

ORDINANCE NO. 2025- _____

**AN ORDINANCE PROHIBITING CAMPING, STORAGE OF
PERSONAL PROPERTY, AND SLEEPING ON PUBLIC PROPERTY
IN THE CITY OF KNOXVILLE, ILLINOIS**

WHEREAS, Chapter 17 of the City of Knoxville Municipal Code regulates the use of public parks; and

WHEREAS, the City Council for the City of Knoxville seeks to further regulate other public places, including City streets, sidewalks, and other public places in order to maintain and promote the public health, safety and welfare, to provide for the effective management of public property within Knoxville, and to provide for the continued enjoyment and accessibility of public property by all Knoxville residents and the public at large; and

WHEREAS, the use of public parks, streets, sidewalks, and other public places in the City for camping or sleeping purposes or for storing personal property interferes with the rights of others to use the areas for the purposes for which these public areas were intended; and

WHEREAS, using public property for camping or sleeping purposes or to store personal property causes the City to incur increased costs for policing, maintenance, sanitation, garbage removal, animal control, protection of the surrounding environment, and other problems which arise; and

WHEREAS, the City Council further finds that it is in the best interests of the City and its residents to prohibit camping, sleeping, or storing personal property on or in public parks, street, sidewalks, and public places in the City in order to preserve those spaces for their intended uses;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF KNOXVILLE, KNOX COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. The title for Chapter 17 of City of Knoxville Municipal Code is hereby revised to read as follows: "PARKS AND PUBLIC PROPERTY".

Section 3. Chapter 17, Article I, Section 6 of the Knoxville Municipal Code is hereby amended, with deletions indicated by ~~strike through~~, and additions indicated by underlining, such that Chapter 17, Article I, Section 6 of the Knoxville Municipal Code shall henceforth provide as follows:

SEC. 17-1-6: Penalty

A violation of ~~this ordinance~~ any provision of this Article I is a misdemeanor and the provisions of Sec. 1-1-11 shall not apply.

Section 4. Article II, including all sections to said Article II listed below, is hereby added to Chapter 17 of the City of Knoxville Municipal Code as follows:

Article 2: Camping, Sleeping, or Storing Items on Public Property

SEC. 17-2-1: Camping on Public Property

A. Definitions.

CAMP or CAMPING: Means the use of public property as a temporary or permanent place of dwelling, lodging, campsite, or residence, or as a living or sleeping accommodation at any whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

CAMPSITE: Means any place where bedding, sleeping bag, or other material used for bedding purposes, 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.

PERSONAL BELONGINGS: Shall have the same meaning as "personal property" as set forth in section 17-2-3(B).

PUBLIC PROPERTY: Means any property that is owned, managed or maintained by the City of Knoxville, and shall include, but not be limited to, any street, sidewalk, median, and any other portion of a right-of-way, and any space, ground, mall, building, structure, parking lot, parking structure, promenade, hiking-biking trail, public park, and any other property of the City.

B. Camping on Public Property Prohibited.

(1) It shall be unlawful for any person to use any public property as a camping place at any time, or to cause or permit any vehicle to remain in any of said places to the detriment of public travel; or to cause or permit any livestock of any description to be herded into any of said places during any hours of the day or night; provided, that this section shall not prohibit (i) the operation of a business or activity pursuant to a permit issued by the City Clerk, or (ii) camping in parks or campgrounds specifically designated and intended for that purpose.

(2) Indicia of camping or creating a campsite may include, but are not limited to, storage of personal belongings, erecting, building, or using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire in an unauthorized area, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding or similar material for the purpose of sleeping).

(3) It shall be unlawful to camp within the boundaries of City parks or recreational areas and to park vehicles in City parks or recreational areas overnight. For the purposes of this section, anyone who parks or leaves a vehicle parked for two consecutive hours or who remains within or on a City park or recreational area as herein defined for purposes of camping as defined in this section for two consecutive hours, without permission from the City, between the hours of midnight and 6:00 a.m. shall be considered in violation of this section.

C. Removal of Campsite.

Upon discovery of a campsite or camping items or materials on public property, removal of the campsite by the Police Department may occur under the following circumstances:

(1) Prior to removing the campsite or camping items or materials, the City shall post a notice of such removal, at least twenty-four (24) hours in advance.

