

ORDINANCE NO. 2026 - 23

**AN ORDINANCE CREATING CITY REVISED CODE TITLE IX, CHAPTER 90,
SECTION 17 REGARDING THE PROHIBITION ON NUISANCE GATHERINGS**

WHEREAS, the City of Mt. Vernon (“the City”) is an Illinois Home Rule Municipal Corporation, duly existing under the laws of the State of Illinois, and embodied as a Home Rule entity with certain rights and powers pursuant to the Illinois Constitution, Article VII, Section 6, and hereby makes an express declaration as to the use of its Home Rule Authority in the enacting and adopting of this Ordinance; and

WHEREAS, the City may prevent or suppress illegal acts as well as riots, routs, affrays, noises, disturbances, trespasses, and disorderly assemblies in any public or private place (*see* 65 ILCS 5/11-5-2); and

WHEREAS, the City may define, prevent, and abate nuisances (*see* 65 ILCS 5/11-60-2); and

WHEREAS, the City maintains a Revised Code of Ordinances that sets forth provisions on Nuisances in Title IX, Chapter 90; and

WHEREAS, the City has experienced large nuisance gatherings at which attendees have committed illegal acts that threatened the public health, safety, and welfare; and

WHEREAS, illegal acts at the nuisance gatherings included disturbance of the peace, trespass, vandalism, property destruction, illegal drug and alcohol use, battery, aggravated firearms violations, and murder; and

WHEREAS, nuisance gatherings endanger the public health, safety, and welfare by necessitating a significant deployment of police and fire personnel that restricts the availability of resources for other emergencies and service calls; and

WHEREAS, nuisance gatherings further endanger public health, safety, and welfare by straining emergency communications services, which impedes residents’ ability to access 911; and

WHEREAS, nuisance gatherings impose financial burdens on the City by requiring extensive public safety responses, causing instances of public property damage, and necessitating costly repairs and clean-up efforts by City staff; and

WHEREAS, nuisance gatherings disrupt the peaceful enjoyment of property by overwhelming both public and private spaces, obstructing regular access and traffic flow, and interfering with nearby residents' ability to use and enjoy their own properties; and

WHEREAS, the City has a significant government interest in protecting the physical health, safety, and welfare of all people in its community, in protecting public and private property from vandalism and destruction, in preventing circumstances that foster and encourage illegal activity, in preventing the disruption to the peace and well-being of the community, and in recouping the costs of the nuisance gatherings from those responsible; and

WHEREAS, the purpose of this Ordinance is to protect the health, safety, and welfare of the public by limiting gatherings that foster illegal activities. The City recognizes that the United States and Illinois Constitutions protect the freedom of speech and assembly. Thus, nothing in this Ordinance is intended to apply to or limit any gathering where illegal activities are absent; and

WHEREAS, the City Council for the City of Mt. Vernon, after considerable thought and deliberation, finds that it is in the best interest of the public health, safety, and welfare for the City to create Chapter 90.17, regarding the prohibition on nuisance gatherings, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MT. VERNON, ILLINOIS, AS FOLLOWS:

SECTION 1 - RECITALS: The above recitals are true and material and are adopted herein as express findings of legislative fact, intent, and discretion of the City of Mt. Vernon, Illinois.

SECTION 2 - CREATION: That Title IX, Chapter 90.17 is hereby created and shall read as follows:

“A. Definitions. As used in this section:

1. “Nuisance Gathering” means a gathering of 10 or more persons where at least two Qualifying Offenses occur.

2. “Nuisance Participant” means any or all of the following:

a. A person who owns or controls private property and who permits a gathering on that property that is a Nuisance Gathering or that he or she knows or has reason to believe will become a Nuisance Gathering.

b. A person who organizes, promotes, sponsors, or hosts a gathering that is a Nuisance Gathering or that he or she knows or has reason to believe will become a Nuisance Gathering.

c. A person who is present at a Nuisance Gathering and commits a Qualifying Offense.

d. A person who is present at a Nuisance Gathering and fails to follow a police officer's order to disperse under subsection (C).

3. "Profit" means any remuneration received by a person for organizing, promoting, sponsoring, hosting, or permitting a Nuisance Gathering.

