

Village of Brighton

ORDINANCE NO. 2024-02

**AN ORDINANCE ADOPTING AN ANTI-CAMPING POLICY ON
PUBLIC PROPERTY WITHIN THE VILLAGE OF BRIGHTON,
ILLINOIS**

**ADOPTED BY THE VILLAGE BOARD OF TRUSTEES
OF THE VILLAGE OF BRIGHTON,
MACOUPIN & JERSEY COUNTIES, ILLINOIS**

THIS 6th DAY OF MAY 2024

**Published in pamphlet form by authority of the President and Village
Board of Trustees of the Village of Brighton, Macoupin & Jersey
Counties, Illinois this 6th day of May, 2024.**

ORDINANCE NO. 2024-02

AN ORDINANCE ADOPTING ARTICLE XVI, SECTION 27 OF THE VILLAGE CODE OF ORDINANCES PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC PROPERTY WITHIN THE VILLAGE OF BRIGHTON, ILLINOIS.

WHEREAS, the Village of Brighton, Illinois, (the “Village”) is a municipal corporation and a non-home rule unit of local government, duly established, existing and operating in accordance with the provision of Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, the Village has the statutory authority pursuant to the Illinois Municipal Code, including but not limited to, 65 ILCS 5/11-1-1, et seq., to adopt and enforce all Ordinances necessary for the preservation of public health, safety, welfare, and public order; and

WHEREAS, it is the intent of the Village in enacting this Ordinance to make certain updates to the Brighton Revised Code relating to the quality of life of Brighton’s public spaces, to maintain and further expand the economic vitality of the Village of Brighton, and to protect the safety of the general public by imposing restrictions on camping on public property within the corporate limits of the Village of Brighton and within all territory located within **one and on-half (1 ½) miles** of said limits, provided such territory is not located within the zoning jurisdiction of another municipality or county; and

WHEREAS, the Village of Brighton has determined that unauthorized 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 Brighton 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; and

WHEREAS, the Village of Brighton has determined that unauthorized 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 Brighton 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; and

WHEREAS, the Village Board for the Village of Brighton finds that it is in the best interest of public health, safety and general welfare that said provisions prohibiting unauthorized camping on public property within the Village of Brighton be adopted as provided herein and consistent with the requirements of Illinois Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BRIGHTON, MACOUPIN & JERSEY COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: ENACTMENT: That Article III, Chapter 27-16 of the Village Code of Ordinances of the Village of Brighton, Illinois, is hereby adopted to read as follows:

CHAPTER 27: OFFENSES

ARTICLE XVI: CAMPING ON PUBLIC PROPERTY

27-16-1: Purpose:

The purpose of this chapter is to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by prohibiting unauthorized camping and storage of personal property on public property within the Village, which interferes with the right of others to use the areas for the purposes for which they were intended.

27-16-2: Definitions:

The following definitions shall apply in the interpretation and enforcement of this chapter:

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 to pitch, use, or occupy camp facilities, or to use camp paraphernalia, or both for the purpose of habitation. Camp or camping does not include the use of public property or public facilities for recreational use or for authorized public or private events that involve the use of tents, awnings, or other structures in connection with such recreational use or authorized public or private events.

Unauthorized encampment means the collection of camp facilities, camp paraphernalia, and/or personal property used for unauthorized camping in violation of this ordinance.

Camp facilities include, but are not limited to, tents, huts, temporary shelters, campers, recreational vehicles, or trailers. Camp facilities do not include tents, huts, or temporary shelters, when used temporarily in a park for recreation or play during daylight hours when the park is open to the public.

Camp paraphernalia includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, blankets, mattresses, or cooking facilities and similar equipment.

Park means any publicly owned area controlled by the Village or other governmental entity for park purposes. Park also includes all associated areas, including parking lots for parks.

Public Property means, without limitation, any real property, building, structure, equipment, sign, shelter, vegetation, greenspace, playground, bench, trail, picnic shelters, recreational and athletic fields, and public open space, including all associated areas such as parking lots, controlled or owned by the Village of Brighton or any other governmental agency.

Store or *storing* means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location, 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.

Street means any highway, lane, road, street (including adjacent shoulders, medians, and terrace areas), right-of-way, sidewalk, boulevard, alley, and every way or place in the Village open as a matter of right to public pedestrian and vehicular travel.

27-16-3: Unlawful Camping or Storage of Personal Property in Public Places:

- A. It shall be unlawful for any person to camp, or to engage in the activity of unauthorized camping, or to store personal property, including camp facilities or camp paraphernalia as defined in this Section of the ordinance, within the following areas:
1. Any street; or
 2. Any bridge; or
 3. Any park; or
 4. Any public property, improved or unimproved; or
 5. Any public property where camping obstructs or interferes with the intended public use of the property.

