

2024-09

**AN ORDINANCE REGULATING PUBLIC CAMPING WITHIN UNINCORPORATED
BOUNDARIES OF ROCK ISLAND COUNTY, AND ON PROPERTIES OWNED BY
ROCK ISLAND COUNTY**

WHEREAS, 55 ILCS 5/5-1052 authorizes the County Board to “do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease”; and

WHEREAS, 55 ILCS 5/5-1113 authorizes the County Board to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to counties”; and

WHEREAS, pursuant to 720 ILCS 5/47-5, counties have the authority to declare what shall be a public nuisances and to abate the same with respect to the territory within the county and outside the corporate limits of any city, village, or incorporated town; and

WHEREAS, pursuant to 55 ILCS 5/541012, the county board of any county that established a code hearing unit may, by ordinance, establish a fine schedule for a code violation, the amount of which must be based on the nature of the offense and the number of previous code violations a respondent was convicted of committing for the same or related offense; and

WHEREAS, pursuant to 55 ILCS 5/5-41003, all counties except the counties of Cook, DuPage, Kane, Lake, McHenry and Will possess the authority to implement the process of administrative adjudication; and

WHEREAS, section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/3-102) requires a local public entity to exercise ordinary care to maintain its property in a reasonable safe condition for the use in the exercise of ordinary care of people whom the entity intends and permits to use the property in a manner in which and at such times as it is reasonably foreseeable that it would be used; and

WHEREAS, in an effort to address the public health concerns identified above, the Chairman and the Board of Rock Island County hereby declare it necessary and expedient for the promotion of health or the suppression of diseases, to regulate Public Camping, as that term is defined herein, within the County of Rock Island; and

WHEREAS, Public Camping, as the term is defined herein, is hereby declared to be a nuisance within the County for the reasons identified above; and

WHEREAS, in view of the foregoing, the Chairman and the Board of the County of Rock Island believe that it is appropriate, necessary and in the best interests of the County and its residents that the County implement a Public Camping Prohibition and related enforcement mechanisms, to address the myriad public concerns that public camping creates; and

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois that the County’s Code of Ordinances as follows:

Section 1. Title. This Ordinance shall be known as the Rock Island County prohibition against public camping.

Section 2. Jurisdiction and Applicability. The provisions of this Ordinance shall apply within Rock Island County and outside of the territory of each incorporated local governmental entity.

Section 3. Purpose. The purpose of this Ordinance is to define and abate the public nuisance of Public Camping in Rock Island County, Illinois.

Section 4. Incorporation of Recitals. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 5. Definitions. The following definitions apply to this Ordinance:

A. "Bedding" means a sleeping bag, or any other material, used for bedding purposes.

B. "Campsite" means any physical space that is not within an established structure, where Bedding or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.

C. "Exempt Personal Property" means items which would otherwise constitute Personal Property under the terms of this Ordinance, but which (i) has no apparent utility or monetary value; (ii) Personal Property which is unsanitary to store or otherwise maintain; (iii) any weapon possessed illegally; (iv) drug paraphernalia; (v) items appearing to be stolen or otherwise appearing to be evidence of a crime; (vi) items which the person cannot demonstrate the requisite lawful authority to possess; and, (vii) any items of food which can reasonably be expected to spoil or otherwise perish within the next 30 days.

D. "Personal Property" means any item reasonably recognizable as belonging to a person and having apparent utility or monetary value, except for Exempt Personal Property.

E. "County of Rock Island Property" means any real or personal property belonging to the County of Rock Island or any affiliated entity. "County of Rock Island Property" shall not include any parcel of property specifically designated by the County of Rock Island in any subsequent ordinance as permitted or intended to be used for Public Camping, as the term is defined herein.

F. "Public Camping" means to cause or participate in the establishment of, or the act of remaining in or at, a Campsite.

Section 6. Public Camping Prohibited

A. No person may sleep, nor otherwise engage in Public Camping, on a public sidewalk, street, alley, lane, other public right-of-way, park, bench, or any other County of Rock Island Property, nor on or under any bridge or viaduct, at any time.

B. No person may sleep, nor otherwise engage in Public Camping, in any pedestrian or vehicular entrance to public or private property abutting a public right-of-way.

C. No person may sleep, nor otherwise engage in Public Camping, on any County of Rock Island Property or any real property otherwise maintained by Rock Island County.

D. No person may park a vehicle overnight within on County of Rock Island Property for the purpose of sleeping or otherwise engaging in Public Camping in said vehicle.

E. For the purposes of this section, the act of parking or leaving a vehicle parked for two consecutive hours, and/or remaining within a public vehicle on any property under the jurisdiction of Rock Island County for the purpose of Public Camping, for two consecutive hours without permission from the County Board Chairman and the County Board, between the hours of midnight and 6:00 a.m., shall be considered a violation of this Ordinance.