(2) After the 24-hour notice period has passed, the Police Department is authorized to remove the campsite or camping items or materials and all personal property related thereto. The Police Department shall follow the procedures in section 17-2-3(D) through 17-2-3(G) for the storage, disposal, sale and reclamation of confiscated personal property.

(3) Any item removed under this section that is deemed unsafe, hazardous, or perishable may be disposed of immediately in any manner without advance notice after impoundment by the city. Unsafe, hazardous, or perishable items will be deemed to include, but not be limited to, used syringes, garbage, trash, items soiled with bodily fluids or other biohazards, items for personal hygiene, and food.

D. Exception.

This section 17-2-1 is separate and in addition from, and does not affect, section 17-2-3 of this Code, which prohibits the storage of personal property on public property.

SEC. 17-2-2: Sleeping on Sidewalks or Streets

It shall be unlawful for any person to sleep on a public sidewalk, street, right-of-way, or alleyway, or on any pedestrian or vehicular entrance to public or private property immediately abutting a public sidewalk, street, right-of-way, or alleyway, regardless of whether the person has erected a building or tent or is storing personal property with or near them on the public property.

SEC. 17-2-3: Storage of Personal Property in Public Places

A. Purpose and Intent

Public property should be accessible and available to residents and the public at large for its intended uses. The unauthorized use of public property for the storage of personal property interferes with the rights of other members of the public to use public property for its intended purposes and can create a public health and safety hazard that adversely affects residential and commercial areas. The purpose of this chapter is to maintain public areas in clean, sanitary and accessible condition, to prevent harm to the health or safety of the public, to prevent the misappropriation of public property for personal use, and to promote the public health, safety and general welfare by ensuring the public property remains readily available for its intended uses.

B. Definitions

PERSONAL PROPERTY: Means any and all tangible property, including, but not limited to, items, goods, materials, merchandise, furniture, equipment, fixtures, structures, clothing, and household items. The term "personal property" shall not include (i) any vehicle as defined in the Illinois Vehicle Code, (ii) a mailbox and related supporting structure located on City right-of-way adjacent to property for which the mailbox serves, (iii) any ground level landscaping located on City right-of-way between the curb or edge of street and the property line that is maintained by the owner or occupant of the property immediately adjacent to such City right-of-way (this exception does not permit the placement of any trees, shrubs, or bushes in the City right-of-way), or (iv) any garbage collection receptacles and associated garbage from the adjacent property that is placed on the City right-of-way for pick up by the City or similar garbage collection services.

PUBLIC PROPERTY: Shall have the same meaning as "public property" as set forth in section 17-2-1(A).

C. Prohibitions Against Storage

(1) No person shall store, accumulate, mass together, or maintain personal property on public property. All storage of personal property as provided in

this section may be impounded by the City. In the event personal property placed on public property otherwise interferes with the safe or orderly management of the premises or poses a threat to the health, safety, or welfare of the public, such personal property may be impounded at any time by the City.

(2) Personal property placed on public property shall be deemed to be stored personal property if it has not been removed from public property within twenty-four (24) hours of service of the written notice required by section 17-2-3(D), which requires such removal, and the City may cause the removal or impoundment of such stored personal property. The moving of the personal property to another location on public property shall not be considered removing the personal property from public property. This section shall not apply to personal property that pursuant to statute, ordinance, permit, regulation, or other City authorization is placed on public property, which shall specifically include the use of a City park area or being on or using other City facilities or public spaces for their intended public purpose.

D. Notice

The written notice required to be served by this section shall be deemed to have been served if a copy of the written notice is served on the person storing the personal property or is posted prominently and conspicuously on the stored personal property. The written notice shall contain the following:

- (1) A description of the personal property to be removed (such description may refer to an attached photograph).
- (2) The location of the personal property.
- (3) The date and time the notice was posted.
- (4) The section of this Code that is being violated.
- (5) A statement that the personal property will be impounded if not removed within twenty-four (24) hours.
- (6) The location where the removed property will be stored.
- (7) A statement that impounded property will be sold or otherwise disposed of if not claimed within thirty (30) days after impoundment.
- (8) A statement that the property owner shall be responsible for all costs of removal, storage and disposal.

