

ORDINANCE NO. 26 - _____

**CITY OF NAPERVILLE
DUE PROCESS AND MUNICIPAL PROPERTY ORDINANCE**

RECITALS

1. **WHEREAS**, the City of Naperville’s Mission Statement provides that the City shall “provide services that ensure a high quality of life, sound fiscal management, and a dynamic business environment, while creating an inclusive community that values diversity”; and
2. **WHEREAS**, the City of Naperville strives 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
3. **WHEREAS**, the City of Naperville is guided by its Core Values of People, Trust, Respect, and Pride and has a fundamental interest in the safety of all residents and visitors; and
4. **WHEREAS**, on October 3, 2017, Mayor Steve Chirico issued a Proclamation declaring Naperville “a Community of Unity and Acceptance,” affirming that the City values and accepts all law-abiding people regardless of immigration or citizenship status and is committed to equal treatment and access to City services; and
5. **WHEREAS**, the City of Naperville affirms its commitment to protecting the constitutional rights of all individuals under the First, Fourth, and Fourteenth Amendments to the United States Constitution; and
6. **WHEREAS**, the City of Naperville is a home rule unit of government pursuant to Article VII, Section 6 of the Illinois Constitution and possesses the authority to regulate the use of property owned and controlled by the City and the conduct of its employees and the use of its resources; and
7. **WHEREAS**, civil immigration enforcement is a federal responsibility and the City desires to provide clear internal guidance regarding the use of its own property and resources while remaining fully compliant with all applicable federal and state laws.

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 as follows:

SECTION 1: Recitals Incorporated. The foregoing Recitals are hereby incorporated into this Section 1 as though fully set forth herein.

SECTION 2: Affirmation of Rights and Values. The City of Naperville reaffirms its commitment to upholding the constitutional rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution and to conducting City operations in a manner consistent with those protections and with all applicable federal and state laws.

SECTION 3: Use of City Property. To the maximum extent permitted by law, the City shall not designate, authorize, make available, or consent to the use of any City-owned and City-controlled parking lots, buildings, parks, or municipal facilities as a staging area, operations base, or processing site for civil immigration enforcement activities. Nothing in this Ordinance 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 or to restrict the use of City property for the enforcement of criminal laws or as otherwise required by law.

SECTION 4: Use of City Personnel and Resources. The City and its employees are committed to providing City services to all persons in the City regardless of citizenship or immigration status and recognize that civil immigration enforcement is a federal responsibility. Unless presented with a valid judicial warrant or court order issued by a court of competent jurisdiction, or otherwise required by law, the City and its employees shall not participate in federal civil immigration enforcement operations.

SECTION 5: Documentation. The City shall develop and implement a process to document known instances in which City-owned and City-controlled parking lots, buildings, parks, or municipal facilities are used as a staging area, operations base, or processing site for civil immigration enforcement activities.

SECTION 6: Administrative Implementation. The City Manager, in coordination with the City Attorney, is authorized to develop and implement such administrative policies and

procedures as may be necessary to carry out the purpose and intent of this Ordinance in a manner consistent with all applicable federal and state laws.

SECTION 7: Savings Clause. Nothing in this Ordinance shall be construed to prohibit any action required by state or federal law or to interfere with any action taken pursuant to a valid judicial warrant or court order issued by a court of competent jurisdiction.

SECTION 8: Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, this invalidity, unconstitutionality, or unenforceability shall not affect the validity of any other provisions or application of this Ordinance, which can be given effect without the invalid, unconstitutional, or unenforceable provision or application. To achieve this purpose, the provisions of this Ordinance are declared to be severable.

SECTION 9: Effective date. This Ordinance shall be in full force and effect upon its passage and approval, in accordance with law.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli, Mayor

ATTEST:

Dawn Portner, City Clerk