4. "Public Cost" means any or all of the following costs that result from a Nuisance Gathering: (i) the actual response costs incurred by the City, including police, fire, and public works response; (ii) clean-up costs and costs to repair damage to public property; (iii) costs incurred because of injuries to City personnel; and (iv) administrative costs incurred by the City in connection with the billing and collection of these costs.

5. "Qualifying Offense" means any or all of the following:

a. A violation of Title XIII, Chapter 130, Section 1 of this Revised Code of Ordinances, pertaining to disturbances.

b. A violation of Title XIII, Chapter 130, Section 2 of this Revised Code of Ordinances, pertaining to unlawful assembly.

c. A violation of Title XIII, Chapter 130, Section 3 of this Revised Code of Ordinances, pertaining to intoxication, or a violation of 235 ILCS 5/6-20, pertaining to the unlawful possession or consumption of alcohol by a person under the age of 21.

d. A violation of Title XIII, Chapter 130, Section 5 of this Revised Code of Ordinances, pertaining to public nudity, or a violation of 720 ILCS 5/11-30, pertaining to public indecency.

e. A violation of Title XIII, Chapter 130, Section 6 of this Revised Code of Ordinances, pertaining to the destruction of property.

f. A violation of Title XIII, Chapter 130, Section 7 of this Revised Code of Ordinances, pertaining to fireworks, firearm discharges, and bow and deer hunting.

g. A violation of Title XIII, Chapter 130, Section 10 of this Revised Code of Ordinances, pertaining to false fire alarms.

h. A violation of Title XIII, Chapter 130, Section 11 of this Revised Code of Ordinances, pertaining to peeping toms and trespass.

i. A violation of Title XIII, Chapter 130, Section 13 of this Revised Code of Ordinances, pertaining to trespass on a park or recreation area.

j. A violation of Title XIII, Chapter 130, Section 15 of this Revised Code of Ordinances, pertaining to dogs running at large and other animal offenses.

k. A violation of Title XIII, Chapter 130, Section 16 of this Revised Code of Ordinances, pertaining to interference with a law enforcement dog.

l. A violation of Title XIII, Chapter 130, Section 17 of this Revised Code of Ordinances, pertaining to parental responsibility.

m. A violation of Title XIII, Chapter 130, Section 19 of this Revised Code of Ordinances, pertaining to littering.

n. A violation of Title XIII, Chapter 130, Section 20 of this Revised Code of Ordinances, pertaining to loud sound (stereo) amplification.

o. A violation of Title IX, Chapter 90, Section 2 of this Revised Code of Ordinances, pertaining to trash and debris constituting a nuisance, or a violation of Title XIII, Chapter 130, Section 21 of this Revised Code of Ordinances, pertaining to refuse containers and collection.

p. A violation of 410 ILCS 705/10-15, pertaining to the unlawful possession or consumption of cannabis by a person under the age of 21, or a violation of 720 ILCS 550/4 or 410 ILCS 705/10-5, pertaining to the unlawful possession or use of cannabis.

q. A violation of article 4 of the Controlled Substance Act, pertaining to the unlawful possession or use of a controlled substance.

r. A violation of 720 ILCS 5/12-1, pertaining to assault, or a violation of 720 ILCS 5/12-3, pertaining to battery, or a violation of 720 ILCS 5/25-1, pertaining to mob action.

s. A violation of article 21 of the Criminal Code of 2012, pertaining to damage and trespass to property.

t. A violation of 720 ILCS 5/21-3, pertaining to criminal trespass to real property.

u. A violation of 720 ILCS 5/26-1, pertaining to disorderly conduct.

v. A violation of 720 ILCS 5/31-1(a)(2), pertaining to the obstruction of a peace officer or firefighter.

w. A violation of 720 ILCS 5/24 *et. seq.*, pertaining to the unlawful possession of a weapon.

B. Public nuisance declared; Nuisance Participants prohibited.

1. Nuisance Gatherings are hereby declared to be a public nuisance. City officers, employees, and agents may take all steps necessary to remediate that public nuisance by enforcing the law.

