

## **TITLE IX GENERAL REGULATIONS**

### **CHAPTER 96: LOITERING ON COUNTY PROPERTY**

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#### **§ 96.01 DEFINITIONS.**

The term "loitering" is defined as entering, congregating, or remaining in or about County Property without a clear purpose or without lawful reason, especially after being requested to leave. This includes, but is not limited to, entering, congregating, or remaining in or about County Property in such a manner as to violate any other ordinance or statute or to create or cause a danger of breach of the peace.

The term "County Property" includes all land, buildings, facilities, and any other property owned and/or maintained by Effingham County.

The term "Historic Courthouse Grounds" includes all land, buildings, structures, and any other property owned and/or maintained by Effingham County at the commonly used address of 100 E. Jefferson Ave, Effingham, Illinois.

#### **§ 96.02 PROHIBITION OF LOITERING**

Unless otherwise allowed by law, no person shall loiter on County Property between the hours of 11:00 P.M. and 6:00 A.M. Notwithstanding the foregoing, no person shall be guilty of loitering unless such person refuses or fails to leave such County Property or moves to another County Property and continues to loiter there.

#### **§ 96.03 HISTORIC COURTHOUSE GROUNDS CLOSED TO THE PUBLIC**

Unless otherwise allowed by law or the exceptions listed in this ordinance, it shall be unlawful to loiter, enter, or remain on the Historic Courthouse Grounds between the hours of 11 p.m. and 6 a.m.

#### **§ 96.04 EXCEPTIONS TO THIS ORDINANCE**

Exceptions to this ordinance shall include any individual who is:

- a. Engaged in official county business or activities on County Property.
- b. Walking to or from a vehicle to access it in order to vacate County Property.
- c. Participating in authorized events or activities taking place on County Property during hours in which loitering is otherwise prohibited.

#### **§ 96.05 ENFORCEMENT; COMPLAINTS.**

(A) When any person causes or commits any of the violations enumerated in this chapter, any law enforcement officer with the Effingham County Sheriff's Office or another local law enforcement agency shall order that person to stop causing or committing such violations and to move on or disperse.

(B) If any person fails or refuses to obey orders provided by a law enforcement officer pursuant to subsection (A), he or she shall be guilty of a violation of this chapter and any law enforcement officer with the Effingham County Sheriff's Office or another local law enforcement agency shall enforce the provisions of this chapter through the issuance of citations and/or summons to appear in court to answer the charge.

All citations or summons issued pursuant to this chapter shall be charged on a uniform citation or summons, and shall include the name, address and birthday of the person being accused, the location and date and time of the alleged violation, the name of the person making the accusation and specific reference to the ordinance alleged to have been violated.

(C) Refusal to comply with this ordinance may also result in a violation of the Criminal Code of 2012.

#### **§ 96.06 MISCELLANEOUS PROVISION**

In the event a court of competent jurisdiction declares any particular provision of this chapter to be invalid or unenforceable, the remaining provisions of this chapter shall be construed to be valid and enforceable. The invalidity of any part of this chapter shall not affect any other part or parts thereof.

#### **§ 96.99 PENALTY.**

Any person who violates any provision of this chapter commits a civil ordinance violation and shall, upon conviction, be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), for each offense. Each day a violation of this section is allowed to continue shall constitute a separate offense. In addition to any fine, the county may seek injunctive and declaratory relief directing the violator(s) to cure the violation.