

CITY OF RED BUD, RANDOLPH COUNTY, ILLINOIS

ORDINANCE NO. 1506

**AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130
OF THE CITY OF RED BUD CODE OF ORDINANCES 2021
PERTAINING TO PUBLIC TRESPASSES**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF RED BUD, ILLINOIS,
THIS 5TH DAY OF DECEMBER, 2022.**

*Published in pamphlet form by authority of the City Council of the City of Red Bud,
Randolph County, Illinois, this 6TH day of December, 2022.*

Posted: December 6, 2022
Removed:

By: PKP
By:

STATE OF ILLINOIS }
 } ss
COUNTY OF RANDOLPH }

CERTIFICATION

I, Joanne Cowell, certify that I am the duly appointed municipal clerk of the City of Red Bud, Randolph County, Illinois.

I further certify that on December 5, 2022 the Corporate Authorities of the above municipality passed and approved Ordinance No. 1506 entitled:

**AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130
OF THE CITY OF RED BUD CODE OF ORDINANCES 2021
PERTAINING TO PUBLIC TRESPASSES**

Which, provided by its terms, that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1506 including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance posted at the Red Bud City Hall commencing on December 6, 2022 where it will remain for at least ten (10) days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Red Bud, Illinois, this 5th day of December, 2022.

Joanne G. Cowell
Pruneewick Woelher
Joanne Cowell
City Clerk
DEPUTY CLERK

ORDINANCE NO. 1506

**AN ORDINANCE AMENDING TITLE XIII, CHAPTER 130
OF THE CITY OF RED BUD CODE OF ORDINANCES 2021
PERTAINING TO PUBLIC TRESPASSES**

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 130 which involves general provisions for offenses committed within the City; and

WHEREAS, part of the general provisions includes regulating trespasses in the City, including trespasses to public property; and

WHEREAS, the City of Red Bud has deemed it in the best interests of the City to amend and update the regulations pertaining to trespasses to public property.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BUD, ILLINOIS:

SECTION 1: That the above recitals are hereby made a part of this Ordinance as though written herein verbatim.

SECTION 2: That Section 130-25 of Title XIII, Chapter 130 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following:

130-25: TRESPASSES.

(A) **Prohibited.** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property.

(B) **Public Trespass.** All persons have a right to use public property, but if any person, firm, or corporation violates any lawful rule, ordinance, law, statute, regulation, or directive of the City, state, or federal government while on public property, then said person, firm, or corporation may be ordered to leave the public property by a City official in charge of the property and issued a written trespass exclusion notice by a city police officer excluding them from the public property. Before issuing a trespass exclusion notice, the police officer shall investigate the alleged conduct and determine if a violation is more likely than not to have occurred. Further, the officer shall consider if any other action, such as a verbal warning or citation without removal from public property, is sufficient to correct the alleged conduct.

(1) Any person, firm, or corporation returning to the public property from which they were excluded during the time of their exclusion, shall be considered a trespass against public property which could result in the City taking all available legal action, including a further trespass warning and/or arrest.

(2) Any trespass exclusion notice must be issued in writing, signed by the police officer that issued the notice, state the length of exclusion, and state what public property the notice covers. The trespass exclusion notice shall also state the process by which the violator may contest the trespass exclusion.

(3) Written trespass exclusion notices should usually be progressive in duration depending upon the severity of the alleged conduct and frequency of violation. A first time violation for conduct which would result in an ordinance violation or misdemeanor infraction, shall result in a trespass notice excluding the violator for 1-30 days. A second violation for conduct which would result in an ordinance violation or misdemeanor infraction within the past twelve (12) months, shall result in a trespass notice excluding the violator for up to one (1) year. Additional violations for conduct which would result in an ordinance violation or misdemeanor infraction within the past twelve (12) months, shall result in a trespass notice excluding the violator for up to two (2) years. A first time or repeated violation for conduct which would result in a felony infraction, shall result in a trespass notice excluding the violator for up to two (2) years.

(4) Any person, firm, or corporation who has been excluded from public property and disagrees with said exclusion or the length of the exclusion, may file a written appeal to the Mayor within ten (10) days of receiving their written trespass exclusion notice. The City shall then set the time and place for a hearing on such appeal which shall not be longer than ten (10) days after receiving the appeal. The City shall send written notice of such hearing to the last known address of the appealing party through certified mail, return receipt requested, at least five (5) days before the date of the hearing. At the end of the hearing the Mayor shall decide to uphold, modify, or rescind the written trespass exclusion notice.

(5) At any time the Mayor may modify or rescind a written trespass exclusion notice.

SECTION 3: This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED BY THE CITY COUNCIL this 5th day of December, 2022:

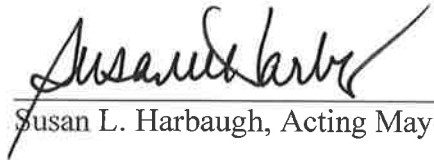
YEAS: B. Schwartzkopf, C. Guebert, M. Rheinecker, B. Hanebutt, J. DeMond,
R. Nevois, K. Donjon, A. Piel

NAYS: N/A

ABSTAINED: N/A

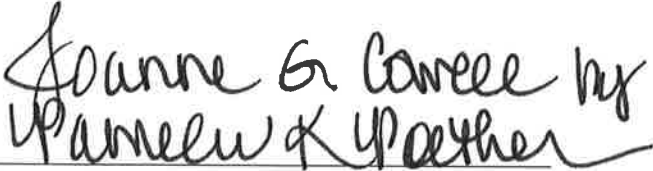
ABSENT: N/A

APPROVED BY THE ACTING MAYOR this 5th day of December, 2022.



Susan L. Harbaugh, Acting Mayor

ATTEST:



Joanne G. Cowell, City Clerk
DEPUTY CLERK