

ORDINANCE NO. 2021- 04

AN ORDINANCE CREATING SECTION 50-40 OF CHAPTER 50, ARTICLE II OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING USE OF PREMISES OR PROPERTY TO DISTURB THE PEACE.

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, the Corporate Authorities have determined that some property owners have allowed or continue to allow their properties to be used in a manner that disturbs the quiet and peaceful enjoyment of other surrounding, neighboring or nearby property owners or users of property; and

WHEREAS, as a result of the disruptive uses impeding the quiet and peaceful enjoyment and use of one's property, the Corporate Authorities have determined that it is reasonable and necessary, and in the best interests of the Village, its residents, and guests to amend the Village Code to provide that the property owner is responsible for disturbances on her or his property; and

WHEREAS, regulations related to the peaceful use of property is a valid exercise of the Village's police powers; and

WHEREAS, the Corporate Authorities desire to exercise their home rule authority in implementing the regulations contemplated herein (the "Regulations"); 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 create Section 50-40 of Chapter 50, Article II of the Village Code related to use of a premises to disturb the peace, 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 create Section 50-40 of Chapter 50, Article II of the Village Code related to use of a premises to disturb the peace as provided for herein and to authorize the President or his designee to take all action necessary to carry out the intent of this Ordinance.

ARTICLE II.

CREATION OF SECTION 50-40 OF CHAPTER 50, ARTICLE II OF THE VILLAGE CODE OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0. CREATION OF SECTION 50-40 OF CHAPTER 50, ARTICLE II.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by creating Section 50-40 of Chapter 50, Article II as follows:

Sec. 50-40 – USE OF PREMISES OR PROPERTY TO DISTURB THE PEACE

No person shall use or permit to be used any building, premises or property, or rent the same to be used, for any business, employment, pleasure or recreation, if the use will, by its boisterous nature, disturb or destroy the peace of the neighborhood in which the building or premises is situated, or be dangerous or detrimental to health. Any person or entity violating this provision or allowing their building, premises or property to be used in a manner that violates this section shall be subject to a fine of not less than \$100 and not more than \$750.

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 ten (10) days upon its passage.

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PASSED this 7th day of April, 2021.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres & White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 7th day of April, 2021.

Jeff Walik, President

ATTESTED AND FILED in my
office this 8th day of April, 2021.

Audrey McAdams, Village Clerk