

(Published by the Authority of the City Council of the City of Chicago)

COPY



**JOURNAL of the PROCEEDINGS
of the
CITY COUNCIL
of the
CITY of CHICAGO, ILLINOIS**

Special Meeting--Thursday, March 16, 1989

at 10:00 A. M.

(Council Chamber--City Hall--Chicago, Illinois)

OFFICIAL RECORD.

EUGENE SAWYER
Acting Mayor

WALTER S. KOZUBOWSKI
City Clerk

Attendance At Meeting.

Present -- The Honorable Eugene Sawyer, Acting Mayor, and Aldermen Roti, Rush, T. Evans, Bloom, Robinson, Beavers, Caldwell, Shaw, Vrdolyak, Huels, Fary, Madrzyk, Burke, Carter, Kellam, Sheahan, Jones, J. Evans, Krystyniak, Henry, Soliz, Gutierrez, Butler, Smith, Davis, Hagopian, Gabinski, Mell, Austin, Kotlarz, Banks, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Eisendrath, Hansen, Levar, Schulter, Osterman, Orr, Stone -- 43.

Absent -- Aldermen Tillman, Langford, Streeter, Garcia, Figueroa, Giles, Shiller -- 7.

Call To Order.

On Thursday, March 16, 1989 at 10:45 A.M. (the hour appointed for the meeting was 10:00 A.M.) The Honorable Eugene Sawyer, Acting Mayor, called the City Council to order. Mr. Daniel J. Burke, Deputy City Clerk, called the roll of members and it was found that there were present at that time: Aldermen Roti, Rush, Bloom, Robinson, Beavers, Caldwell, Shaw, Vrdolyak, Huels, Fary, Madrzyk, Burke, Carter, Kellam, Jones, J. Evans, Krystyniak, Henry, Soliz, Butler, Smith, Davis, Hagopian, Gabinski, Mell, Austin, Kotlarz, Banks, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Eisendrath, Hansen, Levar, Schulter, Osterman, Orr, Stone -- 40.

Quorum present.

Invocation.

Alderman Danny Davis (29th Ward) opened the meeting with prayer.

Placed On File -- CALL FOR SPECIAL MEETING.

Mr. Daniel J. Burke, Deputy City Clerk, informed the City Council that the following call for a special meeting was filed in the Office of the City Clerk on Friday, March 10, 1989 at 3:37 P.M.:

March 10, 1989.

*Honorable Walter S. Kozubowski
City Clerk
City Hall, Room 107
Chicago, Illinois 60602*

DEAR MR. KOZUBOWSKI -- We, the undersigned Aldermen of the City of Chicago, pursuant to Illinois law and ordinances, do hereby call a Special Meeting of the City Council of the City of Chicago, to be held on Thursday, March 16, 1989 at 10:00 A.M., in the City Council Chamber of the City of Chicago, for the following purpose and no other:

To consider a proposed ordinance amending Chapter 193 of the Municipal Code of the City of Chicago by inserting a new Section 16 entitled "Desecration of Flags."

Very truly yours,

(Signed) GEORGE J. HAGOPIAN,
Alderman, 30th Ward.

(Signed) EDWARD M. BURKE,
Alderman, 14th Ward.

(Signed) RICHARD F. MELL,
Alderman, 33rd Ward.

AMENDMENT OF MUNICIPAL CODE CHAPTER 193 BY
ADDING NEW SECTION 193-16 ENTITLED
"DESECRATION OF FLAGS."

Alderman Burke presented the following proposed ordinance:

WHEREAS, Honor and respect for our national, state and city flags are virtues that all Chicagoans deeply cherish; and

WHEREAS, Our city forefathers honored "Old Glory" by codifying, June 14, as the day designated for observation of "Flag Day"; and

WHEREAS, Words and acts that desecrate any flag are serious breaches of the public peace and welfare; and

WHEREAS, Pursuant to Article VII, Section 6, of the 1970 Illinois Constitution, the City of Chicago is a home-rule unit of local government; and

WHEREAS, As a home-rule unit of local government the City of Chicago may exercise any power and perform any function pertaining to its government and affairs, including the powers to regulate for the protection of the public's safety, morals and welfare; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 193 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 16 entitled "Desecration of Flags" as follows:

193-16 Any person who (a) for exhibition or display, places or causes to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard color or ensign of the United States, or any foreign flag of any nation or ensign, or State flag of this State or ensign, or city flag of this city or ensign, (b) exposes or causes to be exposed to public view any such flag, standard, color or ensign, upon which has been printed, painted or otherwise placed, or to which has been attached, appended, affixed, or annexed, any word, figure, mark, picture, design or drawing or any advertisement of any nature, (c) exposes to public view, manufactures, sells, exposes for sale, gives away, or has in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise upon which has been printed, painted, attached, or otherwise placed a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance on which so placed, or (d) shall knowingly mutilate, deface, defile or defy, trample or cast contempt upon by offensive touching or laying upon the ground or floor, any such flag, standard, color or ensign shall be guilty of a misdemeanor and subject to imprisonment not to exceed six (6) months and a fine not to exceed two-hundred and fifty dollars (\$250.00) for each offense.

SECTION 2. If any provision of this section or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this section is severable, unless otherwise provided by this section. It is hereby declared to be the legislative intent of the City Council that this section would have been adopted had any such unconstitutional or otherwise invalid provision or application not be included.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and publication.

Alderman Burke moved to *Suspend the Rules Temporarily* to permit immediate consideration of and action upon the foregoing proposed ordinance. The motion *Prevailed* by a viva voce vote.

Alderman Bloom then presented the following proposed amendment to be inserted in its proper numerical sequence:

"SECTION 4. Nothing in this ordinance shall be construed to limit the effect of any provision of the United States Constitution or the Constitution of the State of Illinois."

On motion of Alderman Bloom, the foregoing proposed amendment was *Adopted* by a viva voce vote.

Thereupon, on motion of Alderman Burke, the said proposed ordinance, as amended, was *Passed* by a viva voce vote.

The following is said ordinance as passed:

WHEREAS, Honor and respect for our national, state and city flags are virtues that all Chicagoans deeply cherish; and

WHEREAS, Our city forefathers honored "Old Glory" by codifying, June 14, as the day designated for observation of "Flag Day"; and

WHEREAS, Words and acts that desecrate any flag are serious breaches of the public peace and welfare; and

WHEREAS, Pursuant to Article VII, Section 6, of the 1970 Illinois Constitution, the City of Chicago is a home-rule unit of government; and

WHEREAS, As a home-rule unit of local government the City of Chicago may exercise any power and perform any function pertaining to its government and affairs, including the powers to regulate for the protection of the public's safety, morals and welfare; now, therefore,

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SECTION 3. This ordinance shall be in full force and effect from and after its passage and publication.

SECTION 4. Nothing in this ordinance shall be construed to limit the affect of any provision of the United States Constitution or the Constitution of the State of Illinois.

PRESENCE OF VISITORS NOTED.

The Honorable Eugene Sawyer, Acting Mayor, called the Council's attention to the presence of the following visitors:

20 exchange students from Eisanhagen, West Germany, accompanied by Mr. Mike Radgkovich, Program Administrator, participating in the Niles West High School German-American Partnership Program.

Adjournment.

Alderman Natarus moved that the City Council do *Adjourn*. The motion *Prevailed* and the City Council *Stood Adjourned*.



WALTER S. KOZUBOWSKI,
City Clerk.