

ORDINANCE NO. 2016-24

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-142 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING TRESPASS

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of Village residents; and

WHEREAS, pursuant to Section 1-2-1.1 of the Illinois Municipal Code, the Corporate Authorities are authorized to pass ordinances not inconsistent with the criminal laws of the State of Illinois; and

WHEREAS, trespass is a source of disruption and disorder within the Village; and

WHEREAS, the Municipal Code, Village Of Stickney, Illinois (the “Village Code”) does not currently prohibit trespass on private property within the Village; and

WHEREAS, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 50, Section 50-142 of the Village Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 50, Section 50-142 of the Village Code to prohibit trespass on private property within the Village and to authorize the President or his or her designee to take all actions necessary to carry out the intent of this Ordinance.

ARTICLE II.
**AMENDMENT OF CHAPTER 50, SECTION 50-142 OF THE MUNICIPAL CODE, VILLAGE
OF STICKNEY, ILLINOIS**

SECTION 3.0. AMENDMENT OF CHAPTER 50, SECTION 50-142.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 50, Section 50-142, and replacing said Section with the following:

Sec. 50-142. – Trespass.

- (a) A person commits a trespass when he or she:
- (1) Knowingly damages any property of another without consent;
 - (2) Recklessly, by means of fire or explosive, damages property of another;
 - (3) Knowingly starts a fire on the land of another without the consent of the owner or occupant thereof;
 - (4) Knowingly injures a domestic animal of another without the owner's consent;
 - (5) Knowingly deposits on the land or in the building of another, without consent of the owner or occupant thereof, any stink bomb or any offensive smelling compound or substance and thereby intends to interfere with the owner's or occupant's use of the land or building;
 - (6) Knowingly and without authority enters any vehicle, aircraft or watercraft or any part thereof of another without consent;
 - (7) Knowingly and without authority enters upon the land or building of another without the consent of the owner or occupant thereof; or
 - (8) Remains upon the land or building of another after receiving notice from the owner or occupant thereof to depart. A person has received notice from the owner or occupant within the meaning of this subsection if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at an entrance to such land or building or the forbidden part thereof.
- (b) Village police officers may enter private property to enforce the provisions of this section if (i) the private property owner or occupant consents, in writing, to village police officers entering for that purpose; or (ii) a village police officer has probable cause to believe that a trespass on private property is taking place.
- (c) Penalty. Any person found liable of violating this section shall be subject to a fine of not less than \$100.00 and not more than \$500.00 per violation.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION,
EFFECTIVE DATE**

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be effective and in full force ten (10) days after its passage and approval.

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PASSED this 15th day of November, 2016.

AYES: Trustee Fuentes, Hrejsa, Milenkovic, Rivadeneira, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 16th day of November, 2016.

Deborah Morelli, President

ATTESTED AND FILED in my
office this 16th day of November, 2016.

Audrey McAdams, Village Clerk