

**VILLAGE OF DOLTON  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 15-047**

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, "GENERAL OFFENSES", SECTION 5-5-2-7, "PROSTITUTION", IN ITS ENTIRETY**

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**WHEREAS**, the Village of Dolton is a home rule unit of local government pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution; and

**WHEREAS**, as a home rule unit of local government, the Village may exercise any power and perform any function pertaining to its government and affairs, except as limited in accordance with Article VII, Section 6, of the Illinois Constitution; and

**WHEREAS**, the Village has previously adopted an ordinance prohibiting prostitution and the solicitation of prostitution, codified at Title 5, Chapter 5, Section 5-5-2-7, of the Municipal Code of the Village of Dolton; and

**WHEREAS**, subsequent to the adoption of Section 5-5-2-7 of the Municipal Code, the advancement in technology has provided individuals the ability to solicit prostitution through electronic means such as social media, texting, and various websites; and

**WHEREAS**, the corporate authorities of the Village of Dolton have determined that it is necessary to abate the demand for prostitution through the use of electronic means in order to protect the safety and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF DOLTON, COOK COUNTY, ILLINOIS**, in the exercise of its home rule authority, as follows:

**SECTION 1:** Section 5-5-2-7, "Prostitution", of Title 5, Chapter 5, of the Municipal Code of the Village of Dolton, as amended, is hereby further amended in its entirety, to read as follows:

**5-5-2-7: PROSTITUTION:**

- A. **DEFINITIONS.** The following words, terms, and phrases, when used in this section, shall have the same meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

**PROSTITUTION**

"Prostitution" means any person who performs, offers or agrees to perform any act of sexual penetration as defined in this subsection for any money, property, token, object, article, or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, article, or anything of value, for the purpose of sexual arousal or gratification.

**SOLICITATION OF A PROSTITUTE**

"Solicitation of a prostitute" means any person who performs any of the following acts:

1. Solicits another person for the purpose of prostitution;
2. Arranges to meet a prostitute or offers to arrange a meeting with a prostitute for the purpose of prostitution; or
3. Directs another person to a place knowing such direction is for the purpose of prostitution.

**PANDERING**

"Pandering" means any person who performs any of the following acts for any money, property, token, object, article, or anything of value:

1. Compels a person to become a prostitute; or
2. Arrange or offers to arrange a situation in which a person may practice prostitution.

## **PIMPING**

"Pimping" means any person who receives any money, property, token, object, article, or anything of value from a prostitute, not for lawful consideration, knowing it was earned in whole or in part from the practice of prostitution.

## **SEXUAL PENETRATION**

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to the act of cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

## **PUBLIC PLACE**

"Public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot, or transportation facility, or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place, or any other public way, within the Village of Dolton.

**B. STREET SOLICITATION FOR PROSTITUTION.** The following acts are hereby prohibited and any person found participating in such acts shall be in violation of this subsection and found guilty of solicitation of a prostitute:

1. Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly attempts to engage, passersby in conversation, or repeatedly interferes with the free passage of other persons, for the purpose of soliciting for a prostitute.
2. Any person who remains or wanders about in a public place and repeatedly beckons to or stops, or repeatedly attempts to stop, or repeatedly attempts to engage passersby in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of pandering.
3. Any person who responds to the beckoning of a prostitute in a public place by inquiring about, negotiating for, accepting an offer of prostitution, or by allowing another person into his/her motor vehicle for purposes of inquiring about, negotiating for, or accepting an offer of prostitution. The Chief of Police shall make available to local newspapers, radio and television stations the names of all persons charged with violating this subsection.
4. Any person who engages in pimping as defined in subsection 5-5-2-7(A).

C. **SOLICITATION BY INTERNET, ELECTRONIC COMMUNICATION DEVICE OR PRINT MEDIA.** Any person who utilizes a computer, phone, any electronic communication device, or print media (including but not limited to answering advertisements and messages on commercial adult-themed websites or answering advertisements in any form of print media), in the commission of any of the violations set forth in subsection B, above, shall be in violation of this subsection and found guilty of solicitation of a prostitute.

D. **PENALTIES/ADMINISTRATIVE ADJUDICATION.**

1. Penalties. Any person found guilty of violating any of the provisions of this section shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00). In addition to payment of the fines imposed under this subsection, a violator may be required to perform a minimum of one hundred (100) hours of community service in a program under the direction of the Chief of Police.
2. Administrative Adjudication. Any violation of any provision of this section may be enforced pursuant to Title 13, "Municipal Code Violations, Chapter 1, Administrative Adjudication and Enforcement of Code Violations," of the Village of Dolton Municipal Code, and as amended from time to time, which provides for the administrative adjudication of certain ordinance violations. The Village Administrator may also direct the Village Prosecutor or the Village Attorney to proceed before any court having competent jurisdiction to enforce this section.
3. Any Village licensee, including but not limited to liquor and business licensees, who is found guilty of violating any of the provisions of this section, may be subject to suspension or revocation of such license.

E. **IMPOUNDMENT OF MOTOR VEHICLE.**

1. As provided in section 6-9-4A of the Village of Dolton Municipal Code, and as amended from time to time, a motor vehicle that is used in the violation of this section or the Illinois Criminal Code, soliciting for a prostitute, soliciting for a juvenile prostitute, or patronizing a juvenile prostitute, as those terms are defined in the Illinois Criminal Code, shall be subject to seizure and impoundment. The owner of record of such motor vehicle shall be liable to the Village for an administrative penalty of one thousand dollars (\$1,000.00), in addition to fees for the towing and storage of the vehicle.


2. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the Village or its agents. When the motor vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the seizure of the vehicle and the vehicle owner's right to request a preliminary hearing as provided pursuant to Section 6-9-4A of the Municipal Code.
3. The preliminary hearing and the post-tow hearing shall be conducted as provided in Section 6-9-4A of the Municipal Code.

**SECTION 2: Repealer; Severability.** Any provision of the Village Code heretofore adopted which is in conflict with the provisions of this Ordinance is, to the extent of such conflict, hereby repealed. If any provision of this Ordinance is determined to be void or illegal for any reason, such determination shall not affect the validity of the remaining terms hereof.

**SECTION 3:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Dolton that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 4: Effective Date.** This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this 2nd day of November, 2015.

  
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RILEY H. ROGERS, Mayor

ATTEST:

  
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MARYKAY DUGGAN, Village Clerk

Ayes: 6      Brown, Henyard, Hunt, Muhammad, Pierson, Stubbs

Nays: 0

Absent: 0

Abstain:0