

ORDINANCE 24-629

**AN ORDINANCE TO
PROHIBIT CAMPING ON PUBLIC PROPERTY WITHIN
THE VILLAGE OF ST. JACOB**

WHEREAS, it is the intent of the President and Board of Trustees of the Village of St. Jacob in enacting this section to make certain ordinance updates relating to the quality of life of St. Jacob's public spaces, to maintain and further expand the economic vitality of the Village of St. Jacob, and to protect the safety of the general public by imposing restrictions on camping on public property within the Village of St. Jacob;

WHEREAS, the Village of St. Jacob has determined that camping or engaging in activities associated with human habitation on or near public trails, public parks, public streets, and other areas of public property within the Village of St. Jacob has a tendency to cause interference with the public's ability to utilize and enjoy those public assets, has a tendency to interfere with the Village's ability to maintain such areas of public property, and has a tendency to cause significant damage to such areas of public property;

WHEREAS, the Village of St. Jacob has determined that camping or engaging in activities associated with human habitation on or near public trails, public parks, public streets and other areas of public property within the Village of St. Jacob that are not equipped with appropriate facilities to support such activities has the potential to and does create unsanitary conditions and other conditions that present a substantial risk of danger to the health and safety of those engaging in such activities, to neighboring property owners, to others attempting to utilize such areas of public property, and to the general public;

WHEREAS, the Village of St. Jacob has determined that such a regulation of camping on public property is consistent with concerns relating to the civil liberties and individual rights of all, including those who are homeless. *See Tobe v. City of Santa Ana*, 9 Cal.4th 1069 (1995) (ordinance prohibiting camping upheld pursuant to each city's police power); and

WHEREAS, the President and the Board of Trustees for the Village of St. Jacob find that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Illinois Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ST. JACOB, ILLINOIS, that the fines received in association with the camping ordinance by the Village of St. Jacob shall be allocated to the Village of St. Jacob General Fund.

NOW THEREFORE BE IT RESOLVED, that the Village Treasurer shall prepare a monthly report indicating the revenue received from city ordinance fines and verifying the allocations as aforesaid.

Section 1: Definitions:

For purposes of this article, the following words and phrases shall have the meanings ascribed to them as follows:

Bridge means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way, or to afford passage under or over existing public roads, railroads, or other rights-of-way.

Camp or camping means the use of any public property or public facility, including a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the Village of St. Jacob for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging.

Public property or public facility means, without limitation, all parks, streets (including adjacent shoulders, medians, and terrace areas), sidewalks, parking areas, picnic shelters, recreational and athletic fields and appurtenances, buildings, public transportation vehicles, greenspaces, playgrounds, benches, rights-of-way, and any area underneath a bridge, that is owned, operated, maintained, or under the custody and control of the Village of St. Jacob.

Store or storing means leaving one's personal property such as, without limitation, clothing, bedrolls, cookware, sleeping bags, luggage, shopping carts, knapsacks, or backpacks, unattended for more than one hour.

Section 2: Prohibited conduct:

(a). It shall be unlawful to camp or to engage in the activity of camping as defined in Section 1 of this ordinance within the Village of St. Jacob.

(b). It shall be unlawful to camp or to engage in the activity of camping as defined in Section 1 of this ordinance, or to sit or lie down on any public property so as to interfere with the ingress or egress from buildings or to interfere with the public's use and enjoyment of any public property or public facility.

Section 3: Exceptions:

The following shall not be treated as a violation of this ordinance:

(a). Persons sitting or lying down as a result of a medical emergency;

(b). Persons sitting in wheelchairs or on mobility scooters while using sidewalks;

- (c). Persons sitting down while attending parades;
- (d). Persons sitting down while patronizing outdoor cafes;
- (e). Persons sitting down while attending performances, festivals, concerts, fireworks, parades, or other special events taking place on any public property or in any public facility;
- (f). Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
- (g). Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event, or waiting outside a business premises to enter the premises to conduct business or commerce;
- (h). Persons sitting or lying down in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as the provision of food, supplies, or meals;
- (i). Children under the age of 13 years sleeping anywhere while being accompanied by a supervising adult or while sitting or lying in a stroller or baby carriage;
- (j). Contractors or subcontractors engaging in activities that would otherwise constitute a violation of this ordinance where said activities are associated and performed in conjunction with the scope of work set forth in a contract with the Village of St. Jacob; or
- (k). Persons enjoying a public park or public space for recreational purposes, which could include napping or picnicking activities, so long as such activities are short-term (less than 8 hours), are not impairing the ingress, egress, or equal enjoyment of that park or public place by others, are only involve materials that are easily packed up and removed, and do not indicate a use of the area as living accommodations rather than recreation.