Section 7. Exceptions to Prohibition. Notwithstanding the foregoing, it shall not be a violation to engage in Public Camping when done (i) in a manner specifically authorized by this Code; (ii) on property owned or operated by the Rock Island County Forest Preserve district when done so as permitted by the rules and regulations by the Rock Island County Forest Preserve district, (iii) after a formal declaration of the County of Rock Island in emergency circumstances; or, (vi) upon resolution of the Chairman of the Board and the Rock Island County Board the same may exempt a special event from the prohibitions of this section, if the Chairman of the Board and the Rock Island County Board finds such exemption to be in the public interest and consistent with the goals and objectives of the Chairman of the Board and Rock Island County Board and with such conditions imposed as the Rock Island County Board deems necessary. Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the County for any liability, damage or expense incurred by the County as a result of the activities of the applicant. Any findings by the Chairman of the Board and the Rock Island County Board shall specify the exact dates and location covered by the exemption.

Section 8. Removal of Campsite on Public Property. Upon discovery of a campsite on public property, removal of the campsite by the appropriate person(s) acting on behalf of Rock Island County may occur under the following circumstances:

A. Prior to removing a Campsite, Rock Island County shall post a notice, 24-hours in advance of the removal, unless immediate removal of the Campsite is deemed to be necessary for one of the reasons in subparagraphs 1-4, below. If such immediate removal is undertaken, the basis for causing the immediate removal of such Campsite should be adequately documented by the appropriate person(s).

1. immediate removal of the Campsite is necessary to maintain access to a property;

2. immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;

3. immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or,

4. immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of Rock Island County and its residents.

B. At the time of posting the 24-hour notice, the County shall inform a local agency (delivering social services to homeless individuals) of the location of the Campsite and the persons found to be in violation of this Ordinance, so said agency may determine whether or not it would be appropriate to offer its services to those persons.

C. After the 24-hour notice period has passed, the appropriate person(s) acting on behalf of Rock Island County are authorized to remove the Campsite and all personal property related thereto.

D. No portion of this Section shall be construed to prohibit any person found to be engaging in Public Camping from removing their Personal Property from the Campsite; however, such Personal Property that constitutes Exempt Personal Property and which a reasonably prudent law enforcement officer, exercising the applicable constitutional standard, would conclude that said Exempt Personal Property constitutes items appearing to be stolen or otherwise appearing to be evidence of a crime, and/or items which the person cannot demonstrate the requisite lawful authority to possess, may be retained and stored as evidence.

E. In addition to any other remedy provided by law or this Ordinance, any person found in violation of this Ordinance may be immediately removed from the premises where the Campsite is located.

Section 9. Disposition and Release of Personal Property.

A. All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the appropriate law enforcement agency of Rock Island County, for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.

B. All Exempt Personal Property may be disposed of or retained as evidence by the Rock Island County Sheriff.

Section 10. Assessment of Fines. As pertains to any fines authorized by this Ordinance, Rock Island County Administrative Adjudication Ordinance, or by State of Illinois statute, whoever suffers or permits any public nuisance or nuisance as specified in this Ordinance to exist or continue in violation of this Ordinance shall be subject to a separate fine for each offense. Fines may also be assessed by a court of competent jurisdiction or a Hearing Officer pursuant to the Rock Island County Administrative Adjudication Ordinance for failure to abate violations of this Ordinance in accordance with this Ordinance, State of Illinois statute or the Rock Island County Administrative Adjudication Ordinance. Each day that a violation of this ordinance exists or continues shall be considered a separate offense and any fine or fines for these separate offenses shall be assessed in accordance with applicable State of Illinois statutes.

Section 11 Fines.

- A. The penalty for any person's first violation of this Ordinance within a rolling twenty-four (24) month period shall be \$75.
- B. The penalty for any person's second violation of this Ordinance within a rolling twenty-four (24) month period shall be \$150.
- C. The penalty for any person's third violation of this Ordinance within a rolling twenty-four (24) month period shall be \$350.
- D. The penalty for any person's fourth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$500.
- E. The penalty for any person's fifth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$750.

Section 12 Mitigation. Upon violation of this Ordinance, in addition to any other factors deemed appropriate by the Court or the Hearing Officer pursuant to the Rock Island County Administrative Adjudication Ordinance, the Court or the Hearing Officer pursuant to the Rock Island County Administrative Adjudication Ordinances shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, can and garbage from the campsite after being informed it was in violation of the law.

Section 13. Repeal of Conflicting Provisions. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

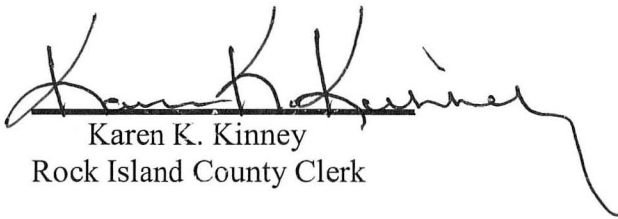
Section 14. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 15. Headings/Captions. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

PASSED THIS 15TH DAY OF OCTOBER 2024



Richard H. "Quijas" Brunk
Chairman of the Rock Island County Board



Karen K. Kinney
Rock Island County Clerk