

## A G E N D A

COMMITTEE OF THE WHOLE MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON TUESDAY, MAY 27, 2025, AT 5:30 P.M. AT THE COMMUNITY RESOURCE CENTER (CRC), 825 MIDWAY DRIVE, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. VISITORS' BUSINESS - Public Comment is Limited to Three Minutes Per Person
5. OMNIBUS VOTE AGENDA
  - a. WAIVE READING OF THE MINUTES (APPROVE)
  - b. MINUTES - BOARD OF TRUSTEES COMMITTEE OF THE WHOLE MEETING, April 28, 2025 (APPROVE)
6. ITEMS FOR DISCUSSION:
  - a. DISCUSSION OF A NEW ORDINANCE REGULATING THE USE OF LOW-SPEED ELECTRIC OR GAS BICYCLES OR SCOOTERS WITHIN THE VILLAGE OF WILLOWBROOK
  - b. DISCUSSION OF A NEW ORDINANCE REGULATING PUBLIC CAMPING WITHIN THE VILLAGE
7. ADJOURNMENT

MINUTES OF THE COMMITTEE OF THE WHOLE OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, APRIL 28, 2025, AT 5:30 P.M. AT THE COMMUNITY RESOURCE CENTER, 825 MIDWAY DRIVE, WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at 5:30 p.m. by Mayor Frank Trilla.

2. ROLL CALL

Those physically present at roll call were Mayor Frank Trilla, Village Clerk Gretchen Boerwinkle, Trustees Mark Astrella, Sue Berglund, Michael Mistele, Gayle Neal, Gregory Ruffolo, Village Attorney Michael Durkin, Village Administrator Sean Halloran, Assistant Village Administrator Alex Arteaga, Chief Financial Officer Lora Flori, Director of Community Development Michael Krol, Director of Public Works Rick Valent, Chief Lauren Kaspar, and Deputy Clerk Christine Mardegan.

ABSENT: Trustee Umberto Davi and Director of Parks and Recreation Dustin Kleefisch.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

Mayor Trilla asked Mr. Brian Pabst to lead everyone in saying the Pledge of Allegiance.

4. VISITORS' BUSINESS

None present.

5. OMNIBUS VOTE AGENDA

- a. WAIVE READING OF THE MINUTES (APPROVE)
- b. MINUTES - BOARD OF TRUSTEES COMMITTEE OF THE WHOLE MEETING, April 14, 2025 (APPROVE)

Mayor Trilla asked the Board if there were any items to be removed from the Omnibus Vote Agenda.

MOTION: Made by Trustee Ruffolo and seconded by Trustee Berglund to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Astrella, Berglund, Mistele, Neal, and Ruffolo. NAYS: None. ABSENT: Davi.

MOTION DECLARED CARRIED

6. ITEMS FOR DISCUSSION:

- a. ECONOMIC DEVELOPMENT PROGRAM (EDP) PRESENTATION

Administrator Halloran introduced Director Brian Pabst from the Willowbrook Economic Development Program (WEDP) to provide the annual progress presentation. The Administrator noted that this program was funded in 2022 for a 3-year period which will expire in October 2025. Already included in the FY 2025/2026 budget is \$100,000 which is lower than last year's request.

Director Pabst began with an overview of the program, noting that Willowbrook relies heavily on sales tax revenue for funding and the WEDP prioritizes attracting and retaining business services with a significant retail tax base. He outlined several successes throughout the past year as well as recruitment efforts. Additionally, the WEDP works on cultivating strong relationships with commercial real estate professionals.

He noted that Willowbrook is well positioned for continued commercial growth with favorable demographics, high traffic corridors, and proximity to major expressways, while remaining mindful of challenges such as economic uncertainty and regional competition.

The Mayor and Board thanked Director Pabst for his presentation.

#### b. EMPLOYEE HANDBOOK UPDATE

Administrator Halloran detailed the changes to specific areas of the Employee Handbook, including six specifically for public works employees and a health insurance opt-out incentive increase:

- o Public Works First Responder Designation (New Section)
- o Public Works Standard Work Hours (Updated Section 5.1)
- o Call-Out, Remote Response, and On-Call Pay (Updated Section 5.2)
- o Clarification on Vacation Availability (Updated Section 5.3.8)
- o Public Works Seasonal Scheduling (Updated Section 5.3.8)
- o CDL Testing Policy Compliance (Updated Section 4.5.5)
- o Health Insurance Opt-Out Incentive Increase (Updated Section 7.1.3)

He noted that these updates have no direct significant impact on the General Fund and have been discussed with the employees and management staff, as well as comparisons to surrounding communities.

