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City of Troy
116 E. Market Street
Troy, Illinois 62294

2019R28626
STATE OF ILLINOIS
MADISON COUNTY
09/06/2019 01:38 PM
AMY H. MEYER, RECORDER
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33.00 CTY

Ordinance No. 2019 - 11

AN ORDINANCE Amending Chapter 134,
Sections 40 to 44 of the Troy Municipal Code
Regarding Regulation of Residences of Registered Sex Offenders

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS
THIS 3RD DAY OF SEPTEMBER 2019

Whereas, the City of Troy, Illinois, presently has in force Chapter 134, Sections 40 to 44, which regulates the residences of registered sex offenders; and

Whereas, the City Council of the City of Troy, Illinois, has performed a periodic review of its Ordinances, the Illinois Criminal Code of 2012 (720 ILCS 5), and the Illinois Sex Offender Registration Act (730 ILCS 150); and

Whereas, the City Council of the City of Troy, Illinois, has determined certain inconsistencies between the Code of Ordinances of the City of Troy, the Illinois Criminal Code of 2012, and the Illinois Sex Offender Registration Act; and

Whereas, the City Council has duly considered the matter in Closed Session at its Regular Council Meeting on August 19, 2019, and has determined and concluded that it is in the best interest of the City to be fully in compliance with the powers conferred upon the City by the State of Illinois through 720 ILCS 5 and 730 ILCS 150, and to amend the existing Chapter 134, Sections 40 to 44 of Troy Municipal Code of Ordinances to cite specific statutory limitations in the regulation of residences by registered sex offenders.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois.

SECTION 2: That Chapter 134, Sections 40 to 44, of the Troy Municipal Code of Ordinances is amended as described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

Passed by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this third (3rd) day of September, 2019.

Ordinance 2019-11
Passed September 03, 2019

Aldermen:

Dawson ABSENT

Hellrung YES

Henderson YES

Italiano YES

Levo YES

Manley YES

Partney YES

Turner YES

Total:

7 Ayes

0 Nays

APPROVED:



Allen P. Adomite

Mayor, City of Troy, Illinois

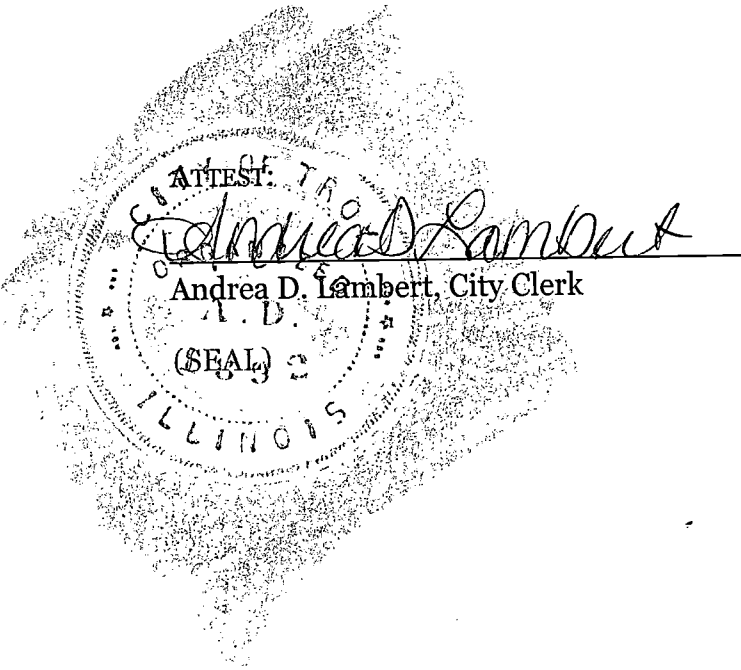


Exhibit A

REGULATION OF RESIDENCES AND CONDUCT OF REGISTERED SEX OFFENDERS

Chapter 134.40 – DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~CHILD SEX OFFENDER. Includes any person defined as a child sex offender or sexual predator and child sex offender under 720 ILCS 5 of the Illinois State Statutes, required to register his or her residence address with any state, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of 18 years at the time of the offense. A CHILD SEX OFFENDER includes but is not limited to any person required to register under the Illinois Sex Offender Registration Act, ILCS Ch. 730, Act 150, §§ 1 et seq., as now or as hereafter amended, where the victim was under the age of 18 years at the time of the offense. A CHILD SEX OFFENDER further includes but is not limited to any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of 18 years:~~

