

## 9.44 – Trespass

### Sections

- 9.44.010 – Trespass to vehicle prohibited
- 9.44.020 – Trespass to land prohibited
- 9.44.030 – Trespass to residence
- 9.44.040 – Trespass to public property

### **9.44.010 – Trespass to vehicle prohibited**

It is unlawful to commit trespass to a vehicle. A person who knowingly and without authority enters any vehicle, aircraft, or watercraft, or any part thereof, of another without his consent commits trespass to a vehicle.

(1969-M-3 : § 4; Prior code : § 28.037)

### **9.44.020 – Trespass to land prohibited**

It is unlawful to commit trespass to real property.

- A. A person who enters upon the land or a building, other than a residence, or any part thereof of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land or in a building, other than a residence, of another after receiving notice from the owner or occupant to depart, commits a trespass to real property.
- B. A person has received notice from the owner or occupant within the meaning of Subsection (A) if he has been notified personally, either orally or in writing including a valid court order as defined by Subsection (7) of Section 112A-3 of the Illinois Code of Criminal Procedure of 1963 (725 ILCS 5/112/A-3) granting remedy (2) of Subsection (b) of Section 112A-14 of that Code (725 ILCS 5/112/A-14), or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such 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 agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such 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 such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.
- D. A person shall be exempt from prosecution under this Section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "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 or unoccupied and abandoned residential and industrial property which that person beautifies pursuant to Subsection (D) of this Section.

(1994-M-81 : § 1; 1969-M-3 : § 4; Prior code : § 28.038)

### **9.44.030 – Trespass to residence**

It is unlawful to commit trespass to a residence. A person commits trespass to a residence when, without authority, that person knowingly enters or remains within a residence, including a house trailer. For purposes of this section, in the case of a multi-unit residential building or complex, "residence" shall only include the portion of the building or complex which is the actual dwelling place of any person and shall not include such places as common recreational areas or lobbies.

(1996-M-64 : § 1)

### **9.44.040 – Trespass to public property**

A. It shall be unlawful for any person to commit a trespass within the City upon public property.

1. An entry upon the premises, or any part thereof, in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any agent from the City; or
2. A failure or refusal to depart from the premises of the City after being requested, either orally or in writing, to leave by an agent of the City. (Woods of Fox Glen)

B. Findings. The corporate authorities of the city of St. Charles are advised that certain storm water retention areas within the city are natural wetland areas or are designed to resemble natural wetland areas and as such require protection from trespassers in order to preserve the natural character and functioning of the retention areas. The corporate authorities are further advised that prohibiting trespassing in such areas will protect the public from injury and infectious disease.

C. Trespass to Public Property Prohibited. It shall be unlawful for any person to commit a trespass to the public area(s) described as Outlot "B" in Woods of Fox Glen Unit Two, in the city of St. Charles, Kane County, Illinois. All designated area(s) shall be clearly marked with permanent, fixed signs advising the public that the area is subject to regulation under the city of St. Charles No Trespassing Ordinance.

D. Violation - Penalty. Any person, firm or corporation violating any provision of this Section shall be fined not more than five hundred dollars for each offense, and a separate offense be deemed committed on each day on which a violation occurs or continues.

(2018-M-23 : § 8; 1996-M-75 : § 1)