The Board provided a consensus in agreeing with the proposed changes.

#### c. DISCUSSION OF SHARED SERVICES SOCIAL WORKER PROGRAM THROUGH NORTHEAST DUPAGE FAMILY AND YOUTH SERVICES (NEDFYS)

Chief Kaspar provided information on a program for a shared social worker services partnership with Burr Ridge, Hinsdale, and Darien Police Departments offered with Northeast DuPage Family and Youth Services (NEDFYS).

The types of calls that would best benefit from a social services referral include, but are not limited to, domestic violence, behavioral health, mental health, juvenile issues, homelessness, abuse, elder services, and social service emergencies. In 2024, the Willowbrook Police Department handled 229 mental health and domestic-related calls alone. Although several not-for-profit organizations provide resources to law enforcement agencies, very few of them are 24/7 and none spend time on site.

Some of the services that can be provided by NEDFYS are domestic violence follow-up for immediate and ongoing assistance to both the victims and the children in the home, as well as anything beyond that. They also provide a 24/7 on-call crisis intervention center, which assists with adult and youth cases, substance abuse, juvenile family conflict, deaths, violent crimes, overdoses, and developmentally disabled elder services.

Willowbrook would benefit from an increase in community-based behavioral health care, leading to a reduction in the need for emergency transport or healthcare services, domestic violence services, as well as facilitating the quicker return of our officers to patrol duties. For the officers responding to these calls, the aid of social workers would result in a decrease in arrests and jail admissions and decreased repeat encounters, resulting overall in improved officer, resident, visitor, and community safety.

The Chief also outlined the specifics of personnel provided, the costs involved, and funding grant opportunities. The Trustees raised questions about the availability of the social workers and the possibility of developing a greater need. Chief Kaspar noted that this is a 1-year pilot program and could be revised in the coming years as needed. She also noted that with the shared aspect of the program, if a social worker were not in the office in Willowbrook, they could be called from one of the partner communities.

The Board provided a consensus to proceed with joining the shared services partnership.

#### d. POLICE DEPARTMENT QUARTERLY CRIME UPDATE - Q1 2025

Chief Kaspar presented the first quarter of 2025 crime statistics update covering the following topics:

- o Total Dispatched Calls for the first quarter of calendar years 2021 through 2025
- o Traffic Enforcement Summary the first quarter of calendar years 2021 through 2025
- o Traffic Accident Summary for the first quarter of calendar years 2021 through 2025
- o Offense Trends from January 2024 to current
- o A heat map overview for all calls requiring written reports during the first quarter of calendar year 2025

Deputy Chief Kadolph presented updates for the investigative section. He highlighted cases that were handled in this quarter, including the removal of sex workers at one of the hotels and assisting, along with the Chicago police, in the apprehension of organized retail theft offenders fleeing from the Naperville police. The department was also able to identify three juveniles involved in park vandalism in three parks who were brought in before the administrative adjudicators, arranging for full restitution of the damage.

In response to a Trustee's inquiry, due to vandalism at Creekside Park involving a vehicle driving into the park, bollards will be installed to prevent further damage or injury to any park visitors. Cameras have also been installed for general surveillance as well as to monitor the large amount of construction equipment in place at this time.

An additional question was raised by the Board regarding the use of drones, citing Oak Brook as an example of a department with this additional tool. Although this is not something Willowbrook has looked into, if there was a need for drones the mutual aid agreements in place would allow the department to request assistance from Oak Brook.

#### 7. ADJOURNMENT

MOTION: Made by Trustee Ruffolo and seconded by Trustee Mistele to adjourn the Committee of the Whole meeting at the hour of 5:59 p.m.

ROLL CALL VOTE: AYES: Trustees Astrella, Berglund, Mistele, Neal, and Ruffolo. NAYS: None. ABSENT: Davi.

MOTION DECLARED CARRIED

PRESENTED, READ, and APPROVED.

\_\_\_\_\_, 2024.

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Frank A. Trilla, Mayor

Minutes transcribed by Administrative Assistant Jody Wegrzynski.