27-16-4: Enforcement; Warnings; Removal and Confiscation of Debris and Personal Property:

- A. The Macoupin or Jersey County Sheriff's Department and/or the Village of Brighton Police Department, or their designee(s), will have primary responsibility for the enforcement of the camping regulations herein. Nothing in this chapter shall prevent the Officers, or his designee(s), from obtaining voluntary compliance by way of warning, notice, education, or coordination with other willing public or private entities and/or community members.
1. Prior to issuing any citation pursuant to this Chapter, the investigating officer shall provide a verbal and written warning to cease such unlawful conduct. Any public or private entities who wish to assist the Macoupin or Jersey County Sheriff's Department and/or the Village of Brighton Police Department ("Department") in effectively and humanely transitioning individuals from unauthorized encampments on public property to an environment consistent with Village ordinances should contact the Department with a description of what services they can provide and effective contact information.
 2. Upon a determination by law enforcement that an area constitutes an unauthorized encampment, regardless of whether an individual is cited for a violation of this ordinance, Village officials shall have the right to remove any debris, contraband, 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.

3. 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. Otherwise, the Department shall provide 24-hour written notice prior to confiscating property. The Department shall retain personal property confiscated pursuant to this ordinance in a manner consistent with the handling of other confiscated property and must not dispose of such personal property for a period of 7 calendar days, during which time the owner may retrieve such property from the Department, pursuant to the procedure outlined in the policy. Nothing prevents Department members from disposing of property with the consent of the property owner. When Department members have received consent to dispose of property, Village officials shall assist Department members when necessary.

27-16-5: Penalties:

- A. Any person who violates a provision of this chapter as a first offense may be punished by a fine of not more than one hundred dollars (\$100.00). All fines under this ordinance may be satisfied by cash payment or money order.
- B. Any person who commits a subsequent violation of this chapter, occurring within one year of a violation may be punished by a fine of not more than seven hundred fifty dollars (\$750.00). All fines under this ordinance may be satisfied by cash payment or money order.
- C. Each occurrence of a violation of this chapter or, in the case of a continuous violation, each day a violation occurs or continues, constitutes a separate offense and shall be punishable separately.
- D. Payment of fines shall be made to the Collector of the Village of Brighton. Any fines collected under this Ordinance shall be deposited and maintained in a fund labeled and maintained separate from the General Fund, with expenditures limited to those expenses specific to enforcement of this ordinance and training of Police Officers.

SECTION 2 - SEVERABILITY OF PROVISIONS: Each section, paragraph, sentence, clause, and provision of the Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 3 - CONFLICTING ORDINANCES: Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this Ordinance takes effect are hereby repealed.

SECTION 4 - EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approved by the President and Board of Trustees for the Village of Brighton.

Trustee	Yeah	Nay	Abstain	Absent
Arnold	✓			
Bramley	✓			
Little	✓			
Mead	✓			
Wilfong		✓		
Winslade	✓			

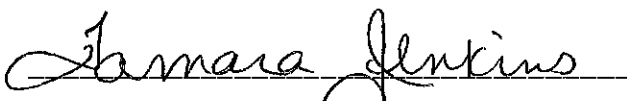
Approved by the President of the Village of Brighton, Macoupin and Jersey Counties, Illinois, this 6th day of May, 2024.



Matthew P. Kasten,
Village President
Brighton, Illinois

(SEAL)

ATTEST:



Tamara Jenkins, Village Clerk
Brighton, Illinois

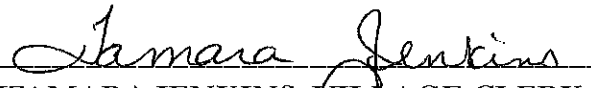
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VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTIES OF MACOUPIN & JERSEY) ss. VILLAGE CLERK'S OFFICE
VILLAGE OF BRIGHTON)

I, Tamara Jenkins, Village Clerk of the Village of Brighton, do hereby certify that the following Ordinance of the Village of Brighton, Macoupin and Jersey Counties, Illinois, published by authority of the Village Board of Trustees was duly passed by the Village Board of Trustees of the Village of Brighton, Illinois, approved by the Village President, and published in pamphlet form according to law on this date, and that this ordinance is a true and perfect copy of the ordinance, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set and affixed the Corporate Seal of the Village of Brighton, Illinois, this 6th day of May, 2024.


TAMARA JENKINS, VILLAGE CLERK
BRIGHTON, ILLINOIS

(SEAL)