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MUNICIPAL ORDINANCE - ILLINOIS

City of Chicago v. Alexander

Appellate Court of Illinois, First District, Second Division - December 23, 2014 - N.E.3d - 2014 IL App (1st) 122858

Chicago Park District Code prohibits persons from remaining in Chicago parks from 11 p.m. to 6 a.m. Defendants were arrested when they failed to vacate Grant Park after being advised of the terms of the ordinance and after numerous warnings that they were in violation of the ordinance.

The circuit court dismissed the charges, finding the ordinance was facially unconstitutional and unconstitutional as applied to defendants as it violated principals of equal protection. The City of Chicago appealed.

The appeals court reversed, rejecting defendants' facial and as-applied challenges to the park district ordinance. The court similarly rejected defendants' arguments that the selective enforcement of the ordinance violated the equal protection clause of the fourteenth amendment.