- ~~(1) Sexual exploitation of a child (ILCS Ch. 720, Act 5, § 11-9.1);~~
 - ~~(2) Predatory criminal sexual assault of a child (ILCS Ch. 720, Act 5, § 12-14.1);~~
 - ~~(3) Indecent solicitation of a child (ILCS Ch. 720, Act 5, § 11-6);~~
 - ~~(4) Public indecency committed on school property (ILCS Ch. 720, Act 5, § 11-9);~~
 - ~~(5) Child luring (ILCS Ch. 720, Act 5, § 10-5(b)(10));~~
 - ~~(6) Aiding and abetting child abduction (ILCS Ch. 720, Act 5, § 10-7 or ILCS Ch. 720, Act 5, § 10-5(b)(10));~~
 - ~~(7) Soliciting for a juvenile prostitute (ILCS Ch. 720, Act 5, § 11-15.1);~~
 - ~~(8) Patronizing a juvenile prostitute (ILCS 720, Act 5, § 11-18.1);~~
 - ~~(9) Exploitation of a child (ILCS Ch. 720, Act 5, § 11-19.2);~~
 - ~~(10) Child pornography (ILCS Ch. 720, Act 5, § 11-20.1);~~
 - ~~(11) Criminal sexual assault (ILCS Ch. 720, Act 5, § 12-13);~~
 - ~~(12) Aggravated criminal sexual assault (ILCS Ch. 720, Act 5, § 12-14);~~
 - ~~(13) Aggravated criminal sexual abuse (ILCS Ch. 720, Act 5, § 12-16);~~
 - ~~(14) Kidnapping or aggravated kidnapping (ILCS Ch. 720, Act 5, § 10-1 or § 10-2); or~~
 - ~~(15) Unlawful restraint or aggravated unlawful restraint (ILCS Ch. 720, Act 5, § 10-3 or § 10-3.1).~~
- ~~SCHOOL. Any real property used primarily for educational or child care purposes, including but not limited to elementary schools, middle schools, high schools, dance studios, licensed child day care facilities and pre-schools.~~
- ~~LOITER. Standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of 18 years.~~

- ~~—PARK. Includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term PARK includes ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.~~
- ~~—PUBLIC POOL. Includes any parcel of real estate containing any natatorium or other improved real estate, designated or intended for swimming, water recreation or water sports, whether operated or owned by a public entity, or to which memberships are sold to the public.~~

Chapter 134.41 – RESIDENTIAL RESTRICTIONS

It is unlawful for a child sex offender to reside within the limits prescribed under 720 ILCS 5 and/or 730 ILCS 150 of the Illinois State Statutes. 1,500 feet of any of the following:

- ~~—(A) The real property comprising any school attended by persons under the age of 18 years;~~
- ~~—(B) The real property comprising any park; or~~
- ~~—(C) Any public pool.~~

Chapter 134.42 – LOITERING RESTRICTIONS AND REGULATION OF CONDUCT

It is unlawful for any child sex offender to be present at or to loiter on any public property prohibited under 720 ILCS 5 and/or 730 ILCS 150 of the Illinois State Statutes, or to participate in or conduct any activity prohibited under 720 ILCS 5 and/or 730 ILCS 150 of the Illinois State Statutes, public right-of-way or area designated for parking of motor vehicles, within 1,500 feet of any of the following, unless the person loitering is with a child under the age of 18 years and the person loitering is a parent, step parent, aunt, uncle, cousin, sibling or step sibling of that child under the age of 18 years:

- ~~—(A) The real property comprising any school attended by persons under the age of 18 years;~~
- ~~—(B) The real property comprising any park; or~~
- ~~—(C) Any public pool.~~

Chapter 134.43 – LEASE OF RESIDENTIAL PROPERTY

It is unlawful for any person, corporation, business, partnership, trust, manager or other entity, to knowingly enter into a lease agreement or to knowingly renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within an area prohibited under 720 ILCS 5 and/or 730 ILCS 150 of the Illinois State Statutes. 1,500 feet of any of the following:

- ~~—(A) The real property comprising any school attended by persons under the age of 18 years;~~
- ~~—(B) The real property comprising any park; or~~
- ~~—(C) Any public pool.~~

Chapter 134.44 – MEASUREMENT OF DISTANCES

All distances designated in this subchapter shall be measured in the manners prescribed under 720 ILCS 5 and/or 730 ILCS 150 of the Illinois State Statutes. ~~from the lot line of the park property, public pool property or school property, and from the lot line of the subject residence.~~

END OF DOCUMENT