

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 16 (“NUISANCES”), ARTICLE 3 (“CRIMINAL NUISANCE ABATEMENT”), SECTION 16-3-1 (“DEFINITIONS”) OF THE OAK PARK VILLAGE CODE

WHEREAS, the Village of Oak Park (“Village”) is a home rule unit of government as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the Village is expressly empowered to 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, the repeated commission of criminal offenses and violations of the Code of the Village of Oak Park, Illinois (“Village Code”) substantially disturbs and harms the public health, safety and welfare; and

WHEREAS, the Village adopted an ordinance on December 9, 2013 to amend Chapter 12 (“Housing”), Article 3 (“Licensing and Inspections of Multiple-Family Dwellings”) of the Village Code, and to add a new Article 3 (“Criminal Nuisance Abatement”) to Chapter 16 (“Nuisances”) of the Village Code to establish a crime-free housing program; and

WHEREAS, the State of Illinois enacted Public Act Number 99-441, codified in part as 65 ILCS 5/1-2-1.5, which makes it unlawful for home rule municipalities to enforce crime-free or chronic nuisance ordinances in a manner that would penalize tenants for contacting police or other emergency services in domestic abuse and sexual violence situations or where disabled tenants have contacted police or emergency services; and

WHEREAS, this Ordinance amends Section 16-3-1 (“Definitions”), Article 3 (“Criminal Nuisance Abatement”) of Chapter 16 (“Nuisances”) of the Village Code so that it is conformance with Public Act Number 99-441.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

Section 2. Village Code Amended. Chapter 16 (“Nuisances”), Article 3 (“Criminal Nuisance Abatement”), Section 16-3-1 (“Definitions”) of the Oak Park Village Code is amended by adding the underlined language to read as follows:

16-3-1: DEFINITIONS:

For the purpose of this Article, and the interpretation and enforcement thereof, the following terms, phrases, words and their derivations shall have the meanings given herein, unless the context in which they are used shall indicate otherwise. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning:

Chief of Police means the Chief of Police of the Village or the Chief of Police's designee.

Control means the right to permit or deny entry onto property, the right to direct a person to leave property or the right to govern conduct that occurs on property.

Criminal nuisance property means a lot of record or parcel of real property upon which two (2) or more of the criminal activities set forth below in subsections 16-3-1A through S have occurred within a twelve (12) month period, except for the those activities set forth in subsection 16-3-1T below.

A. Any offense defined and prohibited by article 9 (homicide) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/9-1 et seq.

B. Any offense defined and prohibited by article 19 (kidnapping and related offenses) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/10-1 et seq.

C. Any offenses defined and prohibited by article 11 (sex offenses), subdivision 15 (prostitution offenses) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/11-14 et seq.

D. Any offense defined and prohibited by article 12 (bodily harm) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/12 et seq.

E. Any offense defined and prohibited by article 16 (theft) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/16-1 et seq.

F. Any offense defined and prohibited by article 20-2 (possession of explosives or incendiary devices) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/20-2 et seq.

- G. Any offense defined and prohibited by article 21-1 (damage and trespass to property) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/21-1 et seq.
- H. Any offense defined and prohibited by article 24 (deadly weapons) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/24-1 et seq.
- I. Any offense defined and prohibited by article 25 (mob action) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/25-1 et seq.
- J. Any offense defined and prohibited by article 26 (disorderly conduct) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/26-1 et seq.
- K. Any offense defined and prohibited by article 28 (gambling) of the criminal code of 2012, 720 Illinois Compiled Statutes 28-1 et seq.
- L. Any offense defined and prohibited by article 3 (interference with public officers) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/31-1 et seq.
- M. Any offense defined and prohibited by section 37-1 (maintaining public nuisance) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/37-1.
- N. Any offense defined and prohibited by section 6-16 (prohibited sales and possession) or section 6-20 (transfer, possession, and consumption of alcoholic liquor; restrictions) of the liquor control act of 1934, 235 Illinois Compiled Statutes 5/6-16 and 5/6-20.
- O. Any offense defined and prohibited by the cannabis control act, 720 Illinois Compiled Statutes 550/1 et seq.
- P. Any offense defined and prohibited by the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/1 et seq.
- Q. Any inchoate offense defined and prohibited by article 8 (inchoate offenses) of the criminal code of 2012, 720 Illinois Compiled Statutes 5/8-1 et seq., which is relative to the commission of any of the aforesaid principal offenses.
- R. Two (2) or more separate violations of any offense defined and prohibited by chapter 12, article 1, "Housing Code Regulations", of this code which continue after a disposition of a finding of guilty by the circuit court of Cook County for the violation(s) or a similar finding of liability pursuant to the Village's administrative adjudication system.

S. Any offense that constitutes a felony under state or federal law or class A misdemeanor under state law.

T. Pursuant to 65 Illinois Compiled Statutes 5/1-2-1.5, as amended, the following shall not constitute criminal activity and no tenant, landlord, guest, neighbor, or other individual shall be penalized for the following:

1. Contact made to the police or other emergency services, if (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention of emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability.

2. An incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or

3. Criminal activity or a violation of this code occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party, and against a tenant, household member, guest, or other party.

Owner means any person holding a legal or equitable interest in real property.

Owner includes, but is not limited to:

A mortgagee in possession in whom is vested:

- a) All or part of the legal title to the property; or
- b) All or part of the beneficial ownership and the right to the present use and enjoyment of the premises; or

An occupant in control of property.

Permit means to allow, consent to, acquiesce by failure to prevent, suffer, or expressly assent or agree to the doing of the act.

Person means any entity capable of holding a legal or equitable interest in real property.

Person in charge means any person in, or with the right of, actual or constructive possession of real property with the right to permit or deny entry

thereon, the right to direct a person to leave the property or the right to govern conduct that occurs on the property. Property may have more than one (1) person in charge at any given time.

Property means real property, including, but not limited to, any lot, parcel, condominium unit or other tract of land.

Rental or lease agreement means all written and oral agreements of whatever duration which embody the terms and conditions of the use and occupancy of a residential dwelling unit or commercial property.

Village means the Village of Oak Park, Cook County, Illinois.

Village Code or "Code" means the Village Code of Oak Park, Illinois and all codes adopted by reference as part of the Village Code.

Section 3. Severability and Repeal of Inconsistent Ordinances. 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. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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Section 4. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law on July 1, 2016.

ADOPTED this 2nd day of November, 2015, pursuant to a roll call vote as follows:

Voting	Aye	Nay	Abstain	Absent
President Abu-Taleb				
Trustee Barber				
Trustee Brewer				
Trustee Lueck				
Trustee Ott				
Trustee Salzman				
Trustee Tucker				

APPROVED this 2nd day of November, 2015.

Anan Abu-Taleb, Village President

ATTEST

Teresa Powell, Village Clerk

Published in pamphlet form this 2nd day of November, 2015.

Teresa Powell, Village Clerk