

## **NAPERVILLE DUE PROCESS AND MUNICIPAL PROPERTY ORDINANCE**

1. **WHEREAS**, the City of Naperville has adopted a policy stating, “We strive to foster a sense of belonging, respect, and engagement where everyone is valued and has an opportunity to contribute to the City’s success”; and
2. **WHEREAS**, the City of Naperville has a fundamental interest in the safety of all residents and visitors, as reflected in its values of People, Trust, Respect, and Pride; and
3. **WHEREAS**, documented actions by the United States Department of Homeland Security, including Immigration and Customs Enforcement and U.S. Customs and Border Protection, have raised concerns regarding local authority and the protection of rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution; and
4. **WHEREAS**, the State of Illinois, through the Illinois Trust Act and the Illinois Way Forward Act, affirms that local government and law enforcement resources shall remain focused on community safety and shall not be used for civil immigration enforcement; and
5. **WHEREAS**, the City of Naperville is a home rule unit pursuant to Article VII, Section 6 of the Illinois Constitution and therefore possesses the authority to regulate matters of local concern, including the use of property owned or controlled by the City and the use of municipal resources;

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:**

**SECTION 1: Protection Of Constitutional Rights.** The City of Naperville affirms its commitment to protecting individuals who exercise their rights under the First, Fourth, and Fourteenth Amendments to the United States Constitution.

**SECTION 2: City Property And Scope.** All property owned or controlled by the City of Naperville, including but not limited to parking lots, buildings, parks, and municipal facilities, is intended for the lawful use of residents, visitors, and City operations.

City-owned or City-controlled property shall not be designated, authorized, or made available by the City as a staging area, operations base, or processing site for civil immigration enforcement activities, to the maximum extent permitted by law.

Nothing in this section shall be construed to prevent access to City property pursuant to a valid judicial warrant or court order issued by a court of competent jurisdiction.

**SECTION 3: Prohibition On Civil Immigration Enforcement Activities.** To the maximum extent permitted by law, City personnel and resources shall not be used to provide onsite support for civil immigration enforcement activities, including assembling, mobilizing, staging, or deploying personnel, vehicles, equipment, or materials.

Any unauthorized use of City-owned or City-controlled property inconsistent with this ordinance may be addressed through existing municipal property management authority and applicable trespass laws.

**SECTION 4: Documentation Of Observed Violations.** All City departments shall adopt procedures, consistent with applicable law, to document observed violations of this ordinance when such activities are observed by City employees on City-owned or City-controlled property. Such documentation shall be directed to the appropriate City administrative authority for review and action consistent with this ordinance and existing municipal policy.

**SECTION 5: Compliance With Law.** Nothing in this ordinance shall be construed to prohibit actions required by state or federal law or actions taken pursuant to a valid judicial warrant or court order issued by a court of competent jurisdiction.

**SECTION 6: Administrative Implementation.** The City Attorney, in coordination with the City Manager, shall develop administrative procedures necessary to implement this ordinance and ensure consistency with applicable state and federal law.

**SECTION 7: Purpose And Intent.** This ordinance is intended to provide clear guidance regarding the use of City property, uphold constitutional protections including due process, and ensure alignment with Illinois law while maintaining the City's focus on community safety.