

ORDINANCE NO. 2024 - 30

AN ORDINANCE ADOPTING CHAPTER 94 OF TITLE IX IN THE CITY OF MT. VERNON'S CODE OF ORDINANCES PROHIBITING UNAUTHORIZED CAMPING ON PUBLIC PROPERTY WITHIN THE CITY OF MT. VERNON, ILLINOIS

WHEREAS, the City of Mt. Vernon ("the City") is an Illinois Home Rule Municipal Corporation, duly existing under the laws of the State of Illinois, is expressly authorized pursuant to Section 11-1-1 of the Illinois Municipal Code to adopt and enforce all Ordinances necessary for the preservation of public health, safety, welfare and public order and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and hereby makes an express declaration as to the use of its Home Rule Authority in the enacting and adopting of this Ordinance; and

WHEREAS, it is the intent of the City in enacting this Ordinance to make certain updates to the City's Revised Code of Ordinances relating to the quality of life of City's public spaces, to maintain and further expand the economic vitality of the City of Mt. Vernon, and to protect the safety of the general public by imposing restrictions on camping on public property within the City of Mt. Vernon; and

WHEREAS, the City of Mt. Vernon 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 City of Mt. Vernon 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 City Council for the City of Mt. Vernon 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 City of Mt. Vernon be adopted as provided herein and consistent with the requirements of the Constitution and Statutes of Illinois.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MT. VERNON, ILLINOIS AS FOLLOWS:

SECTION 1 - RECITALS: The above recitals are true and material and are adopted herein as express finding of legislative fact, intent, and discretion of the City of Mt. Vernon, Illinois.

SECTION 2 - ENACTMENT: That Title IX, Chapter 94 of the City Code of Ordinances of the City of Mt. Vernon, Illinois, is hereby adopted to read as follows:

“TITLE IX: GENERAL REGULATIONS

CHAPTER 94: CAMPING ON PUBLIC PROPERTY

94-9-1 : 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 City, which interferes with the right of others to use the areas for the purposes for which they were intended.

94-9-2 : 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 event.

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 City 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 City of Mt. Vernon 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 City open as a matter of right to public pedestrian and vehicular travel.

94-9-3 : 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 property.

94-9-4 : Enforcement; Warnings; Removal and Confiscation of Debris and Personal Property:

- A. The Chief of Police, or their designee(s), will have primary responsibility for the enforcement of the camping regulations herein. Nothing in this chapter shall prevent the Police Chief, or their 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 and a verbal and written referral for possible alternatives to their present camping practices, such as, (without limitation), transportation, shelter, and/or contact information to public or private agencies who may be able to provide services or support. Any public or private entities who wish to assist the Mt. Vernon Police Department ("Department") in effectively and humanely transitioning individuals from unauthorized encampments on public property to an environment consistent with City ordinances should contact the Department with a description of what services they can provide and effective contact information. The Department will develop and

maintain a policy to include procedural guidance regarding the implementation of this ordinance. The Department shall consult relevant professional resources and engage interested community members, service providers, or other willing public or private entities when designing and implementing this policy. The policy shall be published and implemented no later than 6 months after the passage of this ordinance. The policy shall provide for the collection of relevant data that shall be used to review and revise the manual every three (3) years, or as needed. Said revision shall be made in the same manner the policy is developed.

2. Police shall exercise discretion to ensure that individuals are not cited for violating this ordinance due only to a true personal necessity that requires their present unauthorized camping practices. When possible, the Department may work directly with community members, service providers or other willing public or private entities to determine whether a true personal necessity exists in a particular circumstance. The Department shall provide specific support, guidance and contacts for officers. But it shall be construed as direct evidence that no true personal necessity exists if the individual who is camping refuses to take advantage of proffered alternatives to their present camping practices (which could include, in the most extreme cases, short term use of another location more easily monitored by the Department).
3. 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, City 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.
4. 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 at least 30 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, City officials shall assist Department members when necessary.

94-9-5 : 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 community service.
- 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 community service.
- 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.”

SECTION 3 - SEVERABILITY OF PROVISIONS: Each section, paragraph, sentence, clause and provision of this 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 4 - CONFLICTING ORDINANCES: Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this Ordinance takes effect are hereby repealed.

SECTION 5 - AUTHORITY: This Ordinance is hereby declared to be an exercise of the City’s home rule authority pursuant to Illinois law.

SECTION 6 - EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

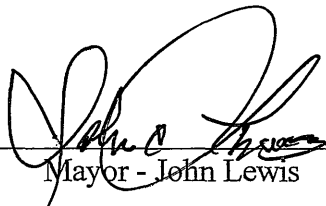
PASSED by the City Council of the City of Mt. Vernon, Illinois, on the 3RD day of September 2024.



City Clerk by Deputy City Clerk

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Botch	X				
Gliosci	X				
Moore	X				
Young	X				
Lewis	X				

APPROVED by the Mayor of the City of Mt. Vernon, Illinois on the 3RD day of September 2024

APPROVED: 
 Mayor - John Lewis

ATTEST: 
 City Clerk by Deputy City Clerk

(SEAL)