

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2023- 03**

**AN ORDINANCE AMENDING TITLE FOURTEEN, CHAPTER FOUR, SECTION TWO OF THE CARBONDALE REVISED CODE AS IT RELATES TO DISORDERLY CONDUCT**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THE 10<sup>TH</sup> DAY OF JANUARY, 2023**

**Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 11<sup>th</sup> day of January, 2023.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this ordinance was published in pamphlet form by authority of the City Council on the 11<sup>th</sup> day of January, 2023.**



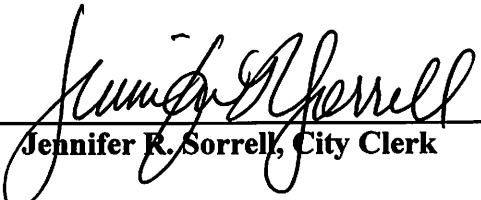
  
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Jennifer R. Sorrell, City Clerk

Exhibit  
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**ORDINANCE NO. 2023-03**

**AN ORDINANCE AMENDING TITLE FOURTEEN, CHAPTER FOUR, SECTION TWO OF THE CARBONDALE REVISED CODE AS IT RELATES TO DISORDERLY CONDUCT**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, Section 14-4-2 of the Carbondale Revised Code (CRC) regulates offenses related to disorderly conduct; and

**WHEREAS**, in June, 2022 the United States Supreme Court overturned the right to abortion with the decision of the *Dobbs v. Jackson* case; and

**WHEREAS**, an increase in media and political attention as a result of the *Dobbs v. Jackson* case has resulted in an increase in activism and opposition from groups opposing abortion access; and

**WHEREAS**, women's reproductive healthcare providers' clinical staff and patients report frequent acts of intimidation, threats, and interference from individuals protesting abortion access and services; and

**WHEREAS**, in 1994 the federal government enacted the Freedom of Access to Clinic Entrances Act which prohibits intentional property damage and the use of force or threat of force to injure, intimidate, or interfere with someone entering a healthcare facility; and

**WHEREAS**, in 2019 the Seventh Circuit Court of appeals addressed the issue of buffer zones in and around medical care facilities in *Price v. City of Chicago*, and ruled that the City of Chicago’s buffer zone ordinance was nearly identical to the ordinance in *Hill v Colorado* which the U.S. Supreme Court had determined to meet Constitutional standards; and

**WHEREAS**, the City Council deems it necessary to provide additional protection to individuals seeking healthcare services to include reproductive healthcare services to ensure their safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:**

**SECTION 1.** That the City Council deems it in the best interest of the citizens of Carbondale to amend 14-4-2 of the Carbondale Revised Code by adding paragraph “H” as shown in attached Exhibit A.

**SECTION 2.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 3.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 4.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.



APPROVED: *Carolyn Harvey*  
Carolyn Harvey, Mayor Pro Tempore

ATTEST: *Jennifer R. Sorrell*  
Jennifer R. Sorrell, City Clerk

FOR:	Doherty, Fronabarger, Grant, Harvey, Loos, Rye-Sanders
AGAINST:	None (Henry absent)
PASSED:	January 10, 2023
APPROVED:	January 10, 2023
RECORDED:	January 11, 2023
PUBLISHED:	January 11, 2023

Exhibit A

14-4-2: DISORDERLY CONDUCT:

A person commits the offense of disorderly conduct when he knowingly:

- A. Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- B. Transmits in any manner to the city fire department a false alarm of fire knowing at the time of such transmission that there is no reasonable grounds for believing that such fire exists; or
- C. Does an act in violent or tumultuous manner toward another, which places another person in fear of safety of his life, limb, health or property; or
- D. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that an explosion would endanger human life, knowing at the time of such transmission that there is no reasonable grounds for believing that such bomb or explosive is concealed in such place; or
- E. Transmits in any manner to a peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable grounds for believing that such an offense has been committed; or
- F. Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- G. With the intent to annoy another, makes a telephone call, whether or not conversation ensues (Ord. 97-118); or,
- H. Knowingly approaches another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way within a radius of 100 feet from any entrance door to a hospital, medical clinic or healthcare facility, or
- I. By force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person entering or leaving any hospital, medical clinic or healthcare facility.