

# VILLAGE OF ANTIOCH

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15-10-11

***AN ORDINANCE AMENDING CHAPTER 6-4 OF THE MUNICIPAL CODE OF  
ANTIOCH PROVIDING AN EXEMPTION TO LIABILITY TO THE  
ORDINANCES PROHIBITING OWNERSHIP OR MAINTENANCE OF NUISANCE  
PROPERTIES***

**ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES**

**OF THE**

**VILLAGE OF ANTIOCH, ILLINOIS**

**ON**

**OCTOBER 5, 2015**

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**Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 14 day of October, 2015.**

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LAWRENCE M. HANSON	President	MARY C. DOMINIAK	Trustee
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## **ORDINANCE 15-10-11**

### **AN ORDINANCE AMENDING CHAPTER 6-4 OF THE MUNICIPAL CODE OF ANTIOCH PROVIDING AN EXEMPTION TO LIABILITY TO THE ORDINANCES PROHIBITING OWNERSHIP OR MAINTENANCE OF NUISANCE PROPERTIES**

**WHEREAS,** the safety and peace of our community can be severely threatened by the use of private homes, apartment buildings and other structures for illegal gang or drug-related purposes, and

**WHEREAS,** the Village Board wishes to take all reasonable steps possible to ensure that law enforcement has the tools and mechanisms necessary to protect our law-abiding citizens from the twin scourges of gangs and drugs, and

**WHEREAS,** the Village Board previously adopted a crime free housing ordinance which creates definitions of nuisance properties, prohibits the maintenance of the same and mechanisms where the same can be regulated and abated, and has found the same to be fair, appropriate and consonant with fundamental principles of due process, while properly balancing the rights of property owners with those of surrounding residents, and

**WHEREAS,** the Illinois General Assembly and Governor recently adopted Public Law 99-441 which requires that certain exemptions be set aside in any ordinance dealing with chronic nuisance properties to ensure that victims of domestic abuse and disabled persons are not subjected to the sanctions imposed by crime free housing ordinances, a copy of said Public Law is attached as Exhibit A hereto, and

**WHEREAS,** the Village Board wishes to comply fully with all requirements of Public Law 99-441, but still ensure that chronic nuisance properties do not endanger the safety and peace of the surrounding property owners and residents,

**NOW THEREFORE, BE IT ORDAINED** by the Village of Antioch, Lake County, Illinois, as follows:

**SECTION ONE:** The definition of Chronic Nuisance Property set forth in Section 6-2 of the Antioch Municipal Code is hereby amended and shall hereafter read as follows (additions underlined, deletions stricken):

**CHRONIC NUISANCE PROPERTY:** Property upon which three (3) or more of the nuisance activities listed below have occurred during any one hundred twenty (120) day period, as a result of any three (3) separate factual events that have been independently investigated by any law enforcement agency. These events must proven in a court or through a local adjudication process either through convictions of record, or pleas

amounting to admissions of guilt, irrespective of whatever sentence may have been given or agreed to in a negotiated plea. Court action or adjudication process on local ordinances equivalent to the below-cited state law violations will be considered to be violations sufficient to support the charge that a property falls within this definition:

- A. "Disorderly conduct" as defined in 720 Illinois Compiled Statutes 5/26-1;
- B. "Unlawful use of weapons" as defined in 720 Illinois Compiled Statutes 5/24-1 et seq.;
- C. "Mob action" as defined in 720 Illinois Compiled Statutes 5/25-1;
- D. "Discharge of firearm" as defined in 720 Illinois Compiled Statutes 5/24-1.2 and 1.5;
- E. "Gambling" as defined in 720 Illinois Compiled Statutes 5/28-1;
- F. "Possession, manufacture or delivery of controlled substances" as defined in 720 Illinois Compiled Statutes 5/70-401 et seq.;
- G. "Public indecency" as defined in 720 Illinois Compiled Statutes 5/11-9;
- H. "Assault or battery or any related offense" as defined in 720 Illinois Compiled Statutes 5/12-1 et seq.;
- I. "Sexual abuse or related offense" as defined in 720 Illinois Compiled Statutes 5/12-15 et seq.;
- J. "Prostitution" as defined in 720 Illinois Compiled Statutes 5/11-14 et seq.;
- K. "Criminal damage to property" as defined in 720 Illinois Compiled Statutes 5/21-1 et seq.;
- L. "Possession, cultivation, manufacture or delivery of cannabis" as defined in 720 Illinois Compiled Statutes 5/50-3 et seq.;
- M. "Illegal consumption or possession of alcohol" as defined in 235 Illinois Compiled Statutes 5/6-16 et seq.

