

ORDINANCE NO. 2016-23

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50-39 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING THEFT

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, certain minor thefts are a source of disruption and disorder within the Village, but do not warrant consideration of felony charges and can be handled more efficiently as a violation of the Municipal Code, Village Of Stickney, Illinois (the "Village Code"); and

WHEREAS, the Village Code does not currently prohibit the theft of personal 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 50-39 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 50-39 of the Village Code to prohibit the theft of personal 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 50-39 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0. AMENDMENT OF CHAPTER 50, SECTION 50-39.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by deleting Chapter 50, Section 50-39, and replacing said Section with the following:

Sec. 50-39. Theft.

No person within the Village, upon either public or private property, shall:

- (a) Obtain or exert unauthorized control over property owned by another person;
- (b) Obtain, by deception, control over property owned by another person;
- (c) Obtain, by threat, control over any property; or
- (d) Obtain control over stolen property knowing the property to have been stolen by another, or under such circumstances as would reasonably induce them to believe that the property was stolen, and:
 - (1) Intends to deprive the owner permanently of the use or benefit of the property;
 - (2) Knowingly uses, conceals or abandons the property in such manner to deprive such owner permanently of such use or benefits; or
 - (3) Uses, conceals or abandons the property knowing that such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

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 18th day of October, 2016.

AYES: Trustees Fuentes, Hrejsa, Lazansky, Milenkovic, Savopoulos and White

NAYS:

ABSENT:

ABSTENTION:

APPROVED by me this 19th day of October, 2016.

Deborah Morelli, President

ATTESTED AND FILED in my
office this 19th day of October, 2016.

Audrey McAdams, Village Clerk