



## Office of the City Clerk



O2012-4450

Office of the City Clerk

### City Council Document Tracking Sheet

<b>Meeting Date:</b>	6/27/2012
<b>Sponsor(s):</b>	Zalewski, Michael R. (23)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Chapter 8-4 of Municipal Code by increasing fines and penalty for vandalism and damage to public property
<b>Committee(s) Assignment:</b>	Committee on Public Safety

Public Safety

## ORDINANCE

**WHEREAS**, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6 (a) of the Illinois Constitution; and

**WHEREAS**, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs; now, therefore,

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** Section 8-4-060 of the Municipal Code of Chicago is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

#### **8-4-060 Vandalism defined.**

A person commits vandalism when he engages in the willful or malicious destruction, injury, disfigurement or defacement of any public or private property. This offense includes, but is not limited to, cutting, tearing, breaking, marking, drawing, painting or etching when these actions are intended to or have the effect of causing damage to property.

Any person who violates the provisions of this section, upon conviction thereof shall be punished by a fine of ~~\$750.00~~ not less than \$2,000 plus the actual costs incurred by the property owner or the city to abate, remediate, repair or remove the effects of the vandalism. To the extent permitted by law, the cost shall be payable to the person who incurred them. In addition to such fine and costs, any such offense ~~may~~ shall also be punished as a misdemeanor by incarceration in a penal institution other than a penitentiary for a term of not less than three days and up to 30 days or by a requirement to perform up to ~~1,500~~ 2,500 hours of community service under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code, as amended, and in the Illinois Code of Criminal Procedure of 1963, as amended, in a separate proceeding. ~~All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended.~~

**SECTION 2.** Section 8-4-070 of the Municipal Code of Chicago is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

#### **8-4-070 Responsibility of parent or legal guardian.**

(a) As used in this section, the terms specified have the meanings ascribed to them:  
"Legal Guardian" means:

(i) A person who, under court order, is the guardian of the person of a minor, or

(ii) A public or private agency with whom a minor has been placed by a court.

"Minor" means a person who is 11 years of age or above, but not yet 17 years of age.

(b) If a minor engages in conduct that violates any provision of Sections 8-4-060 or 8-4-065, and such minor is unemancipated and resides with his parent or legal guardian, such parent or legal guardian shall be subject to the penalties set forth below:

(i) a fine of ~~\$250~~ \$500 to ~~\$750~~ \$1,000 or payment of restitution in the amount of the actual costs incurred to abate, remediate, repair or remove the effects of the vandalism, whichever is greater, if such action is performed by the city, or

(ii) a fine of ~~\$250~~ \$500 to ~~\$750~~ \$1,000 and payment of restitution in the amount of the actual costs incurred by the property owner to abate, remediate, repair or remove the effects of the vandalism, if such action is not performed by the city.

*(Omitted text is unaffected by this ordinance)*

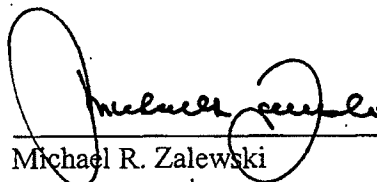
**SECTION 3.** Section 8-4-120 of the Municipal Code of Chicago is hereby amended by deleting the struck-through language and inserting the underscored language as follows:

**8-4-120 Damage to public property.**

No person shall cut, injure, mark, damage or deface any public building, sewer; water pipe, hydrant, or other city property, fixture or personal property, or any tree, grass, shrub, or walk in any public way or public park.

Any person violating any provision of this section shall be fined not less than ~~\$200.00~~ \$500.00 nor more than ~~\$500.00~~ \$1,000 for each offense.

**SECTION 4.** This ordinance shall be in force and effect upon passage and publication.

  
\_\_\_\_\_  
Michael R. Zalewski  
Alderman, 23<sup>rd</sup> Ward