**SECTION TWO:** Chapter 6-4 of the Antioch Municipal Code is hereby amended by the adoption of Section 6-4-9 which shall hereafter read as follows:

**6-4-9 Exemptions.** Notwithstanding any other provisions within this Chapter, and consistent with the terms and conditions of 65 ILCS 5/1-2-1.5, no property shall be considered a chronic nuisance if the police investigations described in 6-4-2 arise from



calls for assistance from any victim of domestic abuse or person with a disability. Additionally, no victim of domestic abuse or person with a disability shall be evicted, sanctioned or punished in any way resulting from his or her seeking public assistance or police protection relating to that abuse or condition. However, nothing herein shall prevent the enforcement of this code against an owner of the property who may be a victim of domestic abuse or be disabled, but whose victimhood or disability is unrelated to the law enforcement activity causing the property to be a chronic nuisance.

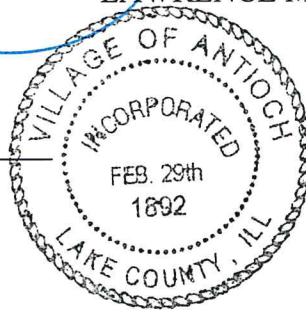
**SECTION THREE:** This ordinance is intended to be severable, and if any portion thereof, or of the draft code adopted hereby is deemed to be unconstitutional or violative of any law or process, the remainder shall remain in full force and effect to the maximum extent possible under law.

**SECTION FOUR:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, ILLINOIS,  
ON THIS 5<sup>th</sup> DAY OF OCTOBER, 2015.

ATTEST:

  
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LORI K. FOLBRICK, VILLAGE CLERK



  
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LAWRENCE M. HANSON, MAYOR

## Exhibit A

Selected Text from PA 99-441

Section 15. The Illinois Municipal Code is amended by adding Section 1-2-1.5 as follows:

(65 ILCS 5/1-2-1.5 new)

Sec. 1-2-1.5. Ordinances penalizing tenants who contact police or other emergency services prohibited.

(a) Definitions. As used in this Section:

"Contact" includes any communication made by a tenant, landlord, guest, neighbor, or other individual to police or other emergency services.

"Criminal activity" means a violation of the Criminal Code of 2012, of the Cannabis Control Act, of the Illinois Controlled Substances Act, or of the Methamphetamine Control and Community Protection Act.

"Disability" means, with respect to a person:

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities;

(2) a record of having such an impairment; or

(3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in the federal Controlled Substances Act, 21 U.S.C. 802.

"Domestic violence", "landlord", "sexual violence", and "tenant" have the meanings provided under Section 10 of the Safe Homes Act.

"Dwelling unit" has the meaning provided under subsection (a) of Section 15 of the Landlord and Tenant Act.

"Penalizes" includes, but is not limited to:

(1) assessment of fees or fines;

(2) revocation, suspension, or nonrenewal of any license or permit required for the rental or occupancy of any dwelling unit;

(3) termination or denial of a subsidized housing contract or housing subsidy; and

(4) termination or nonrenewal of a residential lease agreement.

"Subsidized housing" has the meaning provided under subsection (a) of Section 9-119 of the Code of Civil Procedure.

(b) Protection.

(1) No municipality shall enact or enforce an ordinance or regulation that penalizes tenants or landlords based on:

(A) contact made to 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 or 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;

(B) 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

(C) criminal activity or a local ordinance violation 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.

(2) Nothing with respect to this Section: (A) limits enforcement of Section 15.2 of the Emergency Telephone System Act, Article 26 of the Criminal Code of 2012, or Article IX of the Code of Civil Procedure; (B) prohibits municipalities from enacting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation not covered by paragraph (1) of subsection (b) of this Section and to the extent otherwise permitted by existing State and federal law; or (C) limits or prohibits the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence, or other criminal activity.

(c) Remedies. If a municipality enacts or enforces an ordinance or regulation against a tenant or landlord in violation of subsection (b), the tenant or landlord may bring a civil action to seek any one or more of the following remedies:

(1) an order invalidating the ordinance or regulation to the extent required to bring the ordinance or regulation into compliance with the requirements of subsection (b);

- (2) compensatory damages;
- (3) reasonable attorney fees and court costs; or
- (4) other equitable relief as the court may deem appropriate and just.

(d) Home rule. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.



STATE OF ILLINOIS )  
 ) SS  
COUNTY OF LAKE )

### CERTIFICATE

I, Lori K. Folbrick, certify that I am the duly appointed Municipal Clerk of the Village of Antioch, Lake County, Illinois.

I certify that on October 5, 2015, the Corporate Authorities of such municipality passed and approved **Ordinance No. 15-10-11**, entitled ***"AN ORDINANCE AMENDING CHAPTER 6-4 OF THE MUNICIPAL CODE OF ANTIOCH PROVIDING AN EXEMPTION TO LIABILITY TO THE ORDINANCES PROHIBITING OWNERSHIP OR MAINTENANCE OF NUISANCE PROPERTIES"*** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of **Ordinance No. 15-10-11**, including the Ordinance and cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on October 14, 2015 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Antioch, Illinois, this 14<sup>th</sup> day of October, 2015

  
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Lori K. Folbrick, RMC/CMC  
Village Clerk

