

ORDINANCE NO. 2025-06

AN ORDINANCE ADOPTING CHAPTER 74, ARTICLE IX OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING PUBLIC ASSEMBLY.

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 First Amendment to the United States Constitution protects the rights of individuals to peaceably assemble; and

WHEREAS, the freedom to assemble peaceably allows individuals to express their opinions, share information and gather to stay informed about public matters and their governance; and

WHEREAS, pursuant to Section 11-5-2 of the Illinois Municipal Code (65 ILCS 5/11-5-2), the corporate authorities of each municipality may prevent or suppress riots, routs, affrays, noises, disturbances, trespasses, and disorderly assemblies in any public or private place; and

WHEREAS, to ensure that individuals can continue to exercise their First Amendment rights in a safe manner and to ensure that public assemblies do not, among other things: (1) hinder traffic; (2) create a hazard to the public safety; (3) interfere with local businesses; or (4) impede upon the public peace or the right of Village residents to the quiet and peaceful enjoyment of their property, the Corporate Authorities have determined that the Municipal Code, Village of Stickney (the "Village Code") should be amended to establish a permit process for holding public assemblies; and

WHEREAS, the Corporate Authorities have determined that Chapter 74, Article IX of the Village Code should be adopted to create a public assembly permit process ("Permit Process"); and

WHEREAS, the Corporate Authorities desire to exercise their home rule authority to establish the Permit Process as contemplated herein; 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 adopt Chapter 74, Article IX of the Village Code regarding public assemblies within the Village as set forth herein;

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 adopt Chapter 74, Article IX of the Village Code to establish the Permit Process 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. ADOPTION OF CHAPTER 74, ARTICLE IX OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS

SECTION 3.0. ADOPTION OF CHAPTER 74, ARTICLE IX.

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by adopting Chapter 74, Article IX as follows:

ARTICLE IX. – PUBLIC ASSEMBLIES

Sec. 74-301. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Person means any person, firm, partnership, association, corporation, company or organization of any kind.
- (b) Public assembly means any march, demonstration, meeting, rally, or other assemblage consisting of ten or more persons, animals, or vehicles or a combination thereof upon the streets, sidewalks, parks, or other public grounds or ways within the village, convened in such a manner as to attract public attention, the effect of which interferes with the normal flow or regulation of traffic upon the streets, sidewalks, parks or other public grounds or ways.
- (c) Public assembly permit means a permit as required by this article.
- (d) Sidewalk means an area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
- (e) Sponsor means the entity who is conducting the public assembly or in whose name or for whose support the proposed public assembly will be presented.
- (f) Street means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

Sec. 74-302. Exemptions.

This article shall not apply to the following:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- (c) A governmental agency acting within the scope of its functions; and
- (d) Spontaneous events occasioned by news or affairs coming into public knowledge within three days of such public assembly, provided that the organizer of the proposed public assembly gives written notice to the village at least 24 hours prior to the public assembly.

Sec. 74-303. Penalties.

Any person violating any section of this article shall, upon conviction, be punished by a fine not to exceed \$150.00.

Sec. 74-304. Police protection.

- (a) The village police chief shall determine whether and to what extent additional police protection is necessary or appropriate for the public assembly for traffic control, public safety, or any other relevant factor. The village police chief's decision shall be based on the size, location, duration, time, and date of the event; and the need to detour or preempt citizen travel and use of the streets and sidewalks. The speech content of the event shall not be a factor in determining the amount of police protection necessary. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the event.
- (b) Persons engaging in public assemblies conducted for the sole purpose of public issue speech protected under the First Amendment are not required to pay for any police protection by the village. The sponsor of any other public assembly may be assessed a fee equal to the costs incurred by the village for liability or other insurance or administration of the law in connection with the event and for maintenance of public order in connection with the event.

Sec. 74-305. Prohibitions.

The following prohibitions shall apply to all public assemblies:

- (a) It shall be unlawful for any person to stage, present, or conduct any public assembly without first obtaining a permit as provided in this article.
- (b) It shall be unlawful for any person to participate in a public assembly for which the person knows or should know a permit has not been granted.
- (c) It shall be unlawful for any person in charge of or responsible for the conduct of a duly licensed public assembly knowingly to fail to comply with any condition of the permit.
- (d) It shall be unlawful for any person to engage in any public assembly activity that creates a substantial hazard to the public safety or that materially interferes with or endangers the public peace or rights of residents to the quiet and peaceful enjoyment of their property.

- (e) It shall be unlawful for any person participating in any public assembly to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-fourth inch or less in thickness and two inches or less in width, or, if not generally rectangular in shape, such object shall not exceed three-fourths inch in its thickest dimension.
- (f) It shall be unlawful for any person to carry any sign, poster, plaque, or notice, whether or not mounted on a length of material other than as specified in subsection (5) of this section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material.
- (g) It shall be unlawful for any person participating in a public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by the village police chief.

Sec. 74-306. Public conduct.

- (a) No person shall hamper, obstruct or impede or interfere with any public assembly or with any person, vehicle, or animal participating or used in a public assembly.
- (b) The department of police shall have the authority to prohibit or restrict the parking of vehicles, along a street adjacent to or near a public assembly. The department of police shall post signs to that effect. It shall be unlawful for any person to park or leave unattended any vehicle in violation of any such sign.

Sec. 74-307. Permit required.