2. It is a violation of this section to be a Nuisance Participant.

C. Order to cease and disperse. If a responding officer has determined that a gathering is a Nuisance Gathering under subsection (A)(1) then, subject to the restrictions in subsection (J), the responding officer may issue an order to disperse and all persons present at the Nuisance Gathering shall disperse immediately.

D. Fine. A violation of this section is punishable by a fine of not less than \$250.00 and not more than \$1,000.

E. Cost Reimbursement.

1. Each Nuisance Participant is jointly and severally liable for all Public Costs attributable to the Nuisance Gathering. The Public Costs are a debt due and owing the municipality and may be collected from any Nuisance Participant in accordance with applicable law.

2. In addition to any other sanction that may be imposed, a sanction for a violation of this section may include restitution to the City in the form of repayment of the Public Costs.

3. In no event may the City collect, in the aggregate, from one or more Nuisance Participants, more than the total of the Public Costs.

4. If the Nuisance Participant is a minor, then the City may recover costs from the parent or guardian of that minor in accordance with the Parental Responsibility Law, 740 ILCS 115/1 *et seq.*

F. Disgorgement. No person may receive any Profit from a Nuisance Gathering. In addition to any other sanction that may be imposed, a violation of this section is subject to disgorgement and payment to the City of any and all Profit received by a Nuisance Participant.

G. Other remedies. Nothing in this section will be construed to limit the ability to initiate or continue concurrent or subsequent civil, administrative, or criminal actions that may be brought to abate a Nuisance Gathering or to seek compensation for costs or damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same violation.

H. Exceptions.

1. A person who owns or controls property upon which a Nuisance Gathering has occurred, will not be a Nuisance Participant if all the following occur: (i) that person took reasonable steps to prevent the gathering from becoming a Nuisance Gathering; (ii) once the gathering became a Nuisance Gathering, that person took reasonable steps to stop the Nuisance Gathering; and (iii) that person fully cooperated with police or other City staff in their response to the Nuisance Gathering.

2. A person who organizes, promotes, sponsors, or hosts a gathering that has become a Nuisance Gathering will not be a Nuisance Participant if all of the following

occur: (i) that person took reasonable steps to prevent the gathering from becoming a Nuisance Gathering; (ii) once the gathering became a Nuisance Gathering, that person took reasonable steps to stop the Nuisance Gathering; and (iii) that person fully cooperated with police or other City staff in their response to the Nuisance Gathering.

3. If, under subsection (C), a police officer orders the dispersal of a Nuisance Gathering at a property that is residential property, then a person residing at that property may remain on the property without becoming a Nuisance Participant if he or she ceases to be part of the gathering and fully cooperates with the police or other City staff in their response to the Nuisance Gathering.

4. If, under subsection (C), a police officer orders the dispersal of a Nuisance Gathering and a person who is present at the Nuisance Gathering follows the police officer's order to disperse, they are not considered a Nuisance Participant under Section (A)(2)(d) of this Ordinance and not subject to the Fine provision in Section D.

I. Enforcement. Before issuing an order to disperse under subsection (C) or issuing one or more citations for violations of this Chapter 90.17, a responding police officer must notify and obtain approval from a police supervisor."

SECTION 3 - SEVERABILITY OF PROVISIONS: Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 4 - CONFLICTING ORDINANCES: Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this Ordinance takes effect are hereby repealed. Nothing in this Ordinance shall be deemed to modify any other section of Title IX, Chapter 90 of the City Revised Code, and all remaining provisions of Title IX, Chapter 90 not otherwise expressly modified herein remain in full force and effect.

SECTION 5 - AUTHORITY: This Ordinance is hereby declared to be an exercise of the City's home rule authority pursuant to Illinois law.

SECTION 6 - EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Mt. Vernon, Illinois, on the 6th day of July 2026.

Rebecca Barbour
City Clerk – Rebecca Barbour

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Gliosci	✓				
Moore	✓				
Tate	✓				
Young				✓	
Lewis	✓				

APPROVED by the Mayor of the City of Mt. Vernon, Illinois on the 7th day of
July 2026

APPROVED: John Lewis
Mayor - John Lewis

ATTEST: Rebecca Barbour
City Clerk – Rebecca Barbour

(SEAL)