

**AN ORDINANCE AMENDING CHAPTER 8 OF  
THE ARLINGTON HEIGHTS MUNICIPAL CODE**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Chapter 8, Public Safety, Morals and Welfare, of the Arlington Heights Municipal Code, is amended by adding the following sections to Article V, Other Offenses Relating to Public Peace and Welfare, as follows:

**Section 8-525 Gang Loitering.**

- a. Whenever a police officer observes a member of a criminal street gang engaged in gang loitering with one or more other persons in any public place designated for the enforcement of this Section under subsection b., the police officer shall, subject to all applicable procedures promulgated by the Police Chief:
  1. inform all such persons that they are engaged in gang loitering within an area in which loitering by groups containing criminal street gang members is prohibited;
  2. order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and
  3. inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further gang loitering within sight or hearing of the place at which the order was issued during the next eight hours.
- b. The Police Chief shall by written directive designate areas of the Village in which the Chief has determined that enforcement of this Section is necessary because gang loitering has enabled criminal streets gangs to establish control over identifiable areas, to intimidate others from entering those areas, or to conceal illegal activities. Prior to making a determination under this Subsection, the Police Chief shall consult as he deems appropriate with persons who are knowledgeable about the effects of gang activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the police department with special training or experience related to criminal street gangs; other personnel of that department with particular experience related to criminal street gangs; other personnel of that department with particular knowledge of gang activities in the proposed designated area, and elected and appointed officials of the area. The Police Chief shall develop and implement procedures for the periodic review and update of designations made under this Subsection.
- c. The Police Chief shall by written directive promulgate procedures to prevent the enforcement of this Section against persons who are engaged in collective advocacy activities that are protected by the Constitution of the United States or the State of Illinois.

d. Definitions. Unless otherwise expressly stated, the following words or terms, whenever used in this Section, shall have the following meanings:

1. Gang Loitering. Remaining in any one place with the intent to enable a criminal street gang to establish control over identifiable areas, to intimidate others from entering those areas or to conceal illegal activities.
2. Criminal Street Gang. Any ongoing organization, association in fact or group of three or more persons, whether formal or informal, having as one of its substantial activities the commission of one or more of the criminal acts enumerated in paragraph 3., and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.
3. Criminal Gang Activity. The commission, attempted commission or solicitation of the following offenses, provided that the offenses are committed by two or more persons or by an individual at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members. The following sections of the Illinois Criminal Code (720) of the Illinois Compiled Statutes:

5/9-1	Murder
5/9-3.3	Drug-induced homicide
5/10-1	Kidnapping
5/10-4	Forcible detention
5/12-2(a)(13)	Aggravated assault – discharging firearm
5/12-4	Aggravated battery
5/12-4.1	Heinous battery
5/12-4.2	Aggravated battery with a firearm
5/12-4.3	Aggravated battery of a child
5/12-4.6	Aggravated battery of a senior citizen
5/12-6	Intimidation
5/12-6.1	Compelling organization membership of persons
5/12-11	Home invasion
5/12-14	Aggravated criminal sexual assault
5/18-1	Robbery
5/18-2	Armed robbery
5/19-1	Burglary
5/19-3	Residential burglary
5/19-5	Criminal fortification of a residence of building
5/20-1	Arson
5/20-1.1	Aggravated arson
5/20-2	Possession of explosives or explosive or incendiary devices
5/24-1(a)(6), (a)(7), (a)(9), or (a)(12)	Unlawful use of weapons

- 5/24-1.1 Unlawful use or possession of weapons by felons or persons in custody of the department of corrections facilities
  - 5/24-1.2 Aggravated discharge of a firearm
  - 5/25-1(d) Mob action – violence
  - 5/33-1 Bribery
  - 5/33A-2 Armed violence
  - 5, 5.1, 7, 9 Cannabis Control Act where the offense is a felony:  
Manufacture or delivery of cannabis  
Cannabis trafficking  
Calculated criminal cannabis conspiracy and related offenses
  - 401, 401.1 Sections of the Illinois Controlled Substances Act:
  - 405, 406.1 Illegal manufacture or delivery of a controlled substance
  - 407, 407.1 Controlled substance trafficking  
Calculated criminal drug conspiracy and related offenses
4. Pattern of criminal gang activity means two or more acts of criminal gang activity of which at least two such acts were committed within five years of each other.
  5. Public place means the public way and any other location open to the public, whether publicly or privately owned.
- e. Any person who fails to obey promptly an order issued under subsection a., or who engages in further gang loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine in accordance with Section 8-601a of this Chapter.

#### **Section 8-526 Narcotics Related Loitering.**

- a. Whenever a police officer observes one or more persons engaged in narcotics-related loitering in any public place designated for the enforcement of this Section under subsection b., the police officer shall:
  1. inform all such persons that they are engaged in loitering within an area in which loitering is prohibited;
  2. order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and
  3. inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further narcotics-related loitering within sight or hearing of the place at which the order was issued during the next eight hours.
- b. The Police Chief shall by written directive designate areas of the Village in which enforcement of this Section is necessary because the areas are frequently associated with narcotics-related loitering. Prior to making a determination under this Subsection, the Police Chief shall consult as he deems appropriate with persons who are knowledgeable

about the effects of narcotics-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the police department with special training or experience related to narcotics-related activity; other personnel of that department with particular knowledge of narcotics-related activities in the proposed designated area, and elected and appointed officials of the area. The Police Chief shall develop and implement procedures for the periodic review and update of designations made under this Subsection.

- c. Definitions. Unless otherwise expressly stated, the following words or terms, whenever used in this Section, shall have the following meanings:
1. Narcotics-related Loitering. Remaining in any one place with the intent to facilitate the distribution of substances in violation of the Cannabis Control Act or the Illinois Controlled Substances Act.
  2. Public Place. The public way and any other location open to the public, whether publicly or privately owned.
- d. Any person who fails to obey promptly an order issued under subsection a., or who engages in further narcotics-related loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine in accordance with Section 8-601a of this Chapter.

SECTION TWO: This Ordinance repeals all ordinances or parts of ordinances in conflict with the provisions hereof and shall be in full force and effect from and after its passage, approval and publication in pamphlet form, in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 7<sup>th</sup> day of November, 2016.

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Village President

ATTEST:

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Village Clerk

CODEAMENDMENTS:08-525 and 08-526