

## CHAPTER 5

### CAMPING ON PUBLIC PROPERTY

#### SECTION:

7-5-1: Definitions

7-5-2: Unlawful Camping or Storage of Personal Property in Public Places

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#### 7-5-1: 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 Village or other governmental entity for park purposes. Park also includes all associated areas, including but not limited to parking lots for parks.

**PUBLIC PROPERTY** means, without limitation, any real property, building, structure, equipment, sign, shelter, vegetation, greenspace, levy, 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 East Alton 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.

#### **7-5-2: UNLAWFUL CAMPING OR STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES**

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: street, bridge, park, any public property, improved or unimproved, levy, or any public property where camping obstructs or interferes with the intended public use of the property.

#### **7-5-3: ENFORCEMENT; WARNING; REMOVAL AND CONFISCATION OF DEBRIS AND PERSONAL PROPERTY**

The chief of police, or their designee(s), will have primary responsibility for the enforcement of the camping restrictions 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.

- A. 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 may provide 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 wish to assist the Village of East Alton Police Department (“Department”) in effectively and humanely transition individuals from unauthorized encampments on public property to an environment consistent with Village Ordinance should contact the Police 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 guidelines regarding the implementation of this Ordinance. The Department may 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 may be published and implemented no later than twelve (12) months after the passage of this ordinance.
- B. 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 may provide specific support, guidance, and contacts for officers. But it shall be 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 Police).

- C. 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.
- D. 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, Village officials shall assist Department members when necessary.

#### 7-5-4: PENALTIES

- A. Any person who violates a provision of this chapter may be punishable by a fine of no 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, which occurred within thirty (30) days of a violation, may be punishable by a fine of no more than five hundred dollars (\$500.00). 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, may constitute a separate offense and may be punished separately.