100
§ <u>130.07</u>	\$150	\$150	\$150
§ <u>130.08</u>	\$100	\$100	\$100
§ <u>130.09</u>	\$50	\$100	\$100
§ <u>130.10</u>	\$150	\$150	\$150
§ <u>130.11</u>	\$250	\$500	\$500
§ <u>130.12</u>	\$100	\$100	\$100
§ <u>130.13</u>	\$50	\$50	\$50
§ <u>130.14</u>	\$50	\$50	\$50
§ <u>130.15</u>	\$150	\$150	\$150
§ <u>130.16</u>	\$50	\$100	\$150
§ <u>130.17</u>	\$150	\$150	\$150
§ <u>130.18</u>	\$100	\$100	\$100

(B) Whoever violates any of the provisions of this Chapter shall be fined according to the chart of fines set forth in §39.07 of this Code.

(C) Whoever violates the provisions of § [130.15](#) shall be subject to incarceration in any penal institution other than the penitentiary for a period not to exceed six months in addition to any fine imposed under division (B).

SECTION THREE: Section 131.99 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 131.99 PENALTY.

(A) Whoever violates the provisions of § [131.01](#) or § [131.02](#) shall be subject to incarceration in any penal institution other than the penitentiary for a period not to exceed six months in addition to any fine imposed under division (C).

(B) Whoever violates the provisions of § [131.26](#) through 131.28 shall be liable for complete restitution to the owner of lawful possessor of the property injured, defaced, destroyed, egged, interfered with, painted, inked, or otherwise marked with graffiti in addition to any fine imposed under division (C).

~~—(C) Whoever violates the following series of code sections shall be fined pursuant to the chart set forth hereinbelow:~~

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<i>Offense Section Number</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
§ 131.01	\$100	\$100	\$100
§ 131.02	\$250	\$250	\$250
§ 131.03	\$50	\$50	\$50
§ 131.04	\$50	\$50	\$50
§ 131.05	\$100	\$100	\$100
§ 131.11	\$100	\$100	\$100
§ 131.12	\$100	\$100	\$100
§ 131.13	\$150	\$150	\$150
§ 131.26	\$100	\$100	\$100
§ 131.27	\$75	\$75	\$75
§ 131.28	\$100	\$100	\$100

(B) Whoever violates any of the provisions of this Chapter shall be fined according to the chart of fines set forth in §39.07 of this Code.

SECTION FOUR: Section 132.99 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 132.99 PENALTY.

(A) Whoever violates any of the provisions of §§ 132.01, 132.03 through 132.06, 132.09 or 132.10 shall be subject to incarceration in any penal institution other than the penitentiary for a period not to exceed six months in addition to any fine imposed under division (B).

~~—(B) Whoever violates the following series of code sections shall be fined pursuant to the chart set forth hereinbelow:~~

<i>Offense Section Number</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
§ <u>132.01</u>	\$250	\$250	\$250
§ <u>132.02</u>	\$100	\$100	\$100
§ <u>132.03</u>	\$150	\$150	\$150
§ <u>132.04</u>	\$200	\$200	\$200
§ <u>132.05</u>	\$250	\$250	\$250
§ <u>132.06</u>	\$250	\$250	\$250
§ <u>132.07</u>	\$100	\$100	\$100
§ <u>132.08</u>	\$25	\$50	\$100
§ <u>132.09</u>	\$250	\$250	\$250
§ <u>132.10</u>	\$250	\$250	\$250
§ <u>132.11</u>	\$100	\$100	\$100

(B) Whoever violates any of the provisions of this Chapter shall be fined according to the chart of fines set forth in §39.07 of this Code.

SECTION FIVE: Section 133.99 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 133.99 PENALTY.

~~Whoever violates the following series of code sections shall be fined pursuant to the chart set forth hereinbelow:~~

<i>Offense Section Number</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
§ <u>133.01</u>	\$100	\$100	\$100
§ <u>133.02</u>	\$100	\$100	\$100
§ <u>133.10</u>	\$250	\$250	\$250
§ <u>133.11</u>	\$250	\$250	\$250
§ <u>133.12</u>	\$250	\$250	\$250
§ <u>133.20</u>	\$100	\$100	\$100
§ <u>133.21</u>	\$100	\$100	\$1

Whoever violates any of the provisions of this Chapter shall be fined according to the chart of fines set forth in §39.07 of this Code.

SECTION SIX: Section 134.99 of the Winthrop Harbor Municipal Code is hereby amended and it shall hereafter read as follows (additions underlined, deletions ~~stricken~~):

§ 134.99 PENALTY.

~~Whoever violates the following series of code sections shall be fined pursuant to the chart set forth hereinbelow:~~

<i>Offense Section Number</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
§ <u>134.01</u>	\$100	\$100	\$100
§ <u>134.02</u>	\$100	\$100	

Whoever violates any of the provisions of this Chapter shall be fined according to the chart of fines set forth in §39.07 of this Code.

SECTION SEVEN: The chart of fines set forth in §39.07 of the Winthrop Harbor Municipal Code is hereby amended by adding the following line item:

Section	Offense	Variable Fines (Write Max Amt)	Set Fines - Per Offense (Check In-House for Priors)

		Fine Minimum	Fine Maximum	1st	2nd	3rd	4th
130.19	Public Urination or Defecation	\$150	\$500				

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR,
ILLINOIS, ON THIS 2nd DAY OF AUGUST, 2016.

ATTEST:

ROBERT D. LOY, MAYOR

JULIE RITTENHOUSE,
INTERIM VILLAGE CLERK