VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 22-15

AN ORDINANCE AMENDING TITLE 9 (PUBLIC PEACE AND SAFETY) OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES

Passed by the Board of Trustees, December 8, 2022

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By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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I hereby certify that this document was properly published in pamphlet form by authority of the Board of Trustees on the date stated above.

Village Clerk

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COOK COUNTY, ILLINOIS

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AN ORDINANCE AMENDING TITLE 9 (PUBLIC PEACE AND SAFETY) OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES

WHEREAS, the Village of Harwood Heights (the "Village") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

WHEREAS, the Village is authorized to regulate and prevent trespasses in any public or private place (65 ILCS 5/11-5-2);

WHEREAS, criminal trespass to property is a crime (720 ILCS 5/21-3), a violation of which constitutes is either a Class B misdemeanor or a Class A misdemeanor (720 ILCS 5/21-3(h)); and

WHEREAS, the corporate authorities desire to amend the Village Code of Ordinance to promulgate regulations prohibiting trespass to public and private property within the Village and to make the same a violation of the Village Code;

WHEREAS, in an effort to protect the public health, safety, and welfare, the Village of Harwood Heights has a clear and compelling interest in exercising its home rule authority as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of

the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

SECTION 1. RECITALS. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT. Title 9 ("Public Peace and Safety"), Chapter 9.08 ("Offenses Against the Public") of the Village of Harwood Heights Code of Ordinances, shall be, and hereby is amended as follows (additions in **bold and underline**, deletions in ~~**bold and strikethrough**~~), with those subsections not set forth herein remaining in effect as currently written:

9.08.040 –Trespass to Property.

A. Trespassing on public or privately-owned property within the Village is prohibited. A person commits trespass on real property when he or she:

1. Knowingly and without lawful authority enter or remain within or on a building;

2. Enter upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;

3. Remain upon the land of another, after receiving notice from the owner or occupant to depart;

4. Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; or

5. This section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

**B. A person has received notice from the owner or occupant within the meaning of (A) above, if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding an entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof. **

C. Subject to the provisions of division (E) of this section, as an alternative to the posting of real property as set forth in division (B) of this section, the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts

around the area to be posted. Each purple mark shall be:

1. A vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such marks shall be placed no more than 100 feet apart and shall be readily visible to any person approaching the property; or

2.

a. A post capped or otherwise marked on at least its top two inches. The bottom of the cap or mark shall be not less than three feet but not more than five feet six inches high. Posts so marked shall be placed not more than 36 feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.

b. Nothing in this division (C) shall be construed to authorize the owner or lessee of any real property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument.

E. It shall not be a violation of this section if the trespasser beautifies unoccupied and abandoned residential and industrial properties located within the municipality. For the purpose of this division, "UNOCCUPIED AND ABANDONED RESIDENTIAL AND INDUSTRIAL PROPERTY" means any real estate in which the taxes have not been paid for a period of at least two years, and which has been left unoccupied and abandoned for a period of at least one year; and "BEAUTIFIES" means to land- scape, clean up litter, or to repair dilapidated conditions on or to boarded up windows and doors.

G. This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this division, "EMERGENCY" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

I. This section does not apply to a peace officer or other Village official who enters a building or land in the performance of his or her official duties.

J. This section does not apply to the following persons while serving process:

1. A person authorized to serve process under ILCS Ch. 735, Act 5, § 2-202 of the Code of Civil Procedure; or

2. A special process server appointed by the circuit court.

K. A violation of this section shall be punishable by a fine up to $750.

SECTION 3. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

AYES: Trustee Brutto, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandwoski

NAYS:

ABSENT:

ABSTAIN:

Passed and Approved this 8th day of December, 2022.

Mayor Arlene Jezierny

ATTEST:

Marcia L. Pollowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 22-15 entitled:

AN ORDINANCE AMENDING TITLE 9 (PUBLIC PEACE AND SAFETY) OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 8th day of December, 2022.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 9th day of December, 2022.

Marcia L. Pollowy
Village Clerk

Corporate Seal