No person shall engage or participate in or conduct any public assembly unless a permit first is issued by the village police chief. No public assembly subject to this section may be convened within the corporate limits of the village at any location other than as authorized by the permit.

Sec. 74-308. Application.

- (a) A person seeking a public assembly permit shall file an application with the village police chief on forms provided by the police department. The application shall be signed by the applicant under oath.
- (b) For single, nonrecurring public assemblies, an application for a permit shall be filed with the village police chief at least 7 and not more than 180 days before the public assembly is proposed to commence.
- (c) For public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such assemblies during that calendar year may be filed with the village police chief at least 14 and not more than 180 days before the date and time at which the first such public assembly is proposed to commence.
- (d) The application for a public assembly permit shall set out the following information:
 - (1) The name, address, and telephone number of the person seeking to convene and conduct the public assembly;
 - (2) The names, addresses, and telephone numbers of the headquarters of the organization for which the public assembly is to be convened and conducted, if any, and the authorized and responsible officials of the organization;
 - (3) The requested date of the public assembly;
 - (4) The route to be traveled;
 - (5) The approximate number of persons, animals, and vehicles constituting the public assembly; the type of animals; and a description of the vehicles;
 - (6) The hours when the public assembly will start and terminate;

- (7) The location of the proposed public assembly;
- (8) If the public assembly is designed to be held by or in behalf of any person other than the applicant, the applicant shall file a letter from that person with the village police chief authorizing the applicant to apply for the permit in his behalf;
- (9) The type of public assembly, including a description of activities planned during the event;
- (10) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the public assembly;
- (11) The approximate number of participants;
- (12) The approximate number of spectators;
- (13) A designation of any public facilities or equipment to be utilized; and
- (14) Any additional information that the village police chief finds necessary or appropriate to a fair determination whether a permit should be issued.
- (15) A plan for participants to have access to restrooms if the assembly is anticipated to continue for a period of time exceeding two (2) hours.

Sec. 74-309. Standards for issuance.

- (a) The village police chief shall issue a permit for a public assembly if, after consideration of the application and all other information as may otherwise be obtained, he finds:
 - (1) The conduct of the public assembly will not interrupt or impair substantially the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
 - (2) The conduct of the public assembly will not require the diversion of so great a number of village police officers properly to police the line of movement and the areas contiguous thereto as to impair normal police protection of the village;
 - (3) The concentration of persons, animals, and vehicles at public assembly points of the public assembly will not interfere unduly with proper fire and police protection of or ambulance service to areas contiguous to the assembly of other affected areas to the location of the assembly;
 - (4) The conduct of the public assembly is not reasonably likely to cause injury to persons or property;
 - (5) The public assembly is scheduled to move from its point of origin to its point of termination expeditiously, without unreasonable delays en route;
 - (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
 - (7) The public assembly is not for the primary purpose of advertising any product, goods, or event that primarily is for private profit, and the public assembly itself is not for profit. The prohibition against advertising any product, goods, or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the public assembly; and
 - (8) No event is scheduled elsewhere in the village where the police resources required for that event are so great that the department of police services for the proposed public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.
- (b) To ensure that individuals have a convenient venue to exercise their First Amendment rights and to ensure that public assemblies do not, among other things, hinder traffic control, create a hazard to the public safety, interfere with local businesses or impede upon the public peace or the right of village residents to the quiet and peaceful enjoyment of their property, the Village has designated 4200 Ridgeland Avenue as a

location for public assemblies. While public assemblies are not required to be held at the 4200 Ridgeland Avenue, as holding a public assembly at this location will assist the Village in carrying out the foregoing objectives, the Village encourages applicants to hold public assemblies at this designated location.

- (c) No permit shall be granted for the erection or placement of any structure, whether permanent or temporary, on village property or on any village street, sidewalk, or right-of-way unless approval for the erection or placement of the structure is first obtained from the village police chief.

Sec. 74-310. Fee.

There shall be no fee for the issuance of a permit as provided in this Article.

Sec. 74-311. Nondiscrimination.

The village police chief uniformly shall consider each application for the permit required under this division upon its merits and shall not discriminate in granting or denying permits under this division based upon political, religious, ethnic, race, disability, sexual orientation, or gender-related grounds.

Sec. 74-312. Notice of denial of application.

The village police chief shall act promptly upon a timely filed application for a public assembly permit, but in no event shall grant or deny a permit less than 48 hours prior to the event. If the village police chief disapproves the application, he shall notify the applicant either by personal delivery or certified mail at least 48 hours prior to the event of such action and shall state the reasons for denial.

Sec. 74-313. Duties of permittee.

- (a) A person issued a permit under this division shall comply with all permit directions, conditions, and all applicable laws and ordinances.
- (b) The public assembly chairman or other person leading such activity shall carry the public assembly permit upon his person during the conduct of the public assembly.

Sec. 74-314. Revocation.

The village police chief shall have the authority to revoke a public assembly permit immediately upon violation of the conditions or standards for issuance as set forth in this division or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the public assembly could or will have an immediate and adverse effect upon the welfare and safety of persons or property.

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 and to install any necessary signage in accordance with 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 after its passage and approval in accordance with Illinois law.

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PASSED this 6 day of MAY, 2025.

AYES: 5

NAYS: 0

ABSENT: 0

ABSTENTION: 0

APPROVED by me this 6 day of MAY, 2025.



Jeff Walik, President

ATTESTED AND FILED in my
office this 6 day of MAY, 2025.



Mitchell Milenkovic, Village Clerk