Section 4: Enforcement; Warnings; Removal and Confiscation of Debris and Personal Property:

- (a) The chief of police, or his/her designees, will have primary responsibility for the enforcement of the camping regulations herein. Nothing in this chapter shall prevent the police chief, or his/her designees, from obtaining voluntary compliance by way of warning, notice, or education.
- (b) No person may be arrested or cited for violating this ordinance without having first received a verbal or written warning to cease such unlawful conduct and/or a verbal or written referral for available services such as, without limitation, transportation, shelter, and/or an agency referral. After the warning and/or referral, a continuation of actions in violation of this ordinance would be sufficient grounds for arrest and/or citation.

- (c) The St. Jacob Police Department may, in its discretion, decline to enforce this ordinance against those who are in violation of its terms due only to a true personal necessity, though a refusal of any person in violation of this ordinance to provide proper identification or to take immediate advantage of referrals for available services such as, without limitation, transportation, shelter, and/or an agency referral, shall be conclusive proof that no true necessity exists that requires violation of this ordinance.
- (d) Regardless of whether an individual is arrested and/or cited for a violation of this ordinance, where a violation of this ordinance is observed, Village officials shall have the right to remove any debris or personal property that creates a legitimate health and safety concern, or that creates an immediate and substantial danger to the environment. No warning is required prior to such confiscation relating to health and safety concerns.
- (e) In addition, where a person has stored personal property in violation of this ordinance, the Village of St. Jacob Police Department may confiscate it. A 24-hour warning will be given prior to the confiscation.
- (f) The Department shall retain the confiscated personal property in a manner consistent with the handling of other confiscated property, allowing for a reasonable opportunity (at least 30 days) for the individuals who own the property to retrieve it. Materials confiscated pursuant to this ordinance that are unsanitary or a danger to the health and safety of any person may be immediately disposed of.

Section 5: Penalties:

1. Any person who violates a provision of this chapter is guilty of a misdemeanor and punishable by a fine of no less than seventy-five dollars (\$75.00) but no more than seven hundred fifty dollars (\$750.00).
2. Any person who commits a subsequent violation of this chapter, which occurred within thirty (30) days of a violation, is guilty of a misdemeanor and punishable by a fine of no less than five hundred dollars (\$500.00) but no more than seven hundred fifty dollars (\$750.00).
3. Each occurrence of a violation of this chapter or, in the case of a continuous violation, each day a violation occurs or continues, shall constitute a separate offense and may be punishable separately.
4. The court may use alternative means of deterrence including but not limited to community service should the court deem it suitable.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ST. JACOB that camping or engaging in activities associated with human habitation on or near public trails, public parks, public streets, and other areas of public property within the Village of St. Jacob is hereby prohibited.

Adopted this 3RD day of APRIL 2024, pursuant to roll call vote by the Board of Trustees of the Village of St. Jacob, Madison County, Illinois.

Board of Trustees	Aye	Nay	Absent
Tim Elliot	_____	_____	<u>X</u>
George Gavlick	<u>X</u>	_____	_____
Guideon Richeson	<u>X</u>	_____	_____
Dawn Ross	<u>X</u>	_____	_____
Nathan Schmidt	<u>X</u>	_____	_____
Curtis Kinnick	_____	_____	<u>X</u>

APPROVED:

Richard L. Schiefer
RICHARD SCHIEFER, MAYOR
VILLAGE OF ST. JACOB, ILLINOIS

ATTEST:

Kathy Becker
KATHY BECKER, VILLAGE CLERK
VILLAGE OF ST. JACOB, ILLINOIS