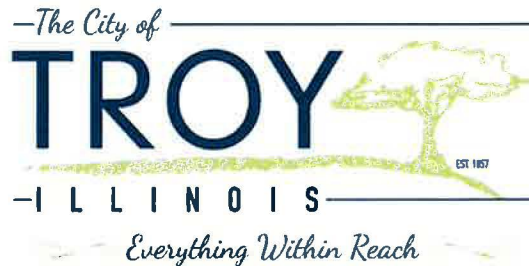


Prepared by:

City of Troy
116 E. Market Street
Troy, IL 62294



Ordinance No. 2024 - 47

AN ORDINANCE Amending Chapter 131 (Offenses Against Property, Public Health and Safety) Adding Section 131.34 (Camping on Public Property) of the Codified Ordinances of the City of Troy

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS
THIS 5th DAY OF AUGUST 2024

Whereas, the City of Troy, Madison County, Illinois, is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-101 et seq. of Chapter 65 of the Illinois Compiled Statutes); and specifically derives its authority on this subject pursuant to 65 ILCS 5/1-1-4, 5/1-2-1, 5/1-2-1.1, 5/1-1-10, 5/11-20-5 and 5/11-60-2; and

Whereas, the City Council of the City of Troy, has determined that it is in the best interests of public health, safety and general welfare, and economic welfare to declare Public Camping as defined herein a nuisance within the City, and to accordingly amend the City Code of Ordinances to add Chapter 131.34, Camping on Public Property; and

Whereas, the City Council of the City of Troy, finds that the Mayor and/or City Administrator should be authorized and directed, on behalf of the City, to execute whatever documents are necessary to amend the City Code to add Chapter 131.34, Camping on Public Property, to the City Code.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois.

SECTION 2: That *Chapter 131* of the Troy Municipal Code of Ordinances is amended to add Section 131.34 provisions described in Exhibit A.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

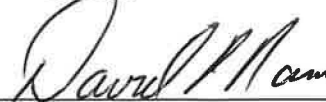
SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law and shall be published in pamphlet form by the authority of the City Council.

PASSED by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 5th day of August, 2024.

Aldermen Vote:

Dan Dawson	<u>AYE</u>	Sam Italiano	<u>AYE</u>	Ayes:	<u>7</u>
Tim Flint	<u>AYE</u>	Debbie Knoll	<u>AYE</u>	Nays:	<u>0</u>
Elizabeth Hellrung	<u>AYE</u>	Tony Manley	<u>AYE</u>	Absent:	<u>1</u>
Nathan Henderson	<u>ABSENT</u>	Troy Turner	<u>AYE</u>	Abstain:	<u>0</u>

APPROVED:



DAVID NONN, Mayor
City of Troy, Illinois

ATTEST:



KIMBERLY THOMAS, Clerk
City of Troy, Illinois



Exhibit A

§ 131.34 CAMPING ON PUBLIC PROPERTY.

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

(B) 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 publicly-owned 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 real property owned or otherwise maintained by the City of Troy.
- d. No person may park a vehicle overnight within the City of Troy 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 vehicle on any property under

the jurisdiction of the City of Troy for the purpose of Public Camping, for two consecutive hours without permission from the City Council, Mayor or Police Chief, between the hours of midnight and 6:00 a.m., shall be considered a violation of this Ordinance.

- (C) 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) after a formal declaration of the City in emergency circumstances; or, (iii) upon resolution of the City Council, the same may exempt a special event from the prohibitions of this section, if the City Council, Mayor or Police Chief finds such exemption to be in the public interest and consistent with the goals and objectives of the City of Troy, and with such conditions imposed as the City Council deems necessary.

Any conditions imposed will include a condition requiring that the applicant provide evidence of adequate insurance coverage and agree to indemnify the City of Troy for any liability, damage or expense incurred by the City as a result of the activities of the applicant. Any findings by the City Council shall specify the exact dates and location covered by the exemption.

- (D) Removal of Campsite. Removal of a Campsite in violation of this Ordinance may occur under the following circumstances:

1. Prior to removing a Campsite, the City Police Department shall cause the posting of 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 a-d, 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).

- a. immediate removal of the Campsite is necessary to maintain access to a property;
- b. immediate removal of the Campsite is necessary to maintain the sanitary condition of a property;
- c. immediate removal of the Campsite is necessary because the Campsite is an obstruction to any public right-of-way; or,
- d. immediate removal of the Campsite is necessary because the Campsite poses a risk to the health and safety of the City of Troy and its residents.

2. Upon any action pursuant to Section D.1, above, the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the City, 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.

3. If a 24-hour notice has been posted, and the 24-hour notice period has passed, then the Campsite, as well as all Personal Property thereon, shall be removed by the appropriate person(s) acting on behalf of the City of Troy.

4. 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) Disposition and Release of Personal Property.

1. All Personal Property removed from any Campsite which is not Exempt Personal Property shall be stored by the Troy Police Department, for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.
2. All Exempt Personal Property may be disposed of or retained as evidence by the Troy Police Department.

(F) Penalty; Mitigation

1. The penalty for any person's first violation of this Ordinance within a rolling twenty-four (24) month period shall be \$75.
2. The penalty for any person's second violation of this Ordinance within a rolling twenty-four (24) month period shall be \$150.
3. The penalty for any person's third violation of this Ordinance within a rolling twenty-four (24) month period shall be \$350.
4. The penalty for any person's fourth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$500.
5. The penalty for any person's fifth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$750.
6. The penalty for any person's sixth or subsequent violation of this Ordinance within a rolling twenty-four (24) month period may be a monetary penalty of \$750 or incarceration for a period not exceeding the maximum time allowed pursuant to Section 1-2-9 of the Illinois Municipal Code (65 ILCS 5/1-2-9).
7. As a substitute for any monetary penalty assessed pursuant to paragraphs A-F, above, and if consented to by the City of Troy, the penalty assessed to any person found in violation of this Ordinance may be that said person must engage in public service by cleaning the rights-of-way and other public facilities of the City for an amount of time that, if the person found to have violated this Ordinance was being

paid the minimum wage under Illinois law, the amount paid for that person's labors would have been equal to the monetary penalty assessed under this Ordinance.

8. The City of Troy is hereby empowered to exercise all powers afforded to it, at law or in equity, to collect any fines assessed against a person pursuant to this Ordinance, including but not limited to seeking incarceration of said person for a period of time that conforms with Section 1-2-9 of the Illinois Municipal Code (65 ILCS 5/1-2-9).
 9. In the imposition of any penalty pursuant to this Section, the penalty shall be mitigated by whether or not the person immediately removed all Personal Property and litter, including but not limited to bottles, cans, and garbage, from the Campsite after the person was informed that the person was in violation of this Ordinance.
 10. A separate offense of this Ordinance shall be deemed committed on each day on which a violation occurs or continues.
 11. In addition to any other remedy provided by law or this Ordinance, any person found in violation of this section may be immediately removed from the premises where the Campsite is located.
- (G) 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.
- (H) 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.
- (I) 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.
- (J) Publication. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code (65 ILCS 5/1-2-4).