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**COMMITTEE OF THE WHOLE**

**AGENDA ITEM NO: 6.a.**

**DATE: May 27, 2025**

**SUBJECT:**

DISCUSSION OF A NEW ORDINANCE REGULATING THE USE OF LOW-SPEED ELECTRIC OR GAS BICYCLES OR SCOOTERS WITHIN THE VILLAGE OF WILLOWBROOK

**STAFF REPORT**

**TO:** Mayor Trilla and Board of Trustees  
**FROM:** Lauren Kaspar, Chief of Police  
**THROUGH:** Sean Halloran, Village Administrator

**PURPOSE AND ACTION REQUESTED**

Discussion of a new ordinance regulating the use of low-speed electric or gas bicycles or scooters within the Village of Willowbrook

**BACKGROUND/SUMMARY**

Over the last two years, the prevalence of low-speed electric or gas bicycles and scooters, sometimes referred to as “E-bikes” or “E-scooters”, has become increasingly common in the Village of Willowbrook. Given the abundance of these devices, the topic of Village ordinance regulations on them has become a very popular public safety issue.

In 2018, The Illinois vehicle code established regulations which classify E-Bikes into three categories based on battery wattage, speed, and/or age association with each class as follows (625 ILCS 5/1-140.10):

Low-speed electric bicycle. A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following classes:

(a) "**Class 1 low-speed electric bicycle**" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(b) "**Class 2 low-speed electric bicycle**" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

(c) "**Class 3 low-speed electric bicycle**" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

By state statute, E-Bikes are also subject to the following Rules of the Road:

- E-bikes must follow the same rules of the road as bicycles, including obeying traffic control devices



- Persons under 16 are not permitted to ride Class 3 E-bikes
- E-bikes may not be ridden on sidewalks including those in a “downtown” area
- E-bikes are allowed on bike paths; however, they must be ridden at the same safe speeds as bicycles

Additionally in 2024, the Illinois Vehicle Code added regulations surrounding the operation of e-scooters as follows (625 ILCS 5/11-1518):

- E-scooters are not permitted for use in a local municipality unless an ordinance is adopted allowing it.
- In Illinois municipalities where e-scooters are permitted, they may only be ridden by adults 18 and older
- E-scooters may not travel faster than 10 mph.
- E-scooters are not permitted on roads with speed limits in excess of 35 mph or State highways.
- E-scooters upon any public highway in the State while under the influence of alcohol or any drug.
- Additional regulations on lighting, equipment, operating condition, and passenger limits apply.

With the growing popularity of these devices, community concerns include unsafe operation, property damage associated with reckless operation, visibility of these devices for the motoring public, and overall safety for riders. After surveying numerous municipalities within the area, staff has taken the approach to develop an ordinance mirroring State statute while adding some additional safeguards for the community.

The ordinance developed provides the definitions for low-speed electric or gas bicycles or scooters as set forth in the Illinois Vehicle Code, and reiterates that all traffic laws shall apply to every person riding or operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter on any street, roadway, alley, sidewalk, or parking lot or on other public property within the Village. The new ordinance will also make it unlawful for a person to do any act forbidden by, or fail to perform any act required by, any provision of the ordinance or any applicable provision of the Illinois Vehicle Code while riding or operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter within the Village. Additionally, it will be unlawful for a person to permit any minor child of which they are a parent or guardian to violate any provision of the ordinance or any applicable provision of the Illinois Vehicle Code while riding or operating a bicycle, low-speed electric bicycle, low-speed gas bicycle, moped, or low-speed electric scooter within the Village.

Additional regulations and restrictions on the operation of a low-speed electric bicycle, low-speed gas bicycle, or low-speed electric scooter on any street, roadway, alley, sidewalk, bicycle path, multi-use path, parking lot or on other public property within the Village will include:

- A person may operate a low-speed electric bicycle (including a Class 1, Class 2, or Class 3 low-speed electric bicycle) or low-speed gas bicycle only if the person is at least 16 years of age. This limitation does not apply to a Class 1 or Class 2 low-speed electric bicycle that is being operated under manual power only and without utilizing motorized propulsion or assistance.
- A person may operate a low-speed electric scooter only if the person is at least 18 years of age.
- A person may not operate a low-speed electric bicycle (including a Class 1, Class 2, or Class 3 low-speed electric bicycle), low-speed gas bicycle, or low-speed electric scooter within the Village on any public sidewalk, bicycle path, or multi-use path or on any other public property or public way where the use of motor vehicles is not permitted; provided, however that a Class 1, Class 2, or Class 3 low-speed electric



bicycle may be operated on a bicycle path or multi-use path under manual power only and without utilizing motorized propulsion or assistance.