E. Storage and Disposal of Impounded Personal Property

(1) Impounded personal property shall be moved to a place of storage, and the owner shall be assessed moving, storage, and other related fees and costs. Additionally, the owner of impounded personal property shall bear the responsibility for the risk of any loss or damage to the impounded property.

(2) At least thirty (30) days prior to the disposal of impounded personal property, the City shall have served notice in writing apprising the owner of the personal property of the description and location of the impounded personal property and the intent of the City to sell, donate, or otherwise dispose of the impounded property. Service of written notice shall be by personal service or by certified mail, return receipt requested, to the last known address of the owner of impounded property if the owner is known or can be determined. Where the identity or address of the owner is unknown or cannot be determined through the exercise of reasonable diligence, the notice shall be posted on the public property where the property was stored or seized.

(3) Any impounded personal property which is deemed unsafe, hazardous, or perishable may be disposed of immediately in any manner without notice after impoundment by the City. Unsafe, hazardous, or perishable personal property will be deemed to include, but not be limited to, used syringes, garbage, trash, items soiled with bodily fluids or other biohazards, items for personal hygiene, and food.

(4) The City shall maintain a record of the date and method of disposal of the impounded personal property, including the consideration received for the property, if any, and the name and address of the person taking possession of the property. Such record shall be kept as a public record for a period of not less than one year from the date of disposal of the property.

F. Proceeds of Sale

All fees, debts, and charges owing and all expenses of handling, storage, appraisal, advertising, and other sale expenses incurred by the City shall be deducted from the proceeds of any sale of the impounded property. Any remaining amount shall be held in trust for the owner of the property for thirty (30) days after the sale, at which time the proceeds shall be paid into the City's general fund.

G. Reclamation of Impounded Property

The owner or any person entitled to the impounded personal property may reclaim the property prior to its disposal upon submitting satisfactory proof of ownership or entitlement and payment of all unpaid fees, debts, and

charges owing and all handling, storage, appraisal, advertising, and all other expenses incurred by the City in connection with the proposed disposal of the impounded property.

H. City Not Liable

The City of Knoxville, its officials, officers, employees, and agents shall not be liable to the owner of impounded personal property because of any disposal of property made pursuant to this section 17-2-3 or pursuant to section 17-2-1. The remedies available to the owner of impounded personal property are limited to those provided in this section.

I. Removal of City-Posted Signs.

It shall be unlawful for any person to remove a sign posted by the City pursuant to the provisions of this section or pursuant to the provisions of section 17-2-1 unless authorized by the City to remove the sign.

SEC. 17-2-3: Penalty

Any person violating the provisions of this Article II shall upon conviction thereof be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and such person shall be deemed guilty of a separate offense for each and every day during which said violation shall continue.

Section 6. If any provision, clause, sentence, paragraph, subsection, or part of this ordinance, or application thereof to any person or circumstance, shall for any reason be judged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, subsection, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, subsection, or part thereof had not been included.

Section 7. This Ordinance is hereby ordered to be published in pamphlet form by the Knoxville City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 8. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 9. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KNOXVILLE, KNOX COUNTY, ILLINOIS, AND APPROVED BY ITS MAYOR THIS ____ DAY OF _____, 2025.

APPROVED:

Mayor

ATTEST:

City Clerk

CERTIFICATE OF PUBLICATION

I, Leslie Wilt, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the City of Knoxville, Knox County, Illinois, and that the foregoing is a true and correct copy of Ordinance 2025-_____, duly passed by the Mayor and City Council of the City of Knoxville being entitled: "An Ordinance Prohibiting Camping, Storage of Personal Property, and Sleeping on Public Property in the City of Knoxville" at a meeting held on the _____ day of April, 2025, the Ordinance being a part of the official records of said City. The foregoing Ordinance No. 2025-_____ was published by me in pamphlet form this _____ day of April 2025, by making three (3) copies thereof available on that date for public inspection. The pamphlet form of this Ordinance was also posted at the Knoxville City Hall, 33 N. Public Square, Knoxville, Illinois, commencing on April _____, 2025, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request from the City Clerk.

DATED this _____ day of _____, 2025.

City Clerk