

VILLAGE OF BRADFORD
ORDINANCE NO. 15/16-39

AN ORDINANCE OF TRESPASS TO LAND

ADOPTED BY THE VILLAGE BOARD
OF THE
VILLAGE OF BRADFORD

Published in pamphlet form by authority of the Village Board in the Village of Bradford,
Stark County, Illinois, this 13th day of MAY, 2016.

[NOTE: When an ordinance is published in pamphlet form, the following certificate should be filled out by the Municipal Clerk.]

STATE OF ILLINOIS)
) SS
County of STARK)

CERTIFICATE

I, Diana Cobb, certify that I am the duly appointed and acting
Municipal Clerk of the Village of Bradford, Stark
County, Illinois.

I further certify that on May 9, 2016, the Corporate Authorities of
such municipality passed and approved Ordinance No. 15/16-39, entitled

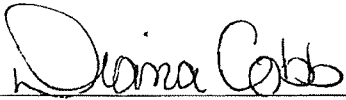
An Ordinance of Trespass to Land

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

The pamphlet form of Ordinance No. #15/16-39, including the Ordinance and a
cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal
building, commencing on 5/13/2016, 20 16 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 Bradford, Illinois, this 13th day of May,
2016.

(SEAL)



Municipal Clerk

"This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law."

ORDINANCE NO. 15-16-39

Village of Bradford

Stark County, Illinois

TRESPASS TO LAND

Whereas, the Village of Bradford has determined that the use of real property within the village should be regulated for the public welfare.

Therefore, be it ordained, by the Board of Trustees of the Village of Bradford, Stark County, Illinois, As Follows:

SECTION ONE.

- (A) A person commits criminal trespass to real property when he or she:
- (1) Knowingly and without lawful authority enter or remain within or on a building;
 - (2) Enter upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;
 - (3) Remain upon the land of another, after receiving notice from the owner or occupant to depart;
 - (4) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; or
 - (5) Enters a field used or capable of being used for growing crops, an enclosed area containing livestock, an agricultural building containing livestock, or an orchard in or on a motor vehicle (including an off-road vehicle, motorcycle, moped or other powered two-wheel vehicle) after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart.
- (5) For purposes of division (1) above, this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(B) A person is deemed to have received notice from the owner or occupant within the meaning of division (A) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding an entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his or her agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodation for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing, or other agreement or arrangement with the owner or his agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him at the place he is so living on the land.

(D) A person shall be exempt from prosecution under this section if he or she beautifies unoccupied and abandoned residential and industrial properties located within this village. For the purpose of this division, UNOCCUPIED AND ABANDONED RESIDENTIAL AND INDUSTRIAL PROPERTY means any real estate in which the taxes have not been paid for a period of at least two years, and which has been left unoccupied and abandoned for a period of at least one year. BEAUTIFIES means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(E) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D).

(F) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this division (F), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(G) Division (A)(4) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(H) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under division (A)(4).

(1) A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be:

(a) The actual damages, but not less than \$250, if the vehicle is operated in a nature preserve or registered area as defined in sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act;

(b) Twice the actual damages if the owner has previously notified the person to cease trespassing; or

(c) In any other case, the actual damages, but not less than \$50.

(2) If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this division:

LAND. Includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. LAND does not include driveways or private roadways upon which the owner allows the public to drive.

OWNER. The person who has the right to possession of the land, including the owner, operator or tenant.

VEHICLE. Has the same meaning provided under Section 1-217 of the Illinois Vehicle Code.

(ILCS Ch. 720, Act 5, § 21-3) Penalty, See Ordinance 15-16-08.

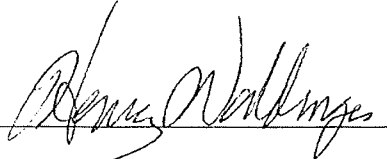
SECTION TWO. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each sections, subsections, sentences, clauses, phrases, or words thereof, irrespective of the fact that any one or more sections,

subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

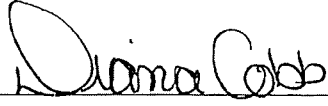
SECTION FOUR This ordinance shall be in full force and effect on September 1st, 2016.

Presented, passed and approved on a roll call vote this 9th day of May, 2016.



President of the Village Board

ATTEST:



Village Clerk