- Nothing in this section shall be construed to prohibit the use of a motorized wheelchair or similar personal mobility device that is designed for and used by a person with disabilities on any sidewalk, multi-use path, or other public way consistent with the rights and duties applicable to pedestrians.

To spread the word and educate residents on the current state laws and new Village ordinance, staff will market via social media and the Village website. Additionally, signage (samples below) will be posted in all applicable locations with a QR code link to the new ordinance. Staff believes this approach best fits the needs of the Village and will allow for the administrative adjudication of offenses related to the operation of low-speed electric or gas bicycles or scooters within the Village of Willowbrook.



#### FINANCIAL IMPACT

None.

#### RECOMMENDED ACTION:

Provide feedback on the new ordinance regulating the use of low-speed electric or gas bicycles or scooters within the Village of Willowbrook.



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## COMMITTEE OF THE WHOLE

**AGENDA ITEM NO: 6.b.**

**DATE: May 27, 2025**

**SUBJECT:**

DISCUSSION OF A NEW ORDINANCE REGULATING PUBLIC CAMPING WITHIN THE VILLAGE

### STAFF REPORT

**TO:** Mayor Trilla and Board of Trustees

**FROM:** Lauren Kaspar, Chief of Police

**THROUGH:** Sean Halloran, Village Administrator

### PURPOSE AND ACTION REQUESTED

To provide the Village Board with background information on a new ordinance regulating public camping within the Village.

### BACKGROUND/SUMMARY

In June of 2024, the Supreme Court of the United States issued their opinion on the authority of the regulation surrounding camping on public property as it specifically relates to homeless individuals. The ruling in the *City of Grants Pass, Oregon v. Johnson et al*, ultimately preserved local control and upheld ordinances regulating camping on public property.

After the issuance of the opinion, the Illinois Municipal League (IML) developed a model ordinance regulating public camping that complies with the Supreme Court's opinion. The ordinance cites sources that discuss the following:

- In 2020, there were approximately 10,431 Illinoisans experiencing homelessness. ILL. OFF. TO PREVENT & END HOMELESSNESS, ILL. DEP'T HUM. SERVS., HOME ILLINOIS: ILLINOIS' PLAN TO PREVENT AND END HOMELESSNESS (2022), available at <https://perma.cc/QV8K-3XGK>; and,
- A 2022 study by the United States (U.S.) Department of Housing and Urban Development estimated that 9,212 people were experiencing homelessness in Illinois in January 2022, with an estimated 20.6% of those homeless persons being unsheltered, meaning they have no form of shelter on which to rely. OFF. POL'Y DEV. & RSCH., U.S. DEP'T HOUS. & URB. DEV., PIT ESTIMATES OF HOMELESSNESS IN THE U.S. (2022), available at <https://www.huduser.gov/portal/sites/default/files/xls/2007-2022-PIT-Counts-by-State.xlsx>; and,
- The estimates provided by the U.S. Department of Housing and Urban Development "likely underestimate the size of the homeless population because identifying people experiencing homelessness is inherently difficult." U.S. GOV'T ACCOUNTABILITY OFF., GAO-20-433, HOMELESSNESS: BETTER HUD OVERSIGHT OF DATA COLLECTION COULD IMPROVE ESTIMATES OF HOMELESS POPULATION (2020), available at <https://perma.cc/7ZUQ-U5CE>.



- The American Public Health Association has recognized homelessness as a public health issue, since research shows that homeless individuals (1) suffer “higher mortality rates and chronic disease loads” than non-homeless populations; (2) “overuse emergency services, leading to higher costs for treatment” for all persons; and, (3) with no form of shelter “can exacerbate conditions such as diabetes and hepatitis C . . . .” Housing and Homelessness as a Public Health Issue, Am. Pub. Health Ass’n (Nov. 7, 2017), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>; see also Bernard Beall et al., Invasive Pneumococcal Disease Clusters Disproportionally Impact Persons Experiencing Homelessness, Injecting Drug Users, and the Western United States, 226 J. Infectious Diseases 332 (2022), available at <https://doi.org/10.1093/infdis/jiac058>. (finding that “invasive pneumococcal disease” was “disproportionally represented” in the homeless population when compared against populations not experiencing homelessness); and,
- The U.S. Interagency Council on Homelessness has noted that people “who experience homelessness die nearly 30 years earlier than the average American—and often from easily treatable illnesses.” Homelessness Data & Trends, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, <https://www.usich.gov/guidance-reports-data/data-trends> (last visited July 15, 2024); and,
- With the complex matters surrounding homelessness and potential public health concerns, the model ordinance prohibits public camping and creates a progressive method of enforcement/penalties. It provides a way for Villages to address these public health concerns as well as any other concerns public camping creates.

