

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2026- ____

**AN ORDINANCE REGULATING PUBLIC CAMPING WITHIN CORPORATE
BOUNDARIES AND OTHER ACTIONS IN CONNECTION THEREWITH**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 20TH DAY OF MARCH, 2026**

**Published in pamphlet form by the authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 21st day of March, 2026.**

CERTIFICATE OF PUBLICATION

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale, Illinois,
and the official custodian of the records of said City, do hereby certify that this ordinance
was published in pamphlet form by the authority of the City Council on the 21st day of
March, 2026.**

Jennifer R. Sorrell, City Clerk

ORDINANCE NO. 2026 - _____

AN ORDINANCE REGULATING PUBLIC CAMPING WITHIN CORPORATE BOUNDARIES AND OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Carbondale is a home rule Illinois municipality pursuant to the Constitution of the State of Illinois of 1970, as amended; and,

WHEREAS, pursuant to Section 1-1-4 of the Illinois Municipal Code (65 ILCS 5/1-1-4), the City has those powers conferred upon it by the Illinois Municipal Code; and,

WHEREAS, Section 1-2-1 of the Illinois Municipal Code (65 ILCS 5/1-2-1), provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and,

WHEREAS, Section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) empowers the corporate authorities of the municipality to pass ordinances to regulate any matter that is expressly within the powers granted to the municipality, or incidental thereto; and,

WHEREAS, Section 1-1-10 of the Illinois Municipal Code (65 ILCS 5/1-1-10) empowers the corporate authorities of the municipality to exercise all powers granted to it expressly, by necessity, by the Illinois Municipal Code, by Illinois statute, or by the Illinois Constitution; and,

WHEREAS, Section 11-20-5 of the Illinois Municipal Code (65 ILCS 5/11-20-5) empowers the corporate authorities of each municipality to “do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases”; and,

WHEREAS, Section 11-60-2 of the Illinois Municipal Code (65 ILCS 5/11-60-2) empowers the corporate authorities of each municipality to define, prevent, and abate nuisances; and,

WHEREAS, Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/3-102) obligates the City to “exercise ordinary care to maintain public property in a reasonably safe condition.” *Bubb v. Springfield Sch. Dist.* 186, 167 Ill. 2d 372, 377 (1995) (citing 745 ILCS 10/3-102); and,

WHEREAS, the Local Governmental and Governmental Employees Tort Immunity Act generally immunizes municipalities from damages claims where the public property was not used in the manner intended and permitted by the municipality. *See Wojdyla v. City of Park Ridge*, 148 Ill. 2d 417, 421–22 (1992) (*quoting* 745 ILCS 10/3-102(a)) (“Thus, for a pedestrian to be protected in the present circumstances by the statute, he must be an intended and permitted user of the property under the control of the city.”); and,

WHEREAS, in *City of Grants Pass, Oregon v. Johnson*, 603 U.S. 520, 144 S. Ct. 2202 (2024), the United States Supreme Court held that the criminalization of “public camping”, as defined in the City of Grants Pass’s ordinance, did not unconstitutionally infringe on the Eighth Amendment rights of homeless and otherwise unhoused persons within said City; and,

WHEREAS, in *Johnson*, the United States Supreme Court acknowledged that homelessness is a “complex and serious social issue” whose “causes are many” and which “cries out for effective responses” to combat it. *Johnson*, 603 U.S. 520, slip op. at 10, 34; and,

WHEREAS, in *Johnson*, the United States Supreme Court relied heavily on the “stepwise” escalation of penalties in Grants Pass’s ordinance to uphold its constitutionality. *Id.* at 11, 16–17; and,

WHEREAS, in view of the foregoing, the City Council finds that it is appropriate, necessary, and in the best interests of the City and its residents, that the City implement a Public Camping Prohibition and related enforcement mechanisms, to address the myriad public concerns that public camping creates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE AS FOLLOWS:

SECTION ONE. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION TWO. Public Camping, as the term is defined herein, is hereby declared to be a nuisance within the City for the reasons identified above.

SECTION THREE. In an effort to address the public health concerns identified above, the City Council hereby declares it necessary or expedient for the promotion of health or the suppression of diseases, to regulate Public Camping, as that term is defined herein, within the City's corporate limits.

SECTION FOUR. Except for those parcels of property specifically designated by the City in any subsequent ordinance, the City hereby declares that none of its property is permitted nor intended to be used for Public Camping, as the term is defined herein.

SECTION FIVE. The Carbondale City Council finds that it is in the best interests of the residents of the City of Carbondale to establish rules and regulations concerning the use of public property for camping as set out in Exhibit "A", attached hereto and incorporated herein.

SECTION SIX. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION SEVEN. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION EIGHT. 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 NINE. 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.

SECTION TEN. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION ELEVEN. That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: _____
Carolyn Harvey, Mayor

ATTEST: _____
Jennifer R. Sorrell, City Clerk

EXHIBIT “A”

CHAPTER 15 PROHIBITION ON CAMPING ON PUBLIC PROPERTY

17-15-1: Definitions

The following definitions apply to this Ordinance:

BEDDING: means a sleeping bag, or any other material, used for bedding purposes.

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.

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.

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

PUBLIC CAMPING: means to cause or participate in the establishment of, or the act of remaining in or at, a Campsite.

17-15-2: 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.
- D. No person may park a vehicle overnight within the City 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 the City for the purpose of Public Camping, for two consecutive hours without permission from the City Manager, between the hours of midnight and 6:00 a.m., shall be considered a violation of this Ordinance.

17-15-3: Exceptions to Prohibition

Notwithstanding the foregoing, it shall not be a violation to engage in Public Camping when done in accordance with the following:

- (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 City Council may exempt a special event from the prohibitions of this section, if the City Council finds such exemption to be in the public interest and consistent with the goals and objectives of the City Council, 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 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.

17-15-4: Removal of Campsite

Removal of a Campsite in violation of this Ordinance may occur under the following circumstances:

- A. Prior to removing a Campsite, the City shall post a notice, 48-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 the City and its residents.
- B. Upon any action taken pursuant to Section A, 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.
- C. If a 48-hour notice has been posted, and the 48-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.
- 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.

17-15-5: 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 the City, 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 appropriate law enforcement agency of the City.
- C. Any Personal Property identified as lawfully prescribed medication shall be returned to the owner within a reasonable time period.

17-15-6.: Penalty; Mitigation

- A. The penalty for any person's first violation of this Ordinance within a rolling twenty-four (24) month period shall be \$25.
- B. The penalty for any person's second violation of this Ordinance within a rolling twenty-four (24) month period shall be \$50.
- C. The penalty for any person's third violation of this Ordinance within a rolling twenty-four (24) month period shall be \$75.
- D. The penalty for any person's fourth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$100.
- E. The penalty for any person's fifth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$200.
- F. 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.
- G. As a substitute for any monetary penalty assessed pursuant to paragraphs A–F, above, and if consented to by the City, 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.
- H. The City 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).
- I. 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.
- J. A separate offense of this Ordinance shall be deemed committed on each day on which a violation occurs or continues.
- K. 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.