
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2024-035**

**A ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
AUTHORIZING AND APPROVING AN ORDINANCE REGULATING PUBLIC
CAMPING AND OTHER ACTIONS IN CONNECTION THEREWITH, WITHIN THE
CORPORATE BOUNDARIES OF THE CITY OF BLUE ISLAND, ILLINOIS.**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Alderman

ORDINANCE NUMBER 2024- 035

**A RESOLUTION OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
AUTHORIZING AND APPROVING AN ORDINANCE REGULATING PUBLIC
CAMPING AND OTHER ACTIONS IN CONNECTION THEREWITH, WITHIN THE
CORPORATE BOUNDARIES OF THE CITY OF BLUE ISLAND, ILLINOIS.**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “*City*”) is a duly organized and existing City created under the provisions of the Illinois State Constitution of 1970, as amended, and the laws of the State of Illinois and operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, pursuant to Section 1-1-4 of the Illinois Municipal Code (65 ILCS 5/1-1-4), the City of Blue Island 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 by making the violation of 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, 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. (<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.” (<https://perma.cc/7ZUQ-U5CE>); and

WHEREAS, the American Public Health Association has recognized homelessness as a public health issue (<https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2018/01/18/housing-and-homelessness-as-a-public-health-issue>; <https://doi.org/10.1093/infdis/jiac058>); 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.” (<https://www.usich.gov/guidance-reports-data/data-trends>); 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;” 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; and

WHEREAS, the United States Supreme Court held that the criminalization of “public camping”, did not unconstitutionally infringe on the Eighth Amendment rights of homeless and otherwise unhoused persons within said City;

WHEREAS, in view of the foregoing, the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois believe that it is appropriate, necessary and in the best interests of the City of Blue Island and its residents, that the City implement a Public Camping Prohibition and related enforcement mechanisms, to address the myriad of public concerns that public camping creates.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

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 of Blue Island, Cook County, Illinois, 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 Mayor and the Aldermen of the

City of Blue Island, Cook County, Illinois 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 of Blue Island's corporate limits.

Section 4. Public Camping Not Intended Use of Public Property. Except for those parcels of property specifically designated by the City of Blue Island in any subsequent ordinance, the City of Blue Island 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 of Blue Island.
- D. No person may park a vehicle overnight within the City of Blue Island 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 of Blue Island for the purpose of Public Camping, for two consecutive hours without permission from the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois 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 of Blue Island, Cook County, Illinois in emergency circumstances; or, (iii) upon resolution of the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois, the same may exempt a special event from the prohibitions of this section,

if the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois finds such exemption to be in the public interest and consistent with the goals and objectives of the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois, and with such conditions imposed as the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois, deem 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 Blue Island for any liability, damage or expense incurred by the City of Blue Island as a result of the activities of the applicant. Any findings by the Mayor and the Aldermen of the City of Blue Island, Cook County, Illinois, 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 of Blue Island, Cook County, Illinois 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) identifying the for which immediate removal is necessary, such as:

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 of Blue Island, Cook County, Illinois 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 of Blue Island, Cook County, Illinois, 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 of Blue Island, Cook County, Illinois.
- 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 of Blue Island, Cook County, Illinois, 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 of Blue Island, Cook County, Illinois.

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 \$50.
- B. The penalty for any person's second violation of this Ordinance within a rolling twenty-four (24) month period shall be \$100.
- C. The penalty for any person's third violation of this Ordinance within a rolling twenty-four (24) month period shall be \$200.
- D. The penalty for any person's fourth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$300.
- E. The penalty for any person's fifth violation of this Ordinance within a rolling twenty-four (24) month period shall be \$500.

- 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. The City of Blue Island, Cook County, Illinois 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).
- H. 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.
- I. A separate offense of this Ordinance shall be deemed committed on each day on which a violation occurs or continues.
- J. 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).

(Left intentionally blank)

ADOPTED this 27TH day of AUGUST, 2024, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman FAHRENWALD	X				
Alderman RITA			X		
Alderman MONTOYA	X				
Alderman MCGEE	X				
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	6		1		

APPROVED by the Mayor on AUGUST 27, 2024.

FRED BILOTTO
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
27TH day of AUGUST, 2024.

RAEANN CANELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
27TH day of AUGUST, 2024.

RAEANN CANELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **August 27, 2024**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2024-035**.

Entitled:

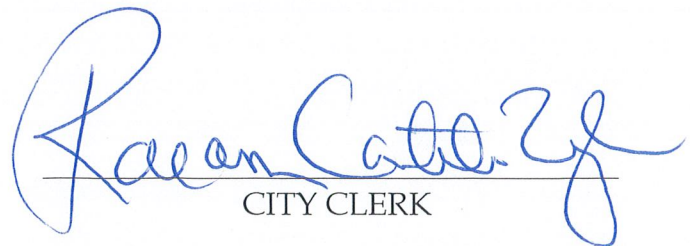
AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AUTHORIZING AND APPROVING AN ORDINANCE REGULATING PUBLIC CAMPING AND OTHER ACTIONS IN CONNECTION THEREWITH, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BLUE ISLAND, ILLINOIS.

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2024 - 035** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **August 27, 2024**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **27TH** day of **August, 2024**.

CORPORATE SEAL


CITY CLERK



STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATION

I, RAEANN CANTELO-ZYLMAN, DO HEREBY CERTIFY THAT I am the duly elected City Clerk of the City of Blue Island, Illinois, as such City Clerk, I am the keeper of the minutes and records of the Proceedings of the City Council of the said City and have in my custody the ORDINANCE and BOOKS of the records of said City.

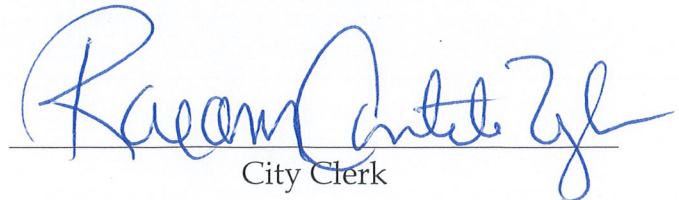
I DO FURTHER CERTIFY that the attached and foregoing is a true and correct copy of the certain **2024 - 035** Entitled: **ORDINANCE: AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, AUTHORIZING AND APPROVING AN ORDINANCE REGULATING PUBLIC CAMPING AND OTHER ACTIONS IN CONNECTION THEREWITH, WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF BLUE ISLAND, ILLINOIS.**

ORDINANCE NO. 2024-035 which was adopted at a regular meeting of the City Council of the City of Blue Island, Illinois held on the **27TH day of AUGUST, 2024;** that at said meeting **6** Alderman were present; that at said meeting, on motion duly made and seconded that the Ordinance did pass and on the roll being called the vote of each Aldermen present on the question of the passage of said Ordinance was duly and separately taken by Ayes and Nays and their names and votes recorded in the minutes of **6** Alderman voted Aye and **0** Alderman voted Nay and **0** Alderman voted Abstain and **1** Alderman Absent.

I DO FURTHER CERTIFY that the original Ordinance which the foregoing is a true copy, is entrusted to my care for safe keeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Blue Island aforesaid, at the said City in the County and State aforesaid, this **27TH day of AUGUST, 2024.**

CORPORATE SEAL



City Clerk