In December of 2024, staff began researching the adoption of the model ordinance as it relates to the Village of Willowbrook. After reaching out to other DuPage County municipalities, Clarendon Hills and Wayne Police Departments responded that they adopted the model ordinance provided by the IML. Other agencies such as Glen Ellyn and Downers Grove related that they had parks/park district ordinances that prohibited camping, sleeping, or campsites within their parks and they saw no real need for the model ordinance. The remaining agencies did not respond and/or related it was not a priority due to limited prevalence in their communities.

Currently, Willowbrook Village ordinance only establishes hours of operations for public parks as follows:

Village parks shall be open to the public between dawn and dusk daily. It shall be unlawful for any person (other than Village personnel conducting Village business) to occupy or be present in any park during any hours in which said park is not open to the public. Notwithstanding the above provisions, however, the official closing time of the Community Park shall be ten o'clock (10:00) P.M. on those evenings on which night activities are authorized by the Superintendent of Parks and Recreation.

Although it is not a prevalent issue within the Village of Willowbrook, there have been instances where staff encountered individuals camping in public or utilizing public spaces for non-intended use. The current response would be driven by the hours of operation restrictions as it relates to parks and/or a humanitarian approach of providing resources and shelter services. With the recent addition of memorandums of understanding with Northeast DuPage Family and Youth Services as well as NAMI of DuPage, staff has additional referral resources to provide to individuals who are willing to accept help. Adoption of the model ordinance would provide additional enforcement options as well as establish the following:

- |                                      |  |
|--------------------------------------|--|
| – Definitions                        | – When/how a campsite can be removed           |
| – Where public camping is prohibited | – Disposition and release of personal property |
| – Exceptions to the prohibition      | – Penalties and mitigations                    |



This new ordinance would not only be applicable to parks, but also to a public sidewalk, street, alley, lane, other public right-of-way, bench, or any other publicly owned property including public camping in a vehicle. The IML model ordinance for the Village of Willowbrook is attached for review.

**FINANCIAL IMPACT**

None.

**RECOMMENDED ACTION:**

Provide feedback on the adoption of a new ordinance regulating public camping within the Village.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REGULATING PUBLIC CAMPING WITHIN CORPORATE  
BOUNDARIES AND OTHER ACTIONS IN CONNECTION THEREWITH  
FOR THE CITY/VILLAGE/TOWN OF \_\_\_\_\_**

WHEREAS, estimates provide that, in 2020, there were approximately 10,431 Illinoisans experiencing homelessness. ILL. OFF. TO PREVENT & END HOMELESSNESS, ILL. DEP'T HUM. SERVS., HOME ILLINOIS: ILLINOIS' PLAN TO PREVENT AND END HOMELESSNESS (2022), available at <https://perma.cc/QV8K-3XGK>; and,

WHEREAS, a 2022 study by the United States (U.S.) Department of Housing and Urban Development estimated that 9,212 people were experiencing homelessness in Illinois in January 2022, with an estimated 20.6% of those homeless persons being unsheltered, meaning they have no form of shelter on which to rely. OFF. POL'Y DEV. & RSCH., U.S. DEP'T HOUS. & URB. DEV., PIT ESTIMATES OF HOMELESSNESS IN THE U.S. (2022), available at <https://www.huduser.gov/portal/sites/default/files/xls/2007-2022-PIT-Counts-by-State.xlsx>; and,

WHEREAS, the estimates provided by the U.S. Department of Housing and Urban Development “likely underestimate the size of the homeless population because identifying people experiencing homelessness is inherently difficult.” U.S. GOV'T ACCOUNTABILITY OFF., GAO-20-433, HOMELESSNESS: BETTER HUD OVERSIGHT OF DATA COLLECTION COULD IMPROVE ESTIMATES OF HOMELESS POPULATION (2020), available at <https://perma.cc/7ZUQ-U5CE>.

WHEREAS, the American Public Health Association has recognized homelessness as a public health issue, since research shows that homeless individuals (1) suffer “higher mortality rates and chronic disease loads” than non-homeless populations; (2) “overuse emergency services, leading to higher costs for treatment” for all persons; and, (3) with no form of shelter “can exacerbate conditions such as diabetes and hepatitis C . . . .” *Housing and Homelessness as a Public Health Issue*, Am. Pub. Health Ass'n (Nov. 7, 2017), <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>; see also Bernard Beall et al., *Invasive Pneumococcal Disease Clusters Disproportionally Impact Persons Experiencing Homelessness, Injecting Drug Users, and the Western United States*, 226 J. Infectious Diseases 332 (2022), available at <https://doi.org/10.1093/infdis/jiac058>. (finding that “invasive pneumococcal disease” was “disproportionally represented” in the homeless population when compared against populations not experiencing homelessness); and,

WHEREAS, the U.S. Interagency Council on Homelessness has noted that people “who experience homelessness die nearly 30 years earlier than the average American—and often from easily treatable illnesses.” *Homelessness Data & Trends*, U.S. INTERAGENCY COUNCIL ON

HOMELESSNESS, <https://www.usich.gov/guidance-reports-data/data-trends> (last visited July 15, 2024); and,

WHEREAS, the **City/Village/Town** of \_\_\_\_\_ (**City/Village/Town**) is a [home rule / non-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/Village/Town** has those powers conferred upon it by the Illinois Municipal Code; and,

WHEREAS, the 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 by making the violation a misdemeanor punishable by up to six (6) months of incarceration; 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/Village/Town** 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 being 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. \_\_\_, 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. \_\_\_, 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/President and Board of Trustees of the Village/President and Board of Trustees of the Town** believe that it is appropriate, necessary and in the best interests of the **City/Village/Town** and its residents, that the **City/Village/Town** 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/President and Board of Trustees of the Village/President and Board of Trustees of the Town** of \_\_\_\_\_ as follows:

Section 1. 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 2. Public Camping as a Nuisance. Public Camping, as the term is defined herein, is hereby declared to be a nuisance within the **City/Village/Town** for the reasons identified above.

Section 3. Regulation of Public Camping Necessary to Promote Public Health. In an effort to address the public health concerns identified above, the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town** hereby declare 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/Village/Town’s** corporate limits.

Section 4. Public Camping Not Intended Use of Public Property. Except for those parcels of property specifically designated by the **City/Village/Town** in any subsequent ordinance, the **City/Village/Town** hereby declares that none of its property is permitted nor intended to be used for Public Camping, as the term is defined 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. “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 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/Village/Town**.
- D. No person may park a vehicle overnight within the **City/Village/Town** 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/Village/Town** for the purpose of Public Camping, for two consecutive hours without permission from the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town**, 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) after a formal declaration of the **City/Village/Town** in emergency circumstances; or, (iii) upon resolution of the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town**, the same may exempt a special event from the prohibitions of this section, if the **City Council/President and Board of Trustees of**

the **Village/President and Board of Trustees of the Town** finds such exemption to be in the public interest and consistent with the goals and objectives of the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town**, and with such conditions imposed as the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town** 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/Village/Town** for any liability, damage or expense incurred by the **City/Village/Town** as a result of the activities of the applicant. Any findings by the **City Council/President and Board of Trustees of the Village/President and Board of Trustees of the Town** shall specify the exact dates and location covered by the exemption.

Section 8. 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/Village/Town** 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 the **City/Village/Town** and its residents.
- B. Upon any action pursuant to Section 8.A, above, the person causing such action to be taken shall inform an appropriate agency delivering social services to homeless individuals in the **City/Village/Town**, 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 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/Village/Town**.

- 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.

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 the **City/Village/Town**, 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/Village/Town**.

Section 10. Penalty; Mitigation.

- 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.
- 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 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).
- G. As a substitute for any monetary penalty assessed pursuant to paragraphs A–F, above, and if consented to by the **City/Village/Town**, 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/Village/Town** 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/Village/Town** 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.

Section 11. 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 12. 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 13. 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.

Section 14. 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).

IML Model Ordinance: Public Camping

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Mayor/Village President/Town President**

ATTEST:

\_\_\_\_\_  
Clerk

BEFORE ADOPTING ANY ORDINANCE, MUNICIPAL OFFICIALS SHOULD CONSULT  
WITH THEIR RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.